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USING INDIGENOUS STORYTELLING AND AFRICAN COMMISSION SOFT
LAW IN NIGERIAN LAW CLASSROOMS TO ADVANCE QUEER RIGHTS

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November 2022

DECLARATION

I declare that this thesis, 'Using indigenous storytelling and African Commission soft law in Nigerian law classrooms to advance queer rights' which I hereby submit for the degree of Doctor of Philosophy (PhD) at the Faculty of Law, University of Pretoria, is my work and has not been previously submitted by me for a degree at this or any other tertiary institution.

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DEDICATION

This study is dedicated to Oge Ibeh and Pride Ogbor. To our brotherhood and the memories of being loved by you that I will always carry with me - and our uncanny shakara that we did not care to explain.

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ABSTRACT

Storytelling has been, and is being used globally as a tool to advance the queer rights cause through diverse media and on various platforms. The rise in queer representation in stories, and shift from negative to more dignifying portrayals have also played roles in the advancement of queer rights globally. Storytelling existing solely within the disciplinary focus of literary, academic or media production serves its disciplinary focus to create, contribute to, change and shift dominant frameworks of knowledge within the academic or socio-cultural context. However, through a transdisciplinary lens and for the purpose of advancing human rights, generally, and queer rights in particular, our expectations of stories may be extended to serve more functions when used jointly with international human rights soft law.

Nigeria is faced with dire queer rights conditions. The hostile queer rights situation in Nigeria exists within the context of several international human rights treaties and other legal instruments that proscribe discrimination and violence on the grounds of actual or perceived sexual orientation, gender identity and expression. One of these instruments is Resolution 275 on the protection against violence and other human rights violation against persons on the basis of their real or imputed sexual orientation or gender identity (Resolution 275), adopted by the African Commission on Human and Peoples' Rights (African Commission). Being a soft law instrument, Resolution 275 lends itself to be used not only as a persuasive tool for the protection of queer persons on the African continent, but also as an instructive interpretation of the African Charter on Human and Peoples' Rights (African Charter) in respect of the dignity and eradication of violence towards queer person. Yet, like many other soft law instruments, Resolution 275 lies mostly silent, with its potential largely untapped.

There are queer rights advocacy organisations in Nigeria that carry out commendable work to advance the human rights of queer persons using the tenets of various disciplines including legal advocacy and policy advancements. The Nigerian government has repeatedly demonstrated its hostility towards queer persons and queer rights. However, studies have shown that Nigerian university classrooms afford opportunities for queer-inclusive conversations. It is important, while thinking of state obligations, to conceptualise queer rights advocacy in terms of pedagogies as well.

Written from a practise-based transdisciplinary perspective, this thesis explores the legitimacy of an indigenous storytelling pedagogy, constructed in the course of this study, as tool for the advancement of non-violent attitudes towards queer persons while jointly promoting of Resolution 275. This transdisciplinary intervention involves a legal analysis of the history and state of queer rights in Nigeria, the legal and pedagogical potential of Resolution 275; the construction of an indigenous storytelling pedagogy; an analysis of the technical and theoretical configurations of this study's indigenous storytelling pedagogy; and the analysis of the reception of the storytelling pedagogy across three Nigerian universities.

LIST OF ACRONYMS

African Charter	African Charter on Human and Peoples' Rights
African Commission	African Commission on Human and Peoples' Rights
AMSHeR	African Men for Sexual Health and Rights
CAL	Coalition of African Lesbians
CAN	Changing Attitudes Nigeria
CASSRA	Collective of African Sexuality Rights Related Advocates
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	United Nations Convention on the Elimination of all Forms of Discrimination Against Women
CFRN	Constitution of the Federal Republic of Nigeria 1999 (as amended)
CRC	United Nations Convention on the Rights of the Child
Criminal Code	Nigerian Criminal Code
CRPD	United Nations Convention on the Rights of Persons with Disabilities
FCON	Filmmakers Co-operative of Nigeria
HIV	Human Immunodeficiency Virus
HORN	House of Rainbow Nigeria
HRC	Human Rights Committee
HRW	Human Rights Watch
ICARH	International Centre for Advocacy on the Rights to Health
ICCPR	United Nations International Covenant on Civil and Political Rights
ICESCR	United Nations International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
LGBTI	lesbian, gay, bisexual, transgender, and intersex
MSM	men who have sex with men

NFVCB	National Film and Video Censors Board
NGO	non-governmental organisation
NDU	Niger Delta University
NYSC	National Youth Service Corps
Resolution 275	Resolution 275 on protection against violence against persons on the basis of their real or imputed sexual orientation or gender identity
SAP	Structural Adjustment Programme
SSMPA	Same Sex Marriage (Prohibition) Act
TIERS	The Initiative for Equal Rights
ULA	University of Lagos
UIL	University of Ilorin
UN	United Nations
UNHCR	United Nations Human Rights Council
VAPPA	Violence Against Persons Prohibition Act
WHER	Women's Health and Equal Rights Initiative
Yogyakarta Principles	Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity

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Chapter 1: Introduction of study

1.1 Introduction

In the shadow of the towering argument that 'homosexuality is un-African', advocacy on the human rights of queer persons in Africa is complex, contentious yet crucial.¹ There is commendable ongoing queer rights advocacy work on the African continent. Some of this ongoing work culminated in the adoption of Resolution 275: Resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity (Resolution 275), adopted by the African Commission on Human and Peoples' Rights (African Commission) in 2014.² Resolution 275 is a soft-law instrument of persuasive value. Its persuasive weight is enhanced by the fact that it emanates from the longest-standing regional human rights body in Africa. Being a persuasive tool, the potential of Resolution 275 extends beyond the courtroom to other disciplinary and even transdisciplinary platforms set up for the purpose of persuasion and attitudinal shifts. Yet, like most other soft-law standards, its potential is stifled due to the non-engagement by stakeholders, including educational institutions.

The dire state of queer rights in Nigeria is both an attitudinal and legal issue. Through the Same Sex Marriage (Prohibition) Act (SSMPA), the Nigerian government has demonstrated its lack of regard for its international human rights commitments and state obligation to respect, protect, promote and fulfil the rights of all persons including queer persons.

However, studies have shown that although Nigerian universities are predominantly homophobic, the Nigerian university classroom has the potential to be a great site for strategically engaging with the human rights and lived realities of queer persons.³ In

¹ BD Nigobora 'Advancing the rights of sexual and gender minorities under the African charter on human and peoples' rights: the journey to Resolution 275' (2021) in *Advancing Sexual Reproductive Health and Rights in Africa* 173; A Sogunro 'Citizenship in the shadows: insights on queer advocacy in Nigeria' (2018) 45(4) *College Literature* 635.

² Resolution 275 adopted at the African Commission's 55th Ordinary Session, 2014, <http://www.achpr.org/sessions/55th/resolutions/275> (accessed 5 January 2020).

³ K Okanlawon 'Perceptions and attitudes of heterosexual Nigerian university students towards LGB persons' (2020) 17(2) *Journal of LGB Youth* 166; M Epprecht & SE Egya 'Teaching about homosexualities to Nigerian university students: a report from the field' (2011) 23(4) *Gender and Education* 370; BM Mapayi and others

considering the legal and attitudinal nature of homophobia in Nigeria, as well as the site of the Nigerian university classrooms and the soft law instrument Resolution 275, there is an opportunity for queer rights advocacy to address law and attitudes concurrently. And in seizing this opportunity, it is helpful to consider law, persuasion, empathy-creation, communication and decolonial pedagogy.

This research argues for the inclusion of indigenous storytelling as an advocacy tool relevant to advancing the human rights and queer-sensitive law and attitudes. The inclusion of an indigenous form of advocacy, particularly indigenous storytelling, aims to acknowledge contextual subjectivities of a given place and people, leverage the avenue of culture, its incidental legitimating effect, as well as to secure empathy and prejudice-reduction while promoting international legal standards such as Resolution 275. This proposed approach leverages the use of queer narratives created within a dominant cultural framework, and embedded technical and theoretical configurations as a tool to foster positive attitudes towards queer persons. It also promotes a transdisciplinary engagement with Resolution 275.

This chapter introduces the research project as follows: sections 1, 2 and 3 respectively introduce the study, outline the research problem and provide definitions of key terms in the research; section 4 discusses the context in which this research lies; section 5 details the research question. An overview of the relevant literature, and the theoretical framework, are in sections 6 and 7, respectively. Section 8 considers the research methodology and section 9 provides for the methods used in this study. Section 10 provides an overview of the chapters.

1.2 Contextual framework

This section discusses the context which necessitates this study. This section is split into three subsections: the first addressing the need and opportunity for Afrocentric attitude focused queer rights advocacy in Nigeria; the second discussing Resolution

'Sexual orientation and quality of life among students of Obafemi Awolowo University' (2015) 15(4) *African Health Sciences* 01065; AT Bucknor-Arighbede & SA Omotoso 'A perception study on same-sex marriage and gay practice among selected Nigerian youths' (2015) *Journal of Sourcing for Nigerian Journalists Reporting on Gender and Sexuality*; AO Sekoni & others 'Provision of health care services to men who have sex with men in Nigeria: students attitudes following the passage of the same-sex marriage prohibition law' (2016) 3(4) *LGBT Health* 300.

275 as a legitimate Afro-centric institutional standard; and the third providing a preliminary description of the queer rights situation in Nigeria.

1.2.1 The need and opportunity for Afrocentric attitude focused queer rights advocacy in Nigeria

It is a precarious time for queer persons in Nigeria owing to the prevalence of violence on the basis of actual or perceived sexual orientation, gender identity and expression. While the human rights status of queer rights in Nigeria is addressed in Chapter 1 of this study, Chapter 2 delves into the nature of homophobic violence as action based and representational violence through knowledge creation. The prevalence of homophobic violence and dire human rights conditions of queer persons exist within the enabling framework of homophobic laws and attitudes.

As discussed in Chapter 5, despite the prevalence of homophobia in Nigeria, there is room for the advancement of queer rights, particularly as regards attitudinal shifts. Within this space, it is necessary for Nigerian queer rights advocates to complement securing queer inclusive legal advancement with queer inclusive attitudinal shifts. It is within the context of recognising this room for manoeuvre, this potential for queer rights advancement, that this study is undertaken. In engaging with this room for queer rights advancement, this study explores the potential of expression or indigenising queer rights advocacy in Nigeria.⁴

Africanising queer rights advocacy is salient because there is a need to engage with, resist and decentre beliefs about queer identities, expressions and persons, that have been legitimated by imperial impositions through time. There is also the need for addressing homophobic sentiments and actions within fields such as 'culture' which have been used by indigenous stakeholders in the statement 'homosexuality is 'un-African'. The centring of indigenous subjectivities and adoption of intangible yet queer inclusive African cultures as a means to carry out this public engagement has the

⁴ Resolution 275; RR Thoreson 'Somewhere over the rainbow nation: gay, lesbian and bisexual activism' (2008) 34(3) *Journal of South African Studies* 680; Collective of African Sexuality Rights Related Advocates (CASSRA) 'The Commission: from silence to resistance' <https://www.youtube.com/watch?v=q97-g6PbqJY> (accessed 8 October 2022).

potential of being an effective platform for advancing the dignity of queer persons and curbing homophobic violence.

Another layer of Africanising queer rights advocacy is centring African human rights instruments as guiding standards and principles. Resolution 275 is an institutionally and politically African instrument through which the African Commission encourages queer rights advocacy and eradication of homophobic violence across the African continent. Not only is Resolution 275 institutionally African, but it also channels the discourse of the human rights of queer persons through the issue of violence which garners wide attention.

1.2.2 The legitimacy of the African Commission's Resolution 275 as a foundation for Africanised queer rights advocacy

Given the prevalence of prejudice, negative attitudes and violence towards queer persons across the African continent, Resolution 275 provides an opportunity to develop African queer rights advocacy methods around an African human rights instrument. Resolution 275 is the African Commission's first – and still its only – resolution on sexual orientation and gender identity.⁵ The African Commission is a quasi-judicial organ of the African Union, set up to monitor the observance of the human rights standards in the African Charter on Human and Peoples' Rights (African Charter) by state parties.⁶ As the African Charter is a concretisation of African human rights, ideas, values and norms, the African Commission is a space for shaping and further concretising these ideas, values and norms, imbibing them with African institutional legitimacy.⁷ An African Commission resolution is a 'concisely and clearly articulated and adequately substantiated document that elaborates on substantive rights' in the African Charter.⁸ These resolutions inform the obligations of the state and the promotional mandate of the African Commission.⁹

⁵ A Jjuuko 'The protection and promotion of LGBTI rights in the African regional human rights system: opportunities and challenges' in S Namwase & A Jjuuko (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (2016) 260.

⁶ F Viljoen *International human rights law in Africa* (2012) 204; MW Mutua 'The Banjul Charter and the African cultural finger print: an evaluation of the language of duties' (1995) 35(2) *Virginia Journal of International Law* 380.

⁷ CASSRA (n 4).

⁸ Viljoen (n 6) 379.

⁹ As above.

Resolution 275 is soft law, passed by the African Commission, prescribing that all state parties to the African Charter do all that is within their power to combat, within their jurisdiction, violence and stigma based on actual or perceived sexual orientation and gender identity. Resolution 275 makes room for the celebration of sexual and gender diversity; it also calls for state protection of persons who are targeted based on their sexual orientation and gender identity. Of particular note is that, similar to Resolution 17/19 which was adopted at the United Nations (UN) level and draws on UN treaties, Resolution 275 was adopted at the African Commission and draws on the African Charter, particularly article 2, which prohibits discrimination on the African continent.¹⁰ Resolution 275 is a promising instrument around which to develop indigenous queer rights advocacy, particularly because it is African-grown.

Human rights advocacy leading to the adoption of Resolution 275 was aligned with the broader unacceptability of violence, particularly prejudice-based violence, on the African continent.¹¹ The documentary 'The Commission: from silence to resistance' provides a narrative of the emergence of Resolution 275 after a ten year struggle for recognition of the human rights of African persons whose rights were violated based on their sexual orientation and gender identity.¹² Prior to Resolution 275, African queer rights activists had started engagement at the African regional level discussing the interest of queer rights advocacy. In 2008 the Coalition of African Lesbians (CAL) applied to the African Commission for observer status.¹³ In 2010, CAL's application was rejected based on the argument that CAL did not promote or protect any right in the African Charter.¹⁴ There was wide support by African non-governmental organisations (NGO) against the rejection of CAL's application, and the human rights of persons violated based on their sexual orientation and gender identity became a prominent and topical issue at the African regional level. Shortly thereafter, the United

¹⁰ African Charter art 2.

¹¹ CASSRA (n 4).

¹² As above.

¹³ International Justice Research Centre 'African Commission bows to political pressure, withdraws NGO observer status' <https://ijrcenter.org/2018/08/28/achpr-strips-the-coalition-of-african-lesbians-of-its-observer-status/> (accessed 28 December 2021).

¹⁴ As above

Nations Human Rights Council (UNHRC) adopted Resolution 17/19, calling attention to violence based on sexual orientation and gender identity.

Resolution 275 was largely inspired by UNHRC Resolution 17/19 on sexual orientation and gender identity.¹⁵ Resolution 17/19 calls for serious international consideration of the issue of violence on the grounds of sexual orientation and gender identity as a human rights issue.¹⁶ Resolution 17/19 sparked the emergence of several reports and stories of prejudice-based violence towards queer persons around the African continent.¹⁷

The publication and dissemination of human rights reports on high rates of violence based on sexual orientation and gender identity coincide with and is a reaction to the widespread re-criminalisation of same-sex relations across the African continent and a rise in the rate of violence against queer persons.¹⁸ Violence is a great human rights concern on the African continent, especially at the regional level.¹⁹ In 2014, CAL and the regional NGO African Men for Sexual Health and Rights (AMSHer), in pursuit of securing a response from the African Commission to homophobic violence, strategically released the report 'Violence based on perceived or real sexual orientation and gender identity in Africa'. The launch of this report publicly acknowledged the high rates of violence perpetuated on the grounds of sexual orientation and gender identity and expression in Africa.²⁰ Resolution 275 was adopted by the African Commission in 2014, within this context of the awareness and concern for the rising rate of homophobic violence on the African continent. The African Commission's passing of Resolution 275, which primarily addresses sexual orientation

¹⁵ CASSRA (n 4).

¹⁶ UN Human Rights Council '17/19 Human rights, sexual orientation and gender identity' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/148/76/PDF/G1114876.pdf?OpenElement> (accessed 8 November 2018).

¹⁷ CASSRA (n 4); CAL & African Men for Sexual Health and Rights (AMSHer) 'Violence based on perceived or real sexual orientation and gender' <http://www.pulp.up.ac.za/component/edocman/violence-based-on-perceived-or-real-sexual-orientation-and-gender-identity-in-africa/download?Itemid=> (accessed 8 November 2018).

¹⁸ A Jjuuko 'The protection and promotion of LGBTI rights in the African regional human rights system: opportunities and challenges' in S Namwase & A Jjuuko (eds) (n 5) 260; D Nzioka 'A look at Africa's anti-gay laws: African 'dealing' with gays the best way they know how – further criminalisation' <https://www.pambazuka.org/governance/look-africa%E2%80%99s-anti-gay-laws> (accessed 8 November 2018).

¹⁹ CASSRA (n 4).

²⁰ CAL & AMSHer (n 17).

and gender identity, was done in spite of the widespread political and social resistance to the acceptance of queer identities and expression across the African continent.

The apparent high rates of violence in the African region are in fact higher on the scale of un-Africanness than the widely perceived un-Africanness of queerness. The activists, while pursuing Resolution 275, recognised that violence is topical and that aligning advocacy for the human rights of queer persons with the issue of violence would be more effective in securing the recognition of the human rights of queer persons. African queer rights activists took advantage of the increasing resistance to prejudice-based violence on the African continent. These factors cumulatively led to the adoption of Resolution 275 by the African Commission. Resolution 275 calls on states to protect persons from violence and stigma targeted at them based on their actual or perceived sexual orientation and gender identity.²¹

The African Commission and its resolutions have the firm effect of institutional pan-Africanism with the legitimating semblance of the African continent appearing to speak with one voice on human rights of queer persons. As a home-grown human rights instrument, Resolution 275 is symbolic of Africa's voice on violence based on sexual orientation and gender identity. And because of Resolution 275's Africanness, it stands a greater chance of surviving the counter-argument of un-Africanness which regularly attacks African discourse on sexual orientation and gender identity.

This proposed research narrows in on Resolution 275 on three grounds:

- (i) the Africanness of the Resolution;
- (ii) the sensitivity of the issue of prejudice-based violence and homophobic stigmatisation on the African continent, especially in the country which is the focus of this research, Nigeria; and
- (iii) the articulation of the human rights of queer persons around the Africa-wide resistance to and eradication of prejudice-based violence and homophobic stigmatisation.

²¹ Resolution 275 para 4.

There is still a great need to push for recognition of the human rights of queer persons in Africa at national and grassroots levels. Resolution 275 provides a context-specific instrument through which queer activists can articulate rights, develop advocacy tools and hold states accountable for protecting persons from discrimination based on sexual orientation or gender identity.

1.2.3 Being queer in Africa: Nigeria as a case study

About 46 per cent of the countries worldwide that criminalise same-sex relations are in Africa.²² Nigeria is included in this cohort of same-sex relations criminalising countries.²³ In these African countries, queer rights advocacy has targeted laws and policies regarding same-sex relations, decriminalisation of same-sex relations, as well other issues such as sexual health, faith-based engagements with sexuality and gender; engagement with international, regional and national human rights bodies on the issue of equality and non-discrimination and increasingly media and art portrayals of queer persons and engagement with queer issues.²⁴

This research focuses on Nigeria because the situation in Nigeria is a classic example of what Resolution 275 seeks to address. Nigeria is an African state which, though generally intolerant of same-sex relations, is a party to and has domesticated the African Charter. As such Nigeria has the obligation to respect, protect, promote and

²² A Caroll & LR Mendos 'State-sponsored homophobia: a world survey of sexual orientation laws: criminalisation, protection and recognition' 26, 37, 40 https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf (accessed 11 May 2018); A Caroll, 'Sexual Orientation Laws in the world - criminalisation (May 2017)' http://ilga.org/downloads/2017/ILGA_WorldMap_ENGLISH_Criminalisation_2017.pdf (accessed 25 May 2017); International Lesbian and Gay Association (ILGA), 'State-sponsored homophobia: a world survey of sexual orientation laws: criminalisation, protection and recognition' (2016) 7 https://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf (accessed 25 May 2017); P Gerber 'How many countries currently criminalise homosexuality?' <https://antigaylaws.org/> (accessed 25 May 2017); C Nunez, 'A world divided' <http://news.nationalgeographic.com/2016/06/lgbt-laws-gay-rights-world-map/> (accessed 25 May 2017); S Fenton, 'LGBT relationships are illegal in 74 countries, research finds' <http://www.independent.co.uk/news/world/gay-lesbian-bisexual-relationships-illegal-in-74-countries-a7033666.html> (accessed 25 May 2017).

A Caroll, 'State-sponsored homophobia: a world survey of sexual orientation laws: criminalisation, protection and recognition' (2016) 36 https://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf (accessed 25 May 2021).

²³ As above; <https://76crimes.com/76-countries-where-homosexuality-is-illegal/> (accessed 8 November 2021).

²⁴ The Other Foundation 'Strategy steer 2015 -2020' 31; Global Interfaith Network 'Objectives' <http://www.gin-ssojie.org/objectives-of-gin-sogi/> (accessed 8 November 2018); The Initiative for Equal Rights(TIERS) 'Who we are' <http://theinitiativeforequalrights.org/about-us/> (accessed 8 November, 2018); Epprecht & Egya (n 3) 379

fulfil the human rights of all persons within its territory. And more relevant to this study, this implies that the Nigerian government has the obligation to address the issue of homophobic violence.

With its multitude of anti-gay laws, Nigeria is a dangerous place to be visibly queer because of the constant exposure to threats of violence and actual violence.²⁵ However, studies conducted in African jurisdictions that have progressive laws show that decriminalisation of same-sex relations and the absence of laws criminalising same-sex relations do not necessarily erase recurring high rates of violence targeted at persons on the grounds of sexual orientation and gender identity.²⁶ As such it is pertinent to address attitudes, beliefs and prejudice-reduction efforts in queer rights advocacy. A change of heart is invaluable in the protection of the human rights of queer persons. However, laws do not change hearts.

The conversation on violence based on sexual orientation and gender identity in African states, especially in countries such as Nigeria, is particularly important in the context of, and as it is fostered if not initiated by, negative attitudes evident in the wide use of words like 'immoral', 'ungodly', and 'un-African' to describe queer persons. This list includes responses that are less civil, more dehumanising, more alienating, more telling of a brewing ground of prejudice and negative attitudes that range from passivity, ignorance and prejudice, to active involvement by state and non-state actors in violence based on sexual orientation and gender identity. Violence arising from prejudice and negative attitudes are part of Africa's history through the inter-ethnic and inter-religious clashes that are still occurring today.²⁷

1.3 Research problem

With a focus on Nigerian law classrooms, this study is interested in advancing the human rights of queer persons through fostering queer-inclusive attitudes and

²⁵ Human Rights Watch (HRW) 'Tell me where I can be safe' https://www.hrw.org/sites/default/files/report_pdf/nigeria1016_web.pdf (accessed 8 November 2018).

²⁶ Out LGBT Well-being, 'Hate crimes against transgender people in South Africa 2016' (2016) 8,9; Out LGBT Well-being, 'Hate crimes against lesbian, gay, bisexual and transgender 2016' (2016) 6, 13; E Scheepers & I Lakhani 'Somewhere over the rainbow: the continues struggle for the realisation of lesbian and gay rights in South Africa' in Namwase & Jjuuko (eds) (n 5) 115.

²⁷ C Newsbury 'Background to genocide: Rwanda' (1995) 23(2) *Issue: A Journal of Opinion* 12.

engaging with queer-inclusive human rights standards such as Resolution 275. The potential of Resolution 275, as an African Commission soft law instrument, is similar to other such instruments, stifled due to non-engagement by stakeholders, including educational institutions. Storytelling has been widely employed in the advancement of queer rights.²⁸ However, the creation of indigenous storytelling and its combined use with Resolution 275 as a pedagogical tool for prejudice reduction and institutional engagement with soft law is still far removed from Nigerian law classrooms. This study recognises the context of the dire Nigerian queer rights conditions that obtain in its universities. This study recognises the urgency for decolonial pedagogies, indigenised queer rights advocacy and the need for Nigerian educational institutions to engage with Resolution 275 as well as other human rights soft law. This study introduces the joint use of indigenous storytelling and Resolution 275, concurrently, as a mechanism to serve the three-prong purpose of (i) decolonising and indigenising human rights advocacy and pedagogy in Nigerian law classrooms; (ii) shifting group biases towards queerness; and (iii) promoting awareness of Resolution 275 within Nigerian law classrooms.

1.4 Definition of key terms

Some key words or concepts used in the study are contentious, with several possible meanings attributable to them. For the purpose of this research the following key terms are therefore defined:

Queer: Non-heteronormative/non-heterosexual sexual orientations, gender identities and expressions. 'Queer' as a term in this research is preferred to non-heterosexual because queer encompasses broader non-heteronormative identities and expressions than are pegged on sexual attractions, preferences and activities. Queer

²⁸ M Renault *The charioteer* (1953); E Marcus *Making gay history: the half century fight for lesbian equality for lesbian and gay equal rights* (2002) 21, 39, 107; P Lanham & AS Mopeli *Blanket-boy's moon* (1953); M Epprecht *Heterosexual Africa? The history of an idea from the age of exploration to the age of aids* (2008) 168; M Power *Shadow game* (1972); Gay and Lesbian Memory in Action 'Queer Africa 2- new stories' <https://gala.co.za/books-and-resources/publications-and-publishing/mathokos-books/queer-africa-2-new-stories/> (accessed 10 October 2019); Faculty of Law, University of Pretoria 'University of pretoria launch of queer africa 2 : new stories' <https://www.up.ac.za/faculty-of-law/calendar/event-info/2515506/universiteit-van-pretoria-bekendstelling-van-queer-africa-2-new-stories-> (accessed 10 October 2019); Jacana Media 'Gerald kraak anthology and prize' <https://www.jacana.co.za/awards/gerald-kraak-award-and-anthology> (accessed 10 October 2019); M Gevisser *The Pink line: journeys across the world's queer frontiers* (2020) 132.

acknowledges and celebrates that human sexual binaries exist in a continuum as opposed to in binaries.²⁹

Rights advocacy: ‘Rights’ here refer to human rights, entitlements to persons on the sole basis of their being human. Advocacy here refers to engagement with the public, inclusive of state and non-state actors, in pursuit of the improvement of human rights conditions. In carrying out advocacy for human rights by various actors, the practical methods, sites and stakeholders involved are largely curated by the disciplinary focus, resources, geographical location of these advocacy actors as well as the extent to which these actors collaborate with each other or embraces transdisciplinary routes in doing their work. In the field of social work, Bird explains advocacy as ‘engaging in actions that bring clients closer to fairness, justice and equality’.³⁰ Hoeffler describes advocacy as an action or set actions that are systematic and purposeful in execution and are channelled towards changing some condition.³¹ In the field of law, Saho describes advocacy as ‘pleading the cause of another’.³² This pleading is usually strategic in substance and form in order for the issue being pleaded to transcend from a less-attended, less-noticed position into wider, more public relevance and discourse.³³ Building on the legal and social work definition of advocacy, there is the common denominator of advocacy being public engagement to advance a certain goal around a particular issue, topic or people.

Queer rights advocacy: Engagement with the public in pursuit of the advancement of human rights standards as regards the lived realities of persons with non-heteronormative sexual orientations, gender identities and expressions.

Culture: The way of life, world-view and shared meaning among a group of people, as well as the production of this world view and shared meaning. Acknowledging the

²⁹ JM Bailey & others ‘Sexual orientation, controversy, and science’ (2016) 17(2) *Psychological Science in the Public Interest* 64; R Epstein ‘Support for a fluid-continuum model of sexual orientation: a large scale internet study’ (2012) 59(10) *Journal of Homosexuality* 1356, 1377.

³⁰ M Bird ‘Social justice advocacy in the belly of the beast: an illustration of policy change for social work’ (2016) 31(2) *Affilia: Journal of Women and Social Work* 2.

³¹ R Hoeffler *Advocacy and practice for social justice* (2016) 3.

³² S Saho *Dictionary of human rights: advocacy organisations in Africa* (1999) 6.

³³ As above.

diverse theories of culture, culture is generally characterised in terms of tangible and intangible culture.³⁴ Tangible culture is the concrete, physical and touchable incidents of a peoples' way of life.³⁵ Intangible culture is the manifestation of a peoples' way of life at kinetic, practical, emotional, cognitive and psychosocial level.³⁶ By embracing Appiah's and Gevisser's position on identity formation, this study also takes into account that the culture of a people is flexible, evolutionary and susceptible to a wide range of influences and these factors curate what peoples' norms, values and how they carry themselves in the world.³⁷

Indigenise/Africanise: This study describes indigenisation as centring the identity and culture of a people in the interventions that concern them. This description adopts the above definition of culture. A central tenet of indigenisation in this study is centring the institutionally African Resolution 275 as an advocacy tool to be advanced through fictional stories in Nigerian law classrooms. To indigenise also adopts the definition of culture as above.

Decoloniality/decolonisation: This study adopts Tamale's description of decoloniality as 'a specific type of decolonisation which advocates for the disruption of legacies of racial, gender and geopolitical inequalities and domination'.³⁸ Decoloniality implies taking active steps to dismantle the dominance of oppressive ideologies, narratives and practices that seem so logical, so commonplace.³⁹ This dismantling also entails the reconstructions and restoration of dignity by seeking knowledge and meaning construction through more dignifying ways such social constructivist and transdisciplinary approaches beyond the dominant pedagogies and frames of knowledge.⁴⁰

³⁴ RM Keesing 'Theories of culture' (1974) 3(1) *Annual Review of Anthropology* 73.

³⁵ H Spencer-Oatey 'GlobalPAD core concepts: what is culture? A compilation of quotations' https://warwick.ac.uk/fac/soc/al/globalpad/openhouse/interculturalskills/global_pad_-_what_is_culture.pdf (accessed 30 January 2019).

³⁶ United Nations Educational Scientific and Cultural Organisation (UNESCO) 'What is intangible cultural heritage?' (accessed 30 January 2019).

³⁷ Gevisser (n 28) 93.

³⁸ S Tamale *Decolonisation and afro-feminism* (2020) 1.

³⁹ Tamale (n 38) 20.

⁴⁰ Tamale (n 38) 71.

For this study the dominant culture of this community in compliance with human rights, decolonial and social-constructivist standards such as free non-hierarchical exchange, mutual respect for interpersonal respect, dignity, equality, as well as freedom of association/disassociation and freedom of movement. In this study, decolonisation recognises the joint impact and interconnectedness of coloniality and oppressive homegrown values as sources of oppression to be dismantled.

Storytelling: The emotive performance of one or more narratives in the presence and to the comprehension of an audience.

Indigenous storytelling: Indigenous storytelling is production and consumption of narratives that centre a people, their identities and their culture. Indigenous storytelling is guided by the definition of culture and identities as complex, evolutionary, influential and susceptible to influence. 'Khaki' is the indigenous story constructed in this study. 'Khaki' is will be further explained in section 1.9.3, is a three-part narrative designed to be used jointly with Resolution 275 in this study as attitude-focused queer rights advocacy tool in Nigerian classrooms. In addition to adopting the above construction of 'indigenise'. Indigenous as regards 'Khaki' is constructed through the technical and theoretical infusion of narratives, narrative representation and performance of characters with codes and signifiers that embody and locate them contextually within the dominant socio-cultural sphere, communal life and aspirations of Nigerian young adults and university students. One of the central signifiers of the dominant cultural sphere of Nigerian university is the National Youth Service as represented in 'Khaki'. In the creation of 'Khaki', there is balance aimed at in coding the dominant cultural sphere and signifying the subjectivities of the characters represented so that subjectivities are justly represented. In this pursuit, the creation of 'Khaki' was guided by the desire-based approach which fosters the characterisation of subjects to be true to their individual ambitions and their complexities as opposed to non-dignifying and reductive representations of their vulnerabilities.⁴¹ Further exposition on the technical and theoretical configuration of 'Khaki' is done in Chapter 5 of this study.

⁴¹ E Tuck 'Suspending damage: a letter to communities' (2009) 79(3) *Harvard Educational Law Review* 413.

Law classroom: For the purpose of this study, law classroom refers to a collective of undergraduate students pursuing a bachelor of law degree at a faculty of law in a Nigerian university.

1.5 Research question and sub-questions

The primary research question is: Is indigenous storytelling a legitimate advocacy tool for advancing the human rights of queer persons and engaging Resolution 275 in Nigeria law classrooms?

In order to answer this question, the following sub-questions are posed:

- a. What is the state of queer rights and queer rights advocacy in Nigeria?
- b. What is the nature of indigenous storytelling in Nigeria and how can it be used to reinvigorate queer rights advocacy in Nigerian law classrooms?
- c. How can queer rights advocacy using indigenous storytelling be applied in the promotion of Resolution 275 in Nigerian law classrooms?

1.6 Overview of the literature

1.6.1 The state of queer rights advocacy in Nigeria

In this study, the people that are the centre of the advocacy contended in this work are African queer persons, particularly those in Nigeria and the goal is engaging with Resolution 275 in order to create a more non-violent prejudice-free acceptance and respect for queer person and queer rights. What the legal and social definitions do not engage with is the centring of the context within which advocacy occurs and how this context demands contextualised solutions. The context here is that challenges faced by queer persons in Africa have both social and legal elements to them. This research seeks to address these two elements through indigenised queer rights advocacy. This research argues that in indigenous queer rights advocacy it is crucial to not just be cognisant of queer persons challenges, but also of the socio-cultural climate of the specific society in which the queer persons exists. In African jurisdictions, it is widely conceived as alien and 'un-African'. Homophobic prejudice, stigmatisation and negative attitudes form part of the socio-cultural climate and intangible culture in Nigeria. This research argues that it is helpful for queer rights advocacy to tackle homophobic socio-cultural climates by resisting homophobic norms through centring

the humanity of queer persons, and the urgency of eradicating of all forms of violence, including homophobic violence.

There have been commendable queer rights advocacy work done, and still on going, in pursuit of the human rights of queer persons in Nigeria. This queer rights advocacy is done within the context of laws such as the Armed Forces Act, Penal Code and Criminal Code that jointly criminalise same-sex relations and also the Same-Sex Marriage (Prohibition) Act which criminalises all forms of organising around the human rights of same-sex loving persons within Nigeria. These anti-gay laws and repressive social context make all queer rights advocacy work done in Nigeria sensitive and dangerous. In as much as queer rights advocacy is even now more important and needful, it is equally important that it has to be strategic.

Sometimes, as McAllister argues, leveraging intangible culture guides that the terms used in the course of queer rights advocacy reflect culture and counters the argument that queerness is unAfrican.⁴² Nyanzi argues that leveraging intangible cultures may also demand that the words used in during queer rights advocacy are simple and sensitive to lived experiences and comprehensible within a particular society.⁴³ As regards the use of words, a wide disparity has been observed between ‘sophisticated’ definitions such as ‘queer’ used by academics and the simpler and indigenous descriptions used and understood by grassroot practitioners, activists and persons in the repressive areas where sensitisation is most urgent.⁴⁴ The use of African and locale inspired labels and words as opposed to the term ‘queer’ guarantees more acceptance and respect from Africans because language, a recognizable metaphor for culture, is as cohesive as culture.⁴⁵

Nonetheless, this research retains the term ‘queer’ only within this research’s textual aspect because of queer’s wide acceptance in contemporary activism and it still

⁴² J McAllister ‘LGBT activism and ‘traditional values’: promoting dialogue through indigenous cultural values in Botswana’ in T Sandfort et al (eds) *Boldly queer: African perspectives on same-sex sexuality and gender diversity* (2015) 42.

⁴³ S Nyanzi ‘Knowledge is requisite power: making a case for queer African scholarship’ in Sandfort and others (eds) (n 38) 126.

⁴⁴ Nyanzi (n 43) 134.

⁴⁵ McAllister (n 42).

affords efficient precision in capturing a broad range of marginalized non-heteronormative identities that are yet to be known and accepted conceptualization in indigenous languages. Using the English word 'queer' affords easy communication to English speaking and reading Africans from the multiplicity of several African ethnicities with languages that are yet to match the wide acceptance and comprehensibility of English.

To build on the relevance of context, it is important to engage with what queer rights advocacy looks like on the African continent before narrowing in on Nigeria. In this light, the work of some queer rights organisations come into focus. At regional level, there was AMSHeR, a coalition of Africa-focused queer rights organisations 'working to promote non-discrimination, particularly based on sexual orientation and gender identity and to advance access to quality health services' for queer persons in Africa.⁴⁶ AMSHeR focused on three main key programmes: human rights and law; HIV and health systems, and capacity strengthening.⁴⁷ AMSHeR worked particularly through five approaches: human rights-based approach to health; intersectionality approach; incremental approach; empowerment model and the positive narrative approach. AMSHeR's projects included: hosting capacity building events; dialogues, publications of human rights and statistical reports as well positive narrative documentary series 'Voice for Freedom Project'. Of particular note is the Voice of Freedom Project, in which African queer persons tell their own stories. The Voice of Freedom Project tied in with the positive narrative approach in that it seeks to foster visibility of a more balanced narrative of African queer persons beyond the stereotypical narrative of victimhood 'by presenting alternatives of courage, resilience, pride and freedom'.⁴⁸

At the national level, Nigeria's The Initiative for Equal Rights (TIERs) works towards the protection of the human rights of queer persons in Nigeria and regionally through education, empowerment and engagement with the public institutions and the general public.⁴⁹ TIERs core thematic areas are: human rights, sexual health and capacity

⁴⁶ AMSHeR 'Who we are' <https://www.amsher.org/who-we-are/> (accessed 18 September 2018).

⁴⁷ AMSHeR 'Programmes' <https://www.amsher.org/what-we-do/programmes/> (accessed 18 September 2018).

⁴⁸ AMSHeR 'Voices for freedom project' <https://www.amsher.org/project/voices-film-project/> (accessed 18 September 2018).

⁴⁹ TIERs 'Who we are' <http://theinitiativeforequalrights.org/about-us/> (accessed 18 September 2018).

building.⁵⁰ Under the area of human rights TIERs does advocacy through engaging international, regional and national human rights bodies; offers legal and para-legal services; documents and monitors human rights violations reported to it; provides security protection of endangered queer persons; and uses storytelling. An instance of TIERs regional engagement, in collaboration with AMSHeR and other NGOs, was the submission of a shadow report on the state of queer rights in Nigeria in 2015 to the African Commission prior to Nigeria's fifth periodic review.⁵¹ The report will be discussed in the next chapter. Storytelling is used as a tool to engage and educate the public on the lived realities of queer persons in Nigeria. TIERs storytelling approach instances are a photo exhibition on sexual violence, *Here*, and queer themed fictional movies such as *Hell or High Water* and *We don't live here anymore*, which consolidates other queer-inclusive Nigerian films other stakeholders such as *Rag-Tag*, released in 2006, and *Ife*, released in 2020.

The Other Foundation, 'an African trust dedicated to advancing human rights in Southern Africa with a particular focus on LGBTI people', theorises that there is a global method for advocating for queer rights set and sustained by international non-governmental organisations (INGOs).⁵² These INGO-set-methods are tailored according to the presumed blanket situations, mostly relevant to the global north.⁵³ The position of The Other Foundation's theory of change is that owing to the institutional and financial clout of organisations from the global north, generally methods that are mirrored in the African continent and run inconsistently with the 'identities, voices, rights and organisations of' queer persons within the African context.⁵⁴ These queer rights advocacy methods from the global north target mostly 'laws and individuals and they almost entirely neglect the social and public sphere'.⁵⁵ More importantly, these methods are not sensitive to the importance of engaging with intangible culture. The proliferation of these inconsistent methods often results in the

⁵⁰ TIERs 'Our core activities' <http://theinitiativeforequalrights.org/what-we-do/> (accessed 18 September 2018).

⁵¹ Advocate for Behavioural Change 'Human rights violation based on sexual orientation and gender identity in Nigeria: a shadow report on Nigeria's compliance with the African Charter on Human and Peoples' Rights' (2015).

⁵² The Other Foundation 'Mission statement' para 1; The Other Foundation 'Summary of program approach, theory of change & strategy' 3.

⁵³ The Other Foundation 'Summary of program approach, theory of change & strategy' 3.

⁵⁴ As above.

⁵⁵ The Other Foundation (n 53) 5.

back-lashing argument that queerness is un-African. Context consciousness and specificity of queer rights advocacy in Nigeria demands the conscious addressing of 'social, cultural and public dimensions' in the course of queer rights advocacy work.⁵⁶ The focus on law and policy change is a prominent aspect of queer rights advocacy on the African continent.⁵⁷ However, the existence of progressive policies in itself does little above being symbolic and nominal if it is not engaged with or implemented.⁵⁸

There also exists a rising interest among organisations in more cultural, indigenised and group-based forms of advocacy as well the budding of various queer-inclusive pedagogies in Nigerian classrooms. However, there has not been a survey to capture the scope of the several variations of indigenised advocacy in Nigeria. And most of these variations stay hidden because the media, when it comes to queer persons, are mostly interested in sensationalised narratives that further marginalise queer persons and expose them to violence.

1.6.2 Indigenous storytelling and queer rights advocacy in Nigeria

Stories and storytelling are important. They are arguably the oldest artform in existence used to preserve ideas, experiences and culture.⁵⁹ Generally, in the Igbo ethnicity in Nigeria, storytelling is often conceived as the preserve of elders. Fairchild, who is Native American, argues that 'every time an elder dies a library burns with them'.⁶⁰ 'Storytelling is used to pass on generational knowledge'.⁶¹ They 'allow us to observe, to recognize, to question, to fear, to laugh and have empathy for ourselves'.⁶²

Literary fiction, as a written form of storytelling, is a prominent demonstration of the potential of stories. Literary fiction enables us to be 'transported' into an imagined

⁵⁶ The Other Foundation (n 53) 6.

⁵⁷ Out LGBT Well-being, 'Hate crimes against transgender people in South Africa 2016' (2016) 8, 9; Out LGBT Well-being, 'Hate crimes against lesbian, gay, bisexual and transgender 2016' (2016) 6, 13; E Scheepers & I Lakhani, 'Somewhere over the rainbow: the continues struggle for the realisation of lesbian and gay rights in South Africa' in Namwase & Jjuuko (eds) (n 5) 115.

⁵⁸ As above.

⁵⁹ CB Alston 'Standing on tradition' <https://www.youtube.com/watch?v=ZDa1giUw9EA> (accessed 30 November 2018).

⁶⁰ S Fairchild 'Native American oral storytelling in history' https://www.youtube.com/watch?v=6JcKbN_GiCE (accessed 30 November 2018).

⁶¹ As above.

⁶² Alston (n 59).

world offering a form of cognitive simulation of the social world while absorbing emotional consequences for the reader.⁶³ Unlike formal or non-narrative writing, which merely informs us, literary fiction shows 'us things by having us experience them first hand'.⁶⁴ Literary fiction develops character, evokes imagery and has a 'vividness of information', among other things, that are not usually found in formal or non-narrative writing.⁶⁵ Hunt explains that literary fiction encourages among and within readers 'a highly charged identification with the characters and enables readers to empathise across class, sex and national lines'.⁶⁶

Alston argues that orality as part of storytelling is an important part of West African oral culture.⁶⁷ Orality is also important because it is 'the act of telling stories out loud that creates an intimate relationship between the teller and the listener. It is a direct, organic, human-to-human interaction ... penetrating ears and hearts'.⁶⁸ Presumably, orality is a general characteristic that features in indigenous storytelling. Falling away from the temptation to homogenise all forms of indigenous storytelling as having the feature of orality, this research proceeds on the assumption that the indigeneity of storytelling is primarily pegged on being rooted in an ethnicity, a locale, as opposed to orality.

It is often the case that indigenous storytelling is reduced to orally told narratives that are usually told in the context of ancient culture and should often include characters such as deities, talking animals or animated elements. In seeking to understand the nature of indigenous storytelling, this research seeks to engage with various forms of indigenous storytelling that exist and that have been used in Nigeria.

This research acknowledges that Nigeria is a multi-ethnic, multi-religious society and diverse in several other ways. Once more, and on a much deeper level, there are

⁶³ RA Mar & K Oatley 'The function of fiction is the abstraction and simulation of social experience' (2008) 3(3) *Perspectives on Psychological Science* 174.

⁶⁴ As above.

⁶⁵ Mar & Oatley (n 63) 177-178.

⁶⁶ L Green-Simms & U Azuah 'The video closet: Nollywood's gay themed movies' (2012) 107 *Transition: An International Review* 38.

⁶⁷ Alston (n 59).

⁶⁸ As above.

several infinities as to what is indigenous in Nigeria and what is Nigerian. This research is open to various subjectivities of what the term 'indigenous storytelling' may translate to across contexts. In discussing indigenous storytelling in Nigeria, this research particularly considers ethnic localities.

Tamale argues that stories, especially oral stories passed down from generation to generation, are a rich source of authentic information about African sexualities in its rich multiplicity.⁶⁹ Unfortunately, the accessibility, legitimacy and prevalence of orally passed stories were attacked by the early archives of colonial explorers in the late 19th century, who represented African sexualities as negative in their reports and narratives.⁷⁰ These early reports guided by Victorian Europe's racist repression equated African sexualities to immorality and primitiveness. In the twentieth century, western anthropological writings perpetuated this maligning, racist, afro-pessimistic narrative and soon the religions of Christianity and Islam arrived to amplify these arguments and enforce unrealistic Victorian binaries of faith, sexualities and gender.⁷¹

Following the gradual acceptance of Christianity and Islam, Africans began to accept the 'un-writing', unlearning and 'forgetting' of their Africanness as civilization and law.⁷² Owing to imported legal and value systems, non-Victorian conforming African diversity and sexualities soon became constrained, and subsequently criminalised. Most of post-colonial Africa held on tightly to this new tradition. Epprecht, Murray and Roscoe address the issues of pre-colonial non-heteronormative African sexualities that were then accepted, considered non-threatening and even engaged with as part of culture across the continent.⁷³ Gaudio addresses the *dan-daudu* sub-culture and non-heteronormative sexualities and gender identities in Kano in Northern Nigeria that have may have survived colonial repression into the 1990s but have increasingly faded with the prominence of enforced Sharia Law and the increasing spread of the

⁶⁹ S Tamale 'Researching and theorizing sexualities in Africa' in S Tamale (ed) *African sexualities: a reader* (2011) 14.

⁷⁰ As above.

⁷¹ As above.

⁷² As above.

⁷³ M Epprecht *Hungochani: the history of a dissident sexuality in southern Africa* (2013); SO Murray & W Roscoe (eds) *Boy wives and female husbands* (1998).

Human Immunodeficiency Virus (HIV).⁷⁴ Projecting into the new millennium, queerness, although a perfectly African occurrence, became un-African.⁷⁵

The use of stories to advance law and rights is also legitimised in the field of law and literature, which employs the joint use of law and literary fiction as teaching and advocacy tools. Aristodemou argues that the field of law and literature holds the key to clarifying law such that the governed are well informed and more likely to conform to the law.⁷⁶ This is because social and cultural shifts are impossible in a society without considering and comprehending the social and cultural spheres which inform the law and within which the law exists.⁷⁷ The law and literature fosters a more empathy-driven and attitude-focused legal education system.⁷⁸ Although the traditional law and literature approach favours written literary texts and individual consumption, this study seeks to include oral tradition and verbal narration as well as collective listening and interaction.

The debut of representations of queer person in literature is contentious. However, these representations have been around as far back Foster's 1971 queer representation in *Maurice* and Renault's portrayal of the lived of queer men in World War 2 in her novel *The Charioteer*.⁷⁹ Storytelling has been used to advance queer rights across several jurisdictions and has demonstrated its contributory role. Some forms of storytelling have been used in the light of queer rights advocacy in the past and are still being used. This review is not exhaustive of instances of queer representations but only discusses a few instances. Marcus engages with the potency of journalistic storytelling as it served the queer rights cause in the United States of America across various provinces and across various issues.⁸⁰ As is evident from Marcus's work, journalistic storytelling served the purpose of increased visibility of queer persons and queer persons' lived experiences which fueled expression around

⁷⁴ RP Gaudio *Allah made us: sexual outlaws in an Islamic African city* (2011) 23.

⁷⁵ As above.

⁷⁶ M Aristodemou *Law and literature, journeys from here to eternity* (2001) 10.

⁷⁷ As above.

⁷⁸ As above.

⁷⁹ EM Foster *Maurice* (1971); M Renault *The charioteer* (1953).

⁸⁰ E Marcus *Making gay history: the half century fight for lesbian equality for lesbian and gay equal rights* (2002) 21, 39, 107.

queer rights and interests in the United States.⁸¹ Literary and cinematic storytelling has also pulled their weight across the world. Epprecht reports that on the African continent, the representation of queerness in literature by Africans dates back to the early 1950s.⁸² The title of this first novel, *Blanket-boy's moon*, represents incidences of black male queer identities in apartheid South Africa written jointly by Lanham, a British journalist, and Mopeli a Mosotho Chief.⁸³ *Blanket-boy's moon* touches themes such as same-sex intercourse among prison inmates as well as transactional same-sex work in big cities.⁸⁴ *Shadow games* set in the 1960s but published in 1972 is also another early iteration of South African queer presentation.⁸⁵ *Shadow games* addressed the theme of underground same-sex relations and queer identities during apartheid regime.

In more recent times, African queer persons have been represented in storytelling productions through written anthologies for fiction and non-fiction such as the Gerald Kraak anthology series and the Queer Africa anthology series.⁸⁶ Journalistic representations of queer persons and the politics of queer identity across some African also abound in a recent source such as Gevisser's *The Pink line: journeys across the world's queer frontiers*. Gevisser discusses the wide range of queer identities and queer acceptances as they are constructed across boundaries of time, place, normative conditioning and how these identities are impacted by factors such as globalization, personal autonomy, access to progressive circumstances whether it is direct, indirect or virtual and vicarious.⁸⁷

⁸¹ As above.

⁸² M Epprecht *Heterosexual Africa? The history of an idea from the age of exploration to the age of aids* (2008) 165.

⁸³ P Lanham & AS Mopeli *Blanket-boy's moon* (1953); Epprecht (n 82) 168.

⁸⁴ Epprecht (n 82) 169.

⁸⁵ M Power *Shadow game* (1972).

⁸⁶ Gay and Lesbian Memory in Action 'Queer Africa 2- new stories in' <https://gala.co.za/books-and-resources/publications-and-publishing/mathokos-books/queer-africa-2-new-stories/> (accessed 10 October 2019); Faculty of Law, University of Pretoria 'University of Pretoria launch of queer africa 2 : new stories' <https://www.up.ac.za/faculty-of-law/calendar/event-info/2515506/universiteit-van-pretoria-bekendstelling-van-queer-africa-2-new-stories-> (accessed 10 October 2019); Jacana Media 'Gerald kraak anthology and prize' <https://www.jacana.co.za/awards/gerald-kraak-award-and-anthology> (accessed 10 October 2019).

⁸⁷ Gevisser (n 28) 132.

This study acknowledges the contribution that these storytelling representations embody for the advancement of queer rights on the African continent, and makes a case for the urgency of their inclusion as pedagogical in African classrooms. Pedagogical tools such as these queer stories written within indigenous cultural sensibilities foster non-hierarchical conversations and create room for the emergence of negotiated meanings through social constructivist engagements. Further, this study seeks to employ queer stories within dominant cultural orders such as classrooms in unity of place and time with African human rights soft law instruments such as Resolution 275.

1.6.3 Using indigenous storytelling to promote Resolution 275

Tamale embraces storytelling as a decolonial pedagogical tool fit for use in classrooms.⁸⁸ She also writes about the value of non-hierarchical conversations, inspired by interconnected and interpersonal experiences, in the constructions of meaning and knowledge as an element of decoloniality in classrooms.⁸⁹ This study embraces these practical integrations of decoloniality as pedagogical tools for advancing queer rights in Nigerian law classrooms. In indigenising queer rights advocacy in Nigeria, this research proffers the use of indigenous storytelling in unity of of place and time with African Resolution 275.

So far, engagement with Resolution 275 has been by civil society organisations during formal dialogues preceding African Commission sessions and in other formal settings at national and international level. Resolution 275 is also being taught, for example, as part of course curriculum in the Advanced Human Rights Course on Sexual and Gender Minorities in Africa and Master's programme at the Centre for Human Rights, University of Pretoria.⁹⁰

Resolution 275 has also been referred to in human rights reports on the state of queer lives in various parts of the African continent, publications on international human rights principles and advancements on the promotion of the human rights of queer

⁸⁸ S Tamale (n 38) 266, 267.

⁸⁹ As above.

⁹⁰ Centre for Human Rights 'Pride and letters programme' http://www.chr.up.ac.za/images/events/files/2019/2019_Pride_Letters_programme.pdf (accessed 27 February 2021)

persons addressing the African region.⁹¹ Other instances of engagement with the Resolution 275 include Kaleidoscope Trust, which engages with African diplomats on the Africanness of their state obligations under international law to protect queer persons in Africa.⁹² Kenyan organisations such as the National Gay and Lesbian Human Rights Commission (NGLHRC) and the Initiative for Equality and Non-discrimination (INEND) engage the African Commission resolutions by addressing their implication while training activists and members of the judiciary in their jurisdictions.⁹³

Although soft law is non-binding, engagement with soft law instruments such as the Universal Declaration of Human Rights and the Yogyakarta Principles on the Application of International Human Rights Law in Relations to Sexual Orientation and Gender Identity (Yogyakarta Principles) have yielded great results for the human rights movement. The research is pegged on the potential that Resolution 275 has a great chance at incremental realisation once Africans become more emotionally and intellectually aware and engaged with it.

As soft law instruments clarify state obligations, it is increasingly important that human rights stakeholders advance human rights by effectively applying themselves to promoting and normalising soft law and the clarity they provide on human rights norms in social as well as academic and institutional contexts. Soft law comes alive to its truest potential when human rights stakeholders use it as a persuasive tool in their human rights work at the national level.⁹⁴

While treaties and laws such as the African Charter, which provides binding state obligations, lend themselves to legal approaches such as litigation, Resolution 275,

⁹¹ Human Rights Watch 'Tell me where I can be safe' (2016) https://www.hrw.org/sites/default/files/report_pdf/nigeria1016_web.pdf (accessed 19 November 2018).

⁹² <https://www.kaleidoscopetrust.com/programmes.php> (accessed 10 June 2020).

⁹³ NGLHRC 'Presence in' <https://namati.org/network/organization/national-gay-and-lesbian-human-rights-commission/> (accessed 5 October 2022); INEND 'Who we are' <https://www.inend.org/about/> (accessed 5 October 2022).

⁹⁴ R Adeola, F Viljoen & TM Muhindo 'A commentary on the African commission's General Comment on the right to freedom of movement and residence under article 12(1) of the African Charter on Human and Peoples' Rights' (2021) 65(S1) *Journal of African Law* 151.

being soft law, and a persuasive tool, naturally lends itself to persuasive approaches. While both treaty and soft law address the human rights of queer persons in Africa and are tools available to queer rights activists, the treaty (African Charter) calls for logical approaches such as litigation and adjudication, while the soft law instrument (Resolution 275) calls for persuasive approaches that are emotionally, psychologically and socially sensitive of the locale. It is for this reason that this thesis has chosen Resolution 275 to demonstrate its potential as a persuasive tool through leveraging a persuasive approach such as indigenous storytelling that is in itself designed on the emotional, psychological and social sensitivity to the context where it is created and used. Persuasion is an important advocacy approach because it complements law-focused and policy-focused advocacy by addressing emotional components such as stigma and prejudice which are a necessary focus for queer rights advocacy in Nigeria.

Resolution 275 is yet to be studied as a tool for social change, prejudice reduction and compatible concurrently with queer inclusive stories and in Nigerian law classrooms. Resolution 275 is also yet to be jointly centred with queer inclusive fictional stories as a complementary tool to advance queer rights in Nigerian classrooms. This research addresses Resolution 275, in collaboration with stories, as a tool for social change, prejudice-reduction and shifting attitudes through making a case for this perspective through theoretical engagement and through a field intervention. The potential and grounding of the joint use of Resolution 275 and indigenous storytelling will be further engaged within Chapter 4 of this study.

1.7 Theoretical framework

This study is built on the foundation of transportation theory, imagined contact theory, law and literature, queer theory, cognitive dissonance theory and the merits of indigenising human rights interventions as such employing the decolonial lens.

The transportation theory holds that narratives and narrative style of communication are more capable of creating and fostering empathy than formal or logico-scientific methods of communication.⁹⁵ Imagined contact theory flows from the contact hypothesis that *direct* and contextual inter-group contact and interaction can reduce

⁹⁵ RA Mar & K Oatley (n 63) 181; PM Bal and M Kettlamp, 'How does fictional reading influence empathy? An experimental on the role of emotional transportation' (2013) 8(1) *PLoS One* 1.

intergroup biases, and that *indirect* contact through mental simulation of this contact through methods, including literary fiction, can create the same result.⁹⁶ Imagined contact is often used as a prejudice-reduction intervention, particularly in schools, where there is inadequate opportunity for direct intergroup contact.⁹⁷ Imagined contact is relevant to this research because the threat and possibility of homophobic violation targeted at queer persons erodes the opportunities for interaction with openly identifying queer persons.

The imagined contact theory ties closely with the discipline of law and literature as the latter is pegged on the necessity of literary works as an empathy-fostering tool to be included in the teaching and learning of law.⁹⁸ Imagined contact theory drives the intervention of using African oral storytelling as a means of simulating contact and contexts with queer persons. The law and literature discipline drives the legitimacy of using narratives to teach law. The law and literature approach opposes the self-sufficiency of law and legal studies in satisfactorily addressing concerns that affect humanity.⁹⁹ Although it is not primarily dealt with in the existing discourse on law and literature in this way, this research stretches the meaning of literary works to include oral storytelling. Oral storytelling requires verbal relaying of a story to a group of listeners as opposed to reading it as a text individually. The field of law and literature provides the inclusion of storytelling in the law schools with a theoretical grounding.

Queer theory questions, defies and ‘disrupts normativity’ of labels, descriptions and practices by engaging with subjectivities for the purposes of a richer, more intimate and detailed engagement in the course of this research.¹⁰⁰ Halley and Fineman argue that queer theory is steeped in dismantling the universal application of hegemonic norms particularly on gender and sexuality as such making a case for inclusion and

⁹⁶ L Cameron ‘“Changing attitudes with a little imagination”: imagined contact effects on young children’s intergroup biases’ (2011) *Annals of Psychology* 708; RN Turner ‘Imagining intergroup contact can improve intergroup attitudes’ (2007) 10(4) *Group processes and intergroup relations* 427, 431.

⁹⁷ Cameron (n 96).

⁹⁸ RN Turner, RJ Crisp, E Lambert ‘Imagining intergroup contact can improve intergroup attitudes’ (2007) 10(4) *Group Processes and Intergroup Relations* 427.

⁹⁹ Aristodemou (n 76) 10; J Morison & C Bell (eds) *Tall stories? Reading law and literature* (1996) 12.

¹⁰⁰ M Detamore ‘Queer(y)ing the ethics of research methods: toward a politics of intimacy in researcher/researched relations’ in K Brown & CJ Nash (eds) *Queer methods and methodologies: intersecting queer theories and social science research* (2010) 173.

fluidity of identity.¹⁰¹ Warner describes queer theory as a tool vested in the engagement with questions and subjectivities about an issue as opposed to making unfounded presumptions.¹⁰² Queer theory as used here guides the research through engaging with and reasonably articulating the dynamic subjectivities that arise within the context of being African, in Nigeria; the tools of intervention; the research participants for the focus group study, the researcher (myself) and the constantly evolving interaction among all mentioned. Queer theory is used in this research to unsettle the understanding of and engagement with non-heteronormative subjectivities on indigenous, academic, legal and political levels as to what is and can be authentically and indigenously Nigerian.

Queer theory guides the use of indigenous storytelling as a queer rights advocacy tool that may have the potential of serving the dual purposes of awareness raising for international human rights instruments and prejudice-reduction in Nigerian law schools. Queer theory explores the potential of indigenous storytelling as a tool that may just have a legitimate place in queer rights advocacy and the potential of being more than just an intangible cultural relic of oral preservation of indigenous history, culture and tradition.

Indigenisation of queer rights advocacy calls for contextualisation and begs the question 'What is African' or 'What is indigenous'? Ngwena argues that it is problematic to take this question lightly as it may lead to the exclusion of marginal realities and persons through stereotyping and flattening the scope of multiple realities which is more often than not the case.¹⁰³ This research acknowledges that dealing with the subjectivities of a context of a jurisdiction is no easy task. Nonetheless, this research commits to engaging with the subjectivities that the various contexts studied in this research embody, while making a case for indigenisation of queer rights advocacy. This research argues that it is necessary and safer for queer rights advocacy to take cognisance of the culture of the society in which the queer person

¹⁰¹ MA Fineman 'Introduction: feminist and queer legal theory' in MA Fineman, JE Jackson & AP Romero (eds) *Feminist and queer legal theory: intimate encounters, uncomfortable conversations* (2009) 5; J Halley 'Queer theory by men' in MA Fineman JE Jackson & AP Romero (eds) *Feminist and queer legal theory: intimate encounters, uncomfortable conversations* (2009) 26, 27.

¹⁰² DN Walker 'Towards a queer methodology' (2004) 1(4) *Qualitative Research in Psychology* 334.

¹⁰³ C Ngwena *What is Africanness? Contesting nativism in race, culture and sexualities* (2018) 39.

exists, in this case Nigeria. This research goes further to incline towards leveraging positive cultures in the practice of queer rights advocacy.

Cognitive dissonance theory provides that inconsistency in knowledge, opinion or belief within a person creates a psychological discomfort that urges that person to try to achieve a level of consistency in knowledge, opinion or belief.¹⁰⁴ It is expected that in some spaces various beliefs about violence generally may be inconsistent with beliefs about homophobic violence owing to the fact that hostility towards queer persons is grounded in prevalent socio-cultural conditioning. However, the theory of cognitive dissonance guides this research in intimately showing the similarity between homophobic violence and all other forms of violence that are deserving of eradication. As such this research exposes within the research participants the inconsistency between their views on violence generally and homophobic violence, specifically and make room for cognitive discomfort based on this inconsistency. Grounded in the theory of cognitive dissonance, his cognitive discomfort may urge the research participants towards attitudinal shifts that lean towards a congruence in the realisation that all forms of violence are destructive and should be eradicated.

1.8 Research methodology

This research is conducted through a queer approach. This queer approach primarily challenges the predominant notion that heteronormativity and heterosexuality are universal. This queer approach also challenges the notion that homosexuality, in whatever shade it comes, is unnatural, and in some arguments, 'un-African' and as such underserving of dignity.¹⁰⁵ In employing the queer approach this study also questions the hegemony of traditional legal education that is hierarchical, jargonistic, doctrinal and enabling of heteronormative hegemony. This study seeks to make room for decolonial, non-hierarchical, democratic and inclusive pedagogies in law classrooms. In doing this unsettling, this thesis adopts indigenous storytelling as pedagogical tools to represent queer persons through queer narratives that humanises queer persons. These queer narratives are invested in resisting prevalent

¹⁰⁴ L Festinger *A theory of cognitive dissonance* (1957) 3.

¹⁰⁵ A Rooke 'Queer in the field: on emotions, temporality' in *Queer methods and methodologies: intersecting queer theories and social science* 35.

maligning beliefs about queer persons by offering an emotional simulation of contact and relationship with queer persons.

This research adopts queer methodology in its resisting of heterosexual and hegemonic stances on gender, sexuality, human rights advocacy and pedagogical representations in law classrooms. This research is invested in an African and contextual queer methodology that recognises sexualities' complex structures as well as the urgency of embracing and respecting the subjectivities that various contexts provide.¹⁰⁶ In other words, this research seeks to cut through the noise of dominant ideas, forms and expression of queerness and queer identities to engage with more contextual ideas and expressions resident in the locale being engaged with. This cutting through seeks to foster inclusive non-hierarchical engagement with stories and social interaction in law classrooms as part of norm and meaning formation among Nigerian law students.

This research also seeks to conceptualise and adopt a Nigerian queer methodology, built on the queer and African queer methodologies that resists imperialist and indigenous hegemonic notions of queerness. It takes cognisance of pluralities and contexts and calls for intimate engagement with the locale. Seeking to conceptualise a Nigerian queer methodology is steeped in the need to respond to argument that the intricacies and pluralities of the African context is rarely unexplored in the conversation of queerness.

Clarke attempts to distil some features of what African queer theory may have through engaging with the work of Epprecht.¹⁰⁷ Clarke argues that 'Africa long before the west came around, had a policy in place to tolerate homosexual activity so long as it was kept behind closed doors'.¹⁰⁸ Clarke further argues that Africa is marginalized in Western queer theory by not being represented or having a voice that is recognized in 'leading literature or theoretical argument'. This has resulted in 'whole identities not

¹⁰⁶ S Tamale 'Introduction' in Tamale (ed) (n 69) 2.

¹⁰⁷ D Clarke 'Twice removed: African invisibility in western queer theory' in S Ekine & H Abbas (eds) *Queer African reader* (2013) 175.

¹⁰⁸ As above.

being accepted or contributing to the overwhelmingly White and Northern American canon of queer theory'.¹⁰⁹

Clarke's position, generally valid, speaks to hidden homosexualities or perhaps negotiated queer visibilities. However, it begs the question: What sort of queer visibility is visibility enough to be considered not hidden? What constitutes hiding? Who or what decides the value or visibility calibration and what factors are considered in the grounding of this calibration? Appiah argues that 'a specifically African identity began as a product of a European gaze'.¹¹⁰ Although unjust, it is inescapable that the objectifying gaze of a dominant framework of knowledge calibrates the quality of queer visibility by constructing and imposing reductive notions of what full expressions of queer identities are or should universally be.¹¹¹ Although he acknowledges the wide ranging scope of influence to which queer identities adapt in cosmopolitan societies, Gevisser points out that for contemporary non-western queer identities 'queer people struggle to balance family commitments with new acquire urban notions of personal autonomy'.¹¹² It is important in contextualising the study and resisting dominant frameworks, these non-western queer constructions and representations are discussed in Nigerian law classrooms.

This position is not to deny or be ignorant of the role of dominant heteronormative and queer contexts in which most queer identities exist, but to acknowledge the existence of complex negotiated queer autonomies in spite of this dominance. There should be room to consider and include, in the construction of African queer identities, various ways in which queer visibilities have been represented and experienced from culture to culture and context to context even with the increased cosmopolitan influence and media representation.¹¹³ There should be room to consider negotiated and oppositional representation of queer visibilities as equally valid representations of queerness, especially when they emanate from the free will and adaptation to social, cultural, economic, legal and political contexts.

¹⁰⁹ As above.

¹¹⁰ K Appiah *In my father's house: African in the philosophy of culture* (1992) 71.

¹¹¹ S Hall 'Encoding and decoding in television discourse' (1973) in S During (ed) *The cultural studies reader* (1993) 5.

¹¹² Gevisser (n 28) 124.

¹¹³ Tamale (n 38) 247.

There were locally constructed open versions of queer pluralities in gender and sexual orientations that existed long before 'the west came around'.¹¹⁴ Pluralities such as narratives of androgynous gender shifting deities like the orisha Obatala; genderless chiefs whose honour accrued not for their sexual characteristics but for other non-anatomical endowments; daughters who became 'sons' got married and bore children in their maiden names; gender-switchers who were entertainers and hosts for travellers with dance, sex, games and companionship.¹¹⁵ There are more records of celebration of precolonial pluralities in pre-colonial times than tolerance.¹¹⁶ Pluralities were often placed on a pedestal, considered different but still integral. Better articulated in the Igbo expression *Nke-anyi-bu-nke-anyi*, loosely translating to 'what belongs to us belongs to us'. Tolerance as opposed to recognition and acceptance of pluralities is mostly Africa's present manifestation of colonial programming, one step removed from criminalization and demonization which were its original arguments.

In conceptualising a Nigerian queer theory, the research seeks to resist the seemingly universal limitation of sources of queer theory to academic and theoretical texts. This research engages with published narratives and oral traditions that address non-heterosexuality as well as storytelling in Nigeria. These oral traditions are sourced through interviews with subjects of oral traditions as well as Nigerian queer rights storytelling advocacy and are engaged with in Chapter 3 of this study. This research as opposed to articulating a sufficiently exhaustive Nigerian queer theory, seeks to engage with and contribute to the conversation. For the purpose of this work, Nigerian queer theory is distilled from Nigeria queer stories such as Jude Dibia's *Walking with*

¹¹⁴ D Clarke (n 107) 175.

¹¹⁵ O Sheriff 'Sango: the Yoruba god of thunder and lightning' <https://medium.com/@OGBENISKILLA/sango-the-yoruba-god-of-thunder-and-lightning-99e8111c10d2> (accessed 10 September 2019); LA Khan 'Obatala - the sweetest god from Africa' https://www.huffpost.com/entry/obatala-the-sweetest-god_b_9817068 (accessed 10 September 2019); O Nwelu 'House of Nwapa' https://www.youtube.com/watch?v=3ZT5_YeTPos (accessed 10 September 2019); 'The curious case of Area Scatter' <http://thewistfulnigerian.blogspot.com/2016/03/the-curious-case-of-area-scatter.html> (accessed 10 September 2019); JB Milwaukee 'Cross-dressing fun with Area Scatter' <https://likembe.blogspot.com/2007/08/cross-dressing-fun-with-area-scatter.html> (accessed 10 September 2019); Nigeria Nostalgia Project 'Area Scatter' <https://nigerianostalgia.tumblr.com/post/42667807731/cosmicyoruba-this-is-area-scatter-area-scatter> (accessed 10 September 2019); Gaudio (n 74) 3; O Oyewumi *The invention of women: making an African sense of western gender discourse* (1997) 83.

¹¹⁶ As above.

shadows, Chinelo Okparanta's *Under the udala trees*; the researcher's novel, *Fimisile forever*, and Gaudio's *Allah made us: sexual outlaws in an Islamic city*.¹¹⁷ The first three are novels authored by Nigerians native to Southern Nigeria and the plots of these follow the lives of non-heterosexual Nigerians as they engage with their culturally and religiously tense communities. The fourth is a theoretical research done by a non-Nigerian on Dan-Daudu, non-cisgender indigenes of Northern Nigeria that defy gender norms prescribed by their Nigerian Islamic community. These works engage with the existences of queerness as well as the plurality in resistances that these existences imply. These Nigerian queer stories seem to portray, however slightly, queer Nigerians as persons whose sexual orientation and gender identity and expression are deeply 'coloured' by their ethnic, religious, cultural, socio-economic and political contexts. But more importantly, these existences are rooted in the recognition of communality. Here *ubuntu* meets queer theory and they jointly embrace that queer persons, through queer resistances, are inalienable parts of the discourse on indigeneity. It is important however to note that often these queer resistances are never-ending conversations and negotiations that stretch across generations beyond the life and times of the individuals who are central to them.

These Nigerian queer stories also show that despite the conflicting views on queerness in Nigeria, the lived practicalities portray the culture and importance of striking balances between resisting heterosexuality and acknowledging the consequences of these resistance on the family and the community. Instances of these balances are seen in different variations in the resistance to heterosexuality within the safe and stabilising confines of compromise and condonation of queerness for the benefit of the family and the community. This is not to say that there are no other versions of potential Nigerian queer methodologies across Nigeria that may be more or less stealth in their resistance to heteronormativity. However, this one has been chosen because this research perceives it as most visible in the Nigerian queer stories, as verifiable sources, produced at the time of this research.

¹¹⁷ J Dibia *Walking with shadows* (2015); C Okparanta *Under the udala trees* (2015); DN Ikpo *Fimisile forever* (2015); Gaudio (n 76).

This above discussed approach to queer theory is demonstrated in Indigenous storytelling intervention employed across three Nigerian classrooms in this research. Indigenous storytelling and the classroom as expression of this queer approach is used to advance prejudice-reduction as well as the promotion of Resolution 275 in the context of Nigerian law classrooms. The use of indigenous storytelling as a promotional activity for the Resolution 275 is also an expansion of how the recently passed Resolution 275 is presently being promoted and its reimaging as a decolonial attitude-focused pedagogical tool for classrooms. This research secondarily unsettles the notion that there is a universal homosexuality, by engaging with some parts of the complexities of Nigerian queerness and challenging the prevalent negative narratives.¹¹⁸

1.9 Research methods

The methods used in this research comprise (i) a desk-based review of literature: textual analysis studies, reports and written research and oral accounts of indigenous practices of storytelling, and (ii) qualitative research in the form of focus group discussions and the creative composition and performance of a three-part short story. This narrative is titled 'Khaki', and deals with Adanna, a female queer character, designed to be used jointly with Resolution 275 to promote queer rights and queer-inclusive attitudes in Nigerian law classrooms. Guided by the imagined contact theory, the short story is a tool to simulate contact between the members of the focus groups and the fictional characters portrayed in the stories. Simulated contact will be explored through the performance of the stories to the audience of the focus group participants as such giving virtual life and form to fictional characters featured in the stories and giving the focus groups participants the opportunity to listen, feel and touch them imaginatively. The exposure of the focus groups participants to this three-part short story and the consequent imagined contact will be to assess their attitudes and perceptions of the characters and the different themes addressed in these stories. Although the themes addressed are on three types of prejudice-based violence, ultimately the violence based on sexual orientation and gender identity is the core theme sought to be addressed.

¹¹⁸ DN Warner 'Towards a queer research methodology' (2004) 1(4) *Qualitative Research in Psychology* 334.

The qualitative component of this research includes the following activities:

The development of a three-part short story titled 'Khaki', Annexure 1, on the theme of violence: inter-ethnic violence; domestic violence; and violence based on sexual orientation and gender identity. 'Khaki' was written by the researcher. The production of the recorded performance of 'Khaki' by Janet Gbam and the researcher.¹¹⁹ The production of a guide to direct the conversation with the research participants on Resolution 275 after their experience of 'Khaki'. Each focus group session consisted of mostly law students from three different Nigerian universities.¹²⁰ These universities are Niger Delta University (NDU), University of Lagos (ULA) and University of Ilorin (UIL). These three universities were chosen for regional representation. They were also chosen as part of the Centre for Human Rights institutional networks. It also helped that the Centre for Human Rights alumni were among the senior members of staff in these institutions. This research covers three group studies across three different Nigerian universities in order to engage with the subjectivities that come with the different universities located in varying socio-cultural contexts across Nigeria.¹²¹ The research participants were all law students except two research participants from UIL. At UIL, there were one law lecturer and one undergraduate student of Agriculture. Their participation in the place of law students was because most of the law students scheduled to be research participants had to leave the province owing to the COVID-19 lockdown.

Law students were chosen because they were most exposed to a legal education at the level of tertiary education and are strategic stakeholders to engage with legal advancements in Nigeria. Although the purpose of this storytelling intervention is not a traditionally Nigerian method of teaching of law, it is a traditionally Nigerian method of semi-formal education which has the potential of enhancing the impact of learning.

¹¹⁹ Alston (n 59); Green-Simms & Azuah (n 69) 38.

¹²⁰ D Lucia de Oliveira 'The use of focus groups to investigate sensitive topics: an example taken from research on adolescent girls' perceptions about sexual risks' (2011) 16(7) *Ciência & Saúde Coletiva* 3096.

¹²¹ The University of Lagos is located in the south-western part of Nigeria which is predominantly Yoruba and Christian and Muslim; Niger Delta University is located in the south-south part of Nigeria which is predominantly Ijaw and Christian; University of Ilorin is located in the north-central of Nigeria which is predominantly muslim. These universities are all located in cosmopolitan and multicultural cities and are attended by students who are both indigenous and non-indigenous to the localities in which the universities are based.

1.9.1 Preliminary and final survey

During the field visit at the NDU, ULA and UIL, the research process began with the signing of consent forms, participation in a preliminary survey, and ended with final surveys. The preliminary survey, Annexure 2, was to assess the attitudinal position of the research participants before the storytelling intervention, the final survey, Annexure 3, was to assess the attitudinal positions of the research participants after the storytelling intervention and a conversation on Resolution 275. The preliminary and final surveys were conducted through survey forms, which posed open ended questions as regards the perceptions of the students on queer persons and homophobic violence.

1.9.2 Focus groups

The field research was conducted for three days each in NDU and ULA, and two days in UIL. The shorter period at UIL was due to the ensuing pandemic lockdown. The focus group discussions were used daily during the storytelling intervention to assess the attitudinal positions of the research participants. The focus group discussions, guided by Annexure 6, were used immediately after the research participants experienced a part of 'Khaki' (Annexure 7), to assess their response to that part. The focus group sessions indicate the level of engagement, comprehension and openness that the research participants have towards the subject matter in 'Khaki', and particularly towards Adanna, the protagonist. The sessions were also used to indicate the level of engagement with the theme of violence and Resolution 275. The aim of the focus group sessions was to serve as platforms for social interaction simulating contact in order to determine the feasibility of indigenous storytelling as a means of contact between queer persons and the students in law classrooms, and ultimately as a means of prejudice reduction. Although the wider interest is reaching the general population, this research aims to demonstrate the potential of this decolonial approach among students at the university level.

The research employs focus group discussions as a method to explore the potential for indigenous storytelling as is relevant to the third research question: 'How can queer rights advocacy through indigenous storytelling be applied in the promotion of Resolution 275 in Nigeria?' The focus group setting provides a platform for the application of indigenous storytelling. Focus group discussions have a place here as

a tool to practically explore the potency of imagined or simulated contact between fictional queer characters made available through indigenous storytelling and the focus group participants.

This intervention also used indigenous storytelling as means of sensitisation through imagined contact and consecutive simulation of scenes and realities of violence. The consecutive simulation of violence in this intervention as will be done through indigenous storytelling is aimed at exposing the commonality of all violence towards humans as being inhumane, un-dignifying and un-African.

Focus group discussions, rather than individual interviews, were used in this research because this method is intended to be non-hierarchical, democratic, interdependent and allows for reflexivity.¹²² Although there is arguably no rule as regards the numerical constitution of focus groups, this research had three focus groups numbering four, eight and twelve participants. The group with the four participants was much more limited in size than foreseen, due to the eventual unavailability of research participants as a result of the incident of the ensuing COVID-19 pandemic lockdown. Adopting the focus group approach is inspired by the complexity and sensitivity of the research setting as well as the decolonial approach of this study. As opposed to individual interviews which would have been closed and personal, the focus group allowed for social constructivist engagement with pedagogical tools as well as an open non-hierarchical engagement, collective meaning making (as well as questioning) and unsettling of hegemonic norms.

The core structure of a focus group study is built on deriving research data from the interaction among focus group participants in the course of the focus group study.¹²³ Within the context of widespread resistance to and criminality of non-heterosexual identities and organising, this interaction may create unease and fear among the group. This unease and fear may result in false representation and the need to be socially presentable and acceptable. Other factors that may further hinder a reasonably functional conversation and the collection of useful data are the

¹²² As above.

¹²³ R Barbour & J Kitzinger *Developing focus group research: politics, theory and practice* (1999) 4.

hierarchical nature of Nigerian societies where disparity in age and status within a group give rise to censorship and silence, more especially within a classroom among students and unidentified persons who seem to be in control. Nigeria is a deeply religious and moralistic society. Open conversations and activities on non-heterosexuality are also criminalized in Nigeria.¹²⁴ However, oral storytelling as employed in this intervention serves the dual function of an advocacy tool and a shared ushering of the group to make and express their thoughts freely as it would apply in any other indigenous storytelling configuration.

Each research participant is a law student, save for two persons who are an undergraduate student of agriculture and a law lecturer. All research participants are over the age of 18. The inclusion of the undergraduate student of agriculture and law lecturer were owing to closing opportunities to conduct the research owing to the ensuing pandemic lockdown. Gender, religious and ethnic balance was considered during the selection of members of the focus group. Every focus group discussion lasted for an hour.¹²⁵ All the meetings were recorded through taking notes and an audio recording device. The data is stored in the University of Pretoria institutional google drive.

The focus group discussions across NDU, ULA and UIL assessed the participants' responses to 'Khaki'; the characters in 'Khaki'; and themes raised through 'Khaki', particularly the theme of violence on the grounds of sexual orientation and gender identity and expressions. The focus group plan and materials, as well as other parts of the research strategy, were flexible as it evolved following lessons learnt during the pilot survey and focus group intervention sessions and sensitivity to each university's context.¹²⁶ The researcher complied with all university guidelines on consent and data protection in carrying out data collection.

¹²⁴ SSMPA sec 4(1).

¹²⁵ DA Kruger & MA Casey *Focus groups: a practical guide for applied research* (2014) 73.

¹²⁶ Lucia de Oliveira (n 120).

1.9.3 About 'Khaki'

'Khaki' is the story of various forms of interpersonal violence experienced by one person linked to the intersectional aspects of who she is. 'Khaki's plot aims to engender empathy for a victim of anti-queer violence. The main character in 'Khaki' is Adanna. 'Khaki' narrates Adanna's journey from the safety of her family home in Port Harcourt in the Southern of Nigeria to Ilorin in the Northern part of Nigeria, in the course of which she is sexually harassed. Having settled in Northern Nigeria, she is vilified, arrested and perhaps 'disappeared' because she engaged in a same-sex intimate act.

Adanna is a young Nigerian female law graduate and the child of parents belonging to the crumbling Nigerian middle-class. As the story starts, the reader becomes aware that her father had been retrenched from government employment and that her mother's ill health placed her at the mercy of the dwindling health care system.

The narrator is Okechukwu, an empathetic heterosexual male admirer, classmate, friend and neighbour and fellow law student. Adanna is constructed through the way he observes her, romantices her, loves, misses and is occasionally confused and overwhelmed by her.

In the first part of 'Khaki', 'Pumped', Adanna finds out that she has to postpone her law school education in order for her family to save money for her hospitalised mother's health care and their general upkeep. Her family also had to scale down their lifestyle more generally, because her father had just been retrenched from his government employment. Meanwhile, she can participate in the National Youth Service Corp (NYSC) programme, which is also another compulsory, but less costly, career step for her. The NYSC programme is a compulsory one-year public service engagement that all Nigerian graduates must undertake in the first year following their graduation from their first degree. The NYSC programme involves a three-week military camp and is followed by 11 months of working in a public institution depending on one's disciplinary qualification. The participants of the NYSC programme are usually posted to provinces outside of which they were born or to which they are ethnically indigenous, so as to form inter-ethnic cohesion among Nigerian youths. In

'Khaki' Adanna is from the Southern part of Nigeria and she is posted to the Northern part of Nigeria for the NYSC programme. With the exception of the major cities, the Northern part of Nigeria is socio-culturally markedly different from the Southern part of Nigeria. While the Northern part of Nigerian is predominantly governed by muslim norms, the South seems more visibly liberal. 'Pumped' describes her journey. While travelling by bus to her youth service camp in Northern Nigeria, a male passenger sexually harassed her at knife point in a moving vehicle. She is frightened and unable to call for help. This is Adanna's first encounter with violence, in this instance, based on her gender.

In the second part of 'Khaki', 'Threatened', Adanna is settling into her new job as a Literature-in-English teacher at a secondary school in Ilorin, Northern Nigeria. There is reference to her reading of Andrew Marvell's 'To his coy mistress' in the course of her teaching exercise and pondering with her students on the silence of this 'coy mistress' and what is it about the proclamation of a man's love that is so censoring of a woman's voice. It appears that she is the female students' favourite, but that she attracts hostility and disdain from the male staff members because she dresses and behaves differently from women who are native to the North. During one of her classes, a man dragged one of Adanna's female students, Memuna, out of the class. This man is one of the 'Kaftan Boys' described in the story. The Kaftan Boys are a group of muslim male staff of the school where Adanna works. They are characteristically recognised by their walking in groups, all clad in crisp looking kaftans. However, Adanna did not know all of them facially. Kaftans are also generally worn by men from Northern Nigeria. To a reasonable bystander, the man could have been anyone, even someone who could be dangerous. Also, in what resonates as a cautionary tale of the Chibok girls in Northern Nigeria, who were abducted from school, Adanna's instinct was to stop a probable abduction case happening in her presence. When Adanna rushed to her student's defence, the man who dragged Memuna out harassed Adanna and threatened her on the grounds of her being foreign to the Northern part of Nigeria. Adanna is recognisably foreign to the Northern part of Nigeria because she does not conform to the prescribed code. She is also more easily confrontational of the local men than muslim women from the North. In this part of the story, we also see that the Kaftan Boys generally do not acknowledge her or respond

to her greeting. This is Adanna's second encounter with violence, this time, on the grounds of her faith and ethnicity.

In the third part of 'Khaki', 'Taken', Adanna is brutalised on the grounds of her being caught with another adult girl, from outside of the school, having sexual intercourse. This occurred in Adanna's room in the staff quarters. Owing to this, Adanna is arrested. She is taken from the staff quarters and locked up in police custody and she is no longer able to communicate with anyone. Up until this time, she has been reaching out to her home through emails. The reader learns about her arrest through a distress email sent by one of her students, Memuna. Memuna reports that the Police would not let her have any visitors. Nobody seems able to reach Adanna in custody. Meanwhile, back at home, her mum, who had been hospitalised, died. This third encounter of violence was on the grounds of Adanna's perceived sexual orientation.

These three episodes of encountering violence relate to Adanna's intersectional complexity as a human being, related to her gender (as a women), region or descent (as a 'Southerner'), and sexual orientation (as a lesbian). These three episodes seek to represent the urgency of Adanna's human rights within the dominant framework of knowledge and cultural order that ascribe human rights to all humans.

1.9.4 Participant selection: The choice of Nigerian universities

Besides the convenience of engaging with students of tertiary institutions as opposed to outside it, for this study tertiary institutions in Nigeria present a unique site for engaging with attitudes towards queer persons. The Nigerian university, particularly undergraduate students are not just a microcosm of the wider society, but they also form part of the fraction of the society with higher levels of tolerance owing to access to modern education, urban domicile and social media. However, it is also interesting as Okanlawon has shown that the Nigerian university also presents a concentrated degree of exclusionary attitudes towards queer persons. The decision on NDU, ULA and UIL as research sites was based on their being located and being steeped in three varying socio-cultural contexts. NDU is based in the Southern part of Nigeria and particularly in a mostly Christian and Ijaw speaking town, ULA is based in the South-West, which is mostly Christian and Yoruba speaking and UIL is based in the North Central of Nigeria, which is predominantly Muslim and mostly Yoruba speaking. The

engagement with these universities is not drawn as points of generalisation but to indicate potential where they exist and encourage further engagement across academic and socio-cultural sectors of the Nigerian society.

1.9.5 Motivation, positionality and writing process

This research deals with the issues of violence and acceptance of queer persons. This research is sensitive because of the issues raised, and the negative perceptions attached to them within a highly religious society such as Nigeria. This research is sensitive because it aims at attending to prejudices and marginalisation of queer persons through creating an environment which allows queer persons, although through fictional characters and in imagined settings, to reach out to the society in a re-constructed, more positively portraying light.¹²⁷ By giving queer fictional characters a space in the room and in the imagination of the participants, this research aims to foster contact and a more intimate interaction between the society and queer persons to attempt to destroy previously held negative prejudices against queer persons. This research is also sensitive because while being the researcher, I am also queer, and through the focus groups was exposed to unpredictable responses of the research participants to queer persons. As such, each step in the research, especially the practical (qualitative research) component was carried out with utmost caution, since same-sex relations and any form of organising around LGBTI related issues is punishable by imprisonment.

I am an openly identifying Nigerian queer lawyer and novelist. I identify as male. By Nigerian standards, my gender expression is substantially 'hetero-seeming'. In other words, I believe that I sufficiently pass for heterosexual and my gender expression ticks most of the boxes for male that the average Nigerian is socialized to believe exists as the norm. Also, I am hardly what the average Nigerian would expect a queer person to look, act or sound like. My debut novel *Fimisile forever* engages the state of human rights and social discourses around queer persons in Nigeria. *Fimisile forever* was shortlisted the LAMBDA Literary Award for Best Gay Fiction 2018.

¹²⁷ GG Jansen & DR Dans 'Honouring voices and visibility: sensitive-topic research and feminist interpretive inquiry' (1998) 13(3) *Affilia* 295.

The story 'Khaki' was inspired by my brief participation in the NYSC programme in 2015 and 2016. Like the main character Adanna, I grew up in the south of Nigeria and was posted to the north. I did not myself go through the instances of violence narrated in the story. However, my fear at the time for the safety of my younger sister who began her NYSC in the north ahead of me in 2015, was a driving force for my writing. She did not herself report any incidents of violence, but going on that journey myself and seeing how precarious the travel, living and working conditions were, I imagined that anything was possible.

At my time in Ilorin as a youth corps member I lived in the bubble of church's resident quarters with other corps members. As Gevisser points discusses, distance from home and residence in big cities affords the modern queer youth some access to the pink line by way of negotiated autonomy and anonymity.¹²⁸ To a large extent, I enjoyed this anonymity and autonomy in Ilorin as did my queer characters in 'Khaki' Adanna (in Ilorin) and Dr Ekanem (in Port Harcourt). I did not make my sexual orientation known to anyone and was not subject to any direct hostility save for an isolated incident of social exclusion when a female colleague/suitor searched my phone and read some of my text messages. In my writing of 'Khaki' I tapped into that fear of potential danger that kept looming. I also tapped into dignity that autonomy could afford for a queer person, particularly in how queerness intersects with other strips of one's identity and how these complex dynamics are perceived from context to context. In 'Khaki' I write about pain, but also about travel, food, love, desire, secrets, challenges and resilience.

I did not disclose my sexual orientation to any of the research participants in the course of the focus group exercises. This research was couched within the framework of imagined contact theory. The only conscious contact that the participants had with queer persons is contact with the characters in the story imagined as a result of the telling of the story. Although the participants had actual contact with me, my not disclosing removed me as an actual openly queer person from the target of their attitudes. However, my nondisclosure did not completely rule out the possible suspicion that I may be a queer person given my involvement in the study as a researcher. My

¹²⁸ Gevisser (n 28) 129.

nondisclosure was based on my assumption that actually openly identifying as queer may affect the focus group dynamics and individual participants more substantially than a suspicion.

I am also a stutterer with a voice often perceived as deep and husky. I am prone to shaky speech when provoked or excited. My stammering makes me nervous because when I stammer my focus and energy are split between gathering my thoughts, trying to stay calm and holding on to the focus of my audience. To manage my stammering, I stayed calm at all times in the course of this research.

1.9.6 Safety protocol and ethical clearance

This research is sensitive but was also dangerous in that the nature of my research as addressing the theme of non-heterosexual sexual orientations and gender identities may have posed a danger to the feasibility of my research in a Nigerian university and to my safety in the course of my intervention. However, I was observant of my research environment. Also, my contact persons in the host universities NDU, ULA and UIL saw to it that the entire research intervention was executed within calm and safe venues.

This research gave rise to a number of ethical issues such as the sensitivity of the information and legality of carrying out queer-themed research in Nigeria; and the legitimacy of oral traditions and oral accounts of indigenous storytelling practices as academic sources. Ethical approval was applied for and granted by the Ethics Committee of the Faculty of Law, University of Pretoria, on the condition that the Nigerian universities to be visited approve the visit. These research visits were approved by the Faculties of Law at NDU, ULA and UIL through formal letters. The ethical approval from the University of Pretoria is Annexure 10. The approval letters from the universities are Annexures 11, 12 and 13.

During every session of the interaction with the students, I began by laying out the rules of engagement as mutual, respectful listening and speaking. Occasionally, a member of the staff of the faculty would come in to check on the proceeding as well by quietly stepping in for a minute and stepping out again quietly.

1.10 Structure of thesis

Chapter 1: Introduction of study: This chapter sets the research problem and questions for the study. It also contains literature review as well as sets method and methodology for this study.

Chapter 2: State of queer rights and queer rights advocacy in Nigeria: This chapter discusses the state of queer rights and queer rights advocacy in Nigeria. African sexualities and prospects that exist in doing queer rights advocacy within the framework of indigeneity and Africanness are engaged with. Legal and sociocultural responses to queerness in Nigeria are considered. A survey of queer rights advocacy work that have been undertaken by queer rights organisations in Nigeria, is provided, with a particular focus on those that explore and incorporate indigenised queer rights advocacy.

Chapter 3: The nature of indigenous storytelling and its place in Nigerian queer rights advocacy: This chapter discusses the culture of indigenous storytelling across cultures world-wide, but particularly within Nigeria. It interrogates the roots, relevance, values, uses and symbolism of indigenous storytelling across Nigerian nations. It also engages with human rights advocacy work particularly queer rights advocacy work in Nigeria that have employed the use of narratives and the results that these advocacy work yielded in each of their contexts. Here, a case is made for storytelling to be used jointly with queer inclusive soft law such as Resolution 275 as attitude-focused decolonial pedagogical tools.

Chapter 4: Advocating for Resolution 275 – challenges to queer advocacy: The chapter engages with the scope of Resolution 275 and the challenges faced in realising this set of standards, while also engaging with theoretical considerations of resolution as a pedagogy tool to be used in unity of place and time with indigenous storytelling.

Chapter 5: Can stories change the world? (Intervention report): This chapter comprises the analytic report of findings of the field intervention of surveys and focus group discussions conducted across NDU, ULA and UIL. The surveys comprise the preliminary survey that assess the attitudes of the research participants towards queer

persons before their experience of 'Khaki'. The focus group discussion assesses the attitudes of the research participants at three points during their experience of 'Khaki'. The final survey addresses the attitudes of the research participants after their experience of 'Khaki' and a conversation on Resolution 275.

Chapter 6: Finding, conclusion and recommendations: This chapter summarises the findings of the study, makes recommendations to stakeholders and suggests areas for further research.

Chapter 2: The state of queer rights and queer rights advocacy in Nigeria

2.1 Introduction

Chapter 2 addresses the state of queer rights, the nature of queer rights advocacy in Nigeria as well as the social, political, cultural and legal context within which these operate. In considering the state of queer rights advocacy in Nigeria, this study reaches for an understanding of how queer persons and queer rights have been responded to and interacted with in Nigeria. Discussing the interaction among queer persons, queer rights and the broader society in Nigeria is an important part of this study because queer rights advocacy hardly operates in the absence of social, political, cultural and legal dynamics. The discussion on the state of queer rights advocacy in Nigeria is structured into three sections.

The first section considers human expressions of queerness that are either Nigerian or have roots in Nigeria, and which, this research argues, served indirectly as informal and semi-formal queer rights advocacy in Nigeria. Occasionally, literary sources are drawn upon to illustrate queer sexuality and gender expressions within the context of cultures in Nigeria. This chapter also acknowledges the predominantly heteronormative structures within which these incidences of queerness existed. The second section provides an overview of responses to queerness considering both legal and social responses to queerness in Nigeria. The third section discusses formal queer rights advocacy organisations and interventions in Nigeria.

2.2 Queering Nigeria

This section interrogates indigenous queer identities and expressions in Nigeria. These indigenous queer identities in Nigeria have served in their own rights as indirect queer rights advocacy through the participatory visibility and clear representation of Nigerian queer persons in active cultural, spiritual, economic and political roles in Nigerian history. The interaction between Nigerian society and queerness is complex and timeless.¹²⁹ These interactions have involved multiple gender-twisting identities and expressions reaching back to pre-colonial times.

¹²⁹ VO Ayeni 'Human rights and criminalization of same-sex relationships in Nigeria: a critique of the Same-Sex Marriage (Prohibition) Act in Namwase & Jjuuko (eds) (n 5) 207.

As is common for most former colonies, Nigeria is a multi-nation state, explained by Awolowo to be merely a 'geographical expression', with nothing more to its cosmetic fusion than the economic interest and administrative ease of its colonial masters.¹³⁰ As such there is the constant bustling of wildly divergent, often conflicting, national identities and cultures within the Nigerian society. Not lacking from this mix, is the incidental, parallel, perpetuation of multiple queer identities and expressions.

Nations within Nigeria interact differently with their forms of queerness. It is important to engage with these nations' incidents of queerness and open interactions with their identities for several reasons. Some of these reasons are: to rebut the notion that queerness is un-Nigerian and un-African; to draw legitimacy for and affirm queer identities and expressions in Nigeria by locating them within deeply valued cultural practices within Nigerian; to demonstrate that queer identities and expressions have been and can be recognised as integral to the social, cultural, spiritual and political stability of the society; and to demonstrate that the open and participatory visibility of queer identities and expressions within the Nigerian society served as indirect advocacy for the dignity and humanity of queer persons in Nigeria. However, it is crucial to note that indigenous queerness also existed within the context of predominantly heteronormative frameworks.

The section concedes that following Nigeria's amalgamation, independence, the Biafran war and the continuous intermingling of Nigerians, there may exist elements of Nigerian creolisation that sustain a reasonably generic identity and expression of 'Nigerianness' and Nigerian queerness. Nonetheless the interest here is in indigenous interactions with queerness within nations in Nigeria. Although there are several other nations in Nigeria with varied expressions of indigenous queerness, the focus is on the three largest nations in Nigeria: the Igbo, Hausa and Yoruba. This focus on these three nations is mostly for reasons of their prominence. These three nations jointly make up about 82 per cent of the Nigerian population.¹³¹

¹³⁰ C Onwuba 'Ethnic identity, political integration and national development: the Igbo diaspora in Nigeria' (1975) 399; O Awolowo *Path to Nigerian freedom* (1947) 47; A Ademoyega *Why we struck: the story of the first Nigerian coup* (1981) 2; C Achebe *There was a country* (2012) 43, 46, 47.

¹³¹ The Igbo of Nigeria: history and culture' <https://faculty.ucr.edu/~legnerref/igbo/igbo2.htm> (accessed 6 January 2020); 'Hausa in Nigeria' https://joshuaproject.net/people_groups/12070/NI (accessed 6 January

2.2.1 Queerness in the Igbo nation of Nigeria

Queerness is well within the lived experiences and culture of the Igbo people. This section discusses queerness in the Igbo nation by briefly introducing the Igbo culture, delving into queer sexuality in the Igbo nation and queer gender in the Igbo nation from the titled women with husband rights to the gender bending men with creative allure. There are debates surrounding the existence of queerness in Igbo culture but these debates in and of themselves demonstrate potential and possibilities of queerness in the Igbo culture.

About the Igbo nation of Nigeria

The Igbo nation is primarily and indigenously located in the South-Eastern part of Nigeria, weaving itself through other smaller nations in the South of Nigeria.¹³² The Igbo nation makes up almost 17 per cent of the population of South Eastern Nigeria and arguably 18 per cent of Nigeria.¹³³ Generally, the language spoken by the Igbo nation is Igbo, although there are several dialects varying from province to province and community to community.

The Igbos have been ascribed several stereotypes, one of which is the tendency to be vivaciously entrepreneurial and dominant in any market that they access.¹³⁴ It is often remarked comically by some Nigerians that if a person visits a place for the first time, and there are no Igbos working and resident, that place is neither lucrative nor habitable, and possibly dangerous.

Achebe's *There was a country* (an autobiography), and Adichie's *Half of a yellow sun* address the Nigerian civil war of the 1960s and the mass exodus of the Igbos from Northern Nigeria back to Southern Nigeria to escape the mass slaughter of Igbos by

2020); Yoruba people' <https://www.cometonigeria.com/about-nigeria/nigerian-people-culture/yoruba-people/> (accessed 6 January 2020).

¹³² 'The Igbo of Nigeria: history and culture' <https://faculty.ucr.edu/~legneref/igbo/igbo2.htm> (accessed 6 January 2020); Minority Rights Group International 'World directory of minorities and indigenous peoples – Nigeria: Igbo, January 2018' <https://www.refworld.org/docid/49749cd52.html> (accessed 6 January 2020)

¹³³ 'The Igbo of Nigeria: history and culture' <https://faculty.ucr.edu/~legneref/igbo/igbo2.htm> (accessed 6 January 2020).

¹³⁴ CN Adichie 'Igbo bu Igbo' (keynote address at the 7th Annual International Igbo Conference 2018) <https://www.youtube.com/watch?v=OY7aDPT6afQ> (accessed 6 January 2020).

Hausas.¹³⁵ Igbos are known to travel and adapt to the world to survive while still bound to their culture, spirituality and home.¹³⁶ Some literary articulations of the ancestral Igbo culture include Chinua Achebe's *Things fall apart*, Flora Nwapa's *Efuru* and contemporary articulations as relayed in Chimamanda Adichie's *Purple hibiscus*.

The Igbos being 'transgressive' goes back to the times of the slave trade. The 'Igbo landing' in 1803 on the coast of Georgia, United States of America, is a narrative of a group of Igbo people who were sold into slavery but over-powered their slave masters and walked into the sea, defiant.¹³⁷ The Igbo landing is a demonstration that the Igbos as a distinct nation, have always been steadfast in their tendency to defy oppressive norms.¹³⁸ The 'Igbo landing' has grounded folklore and beliefs among descendants of African slaves about the slaves who resisted oppression even at the cost of their lives. The 'Igbo landing' is also reflected in the music video 'Drought' by Beyoncé Knowles.¹³⁹ Although this says nothing expressly about sexual or gender non-normativity, it is a demonstration of the early spread and manifestation of the defiant Igbo culture and spirituality.¹⁴⁰

Queer sexualities in the Igbo nation

The Abakua secret society, presently operational in Brazil and Cuba, is recorded to have been founded by 'descendants of African slaves of Igbo heritage'.¹⁴¹ The members of the Abakua cult include mostly unmarried men who openly condemn effeminacy in men and inter-member homosexual relations, but have customs regulating homosexual intercourse between leaders of the Abakua cult and non-members. This custom binds the leaders of the Abakua cult, in the event of

¹³⁵Achebe (n 114); Madman films 'Half a yellow sun- official trailer' <https://www.youtube.com/watch?v=hpTWYqptGSE> (accessed 6 January 2020); CN Adichie *Half of a yellow sun* (2006)20; EC Ozoegede 'The Igbo (Hebrews) of Nigeria' http://www.raceandhistory.com/cgi-bin/forum/webbbs_config.pl?md=read;id=2421 (accessed 6 January 2020); Minority Rights Group International 'World directory of minorities and indigenous peoples – Nigeria: Igbo, January 2018' <https://www.refworld.org/docid/49749cd52.html> (accessed 6 January 2020)

¹³⁶ Onwuba (n 130)399; O Awolowo *Path to Nigerian freedom* (1947) 47.

¹³⁷ TL Snyder 'Suicide, slavery and memory in North America' (2010) *The Journal of American History*, 39.

¹³⁸ As above; M Owunna 'Beyoncé's 'love drought' video, slavery and the story of Igbo landing' <https://www.q-zine.org/non-fiction/beyonces-love-drought-video-slavery-and-the-story-of-igbo-landing/> (accessed 10 January 2020).

¹³⁹ Owunna (n 138).

¹⁴⁰ RP Corner & DH Sparks *Queering creole spiritual traditions: lesbian, gay, bisexual and transgender participation in African-inspired traditions in the Americas* (2004) 19.

¹⁴¹ Corner and Sparks (n 140) 125.

homosexual intercourse, to exclusively remain penetrative and dominant throughout the intercourse.¹⁴² The traditions and workings of the Abakua are creolised with traditions from other Africans, most notably the Yorubas of Nigeria.¹⁴³

Okparanta's *Under the udala trees* is a fictional novel set in Ojoto, an Igbo town in South Eastern Nigeria that engages with queerness in the Igbo nation. *Under the udala trees* imagines Igboland in the 1960s as a not very welcoming, but also a relatively 'nurturing', place for queer engagements among women. This was in spite of the religious intolerance that abounded in the 'Christianised Igboness' at that time and even now.

Okparanta's novel follows the life of a young same-sex loving girl, Ijeoma, during the time of the Nigerian civil war and shortly after in the 1960s. In Okparanta's novel, same-sex loving women are teachers, students, traders well integrated in the community as active and productive citizens. These same-sex loving women in Okparanta's novel beside interacting with the broader society also created and sustained sub-cultures and meeting venues for like-minded women to meet discretely.¹⁴⁴

Although Okparanta's novel portrays a pattern of destruction of these queer meeting venues by other members of the community, it is also demonstrative of the logic that hatred and hostility cannot exist in the absence of recognition and acknowledgment.

At the 7th Annual International Igbo Conference, which was held in 2018, Adichie discussed some of her findings on Igbo culture from the African archives at Yale University.¹⁴⁵ Adichie flagged the finding of woman-woman marriage among the Igbos

¹⁴² As above.

¹⁴³ As above.

¹⁴⁴ Okparanta (n 117) 190 - 192.

¹⁴⁵ CN Adichie 'Igbo bu Igbo' (keynote address at the 7th Annual International Igbo Conference 2018) <https://www.youtube.com/watch?v=OY7aDPT6afQ> (accessed 6 January 2020).

in which a woman could become 'male' and marry wives. These wives would then take lovers and give birth to children who would be part of the woman-husband's kin-group.¹⁴⁶

Adichie also registered the wide rebuttal that she faced when she was perceived to cite this practice as illustrative of same-sex love in Igbo land. Adichie reported that the common counter-argument that she met was that the assumption of the role of husband by a woman in Igbo land, does not customarily grant her conjugal rights. Similarly, Amadiume decries woman-woman marriage as not being an instance of same-sex attraction/relationships in Igbo land.¹⁴⁷ She has often argued that these woman-woman marriages did not involve same-sex intimacy. The 'female husband' ascribes male sexual partners to her wives for intercourse only on permitted opportunities. Nonetheless, the study aligns with Adichie's reasoning that this husband role granted the woman-woman married couples' legitimacy, privacy and security in the way that anything that was possible between two humans attracted to each other could flourish richly, including romantic love and sex.¹⁴⁸

There is yet to be adequate empirical study of same-sex relations within the context of woman-woman marriage. Yet there is simply no credible conclusion of its utter non-existence except for what seems like a mostly gaping silence on the issue of sex and sexuality among Igbos at the time – and even now.

Queer gender identity and expression in the Igbo nation

Gender roles, identity and expression in Igbo culture has been known to occasionally defy modern heterosexual norms. Amadiume explains that

[d]aughters could become sons and consequently male. Daughters and women in general could be husband to wives and consequently male in relation to their wives.¹⁴⁹

¹⁴⁶ As above.

¹⁴⁷ I Amadiume *Male daughters, female husbands: gender and sex in an African society* (1987) 42; JM Carrier and SO Murry 'Woman-woman marriage in Africa' in Murray and Roscoe (eds) (n 73) 262; Corner & Sparks (n 140) 29.

¹⁴⁸ Adichie (n 145).

¹⁴⁹ Amadiume (n 147) 15; F Nzegwu *Love, motherhood and the African heritage: the legacy of Flora Nwapa* (2001) 8.

Quite contrary to the heteronormative logic that a person's genitalia determine the person's gender roles, indigenous Igbo culture makes room for social roles to be divorced from genital indication. Woman-woman marriage, referred to as *Igba-ohu* in Nnobi, a town in South Eastern Nigeria, is a demonstration of defiant gender identity in Igbo culture.¹⁵⁰ The *Igba-ohu* in Nnobi is an incidental prerogative ascribed to women bearing the *Ekwe* title or other women seeking to carry on the patrilineal bloodline of a deceased male relative. The *Ekwe* title is historically the political recognition of a Nnobi woman's material prosperity.¹⁵¹ This material prosperity is often perceived as evidence of a spiritual legitimation by the Nnobi deity, Idemili.¹⁵² The *Ekwe* title has the parallel of the *Ada Mazi* and the *Iyamba* titles indigenous to Arochukwu.

Ayeni discusses woman-woman marriage, illustrating with the Nrachi practice, in the context of male-perpetuation.¹⁵³ Ayeni describes the Nrachi practice as an elaborate set of rites that women have to undergo in order to socially transition from female to male for the purpose of intergenerational and intergender property succession in cases where a man dies and is survived by female but no male children.¹⁵⁴ Following this, Ayeni suggests that woman-woman marriage was used as a diversion from these elaborate rituals and to avail more options as regards procreation and intestate succession or customary succession.¹⁵⁵

It is important to clarify here that although *Ekwe* and Nrachi both contend masculine identities and husband rights, the *Ekwe* woman's taking a wife and the nrachi's woman taking a wife present two divergent routes of acquiring masculinity and husband rights. While the *Ekwe* woman does so for herself and her name, the Nrachi woman does so in proxy for the deceased male in the family.¹⁵⁶ It is tempting to argue that the *Ekwe*

¹⁵⁰ I Amadiume 'Women, wealth, titles and power' in I Amadiume (n 147) 42; JM Carrier & SO Murry 'Woman-woman marriage in Africa' in Murray and Roscoe (n 73) 255.

¹⁵¹ I Amadiume 'Theorising matriarchy in Africa: kinship ideologies and system in Africa and Europe' in O Oyewumi (ed) *African gender studies: a reader* (2005) 95.

¹⁵² As above

¹⁵³ VO Ayeni 'Human rights and the criminalization of same-sex relations in Nigeria: a critique of the Same-Sex Marriage (Prohibition) Act' in Namwase & Jjuuko (n 5) 209.

¹⁵⁴ As above.

¹⁵⁵ Ayeni (n 153) 203.

¹⁵⁶ Ayeni (n 153) 211; WN Eskridge 'A history of same-sex marriage' (1993) 79 *Virginia Law Review* 1420.

title is politically, culturally and socially superior to the Nrachi, but looking from within the Igbo community, both practices are on the same level as regards fortifying the Igbo woman with more agency and autonomy than is ordinarily obtainable in an Igbo society.

Spiritual legitimation, material prosperity and political recognition within a community, in some Igbo communities, can confer on a woman 'husband rights' or masculinity.¹⁵⁷ Masculinity is synonymous with power. As much as a person acquired power, that person would also acquire masculinity.¹⁵⁸ These husband rights or masculinity as conferred on a woman may include: passing on her name to the children of her female wives; playing traditionally male roles at cultural events and receiving special handshakes and greetings traditionally reserved for men.¹⁵⁹

Among some Igbos, flexibility in gender roles is nurtured, particularly from female to male often demonstrated through aspiring to power, spiritual legitimation and perpetuation of ancestral lineage.¹⁶⁰ Although this cross-over in gender roles, which is perceived as aspiring to a higher political cadre is applauded and even rewarded, it is occasionally considered threatening.

A Nollywood movie titled *Aguba* portrays a character from pre-colonial Igbo land who had enjoyed the attributes of masculinity both as a 'female-husband' to many wives, and a person with wealth, large expanses of land and other 'manly' accomplishments, she was portrayed as hostile and dangerous.¹⁶¹ The literary works of Flora Nwapa such as *Efuru*, also captures these female Igbo characters, the author being one too, who enjoy, owing to their accomplishments, personalities and on some level spiritual legitimation, the proverbial chiefs' handshake, live like accomplished men and 'break the rules'.¹⁶² Other studies have shown that this practice of woman-woman occurs

¹⁵⁷ Amadiume (n 147) 42.

¹⁵⁸ Murray & Roscoe (n 73) 257.

¹⁵⁹ Adichie (n 145).

¹⁶⁰ Nzegwu (n 149) 11, 12.

¹⁶¹ <https://www.youtube.com/watch?v=UYWapffFA1c> (accessed 6 January 2020).

¹⁶² Nzegwu (n 149) 8, 11; DN Ikpo 'Flora Nwapa: finding the erased naughty girl within the African human rights system' <http://nnannaikpo.blogspot.com/2019/09/finding-erased-naughty-girl-within.html> (accessed 6 January 2020); O Nwelu 'The house of Nwapa' https://www.youtube.com/watch?v=3ZT5_YeTPos (accessed 6 January 2020); CN Adichie 'Adichie, Anambra and the core of Igbo society'

among several other African nations.¹⁶³ However, in recent times the Nigerian courts have severally held that ‘the essential requirements for a valid marriage is that it must be a union of a man and a woman’ and that the culture of woman-woman marriage is repugnant to ‘the governing law of any decent society’.¹⁶⁴

While the cross-over in gender roles from female to male in Igbo land usually occasions economic and political implications, the cross-over from male to female usually has been in the sphere of cultural productions. Some public figures from within the Igbo people have, through their career trajectories, been demonstrative of this. The 1970s Igbo musical performer named Area Scatter, spoke of being transformed into a woman and gifted with music by the gods. Area Scatter always wore the full traditional garb of an Igbo woman as well as moved around and performed with a thumb piano.¹⁶⁵

In more contemporary times the social media personality Kenzy Udosen and Steve Chuks who are male presenting in their everyday lives go by the pseudonym Madam Theresa Omemgboji/Nwanyi Abagana (the woman from Abagana) and Madam Gold respectively when they perform their comedy skits.¹⁶⁶ In online videos titled Ndumodu series, Nwanyi Abagana would appear in Igbo women’s clothing tackling one social issue or the other in a mixture of Igbo and English language with a dash of bluntness, wit and sarcasm while doing some chores.¹⁶⁷ Zicsaloma and Paul Scata also are performers who are born male but take on female persona when they perform, similar to Steve Chuks who has multiple female personas such as Madam Gold and Udodi, Zic Saloma’s female personas include Mama-Amazing Grace, Sister Ekwi and

<https://nollyculture.blogspot.com/2018/02/adichie-anambra-and-core-of-igbo-society.html> (accessed 6 January 2020); B Emecheta ‘Nwanyi oma, biko nodunma’ in M Umeh (ed) *Emerging perspectives on Flora Nwapa* (1998)

¹⁶³ Adichie (n 128); JM Carrier and SO Murry ‘Woman-woman marriage in Africa’ in Murray & Roscoe (n 73) 255.

¹⁶⁴ *Meribe v Egwu* (1979) 34 SC 23; *Helina Odigie v Tyere Atika*, High Court of Bendel State of Nigeria, Ubiaga Judicial division suit u/24a/79 (unreported); *Okonkwo v Okagbue* (1994) 9NWLR 301 (Supreme Court of Nigeria) cases cited in Ayeni (n 153) 211.

¹⁶⁵ ‘Area scatter’ <https://www.youtube.com/watch?v=X8DYIDQh20Q> (accessed 10 January 2020); ‘The curious case of area scatter’ <http://thewistfulnigerian.blogspot.com/2016/03/the-curious-case-of-area-scatter.html> (accessed 10 January 2020); ‘Cross-dressing with Area Scatter’ <https://likembe.blogspot.com/2007/08/cross-dressing-fun-with-area-scatter.html> (accessed 10 January 2020).

¹⁶⁶ <https://www.instagram.com/kenzy.udosen/?hl=en> (accessed 20 April 2020).

¹⁶⁷ <https://www.instagram.com/kenzy.udosen/?hl=en> (accessed 20 April 2020).

Angelica.¹⁶⁸ Paul Scata takes on the persona of Breastilola.¹⁶⁹ With the wide reach of social media, personas like Nwanyi Abagana, Madam Gold, Mama-Amazing Grace and Paul Scata are quite commonplace in Nigeria.

However, the existence of transgressive gender expressions and the conference of masculine gender identities on certain women, as has been discussed above, is indicative of the pre-existence of a local dominant order which in some cases indigenously prescribed routes for gender-fluid persons. The nature of this dominant order was and is prevalently heteronormative. Although indigenous queerness in Igbo culture are instances of customarily included non-heteronormativity, their uniqueness is illustrative of the prevalence of a heteronormative order which also set the limits of these instances of unique cross overs.

Illustrative of the local heteronormative order's power to set limits on unique gender expressions in the Igbo culture was the incident of Ahebi Ugbabe, 'the only female warrant chief in colonial Nigeria'.¹⁷⁰ Ahebi's British sanctioned leadership of Enugu-Ezike was an aberration to the predominantly male leadership of Enugu-Ezike. Her leadership was perceived as metaphorically usurping masculine Igbo identity.¹⁷¹ However, when her actions were perceived as literally excessively eroding the masculine premise by creating her own masquerade, Ekpe-Ahebi, to march alongside other male masquerades, she was chastised and stripped of her leadership by the dominant heterosexual order, embodied by the Apeh Azegba and his council of male elders of Enugu-Ezike.¹⁷² And although her leadership was a colonially conferred one, the colonial government and the courts were complicit with male elders and her community in her being chastised.¹⁷³ The Nigerian movie *Aguba* may have been loosely based on Ahebi's history.¹⁷⁴

¹⁶⁸ <https://www.youtube.com/watch?v=ZC4xsafGZZI> (accessed 20 August 2021).

¹⁶⁹ <https://www.youtube.com/watch?v=BYkmQIHfcmM> (accessed 20 August 2021).

¹⁷⁰ N Achebe *The female king of colonial Nigeria: ahebi ugbabe* (2011) 2.

¹⁷¹ Achebe (n 170) 172.

¹⁷² Achebe (n 170) 183.

¹⁷³ Achebe (n 170) 184.

¹⁷⁴ Numberone Film House 'Aguba – a Nigerian movie' <https://www.youtube.com/watch?v=Ncil6N2Yfig> (accessed 27 August 2022).

2.2.2 Queerness in the Hausa nation of Nigeria

There are incidences of queerness in the culture of the Hausa nation. This section discusses queerness in the Hausa nation by briefly introducing the Hausa nation and addressing queer sexuality and queer gender identities and expressions in the Hausa nation.

About the Hausa nation of Nigeria

The Hausa nation is the largest nation in all of West Africa.¹⁷⁵ The Hausa nation spans across Nigeria, Togo, Chad, Burkina Faso, Cameroon, Ghana and Ivory Coast.¹⁷⁶ It has been argued that 30 per cent of the Hausa nation can be found in the North and North West regions of Nigeria.¹⁷⁷ The Hausa nation in Nigeria includes another large group of people, the Fulani.¹⁷⁸ The Hausa-Fulani people are estimated to make up about 29 per cent of the Nigerian population.¹⁷⁹ The Hausa culture in Nigeria is deeply intertwined with the Islamic faith.¹⁸⁰ The Hausa people speak the Hausa language. Hausa has deep Arabic influences in both how it is written and how it is spoken.¹⁸¹ The Hausas are known for their leather craft, artistic nature, agriculture, cattle rearing and attracting long-distance trade across the Sahara Desert.¹⁸² As opposed to the Igbos who travel the world, the world travels to the Hausas.

The North and North-West of Nigeria where the Hausas are primarily located are places of international interest as regards Trans-Sahara trade as well as a commercial hub and a lucrative context for the hospitality industry. It is through this trade, as far back as the ninth century, that Islam came into what is now known as Northern Nigerian.¹⁸³

¹⁷⁵ Afric Network 'Hausa ethnic group- Nigeria, West Africa' <https://www.youtube.com/watch?v=GI0esHEZOWs> (accessed 6 January 2020)

¹⁷⁶ 'Hausa in Nigeria' https://ioshuaproject.net/people_groups/12070/NI (accessed 6 January 2020).

¹⁷⁷ As above.

¹⁷⁸ 'Hausa People' <https://www.britannica.com/topic/Hausa> (accessed 6 January 2020).

¹⁷⁹ The Religious Literacy Project, Harvard Divinity School 'Hausa-Fulani' <https://rlp.hds.harvard.edu/faq/hausa-fulani> (accessed 6 January 2020).

¹⁸⁰ 'Hausa and Fulani people' <https://www.cometonigeria.com/about-nigeria/nigerian-people-culture/hausa-and-fulani-people/> (accessed 6 January 2020); RP Gaudio *Allah made us: sexual outlaws in an Islamic African city* (2009) 11.

¹⁸¹ 'Hausa' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Hausa.html> (accessed 6 January 2020).

¹⁸² 'Hausa' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Hausa.html> (accessed 6 January 2020).

¹⁸³ CM Timothy Njoku 'Christians and muslims in Nigeria' (1995) 39(3) *Vincentiana* 5; J Kenny 'Sharia and Christianity in Nigeria: Islam and a 'secular' state in Nigeria' (1996) 26(4) *Journal of Religion in Africa* 338.

The Hausa nation of Nigeria is a part of Nigeria rich with elements of queerness. In discussing queerness within the Hausa nation of Nigeria this study engages with some anthropological and anecdotal material.

Queer sexualities in the Hausa nation of Nigeria

Queer sexual relations thrive among the Hausas, although still veiled by silence and shrouded under clandestine scripts.¹⁸⁴ *Kifi* (literally translated as 'fish') is a metaphor for same-sex intercourse between feminine men, which is considered as woman-woman sexual intercourse.¹⁸⁵ There is also the relationship between *k'wazo* and *baja*. The *k'wazo* and the *baja* are generally non-feminine men who indulge in same-sex relations along the intergenerational and inter-class spectra.¹⁸⁶ While the *k'wazo* are older and generally wealthier, the *baja* are generally younger and financially dependent.¹⁸⁷ 'K'wazo' in Hausa translates to intelligence, smartness, hard work, prosperity, and rising. 'Baja' translates to consent, submission, agreeability, and falling.

The categories of *k'wazo* and *baja* are discussed implicitly by Ayeni in his highlighting the 2005 cases of a 35 year old man convicted for having intercourse with a seven year old boy, and that of 58 year old man convicted for intercourse with a twelve year old boy.¹⁸⁸ This research decries the cases discussed by Ayeni as illustrations of queerness but as cases of sexual violence on the male children which do not fall within the scope of consensual same-sex relations owing to the ages of the younger male persons. But then Ayeni's logic in concluding that because these cases involve inter-generational same-sex activity in Northern Nigeria, they automatically fall under the *k'wazo* and *baja* relations is problematic.

¹⁸⁴ Gaudio (n 74) 2.

¹⁸⁵ Murray & Roscoe (n 73) 97.

¹⁸⁶ As above.

¹⁸⁷ As above.

¹⁸⁸ Ayeni (n 153) 214; ON Ogbu *Human rights law and practice in Nigeria* (2013)186; ON Ogbu 'Punishment in Islamic criminal law as antithetical to human dignity: The Nigerian experience' (2005) 9 *International Journal of Human Rights* 186.

In defence of consensual same-sex relations as not being predatory, this research argues that Ayeni's evidence is not an accurate demonstration of the *k'wazo* and *baja* relations and that in fact there is no empirical study to show that the cases discussed were really instances of the *k'wazo* and *baja* relations. This research also concedes that there are complexities in power dynamics in same-sex relations when class and age disparities are involved which opens it up to criticisms.

With the great deal of trans-Sahara business interests in the Northern parts of Nigeria comes much travel and interaction among people, culture and the need for the hospitality industry.¹⁸⁹ Located within the active business sectors of Northern Nigeria are some of the most exquisite queer hosts in Nigeria known as the '*yan daudu*'.¹⁹⁰ The anecdote below is Gaudio's description of a *dan daudu* (singular for '*yan daudu*') from his field work in Kano:¹⁹¹

In Sabon Gari, Kano, Nigeria, people knew they could count on finding Alhajia Asabe in his room because as a self-described *karuwa*, or 'prostitute', he woke up late most mornings and stayed close to home during the day. Most evenings, he spent at a nearby nightclub where a modestly upscale, male clientele came to listen to live performances of Hausa and Arab music, to drink beer or non-alcoholic alternative, and to socialize women and '*yan daudu* feminine men like Alhajia Asabe, who served as the club's unofficial hosts ... Alhajia Asabe was a very devout Muslim ... His being Muslim was hardly something most people would characterise as being Islamically devout ... Alhajia Asabe argued that Muslims do *Harka* ('the deed' same-sex intercourse between men) too. They do them more than anyone.

The sexual orientation of the '*yan daudu*' has always been in contention. It was reported that some '*yan daudu*' practice same-sex intercourse with other men referred to *yan-aras*.¹⁹² Still not all '*yan daudu*' fall within this category of being sexually active with person of the same sex.¹⁹³ There is yet to be as much attention to the *k'wazo* and *baja* as there is to the '*yan daudu*'. We are yet to engage with and understand how it

¹⁸⁹ Gaudio (n 74) 34.

¹⁹⁰ Gaudio (n 74) 4.

¹⁹¹ Gaudio (n 74) 2.

¹⁹² Gaudio (n 74) 75.

¹⁹³ <https://patrickchapuis.photoshelter.com/image/I0000chHcRCDoQg8> (accessed 6 January 2020).

works in practice as narrated within the context of empirical study. Yet there are hints and there are possibilities, many possibilities.

Queer gender identities and expressions in the Hausa nation of Nigeria

The 'yan daudu features in queer gender identities and expressions as well because it is visibly prominent as a transgressive yet integral gender path in some parts of Northern Nigeria. Persons who are 'yan daudu are born male but take on the female persona in varying degrees including names, fashion or trade or some or all three.¹⁹⁴ Some 'yan daudu live in brothels, engage in sex work, as well as serve as intermediaries between female sex workers and their male clients.¹⁹⁵

There is the argument that 'yan daudu were integral to the Bori cult of spirit possession in Hausa land.¹⁹⁶ The Bori cult is a group devoted to the traditional Hausa spirituality prevalent in precolonial times and still in existence.¹⁹⁷ The Bori cult served as 'a cure, cultural performance, tradition and resistance movement' in Hausa land.¹⁹⁸ A study that Besmer conducted in the early 1970s discusses the political, spiritual and social safe haven that platforms such as the Bori cult provided for sex-workers, male homosexuals and persons perceived to have embodied cosmic forces.¹⁹⁹

In addition to being a sanctuary for 'yan daudu, the Bori cult is also a symbolic group that still carries the pre-Islam and pre-colonial notion of the dignity of women and other minorities.²⁰⁰ There is prevalent practice of subordinating women within the context of

¹⁹⁴ Matan Arewarmu Tv 'Yan daudu da sani sk (Musha dariya) video 2019' <https://www.youtube.com/watch?v=KHSzTnNMDxo> (accessed 6 January 2020); Waterspider2 'Yadda yan daudu suke zuwa kwartanci' <https://www.youtube.com/watch?v=wrDaz0WL6qU> (accessed 6 January 2020).

¹⁹⁵ Gaudio (n 76) 2, 41, 61; Murray & Roscoe (n 75) 95; MF Smith *Baba of Karo: a woman of the Muslim Hausa* (1981) iii.

¹⁹⁶ Gaudio (n 74) 17; Murray & Roscoe (n 73) 94.

¹⁹⁷ FA 'Hausa concepts of masculinity and the 'yan dauda' (2007) *Journal of men, masculinities and spirituality* 48.

¹⁹⁸ M Sinikangas 'Yan daudu: a study of transgendering men in Hausa land west Africa' https://www-jstor-org.uplib.idm.oclc.org/stable/pdf/20459161.pdf?ab_segments=0%252Fbasic_SYC-4946%252Fcontrol&refreqid=excelsior%3A19648a5522be40884181b6c9dc51d3a8 (accessed 6 January 2020); Corner & Sparks (n 123) 38.

¹⁹⁹ Gaudio (n 74) 32, 41; F Besmer *Horses, musicians and gods: the Hausa cult of possession-trance* (1983) 47, 122,123; MF Smith *Baba of Karo: a woman of the Muslim Hausa* (1981) 64-65.

²⁰⁰ FA Salamone 'Hausa concepts of masculinity and the 'yan dauda' (2007) *Journal of Men, Masculinities and Spirituality* 49.

Islam and now Islam guided Hausa culture.²⁰¹ In the Bori cult, women, unlike other Hausa spaces in Hausa land, have risen to be leaders.²⁰² The Bori cult has also been argued to be a respite from the stringent didactics of Islam.²⁰³ More notably some ‘*yan daudu*’ are members of the Bori cult. Murray and Roscoe argue that some of them are ‘gender marked homosexual men’.²⁰⁴ In the Bori cult, members who were possessed by spirits were said to have been ridden by the possessing spirits.²⁰⁵ ‘*Yan daudu*’ in this cult were observed to have embodied a certain force known as ‘Dan Galadima’, loosely translated as ‘The Prince’.²⁰⁶

Gaudio’s book titled *Allah made us: sexual outlaws in an Islamic African city* addresses the nature and lived realities of the ‘*yan daudu*’.²⁰⁷ Some of Gaudio’s research participants who are ‘*yan daudu*’, set up, worked in and successfully sustained roadside restaurants in busy parks.²⁰⁸ Some of the ‘*yan daudu*’ formed informal circles which served platforms for semi-formal mentorships for younger ‘*yan daudu*’ as well as laid down the early un-official foundations for queer organising in Northern Nigeria.

It is important to note that the ‘*yan daudu*’ do not erase their masculinity or ‘muslimness’ by simply taking on femininity. Their masculinity is retained and the general expectations of every male bound by the Hausa culture and Islam are also ascribed to the ‘*yan daudu*’.²⁰⁹ These include providing for their families, eventual financial independence, heterosexual marriages and procreation.²¹⁰ Some ‘*yan daudu*’ stop being ‘*yan daudu*’ at some point in order to pursue other normative roles.

²⁰¹ DO Ogunbile ‘Women and leadership in Nigerian Islam: The experience of Alhaja Sheidat Mujidat Adeoye of Osogbo’ in O Oyewumi (ed) *Gender epistemologies in Africa: gendering traditions, spaces, social institutions and identities* (2011) 85.

²⁰² FA Salamone ‘Hausa concepts of masculinity and the ‘*yan dauda*’ (2007) *Journal of Men, Masculinities and Spirituality* 49.

²⁰³ Salamone (n 178) 50.

²⁰⁴ Murray and Roscoe (n 73) 94.

²⁰⁵ As above

²⁰⁶ Gaudio (n 74) 34.

²⁰⁷ Gaudio (n 74) 61.

²⁰⁸ Gaudio (n 74) 93.

²⁰⁹ Gaudio (n 74) 2.

²¹⁰ Gaudio (n 74) 10.

Asides the spiritual and sexual elements of the 'yan daudu identity, for some persons, 'yan daudu gender expression is simply a secular role with economic advantages.²¹¹ In order words, part of its allure is its lucrative potential. So, it is not out of the ordinary for 'yan dauda to be neither part of the Bori cult nor indulge in same-sex relations. There is no single way of being 'yan daudu.²¹² Although the extent of social acceptance has varied through time and place, now less with the popularity of Sharia law.²¹³

2.2.3 Queerness in the Yoruba nation of Nigeria

This section discusses some of the points in which culture within Yoruba nation intersects with queerness. This discussion on queerness in the Yoruba nation begins with an introduction of the Yoruba nation, delves into queer sexualities in the Yoruba nation and then into queer gender expressions and identities within the Yoruba nation of Nigeria.

About the Yoruba nation of Nigeria

The Yoruba nation is one of the three largest nations within Nigeria.²¹⁴ The Yorubas make up approximately 35 per cent of the Nigerian population.²¹⁵ The Yorubas are a combination of diverse groups bound together by language, ancestry, history and culture.²¹⁶ Like the culture of other Nigerian nations, Yoruba culture is steeped in folklore, spirituality, craft, oral tradition and deep cognizance for ancestral norms.²¹⁷ The Yorubas occupy mostly the South and South West of Nigeria.²¹⁸

The culture of the Yoruba nation is deeply spiritual and its spirituality has persevered through time. The Yoruba culture has interacted with other cultures to form some Afro-diasporic religions prevalent in the Americas. This faith may be referred to as Ifa and

²¹¹ Murray & Roscoe (n 73) 95.

²¹² Gaudio (n 74) 86.

²¹³ Gaudio (n 74) 16.

²¹⁴ 'Yoruba people' <https://www.britannica.com/topic/Yoruba> (accessed 6 January 2020).

²¹⁵ 'Yoruba people' <https://www.cometonigeria.com/about-nigeria/nigerian-people-culture/yoruba-people/> (accessed 6 January 2020).

²¹⁶ 'Yoruba' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Yoruba.html> (accessed 6 January 2020).

²¹⁷ SP Blier 'Religion and art in Ile-ife' in EK Bongruba (ed) *The Wiley Blackwell companion to African religions* (2012) 402, 404, 405; JA Draper & K Mtata 'Orality, literature and African religions' in SP Blier 'Religion and art in Ile-ife' in EK Bongruba (ed) *The Wiley Blackwell companion to African religions* (2012) 97, 98.

²¹⁸ Yoruba' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Yoruba.html> (accessed 6 January 2020).

the deities are referred to as orisha. The Ifa faith is practised both in Nigeria while variations of it are practised in the Americas as Yoruba derived faiths. These Yoruba-derived faiths include Lucumi/Santeria, Regla de Ocha (which started in Cuba) and Candomblé (which started in Brazil).²¹⁹

Other Yoruba groups on the African continent are spread across Benin, Ghana and Togo.²²⁰ These areas where the Yorubas occupied were referred to as the Slave Coast in the four centuries of slave trade.²²¹ Quite similar to the Igbos, the Yorubas were a substantial portion of the slaves in the trans-Atlantic slave trade and they moved with their culture, spirituality, sexual and gender complexities.²²² Yoruba culture, and spirituality now has its roots sunk deeply in Afro-Brazilian culture such that orisha worship thrives within communities which are neither Yoruba linguistically nor ethnically.²²³

Queer sexualities in the Yoruba nation of Nigeria

Yoruba-derived faiths and engagements have seen deities and devotees with gender expressions, sexual orientation and practices that have challenged western heteronormative gender and sexual binaries.²²⁴ Among these Yoruba deities, there is often neither gender binaries nor gender rules.²²⁵ The Ifa faith has priests/priestesses. The connection shared by the deities, the priests/priestesses and initiates has been likened to a marriage in which priests and devotees are consorts/spouses of the deities.²²⁶ In some cases, deities that are considered male have human male consorts in priests and initiates.²²⁷

²¹⁹ Corner & Sparks (n 140) 20.

²²⁰ 'Yoruba' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Yoruba.html> (accessed 6 January 2020); 'Yoruba people' <https://www.cometonigeria.com/about-nigeria/nigerian-people-culture/yoruba-people/> (accessed 6 January 2020).

²²¹ 'Yoruba' <https://www.everyculture.com/wc/Mauritania-to-Nigeria/Yoruba.html> (accessed 6 January 2020).

²²² NS Booth 'God and gods in west Africa' in NS Booth (ed) *African religions: a symposium* (1977) 159; L Barrett 'African religion in the Americas: the islands in between' in NS Booth (ed) *African religions: a symposium* (1977) 184.

²²³ FG Sturm 'Afro-Brazilian cults' in Booth (n 199) 219, 223.

²²⁴ Corner & Sparks (n 140) 22, 55, 65.

²²⁵ Corner & Sparks (n 140) 66, 67, 70.

²²⁶ Corner & Sparks (n 140) 22, 24.

²²⁷ Murray & Roscoe (n 73) 100.

In Yoruba-diasporic faiths, some of the orishas are associated with sexual and gender fluidity and provide a grounding for queerness in the realms of faith.²²⁸ Yet, queerness and its grounding within the Ifa faith(s) have remained a subject of debate with no universally accepted position. An Ifa Priest, Chief Adedoja Aluko, the head of the Ile-Orunmila temple in Miami, argued that same-sex relationships existed but did not compete with the individual's customary obligation to enter formal heterosexual marriages for the purposes of procreation.²²⁹ The subject of queerness within the Ifa faith, in some circles, are met with silence and non-acknowledgement.

Some of the orishas are portrayed and discussed while affirming elements of their queerness.²³⁰ Ochossi, the 'manly' hunter orisha, is 'lonely, mysterious, discreet, introverted, extremely sensitive and romantic'.²³¹ Osanyin, the owner of the forest and the healer orisha, who is usually associated with Catholic Church's St. Joseph, is narrated in a Yoruba folklore as mistaking Ochossi for a woman and having sexual intercourse with Ochossi.²³² Osanyin's figurine is usually cast with fluid sex characteristics, protruding breasts and penis shroud with leaves.²³³

Of particular note is Obatala, the giver and peacemaker orisha, usually cast with long flowing white hair and robes. Obatala is understood as having both male and female components and would split into these entities to reproduce.²³⁴ Obatala is argued to be the original androgyne with the title Odduaremu or Yeku-Yeku.²³⁵ The famous super-masculine orisha Shango, who has been argued as intolerant of queerness, is also understood as manifesting as a sensuous female warrior wielding his axe. 'In Brazil, the double axe of Shango, a symbol resonating with amazons of lesbian feminism, has become a symbol of the struggle for liberation among black homosexuals.'²³⁶ Of particular importance too is Yemoya, the woman warrior orisha often linked with transgender men, bisexuals and lesbian women. Yemoya is often

²²⁸ Corner & Sparks (n 140) 65,89.

²²⁹ Corner & Sparks (n 140) 27.

²³⁰ Corner & Sparks (n 140) 102.

²³¹ Corner & Sparks (n 140) 66.

²³² Corner & Sparks (n 140) 67.

²³³ As above.

²³⁴ As above.

²³⁵ As above.

²³⁶ Corner & Sparks (n 140) 71.

cast as falling in love with same-sex loving men.²³⁷ Yemoya is also cast as the protector of same-sex loving men.²³⁸

Some of the queer elements of the Ifa faith have been deliberately erased or redefined by exclusionary nationalist discourse in academia.²³⁹ One of these elements is the person of the adé priest. Lande writes that historically the adé priest has been characterised as being the inconsequential effeminate and passive homosexual priests of Orisha.²⁴⁰ In one of the Ifa faiths in Brazil named Candomblé, reaching back to 19th century Christian repression of slaves, male devotees are reported to be divided into camps based on their sexual preferences.²⁴¹ One of these camps is the adé camp.

The adé camp is for males 'who desire what heterosexual women desire regardless of whether he behaves in a traditionally masculine or gender diverse manner'.²⁴² The status and spiritual role of the adé are expressed descriptively in the word 'elegun' (translates to 'the mounted one').²⁴³ 'Elegun' is derived from the Yoruba word 'gun' (pronounced 'goon') which means 'what a rider does to a horse ... what a brutal man does sexually to his female partner ... what a god does to his possession priest'.²⁴⁴ Men in the adé camp perform sacred spiritual rites, guarded by their Orisha devotion and their humanity legitimated by both culture and faith. The sexuality of adé is open to both infinite possibilities and debate.²⁴⁵ Based on his field visit to the Oyo-Yoruba region of Nigeria in 1980, Matory revealed that the adé as a male priest in the orisha faith is normal, accepted and revered by orisha devotees in Nigeria.²⁴⁶

The issue of whether or not Yoruba culture, faith or derived practices make room for queerness is a contentious terrain spotting the notable exchange between Matory and

²³⁷ Corner & Sparks (n 140) 67.

²³⁸ Corner & Sparks (n 140) 265.

²³⁹ JL Matory 'Gendered agendas: the secret scholars keep about Yoruba Atlantic region (2003) 15(3) *Gender and History* 409.

²⁴⁰ R Lande *City of women* (1947) 37.

²⁴¹ PC John *The transformation of Brazilian candomblé: secrets, gossips and gods* (2002) 41; Corner & Sparks (n 140) 101.

²⁴² Corner & Sparks (n 140) 101.

²⁴³ Matory (n 239) 422.

²⁴⁴ As above.

²⁴⁵ Murray & Roscoe (n 73) 99.

²⁴⁶ Matory (n 239) 411.

Oyewumi. Oyewumi makes the case that spiritual relationships in Yoruba culture are neither sexual nor gender-based but hierarchical.²⁴⁷ Matory says that while the persona of the adé priest is threatening to the widely-protected heteronormative image of the Yoruba nationalist discourse, the adé priest is a reality.²⁴⁸

Oyewumi makes the argument that homosexuality is alien to Yoruba culture.²⁴⁹ Rejections of queer identity in Yoruba faith includes the African-American head of the Ile-Orunmila Temple in Florida, Chief Adedoja Aluko, who expressed the view that 'there were no homosexuals in Africa'.²⁵⁰ Chief Aluko also mentioned that relationships and marriages in Africa were sustained not on sexual pleasure but for communal interest and procreation.²⁵¹ Matory is not conclusive that the adé is homosexual because based on his study and interaction none of the adés he spoke to addressed homosexuality or their involvement in it.²⁵² However, Matory reports that his acquaintance, a Yoruba historian from Oyo, Nigeria and from a family of adés, privately shared that on two separate incidents, in 1968 and 1973, he had witnessed 'a possessed male Sango priest anally penetrating unpossessed male priests in an Oyo shrine'.²⁵³ This acquaintance did not confirm the universality of this practice but made good to state that 'male-male sexual conduct among New World priests was a continuation rather than a mere interpretation of West African religious tradition'.²⁵⁴

Matory reports that Oyewumi views all exceptions to her theory on Yoruba custom as western and a misrepresentation of literature on Yoruba custom.²⁵⁵ Matory further argues that 'Oyewumi's attention to linguistic and ethnographic evidence is selective to the point of misrepresenting Yoruba cultural history'.²⁵⁶ Engaging with Oyewumi's argument on the consequent irrelevance of sex and gender in Yoruba culture, Corner

²⁴⁷ O Oyewumi 'Making history creating gender: the invention of men and kings in the writing of oral tradition' in O Oyewumi *The invention of women: making an African sense of western gender discourses* (1997) 115, 117.

²⁴⁸ Matory (n 216) 417.

²⁴⁹ Corner & Sparks (n 140) 22.

²⁵⁰ Corner & Sparks (n 140) 26.

²⁵¹ Corner & Sparks (n 140) 26.

²⁵² Matory (n 239) 423.

²⁵³ Matory (n 239) 424; M Epprecht "'Bisexuality" and the politics of normal in Africa' (2006) 48(2) *Anthropologica* 195.

²⁵⁴ Matory (n 239) 424.

²⁵⁵ Matory (n 239) 425.

²⁵⁶ As above.

and Parks ask the rhetorical question why the society generally places so much emphasis on reproduction fertility, pregnancy and child bearing in numerous other cultures.²⁵⁷

Heterosexual marriages existed and were sustained in Yoruba culture to preserve communal interest. However, this heterosexual predominance does not erase the possibility of same-sex sexual interest and exploration.²⁵⁸ Corner and Sparks relay a certain practice as narrated to them by an orisha priest in Ile-Ife of present-day Osun State in Nigeria:²⁵⁹

There is a certain time of the year that people in the village get to do whatever they want, it doesn't matter. Their wildest fantasy. They can sleep with whoever they want. When that day is done, no one talks about it. There is nothing to talk about, it just is.

The excerpt above does not directly demonstrate that there is an express license for same-sex relations in Yoruba land, but to completely rule out the possibility of incidents of same-sex exploration during this time would be naïve.²⁶⁰ Same-sex sexual interests were not an issue in the way that issues matter and are deliberated on.²⁶¹

Silence as regards the existence of same-sex relations did not and does not erase the practice of it. Even the further silencing by colonial, religious and nationalist, and often hostile discourses on the normativity of heterosexuality and patriarchy do not negate the possibility of same-sex relations.²⁶² Matory writes that, as it was common for Orisha priests to be in heterosexual polygamous unions and bear numerous children, it was not commonplace to question their sexuality.²⁶³ Same-sex sexual activities, or any sexual activities at all, were not and are not commonly brought to public glare.²⁶⁴ Nonetheless, Gaudio mentions in a 1997 communication that he knew of informal

²⁵⁷ Corner & Sparks (n 140) 26.

²⁵⁸ Corner & Sparks (n 140) 27.

²⁵⁹ Corner & Sparks (n 140) 28.

²⁶⁰ As above.

²⁶¹ Corner & Sparks (n 140) 27.

²⁶² As above.

²⁶³ Murray & Roscoe (n 73) 99.

²⁶⁴ Murray & Roscoe (n 73) 100.

circles of Yoruba gay men who threw private gay parties in Lagos.²⁶⁵ Yet in 2004, President Obasanjo, during a meeting with African Bishops, denied the existence of homosexuality as inherent in the Nigerian sociocultural sphere and further stating that homosexual practices were un-African, unnatural and un-biblical.²⁶⁶ President Obasanjo's statement is illustrative of the wide erasure and exclusion that queerness and queer persons suffer owing to homegrown hegemonic norms and cultural practices.

Queer gender identities and expressions in the Yoruba nation of Nigeria

Gender and sex characteristics as a scale on which to peg and regulate social, cultural and political positioning in the society is more of a colonial imposition than it is historically Yoruba.²⁶⁷ The Yoruba nation was indigenously a genderless society. In the place that gender now occupies was social role and age.²⁶⁸ Consequently, categories such as 'female, male, masculine, androgynous, transsexual, heterosexual, homosexual, bisexual', even when they have Yoruba translations were colonially imposed.²⁶⁹ Oyewumi illustrates further with the analysis of the Esie figurines made of soapstone dated to the twelfth and fourteenth century, discovered in Esie of Igbomina town in Kwara State.²⁷⁰ The actual origins of the Esie figurines are yet to be specified. Oyewumi refers to the Esie figurines, some of which are carrying daggers, bows and quivers, as a demonstration of 'Oyo-Yoruba conception of being and existence as determined by lineage membership and social roles which are not defined by gender'.²⁷¹

Corner and Sparks research shows that Yoruba culture from the old Oyo may have been quite inclusive of the gender and sexual fluidity of its priests and practitioners from before it crossed the Atlantic to the new world at the end of the nineteenth

²⁶⁵ As above.

²⁶⁶ Human Rights Watch 'This alien legacy: the origins of 'sodomy' laws in British colonization' (2008) 10.

²⁶⁷ Oyewumi (n 151) iii; O Oyewumi 'Visualising the body: western theories and African subjects' in Oyewumi (n 151) 15; O Oyewumi '(Re)constitution the cosmology and sociocultural institutions of Oyo Yoruba: articulating the Yoruba world-sense' in Oyewumi (n 151) 99; Corner & Sparks (n 140) 25.

²⁶⁸ O Oyewumi '(Re)constitution the cosmology and sociocultural institutions of Oyo Yoruba: articulating the Yoruba world-sense' in Oyewumi (n 151) 99; O Oyewumi 'Decolonising the intellectual and the quotidian Yoruba scholars(hip) and male dominance' in Oyewumi (n 178) 11.

²⁶⁹ Oyewumi (n 268) 9; Corner & Sparks (n 123) 25.

²⁷⁰ Oyewumi (n 247) 112; SP Blier 'Religion and art in Ife' in Booth (n 199) 401, 404, 405.

²⁷¹ Oyewumi (n 247) 113.

century.²⁷² In the new world Yoruba culture and faith interacted with other faiths and practitioners. With meeting the more dominant Catholicism and Spanish cultural norms, gender fluidity and sexual fluidity began to attract rising hostility within the Yoruba community.²⁷³

From his 1960 field study of Esau devotees in Ibadan and Lagos, Ogundipe observes that the orisha Esau is perceived as 'at once both male and female' and lends itself to the description of androgynous.²⁷⁴ In sharp contrast with Ogundipe, Oyewumi insists that these gender categories do not authentically apply to the orisha and would be disrespectful to immerse the Yoruba culture in colonial influence.²⁷⁵ In this light, Oyewumi criticises the recognition of the Indian third gender, the Hijras, as colonially imposed as well, because the idea of gender is colonially imposed.²⁷⁶

The contention surrounding the sexualities and the spiritual roles of adés, the priest and consort of orisha also brings the adé's gender identity and expression in focus. In expressing the role of the adé, as priest and consort, these male priests dress as wife.²⁷⁷ It has been said that the gender expression of the adé is purely an antecedent of his spiritual role and not the assumption of femininity.²⁷⁸ Following the initiation of the adé into priesthood, he wears 'iro (wrap skirts), buba (blouses) and oja (baby carrying slings).²⁷⁹ On special occasions the adé would wear jewellery, line his eyelids with the dark tiro and lace his hands with decorative patterns of laali.²⁸⁰ The elder adé would braid his hair.²⁸¹ The gender expression and sexual freedom of adés vary across towns.²⁸² While the priests in Oyo are allowed sexual and gender fluidity, the

²⁷² Corner & Sparks (n 140) 126.

²⁷³ As above.

²⁷⁴ Oyewumi (n 247) 167; Corner & Sparks (n 140) 52.

²⁷⁵ Corner & Sparks (n 140) 52.

²⁷⁶ Corner & Sparks (n 140) 25.

²⁷⁷ Matory (n 239) 421.

²⁷⁸ Matory (n 239) 421, 422.

²⁷⁹ Matory (n 239) 421

²⁸⁰ As above.

²⁸¹ As above.

²⁸² Corner & Sparks (n 140) 102.

priests in Ile-ife are not.²⁸³ Matory reports that the adé also takes up professions that are usually assigned to women such as strip-weaving of cloth or barkeeping.²⁸⁴

Oyewumi argues that Matory's description of adés as cross-dressing 'drag queens and transvestites' is a misrepresentation of Yoruba culture and a foreign imposition.²⁸⁵ She also refers to his description of male priests of the orisha faith as wives of the gods and the consequent logic of homosexuality as a foreign imposition.²⁸⁶ It has been reported that some African-American priests agree with Oyewumi's position on the colonial imposition of homosexuality in Yoruba culture.²⁸⁷

Alongside the debate of what does or does not constitute accurate portrayal or description of identities within cultures is the often invisible and strategic practice of systemically erasing certain cultures and knowledge through silence and non-discourse. Consequently, absence of a discourse does not logically translate to absence of a practice.²⁸⁸ Silence and seeming non-existence could be politically/institutionally curated, and as such does not logically imply non-existence but rather possibilities of disassociation with and even destruction of certain facts to serve a puritan and often patriarchal political agenda.²⁸⁹ This patriarchal agenda runs parallel to the reported discomfort of the colonial authorities with issues of sex in colonial times and the more present day moralistic approach to sex in the Nigerian society.²⁹⁰ It may also be argued that since Igbo is a language of proverbs and metaphors, we may very well have been having conversations on sex, sexuality and gender indiscriminately immemorially. However, because proverbs and metaphors are not literal and the meaning of language and metaphors shift, it is possible that although language may be retained, meaning constantly erodes and evolves.

²⁸³ As above.

²⁸⁴ Matory (n 239) 421

²⁸⁵ Corner & Sparks (n 140) 24.

²⁸⁶ As above.

²⁸⁷ As above.

²⁸⁸ Murray & Roscoe (n 73) 100.

²⁸⁹ Matory (n 239) 410, 424, 435; M Herzfeld *Cultural intimacy: social poetics and the real life of states, societies and institutions* (2016) 2-12.

²⁹⁰ Human Rights Watch (n 266) 20.

Matory's logic on silence and cultural intimacy runs parallel to Ngwena's argument on nativism which both loosely translate to the freezing and flattening of a person's or group identity or certain features of it as opposed to engaging with all the person's or group's complexity, even those are so silent that they seem non-existent. There are several possibilities as to why there is a seeming silence and now a more deliberate, 'forceful' hush as regards gender and sexual complexities in Nigeria.²⁹¹ The silence of studies and research and forceful hush on same-sex relations in the context of woman-woman marriage, if anything, demonstrates acknowledgement, possibly a culture of 'don't ask or don't tell'.²⁹² *Adighi amacha amacha*, from the Igbo, underlines that the unknown is infinite. When so much is left either unsaid, erased or forgotten, the unknown becomes more infinite.²⁹³ This culture of silence is also evident of the prevalent patriarchal structures that have dominated and still dominate most of what is now known as Nigeria. In Pearce's engagement with Fadipe's 1914 – 1960 ethnographic study on the memories from 1870-1880 of Yoruba land in Nigeria, there is evidence of the socialisation of women and children to be submissive within their families to male figures of authority.²⁹⁴ Fadipe recognises the complementarity of two different bases of patriarchy which resulted in the subjugation of Yoruba. These bases were the British imposition of male domination as well as traditional Yoruba culture as embodying of patriarchal dictates across several practices such as marriage, family relations including the raising of children.²⁹⁵

2.3 Responses to queer identities and expressions in Nigeria

While the above discussion on queer identities across nations within Nigeria is illustrative of indigenous queer visibility and participation in the daily realities in Nigeria, this section delves into the society's response to queer identities in Nigeria. Cognisant that indigenous queer visibility and participation translate to indirect advocacy, this section considers the Nigerian government's response to this queer

²⁹¹ Ngwena (n 103) 151.

²⁹² M Mutua 'Sexual conceptions and human rights putting homophobia on trial' in Tamale (n 69) 460.

²⁹³ Adichie (n 145).

²⁹⁴ TO Pearce 'Dispelling the myth of precolonial gender and equality in Yoruba culture' (2014) *Canadian Journal of African Studies* 318.

²⁹⁵ N Fadipe *The sociology of the Yoruba* (1939) PhD dissertation. London School of Economics 185, 198, 207, 218, 219; TO Pearce 'Dispelling the myth of precolonial gender and equality in Yoruba culture' (2014) *Canadian Journal of African Studies* 320, 324,

visibility and the impact of this response on the lived realities of queer persons in Nigeria.

Engaging with the society's response to queer identities in Nigeria provides a fuller picture of the legal and social climate of the scene of queer rights advocacy in Nigeria. Understanding the legal and social climate in which Nigerian queer rights advocacy is carried out in is important to this study as Nigeria is both a delicate and volatile context for queer rights interventions. This section addresses the Nigerian society's response on two levels: legal responses to queer identities in Nigeria and social responses to queer identities and expressions in Nigeria.

2.3.1 Legal responses to queer identities and expressions in Nigeria

The original legal provisions that criminalised same-sex relations, from which all others draw inspiration, were ironically neither grounded in any African culture nor were any Africans or any colonized subjects consulted in their drafting.²⁹⁶ Criminalisation and victimisation of homosexuality are alien to ancestral African values and cultures but more rooted in the relics of colonial governance.²⁹⁷ One of such relics is section 377 of the Indian Penal Code of 1960 which criminalises 'acts against the order of nature' introduced at the time by the British colonialists.²⁹⁸

Section 377 of the Indian Penal Code, as a tool for the colonial project, inspired laid down sanctions for consensual same-sex relations across the British colonies such as Sudan whose criminal code was the model on which Nigeria's criminal codes were drafted.²⁹⁹ The British ruled Nigeria officially from 1861 to 1960.³⁰⁰ These anti-gay provisions were infused in the Nigerian Criminal Code which was introduced in 1904 (now applying to Southern Nigeria) and the Penal Code which was introduced in 1960 (now applying to Northern Nigeria).³⁰¹ Notably, section 405 of the Penal Code criminalises men who dress like women in public.³⁰²

²⁹⁶ Mutua (n 292) 452; Human Rights Watch (n 266) 1, 5, 7, 25.

²⁹⁷ Human Rights Watch (n 266) 1.

²⁹⁸ As above.

²⁹⁹ Human Rights Watch (n 266) 6; Ayeni (n 153) 216.

³⁰⁰ A Ademoyega *Why we struck: the story of the first Nigerian coup* (1981) 2.

³⁰¹ Ayeni (n 153) 216.

³⁰² Penal Code sec 405.

These anti-gay laws were not merely targeted at acts but demonstrated that it is within the realm of possibility that certain people can be chosen by the ruling powers arbitrarily to be hated, violated and dehumanized (in the case of section 405 of the Penal Code, the 'yan daudu of the north are particularly targeted).³⁰³ The practice of this arbitrary selection has roots in the early witch hunts, moral panic, religious bigotry and the extremity of early modern Europe and colonial America.³⁰⁴ Colonial Africa also saw this panic in what Ngwena discusses as the Black Peril.³⁰⁵

The Black Peril concept captures how black male bodies were perceived by colonialists as wielding 'excessive and dangerous sexualities that were considered a threat to white women'.³⁰⁶ As such it was deemed logical, in fact of utmost urgency for the white man to wield his colonial government to do, enact, as much and as stringently restraining as was possible to address the impending strike of the black man's sexuality and to protect the sanctity and purity of the pure white heterosexual family.³⁰⁷

The same way and with the same tools that colonialists dismantled indigenous identities and practices that did not conform to the pure white heterosexual families, the colonialists also erased sexualities that challenged the universality of the white heterosexual colonial project. These identities, practices and sexualities were increasingly attacked and reconstructed over time by colonial law, policies, colonial reports, ethnocentric and xenophobic anthropological portrayals and other colonial cultural productions of non-white identities, practices and sexualities.³⁰⁸ And when these colonial constructions rose to take their place in the world, their colonial inventions of non-white identities and sexualities were deemed unquestionable just because they were white.³⁰⁹

The impact of these imperially rooted notions of gender uphold heterosexual binaries. Boys are boys; girls are girls and there are only boys and girls. Social scripts were

³⁰³ Human Rights Watch (n 266) 12.

³⁰⁴ Human Rights Watch (n 266) 13.

³⁰⁵ Ngwena (n 103) 185.

³⁰⁶ As above.

³⁰⁷ As above.

³⁰⁸ Ngwena (n 103) 153.

³⁰⁹ Epprecht (n 253) 189.

produced to guide what being a boy or girl would entail ethnically, socially, religiously, politically, economically. These imperially imposed heterosexual binaries, in denigrating the black body, has set it up for alarming depths of inequality, exclusionary politicisation, scrutiny and humiliation cutting across sexual orientation, gender identity, expression and even sex characteristics.³¹⁰ These heterosexual binaries and incidental social scripts were imposed in the course of colonial rule and evolving through time, punitively insisting on the criminality of queer gender and sexuality on the African continent.³¹¹

With these imposed binaries and scripts came enforcement mechanisms across the various patriarchies. More primarily, these heterosexual scripts, now internalized on the continent insist that homosexuality is un-African.³¹²

Nigerian law criminalises both queer sexual orientation and gender identity. In stark contrast with the criminality of queerness, there are aspects of the Nigerian legal framework that condemn violence towards persons in both private and public spheres. The Nigerian legal system addresses violence through legal standards and institutions at national and international levels. Section 12 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) (CFRN) establishes Nigeria as a dualist state and as such international law standards must be domesticated into national law before there are binding on national affairs.³¹³ Also international human rights institutions are usually only approachable when all local remedies have been exhausted as illustrated in article 56(5) of the African Charter on Human and Peoples' Rights (African Charter).³¹⁴ To elaborate on the legal climate in Nigeria as it affects queerness, this section provides an overview of the relevant legal framework under three sub-sections: Nigerian law criminalising queerness; national legal framework that condemns violence and international legal framework that condemns violence.

³¹⁰S Tamale 'Interrogating the links between gendered sexualities, power and legal mechanism: experiences from the lecture room' in Tamale (n 69) 606.

³¹¹ S Ekine 'Contesting narratives of queer Africa' in S Ekine & H Abbas (n 107) 78, 80.

³¹²S Tamale 'Interrogating the links between gendered sexualities, power and legal mechanism: experiences from the lecture room' in Tamale (n 69) 616.

³¹³ CFRN sec 12; *Abacha v Fawehinmi* (2000) 6NWLR (Pt 660) 228.

³¹⁴ African Charter art 56(5).

Nigerian laws criminalising queerness

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).³¹⁵ These four laws enlisted prescribe various criminal sanctions for same-sex relations in various parts of Nigeria, including death penalty in the northern part of Nigeria.³¹⁶ In a 2008 reported case, *Magaji v The Nigerian Army*, Major Magaji was charged with sodomy in violation of Section 81(a) of the Armed Forces Act and was subsequently sentenced to seven years imprisonment under this provision.³¹⁷

Religious laws and practices applicable in Nigeria also forbid same-sex relations. Sharia law, applying in certain parts of Northern Nigeria, prescribes varied sanctions for same-sex relations between men depending on the marital status of the offenders.³¹⁸ Unmarried offenders are usually given about hundred strokes of the whip and a prison term between one to seven years.³¹⁹ Married offenders get stoned to death.³²⁰ But there are exceptions in certain states in Northern Nigerian under sharia law where the punishment of death by stoning is inescapable.³²¹ Same-sex relations between women under sharia law grounds the sanction of fifty strokes of the whips and about five years imprisonment.³²²

Colonially inspired laws such as the Nigerian Criminal Code introduced in 1904, applying in Southern Nigeria, and the Penal Code introduced in 1960 applying in Northern Nigeria criminalise same-sex relations with the sanction of imprisonment.³²³ The Penal code punishes wearing of clothing meant for persons of the opposite sex with about forty strokes of the whip and imprisonment between eight months and two

³¹⁵ Nigerian Criminal Code sec 214 and 217; Nigerian Penal Code sec 130; Nigerian Armed Forces Act sec 81; Same-Sex Marriage Prohibition Act 2013.

³¹⁶ VO Ayeni 'Human rights and the criminalization of same-sex relations in Nigeria: a critique of the same-sex marriage (prohibition) act' in Namwase & Jjuuko (n 10) 203.

³¹⁷ *Magaji v The Nigerian Army* (2008) 34 NSCQR (pt.1) 108 at p.136; AN Nwazuoke and CA Igwe 'A critical review of Nigeria's Same Sex Marriage (Prohibition) Act' (2016) 45 *Journal of Law, Policy and Globalisation* 183.

³¹⁸ Ayeni (n 153) 217.

³¹⁹ As above.

³²⁰ As above.

³²¹ Hadith Muslim and Sahih Buhari v 38 NO444; Ayeni (n 153) 217.

³²² Suratul Nisa'l Chapter 4 verse 15-16.

³²³ Ayeni (n 153) 216.

years.³²⁴ These laws drive queer persons underground and gives Nigeria the semblance of an exclusively heterosexual state.

The first millennial surge of legislative attack on queer persons was a backlash to the demonstration by queer rights activists demanding better human rights conditions for men who have sex with men at the 2005 International Conference on AIDS and Sexually Transmitted Infections in Africa.³²⁵ Shortly after this demonstration there was the first appearance of the Same-Sex Marriage (Prohibition) Bill between 2004 and 2005. Consequently, Nigerian queer persons went from not being mentioned at all in the media to constantly recurrent negative media portrayals.³²⁶ This Bill 'was met with strong opposition from domestic, regional and international bodies'.³²⁷ An instance of the international tension as regards the Bill was Nigeria's October 2013 rejection of the recommendations of the Universal Periodic Review to revise antigay laws; not pass any further anti-gay laws and enact anti-violence laws that are inclusive of queer persons.³²⁸ The Nigerian government substantiated its rejection of queer-inclusive measures by relying on a 2011 poll which shows a prevalence of support for the Bill, that the same-sex marriage was contrary to Nigerian culture and that there is no registered queer rights organisation that the Bill would affect.³²⁹

The Same-Sex Marriage (Prohibition) Act (SSMPA) 2014 is the most recent and the most far reaching of all the laws criminalising same-sex relations in Nigeria. Sections 4 and 5 of the SSMPA criminalises same-sex relations, cohabitation, and public show of affection, support and organizing with sanctions of 10 and 14 years of imprisonment.³³⁰ The SSMPA criminalises all forms of advocacy pursuant to the

³²⁴ Penal Code sec 405; Ayeni (n 153) 217.

³²⁵ Ayeni (n 153) 203.

³²⁶ S Aborisade 'Tragedy of misrepresentations and underreporting gender and sexual minorities in Nigeria' (2017) 10.

³²⁷ Human Rights Watch (n 91) 17.

³²⁸ As above; Federal Republic of Nigeria 'National report submitted in accordance with paragraph 5 of the annex to human rights council resolution 16/21'(2013) 9. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/160/00/PDF/G1316000.pdf?OpenElement> (10 September 2022) ; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Nigeria, A/HRC/25/6, 16 December 2013.

³²⁹ As above.

³³⁰ SSMPA secs 4 and 5.

promotion of human rights of queer persons.³³¹ The SSMPA stems from the Same Sex Marriage Prohibition Bill approved by the Nigerian Senate in 2011, passed on in May 2013 to its third and final reading by the House of Representatives, and finalised by a 'harmonisation committee' for the president's signature in December 2013.³³² Following the passing of the SSMPA, queer rights advocacy and service providing organisations have been faced with increased levels of hostility at the hands of state and non-state actors, notable of which is the 2018 Benue State passing of the SSMPA at provincial level .³³³

The legal sanctions for queer sexual orientation and gender expressions, including the death penalty, constitute a breach of Nigeria's international and constitutional commitments to protect the human rights of its citizens.³³⁴ Besides the widespread peaking rates of violence on the grounds of sexual orientation or gender identity, the recent institutional rejection of the application of the Lesbian Equality and Empowerment Initiatives to register as an organisation, and the court citing the SSMPA in upholding this rejection, is evident of Nigeria's anti-gay clout even in contemporary times.³³⁵ At the moment of this research, the case is being pursued further.

National legal framework addressing violence towards queer persons in Nigeria

Nigeria is a democratic state bound by the CFRN. The CFRN is the supreme law against which the validity of all other laws should be measured according to Section 1(3) of the Constitution.³³⁶ The CFRN applying to everyone in Nigeria has a Bill of Rights in Chapter IV which provides for the fundamental rights of all Nigerian citizens and are justiciable in court.³³⁷ These fundamental rights include: the rights to life, dignity of human persons, personal liberty, fair hearing (pre-trial and trial rights),

³³¹ SSMPA secs 4 and 5; VO Ayeni (n 153) 203.

³³² Human Rights Watch 'Nigeria: anti-LGBT law threatens basic rights' <https://www.hrw.org/news/2014/01/14/nigeria-anti-lgbt-law-threatens-basic-rights> (accessed 10 September 2022); Same Sex Marriage (Prohibition) Law (Benue State).

³³³ Human Rights Watch (n 91) 60.

³³⁴ Ayeni (n 153) 207.

³³⁵ Independent 'Lesbian group sues CAC over non-registration' <https://independent.ng/lesbian-group-sues-cac-over-non-registration/> (accessed 21 August 2021).

³³⁶ CFRN sec 1(3).

³³⁷ CFRN Chapter IV.

private and family life, freedom of conscience and religion, expression, peaceful assembly and association, movement, freedom from discrimination.³³⁸ These rights constitutionally shield Nigerian citizens from undue derogation by the state and non-state parties through any means including violence.

Other national legislation that addresses violence include Violence Against Persons (Prohibition) Act (VAPPA); the Human Immunodeficiency Virus (HIV) Act and, the African Charter on Human and Peoples' Rights Ratification and Enforcement Act.³³⁹ At the state level, there is the Protection against domestic violence law of Lagos State.³⁴⁰ Institutions whose mandate covers addressing violence includes, at the executive level: the National Human Rights Commission, the Nigerian Police Force, and the Nigerian Police Service Commission. At the judicial level, it includes the superior and inferior courts of records; and at the legislative level, the parliament.

The VAPPA is national anti-violence legislation passed into law in 2015. Although it is a welcome response to the high rates of violence in Nigeria, it was not a progressive response to the SSMVA, which had become law roughly a year earlier. The VAPPA is quite expansive as it provides for 'sexual violence, physical violence, deprivation of liberty, emotional violence, psychological abuse, intimidation, general coercion, indecent exposure, offensive conduct, making false statements'.³⁴¹ VAPPA describes a victim of violence who has suffered loss, injury or violation as a result of the actions that have translated to these harms.³⁴² Scholars have commended the VAPPA for its progressive features such as the broad description of violence and its acknowledgement of the application of international law, particularly in light of the complementarity of the Nigeria's international human rights commitment to the Bill of Rights in Chapter IV of the Constitution of the Federal Republic of Nigeria as regards the protection of human rights in Nigeria.³⁴³

³³⁸ CFRN Chapter IV.

³³⁹ Prohibition of Violence Act; HIV/AIDS anti-discrimination Act; 2014 the African Charter on Human and Peoples' Rights Ratification and Enforcement Act 2004.

³⁴⁰ Protection against Domestic Violence Law 2007.

³⁴¹ VAPPA secs 5, 8, 26, 46.

³⁴² VAPPA sec 46.

³⁴³ VAPPA sec 38(1); TJ Omidoyin 'Violence against Persons (Prohibition) Act 2015: a positive step to the eradication of domestic violence in Nigeria' (2019) 9(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 50; C Onyemelukwu 'Legislating on violence against women: a critical analysis of Nigeria's

The VAPPA's acknowledgement of the international human rights standards is a reinforcement of the provisions of African Charter on Human and Peoples' Rights Ratification and Enforcement Act (African Charter Act), which provides for reference to international human rights standards in the determination of human rights issues. Nonetheless, these are all subject to Nigeria's dualist approach to the relationship between international law and national law.³⁴⁴ The application of VAPPA is limited to the High Court of the Federal Capital Territory Abuja and requires domestication across other states to be applicable within them. At the time of this research, it has been domesticated across 18 states.³⁴⁵

Scholars have discussed the Nigerian legal system and factors affecting violence, particularly as it addresses violence against women and police brutality. The major challenges recognised were the implementation gap; the poor socio-economic contexts of victims; ineffective oversight structures; violence enabling and condoning socio-cultural context in which perpetrators and victims are violence live and operate in.³⁴⁶ The prevalence of violence has often narrowed down to not necessarily the inadequacy of law but widespread poverty, prevalence discriminatory attitudes owing to exclusionary and patriarchal norms and values as well as cultural systems that condone violence.³⁴⁷

These exclusionary and patriarchal norms and values have been recognised as major limitations to the elimination of violence in Nigeria. These norms have the three-pronged effect of actively legitimating the perpetration of violence grounded in what is perceived to be culture; roping the victims of violence into silence as being complicit

recent Violence Against Persons (Prohibition) Act 2015' (2016) 5(2) *DePaul Journal of Women, Gender and Law* 11.

³⁴⁴ African Charter art 60; CFRN sec 12; VAPPA sec 38(1), 40.

³⁴⁵ Y Gbenga 'Six Years After, Nigeria's VAPP Law Still Struggling for Domestication In 17 States' <https://tribuneonline.com/six-years-after-nigerias-vapp-law-still-struggling-for-domestication-in-17-states/#:~:text=Stakeholders%20are%20however%20not%20resting,law%20domesticated%20beyond%20the%2018> (20 August 2022).

³⁴⁶ KA Oyediran & B Feyisetan 'Prevalence and contextual determinants of intimate partner violence in Nigeria' (2017) 31(1) *African Political Studies* 3464; I Nnadi 'An insight into violence against women as human rights violation in Nigeria: a critique' (2012) 53, 55; Onyemelukwu (n 343) 7.

³⁴⁷ Oyediran & Feyisetan (n 346) 3464, 3465, 3470.

in harming themselves; fostering the culture of shaming victims of violence that have publicised cases of violence.³⁴⁸

Although legally enshrined human rights standards are important, the recognition and compliance with their values at a socio-cultural level is both a legal and an attitudinal issue. Attitudes are an important part of lived realities of minorities and a salient factor that dictates the extent of violence in a society. The law on its own is incapable of addressing violence because that violence towards queer persons in Nigeria is more grounded in the imperially imposed, now culturally entrenched and legally grounded negative attitudes towards queer sexual orientations and gender identity in Nigeria.

International legal framework addressing violence towards queer persons in Nigeria

At the international level, Nigeria is a state party to a plethora of international treaties that condemn violence. Some of these treaties at global level are the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disability (CRPD). Some of these treaties at regional level are the African Charter on Human and Peoples' Rights (African Charter), African Charter on the Rights and Welfare of the Child (Children's Charter), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol), and the African Youth Charter.³⁴⁹ International Labour Organisation (ILO) conventions on the subject include Freedom of Association and Protection of the Rights to Organise Convention (FAPROC), Equal Remuneration Convention, Discrimination (Employment and Occupation) Convention, Convention Against Discrimination in Education,

Some of the soft law standards include the Universal Declaration of Human Rights, UN Declaration on the Elimination of Violence Against Women, General

³⁴⁸ Oyediran & Feyisetan (n 346) 3470.

³⁴⁹ ICCPR ratified on 29 July 1993; ICESCR ratified on 29 July 1993; CEDAW ratified on 13 June 1985; CAT ratified on 19 April 1991; FAPROC ratified on 17 October 1960; African Charter ratified in 22 July 1983; Children's Charter ratified on 23 June 2001; Maputo Protocol ratified on 16 December 2004.

Recommendations No. 19 and 35 of the CEDAW Committee, which provide that violence against women is a form of discrimination and oppression as well as recognising that the prohibition of gender based violence as a norm of international customary law.³⁵⁰ Also there are Resolutions A/HRC/RES/17/19 and A/HRC/RES/27/32 adopted by the UN Human Rights Council, which call for documentation of homophobic violence as well as engaging with the potential of international human rights law as a tool for curbing violence and sharing best practices on curbing violence based on actual or perceived sexual orientation and gender identity.³⁵¹

Similarly, there is the Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the African Commission on Human and Peoples' Rights which includes sexual orientation and gender identity as a possible ground for sexual violence.³⁵² There is the Yogyakarta Principles³⁵³ The Yogyakarta Principles are persuasive guidelines for states human rights obligations exercised as regards queer persons.³⁵⁴ Of particular importance to this study is the African Commission Resolution 275 which calls on all African State to effectively work towards eliminating violence on the grounds of perceived or actual sexual orientation, gender identity and expression.³⁵⁵ Resolution 275 is a soft law instrument and as such a persuasive guide to states to view and address their protective obligations as included the eradication of homophobic violence and stigma.

The existence of both anti-gay laws and human rights law and commitments in Nigeria is a contradiction and portrays Nigeria as a country unclear of its legislative stance on violence. Although the Nigerian legal system generally sees and understands violence, this legal system is barely adequate to tackle the reality on ground. The prevalence of violence towards queer persons in Nigeria is in conflict with human rights laws and commitments as much as it is based on the attitudes and normative

³⁵⁰ Universal Declaration of Human Rights, UN Declaration on the Elimination of Violence Against Women, UN Committee on the Elimination of all violence against women General Recommendations No. 19 and 35.

³⁵¹ UN Human Rights Council Resolution A/HRC/RES/17/19; UN Human Rights Council Resolution A/HRC/RES/27/32

³⁵² Guidelines on Combating Sexual Violence and its Consequences in Africa adopted by the African Commission on Human and Peoples' Rights (adopted May 2017).

³⁵³ Yogyakarta Principles.

³⁵⁴ As above; Ayeni (n 153) 205.

³⁵⁵ Resolution 275.

structures within the society. Besides the contradictory nature of Nigeria's legal framework on violence, Nigeria's non-compliance with its human rights commitments can be attributed to its political and social unwillingness, insensitivity to its human rights commitments and implications arising as well as the stifled capacity and ability of its structures to tackle the practicalities of a safe, inclusive and democratic state.³⁵⁶

Violence towards queer persons in Nigeria is largely rooted in negative attitudes and social unwillingness of a people to comply with human rights norms. On the level of negative attitudes and social unwillingness, non-compliance with human rights standards is attributable to the existence of prevalent exclusionary norms and values. The prevalence of negative attitudes towards queer persons is attributable to a lack of substantial visibility of queer persons and substantial contact with queer persons, a lack of empathy and the absence of adequate attitude-focused interventions.

2.3.2 Sociocultural responses to queer identities and expressions in Nigeria

Negative attitudes towards queer persons and social unwillingness to comply with human rights standards are important elements to discuss as a basis for homophobic violence in Nigeria. For the purpose of this study, the definition of violence is deduced from the understanding of violence against women in the Maputo Protocol; the Violence Against Persons (Prohibition) Act 2015 (VAPPA); Resolution 275 and the earlier discussion on coloniality.³⁵⁷ The Maputo Protocol and the VAPPA agree on 'violence' being acts or attempted acts that results in physical, sexual, psychological, verbal, emotional or economic harm towards a person either in public or private sphere at any time.³⁵⁸

Hostility towards queer persons is also demonstrated by the social responses to queer identities and expressions in Nigeria. The discussion on social responses to queer identities and expressions in Nigeria is structured into violence through action and violence through knowledge creation.

³⁵⁶ WM Cole 'Mind the gap: state capacity and the implementation of human rights treaties' (2015) 69(2) *International Organisations* 437; CJ Hamelink 'Human rights: the implementation gap' (1998) *Human Rights, Journal of International Communication* 58.

³⁵⁷ Maputo Protocol art 1(j); VAPPA sec 46.

³⁵⁸ As above.

Violence by actions

Across the Commonwealth and the African continent, many people are annually subjected to psychological, sexual and physical abuse and violence on the grounds of their actual or perceived sexual orientation, gender identity and expression.³⁵⁹ These homophobic violations would ordinarily qualify as crimes but are passively and actively justified by the systemic legitimisation of anti-sodomy laws and norms. There has also been a recognised pattern of these forms of violence going unreported from year to year owing to the humiliation that is associated with being queer and the fear of further victimisation.³⁶⁰

Violence by actions may include: public attacks; beatings and hostility within homes and families; arbitrary arrest; threats of violence; detention; torture, rape, murder, assault, blackmail, anal searches, extortion, bribery and exposing a person's queerness against the person's will.³⁶¹ The climate of violence towards queer persons in Nigeria is co-created actively and passively by both state and non-state parties.³⁶²

There have been reported acts of violence on the grounds of actual or perceived sexual orientation, gender identity and expression within the past five years (2015 to date). The majority of violations on the grounds of actual or perceived sexual orientation and gender identity goes unreported owing to the stigma associated with reporting it. The state of human rights in Nigeria is generally deplorable. However, the more a person is visibly associated with queerness, and is not socio-economically insulated, the worse the human rights conditions of that person becomes.³⁶³ 2014 and 2015 surveys conducted by Afrobarometer showed that across the 33 African countries studied, 73 per cent of the sample population were averse to the thought of having a homosexual neighbour.³⁶⁴ The Afrobarometer study also showed that 84 per

³⁵⁹ E Gitari & M Walters 'Hate crimes against the LGBT community in the Commonwealth: a situational analysis' (2019) 8.

³⁶⁰ As above.

³⁶¹ CAL & AMSHeR (n 17) viii; TIERS and others '2015 report on human rights violation based on real or perceived sexual orientation and gender' (2015) 10.

³⁶² CAL & AMSHeR (n 17) vii, ix.

³⁶³ TIERS and others (n 361) 10.

³⁶⁴ Afrobarometer 'News release: Africans tolerant on religion, ethnicity, nationality and HIV but not on homosexuality, Afrobarometer survey finds' https://afrobarometer.org/sites/default/files/press-release/round-6-releases/ab_r6_pr4_tolerance_in_africa_ENG.pdf (accessed 20 April 2020).

cent of the sample size in Nigeria were averse to homosexuality.³⁶⁵ This study revealed that less of these numbers that were averse to homosexuality were in countries such as: Cape Verde, Mozambique, Namibia and South Africa.³⁶⁶

SSMPA was enacted in 2014 and over the following two years its effects were already clearly observable. Against a historic backdrop of legal, faith and morally sanctioned violence on the grounds of sexual orientation and gender identity and expression, the SSMPA worsened the state of the human rights of queer persons in Nigeria.³⁶⁷ In 2015, there was a sizeable rise in the reported cases of mob beatings, arrests and police extortion from people on the grounds of their queerness.³⁶⁸ There were 172 reported cases of violence on the grounds of sexual orientation and gender identity (a sharp spike from the 105 reported cases in 2014), involving 282 persons across 18 states.³⁶⁹ Thirty eight of the reported cases of violence were perpetrated by state actors, 124 by non-state actors while 10 were jointly perpetrated by state and non-state actors.³⁷⁰

In Northern Nigeria, the religious police, as is the usual practice, also took part in meting out homophobic victimisation.³⁷¹ In some cases, there were mob beatings, which were followed by arrests.³⁷² In 2015 the SSMPA had a grave impact on the enjoyment of freedom of expression by queer rights organisations, writers, creatives and other stake holders in support of queer rights in Nigeria.³⁷³ There were several cases of blackmail, evictions from accommodation and the overwhelming fear of being victimised at health care centres on the grounds of actual or perceived queerness.³⁷⁴

³⁶⁵ Afrobarometer 'Good neighbours? Africans express high tolerance for many, but not for all'(2016) 12 https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno74_tolerance_in_africa_eng1.pdf (accessed 20 April 2020).

³⁶⁶ Afrobarometer 'News release: Africans tolerant on religion, ethnicity, nationality and HIV but not on homosexuality, Afrobarometer survey finds' https://afrobarometer.org/sites/default/files/press-release/round-6-releases/ab_r6_pr4_tolerance_in_africa_ENG.pdf (accessed 20 April 2020).

³⁶⁷ TIERS and others (n 361) 10, 14.

³⁶⁸ Amnesty International 'Amnesty international report 2015/2016: the state of the world's human rights' (2016) 277.

³⁶⁹ TIERS and others (n 361) 12.

³⁷⁰ As above.

³⁷¹ As above.

³⁷² Human Rights Watch 'World report 2016: events of 2015' (2016) 425.

³⁷³ As above.

³⁷⁴ Human Rights Watch (n 372) 425.

Some of the iconic cases were the unlawful mass arrests and detention of men suspected to be gay are: 12 in Kano in January 2015 and 21 in Oyo May 2015.³⁷⁵ The men arrested in Oyo were stripped to their underwear, detained and for four days constantly brutalised in police custody.³⁷⁶ These men were only released after the police extorted amounts ranging from N10,000 to N25,000 from each of them.³⁷⁷ The climate of police brutality towards queer persons made it counter-productive for queer persons to seek police redress.³⁷⁸ Blackmail and extortion by non-state actors also thrived in 2015. The usual pattern was that perpetrators would pretend to be same-sex loving persons to lure queer persons into their traps, which usually were hotel rooms.³⁷⁹

The years 2016, 2017 to 2020 would follow with a constant decline in the state of queer rights in Nigeria. In 2016, Human Rights Watch published a report titled 'Tell me where I can be safe' addressing the dire state of queer rights in Nigeria following the enactment of the SSMPA in January 2014. This 2017 report captured the steady rise in the rate of homophobic mob violence in Nigeria. It had become common for groups of people to organise jointly to carry out violence in public places against persons on account of their actual or perceived sexual orientation, gender identity and expression.³⁸⁰ Often the police is complicit in this public violence towards queer persons and sometimes they are even very actively involved. A notable incident captured in the TMWICABS report is the case of Jason (pseudonym).³⁸¹ Unsuspectingly Jason connected with a man (Mr. X) through internet dating software. Following this connection, they agreed to meet at a certain hotel. After Jason had settled in Mr. X's hotel room, the latter led in six other men. Over the course of three days, Jason was repeatedly raped by Mr. X and these six men. In the course of these recurrent rapes, photos and videos were taken of Jason and the men who were now masked in the videos. The men extorted N45,000 from Jason. Subsequently, Jason

³⁷⁵ As above; TIERS and others (n 361) 31.

³⁷⁶ Human Rights Watch (n 91) 37.

³⁷⁷ As above.

³⁷⁸ TIERS and others (n 361) 12.

³⁷⁹ TIERS and others (n 361) 22, 27, 30, 21.

³⁸⁰ Human Rights Watch (n 91) 2.

³⁸¹ Human Rights Watch (n 91) 26.

was arrested at his home by the police based on the report of Mr. X and these six other men. Following the arrest, Jason was brutalised and raped with a stick by the police. Jason was eventually released after the police extorted N78 000 from his parents.³⁸²

On 13 February 2016, two men, who were suspected to be a homosexual couple, were arrested in the course of an event believed to be a 'gay wedding' in a hotel in Abuja.³⁸³ The hotel staff and the other guests at this event were also arrested.³⁸⁴ Fifty-three men were accused of attending a 'gay wedding' and were arraigned before the Magistrates Court in Zaria, Kaduna in April 2017.³⁸⁵ There were other reported cases of public shaming and extortion reported in other parts of Nigeria.³⁸⁶ Of particular note is the 2017 raid of a HIV training event in Lagos rounding up queer persons estimated to between 40 and 70 persons at a HIV related event on the grounds of homosexual charges.³⁸⁷ Their faces and names were published in newspapers.³⁸⁸ The first half of 2019 has seen the dismissal of about six Christian ministers from their congregation 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 which are circulating widely in the media.³⁸⁹

Similarly, 2018 saw increased brutality meted out to individuals on the grounds of their perceived or actual sexual orientation, gender identity and expression.³⁹⁰ Provincial domestication of the SSMPA such as that of Benue's referred to above encourage this

³⁸² Human Rights Watch (n 91) 37.

³⁸³ Human Rights Watch 'World report 2017: events of 2016' (2017) 453.

³⁸⁴ As above.

³⁸⁵ As above.

³⁸⁶ Amnesty International 'Amnesty international report 2017/2018: the state of the world's human rights' (2018) 286.

³⁸⁷ D Cooley D 'I didn't want my mum to know: the men and boys arrested for being gay in Nigeria' <https://www.abc.net.au/news/2017-10-22/arrested-for-being-gay-in-nigeria/9069350> (accessed 6 January 2020); Amnesty International 'Amnesty international report 2017/2018: the state of the world's human right' (2018) 286; Human Rights Watch 'World report 2018: events 2017' (2018) 394.

³⁸⁸ C Collison 'Mass arrests of Nigerian 'gay' men' <https://mg.co.za/article/2017-09-06-00-mass-arrests-of-nigerian-gay-men> (accessed 6 January 2020).

³⁸⁹ MSN Africa 'Anglican church expels two priests over homosexuality' <https://www.msn.com/en-xl/africa/nigeria/anglican-church-expels-2-priests-over-homosexuality/ar-AAAVx9w> (accessed 6 January 2020).

³⁹⁰ TIERS and others 'Human rights violating report based on real or perceived sexual orientation and gender identity in Nigeria 2018' (2018) 3, 26.

rise in homophobic violence.³⁹¹ The TIERS report of 2018 saw that the incidents of violence were increasingly more premeditated, calculated along the lines of place of domicile as well as socio-economic standing.³⁹² The lower queer persons are on the socio-economic scale the higher their chances of becoming targets of homophobic violence by both state and non-state actors. The cases of violence reported in 2018 include: battery and assault; arbitrary arrest and unlawful detention; mob attack; invasion of privacy; blackmail and extortion; forceful eviction; wrongful dismissal; theft; kidnap; murder; attempted rape and rape; threat to life; hate speech; torture and denial of fair trial. There were 213 cases of violence reported in 2018; 286 persons violated across 21 states; 46 of these cases were perpetrated by state actors; 166 cases were perpetrated by non-state actors.³⁹³

Violence towards queer persons causes emotional psychological harm by creating a heightened sense of vulnerability among queer persons. When incidents of violence on the grounds of real or perceived queerness occur in the community they broadcast an atmosphere of fear and anxiety to every queer person living, working or connected in that particular domicile in one way or another.³⁹⁴ Consequently, queer persons within the community are pushed further down the socio-economic scale because of the increasing costs of survival, which for them includes constant relocation, payment of bail money to police and ransom money to the blackmailers and extortionists.³⁹⁵

The 2019 reports recognised that generally there seemed to have been a rising climate of police brutality, shrinking civic space and the unjust limitation of freedom of expression and the press in spite of the Chapter IV of the CFRN.³⁹⁶ The CFRN provides for the general application and respect for human rights in Nigeria.³⁹⁷ In 2019, 330 cases of violation against queer persons across 20 states were recorded.³⁹⁸ Seventy-one of these cases were perpetrated by state actors; 248 were perpetrated

³⁹¹ Human Rights Watch 'World report 2019: events of 2018' (2019) 434.

³⁹² TIERS and others (n 361) 26.

³⁹³ As above.

³⁹⁴ Gitari & Walters (n 359) 35.

³⁹⁵ Gitari & Walters (n 359) 39.

³⁹⁶ TIERS and others '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' (2019) 8.

³⁹⁷ CFRN Chapter IV.

³⁹⁸ TIERS and others (n 361) 64.

by non-state actors while 11 cases were perpetrated by both state and non-state actors jointly.³⁹⁹ The impact of action-based violence towards queer persons includes inaccessibility of health care services; displacement leading to professional and social instability; rejection and dispossession.⁴⁰⁰ These recurring incidents of action-based violence, debased democratic values, laws and foster a trajectory of further human rights violation and generally hostility to both queer persons and other minorities.⁴⁰¹

Violence through knowledge creation

The stigmatisation of queer persons in Nigeria is rooted in the joint dominance of colonially entrenched homophobic and traditional homegrown/patriarchal norms.⁴⁰² The prevalent colonial perception and invention was that non-whiteness, blackness and non-white culture were degenerate and that the colonial laws could be used to stifle the autonomy of their colonized subjects.⁴⁰³ The colonialists also believe that these colonial subjects were primitive and could only be validated, improved, rehabilitated, rescued by compliance to colonial laws, Christian religion and prescribed morals.⁴⁰⁴ The humanity of Africans was perceived as a stark challenge and non-compliance to the colonial laws, colonial religion and morals. Same-sex relations were considered a pollution to colonial morality.⁴⁰⁵

African sexualities were colonially perceived and portrayed as excessive, barbaric and uncivilised.⁴⁰⁶ The colonialists denigrated African sexualities and attacked their indigenous gender expressions and identities as well. This attack was done while deliberately avoiding public democratic discourse and consultation on the issues of gender, sexualities as well as the culture and laws that regulated them.⁴⁰⁷ African sexualities were simply scandalous to the colonialists. Restrictions on African

³⁹⁹ As above.

⁴⁰⁰ CAL & AMSHeR (n 17) 39.

⁴⁰¹ Gitari & Walters (n 359) 35.

⁴⁰² S Ekine 'Contesting narratives of queer Africa' in S Ekine & H Abbas (n 107) 78, 80.

⁴⁰³ S Tamale 'Interrogating the links between gendered sexualities, power and legal mechanism: experiences from the lecture room' in Tamale (n 69) 609; Ngwenya (n 103) 192.

⁴⁰⁴ Human Rights Watch (n 266) 1, 10.

⁴⁰⁵ Human Rights Watch (n 266) 13.

⁴⁰⁶ S Tamale 'Interrogating the links between gendered sexualities, power and legal mechanism: experiences from the lecture room' in Tamale (n 69) 609; S Tamale 'Researching and theorizing sexualities in Africa' in Tamale (n 69) 15.

⁴⁰⁷ Human Rights Watch (n 266) 25.

sexualities were imposed and integration of these restrictions were accomplished within the community of the colonised while the colonisers helped themselves to ‘fire’, ‘flesh’ and food.⁴⁰⁸ Tamale argues that the colonial perception and portrayal of African women were simply a demonstration of the colonial community’s ‘fears, fantasies and preoccupations’ with African sexualities, an ‘aggressive racial fantasy, disavowal and fetishisation’ as Ngwena describes it.⁴⁰⁹ Ngwena illustrates this colonial preoccupation with sexualities of African women with the discourse on Sarah Baartman.⁴¹⁰ Sarah Baartman was a black South African woman who was oversexualized and exhibited half-naked across Europe while she was alive, and parts of her body while she was dead.⁴¹¹

But more important to the colonial project of repression was the need to keep their colonised subjects repressed, controlled and passively complicit in their being exploited.⁴¹² These laws were also in place to preserve the coloniser’s domicile on the continent from moral corruption. The colonial masters weaponised religion, culture, law, politics, media, education, language and morality to secure the interests of the colonial project, securing white superiority in its ‘most upright form’ and maintaining the oppression and exploitation of its colonial subjects as well as their cultures and identities.⁴¹³

Patriarchal hegemonic norms, as discussed earlier, are also part of traditional Nigerian culture. These norms are engrained in social and cultural fabric through messaging and the dissemination of knowledge through patriarchal, exclusionary, racist and homophobic sermons, films, literary works, journalistic reports and the criminalisation of same-sex relations. In 2004, President Obasanjo said, in the course of a meeting with African Bishops, that homosexual practices were un-African, unnatural and un-biblical.⁴¹⁴ This was preceding the first introduction of the SSMPA in 2005 which eventually led up to the enactment of the SSMPA. Reverend Peter Akinola, the former

⁴⁰⁸ As above.

⁴⁰⁹ Tamale (n 69)15; Ngwena (n 103) 85.

⁴¹⁰ Ngwena (n 103) 84, 192.

⁴¹¹ Ngwena (n 103) 84.

⁴¹² Achebe (n 130) 43.

⁴¹³ S Tamale ‘Interrogating the links between gendered sexualities, power and legal mechanism: experiences from the lecture room’ Tamale (n 69) 616.

⁴¹⁴ Human Rights Watch (n 266) 10; BBC ‘Obasanjo backs Bishops over gays’; Ayeni (n 153) 207.

primate of the Nigerian Anglican communion, had at the time compared homosexuality to bestiality saying that 'same-sex marriage, apart from being ungodly, is unscriptural, unnatural, unprofitable, unhealthy, un-cultural, un-African and un-Nigerian'.⁴¹⁵

Hegemonic knowledge as form of violence is complicit in the wider project of homophobic exclusion, homophobic oppression and patriarchy. The creation and dissemination of exclusionary, homophobic, oppressive and patriarchal knowledge or messaging is as much violence in itself as it is inciting and justifying of other forms of violence. As discussed earlier through the history of Ahebi Ugbabe of the Igbo nation of Nigeria, in colonial times and the precolonial socialisation of children in the Yoruba nation of Nigeria, heteronormative norms have been prevalent frame of knowledge through which culture has been created and has evolved in what is now known as Nigeria.

Similar evidence also exists in Aderinto's engagement with the nationalist yet patriarchal and exclusionary agitations for independence by early local elites of colonial Lagos of the 1890s.⁴¹⁶ Although the colonial government had an administrative hold, which was deeply exclusionary, on Lagos and the rest of Nigeria, the Nigerian elite had reasonable influence of the sociocultural tides.⁴¹⁷ However, as Aderinto explains, both factions were predominantly complicit in the perpetuation of patriarchal and exclusionary ideals such as stifling the education of female children and limiting their prospects generally. There were women-led nationalist organisations that agitated for girl child education which led to establishment of Queens College Lagos in 1927, but the work of the women-led organisation was criticised in the press for advancing non-African gender ideals.⁴¹⁸

Aderinto reports that the Nigerian pre-independence press dominated the 1920s-1950s local male elite and this male dominance curated the prevalent sociocultural outlook that emerged out of Lagos.⁴¹⁹ This prevalently patriarchal curation was also

⁴¹⁵ As above.

⁴¹⁶ S Aderinto *When sex threatened the state: illicit sexuality, nationalism and politics in colonial Nigeria, 1900 – 1958* (2015) 31.

⁴¹⁷ Aderinto (n 416) 33.

⁴¹⁸ Aderinto (n 416) 34.

⁴¹⁹ Aderinto (n 416) 47.

parallel to the wider 'remasculinisation of African men in the body of literature' through the Heineman writers series sought to represent the dignity of African men against denigration that had been suffered through European dehumanising representations and regime.⁴²⁰ Epprecht, citing Stratton, discusses the approach of early African literature, replicating 'many of the age old patriarchal generalisations and tropes about women, gender and sexuality'.⁴²¹

This 're-dignifying' representation of the African man, in the 1970s, as Epprecht explains, illustrative through the portrayal of homosexuality as a tool of sexual, racial and moral subjugation wielded by foreigners against Africans in Omotoso's *The edifice*, Yavoucko's *Crepuscule et defi*, Kente's 'Too late' and Zwelonke's *Robben Island*.⁴²² Addressing the treatment of homosexuality in the early parts of the 21st century in Nigeria, Green-Simms interrogates the early conversations on African queer literature on the subject of queerness. Green-Simms argues that Soyinka's *The interpreters* published in 1965 presents 'one of the most well-known gay characters in African literature', Joe Golder.⁴²³ Joe Golder was Nigeria's literary queer debut. Epprecht argues that Soyinka encoded Golder with some empathetic qualities, and embodies Soyinka's portray of homosexuals with pity and revulsion.⁴²⁴ Mathuray engages with Golder as 'both strangely marginal and central to the narrative' in how he embodies a disruption of reductive heteronormative nationalism.⁴²⁵ In the novel *The interpreters*, Joe Golder is socially located amongst the sociocultural local elites, and is used by Soyinka to 'represent, test and explore the limits and boundaries of the African tradition and European liberal values of equality, tolerance and individual autonomy'.⁴²⁶ Golder is characterised as a 'hybrid creature an African American that can pass as white, a gay man who can pass as heterosexual, a strongly built man with feminine mannerisms...troubling the boundaries of race, gender, sexuality and

⁴²⁰ Epprecht (n 82) 170.

⁴²¹ Epprecht (n 82) 37, 41, 55.

⁴²² Epprecht (n 82) 170; K Omotoso *The edifice* (1971); C Yavoucko *Crepuscule et defi* (1979); DM Zwelonke *Robben island* (1973); G Kente 'Too late' (1981) 10(6) *Index on Censorship*.

⁴²³ L Green-Simms 'The emergent queer: homosexuality and Nigerian fiction in the 21st century' (2016) 47(2) *Research in African Literatures* 140.

⁴²⁴ Epprecht (n 82) 172, 173.

⁴²⁵ M Mathuray 'Intimacies between men: modernism, African homosexualities and masculinist anxieties in Wole Soyinka's *the interpreters*' (2014) 50(6) *Journal of Postcolonial Writing* 637.

⁴²⁶ As above.

even bodily description'.⁴²⁷ For Ngaboh-Smart Joe Golder is 'a figure of unresolved oppositions ... symbolising eclecticism, and his presence show that a work of art can still be of human relevance, even while the issues remain unresolved as they are in Golder himself'.⁴²⁸ For Obumselu, Joe Golder 'is such a bundle of contradictions, hospitable and hostile, reclusive and gregarious, effeminate and brutal, generous and predatory, that every contact he makes is deeply painful'.⁴²⁹

The interpretation of Joe Golder's character has varied from person to person. Green-Simms characterises Joe Golder as the queer to fear, foreign, predatory, immoral, degenerate and represents the textbook queer portrayal of the 1960s and 1970s in Nigeria and even up to 2021 in some circles.⁴³⁰

Writing in 1989 and acknowledging Soyinka's *The interpreters*, Dunton mentions works in the same category such as Clarke's *The raft*; Onyema's *Sex is a nigger's game* and Apolo's *Lagos na wa I swear*.⁴³¹ Dunton argues that at the time African writers abstained from representing in their works 'a fully characterized and non-schematic depiction of a homosexual relationship' and acquiesced on the possibility of ushering queer beings identity and expression into the broader conversation in the humanising manner in which other no-queer characters are.⁴³² In the early parts of the 21st century, in Nigeria, there was the blanket 'attribution of homosexuality to the West' and its colonial exploitative history.⁴³³

In addressing the conversation of child soldiers and queerness in Nigerian literature, Munro discusses Iweala's *Beast of no nation* as representing same-sex intercourse as oppressive and paedophilic, thus demonising male-male desire in a time that there

⁴²⁷ Mathuray (n 425) 639.

⁴²⁸ F Ngaboh-Smart 'Re-narrating the nation: soyinka's the interpreters' (2010) 46(1) *Journal of Postcolonial Writing* 51.

⁴²⁹ B Obumselu 'Wole soyinka's the interpreters: the literary context' (2018) 49(2) *Research in African Literature* 178

⁴³⁰ L Green-Simms (n 423) 140.

⁴³¹ C Dunton "Whetying be dat?' The treatment of homosexuality in African literature' (1989) 20(3) *Research in African Literatures* 424.

⁴³² As above.

⁴³³ As above.

was no other competing counter-narrative.⁴³⁴ In other words, Iweala reinforced the character and narrative of the bad queer boy. Munro further argues that writing back to that narrative to challenge and correct it is important in the journey to combat queer demonisation through anti-queer knowledge creation.⁴³⁵

Several other works of art followed in these queer maligning footsteps. The movies, the more widely consumed popular culture, started addressing themes of queerness. Nollywood, the second largest movie industry in the world, is often an articulation of maligning social perceptions towards queer persons.⁴³⁶ A study conducted by Azuah and Green-Simms, published in 2012, found that the Nollywood movies readily present great material condemnation of queerness.⁴³⁷ The studied Nollywood movies that allude to queerness include *Emotional crack*, *Girls' cot*, *Men in love*, *Women affair*, *Reloaded* and *Beautiful faces*.

To further demonstrate the Nollywood position, Green-Simms considers the film 'Beautiful faces'.⁴³⁸ *Beautiful faces* primarily tells the story of a female campus cult of wealthy and beautiful students all of whom are either predatory lesbians, sex-workers, home-wreckers or criminals, and perhaps the embodiment of all three as was the case one of the main characters Vivada.⁴³⁹ Green-Simms makes the argument that, although it also serves other purposes of flagging social themes, Nollywood is quite vested in scapegoating queer persons as problematic and possibly the fountain of all social ills.⁴⁴⁰ Although this scapegoating is largely a commercial stunt, its recurrence has the impact of perpetuating destructive stereotypes that erode the humanity of queer persons.⁴⁴¹ Some of these stereotypes include: a queer person as wrecker of the heterosexual marriage; a queer person as a criminal; the resort to queer

⁴³⁴ B Munro 'Locating 'queer' in contemporary writing of love and war in Nigeria' (2016) 47(2) *Research in African Literatures* 131.

⁴³⁵ As above.

⁴³⁶ Green-Simms & Azuah (n 66) 35; TA Osinubi 'Cinema, anglophone: representations of same-sex desire in english-speaking films made in Africa or by directors of African descent' (2019) *Global Encyclopedia of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) History* 333.

⁴³⁷ Green-Simms & Azuah (n 66) 38.

⁴³⁸ Green-Simms (n 423) 60.

⁴³⁹ Green-Simms (n 423) 65.

⁴⁴⁰ Green-Simms (n 423) 68.

⁴⁴¹ Osinubi (n 436) 334.

expression as a consequence of poor parental upbringing; and the oversexualised queer person.⁴⁴²

Osinubi contends that the portrayal of queer persons in Nigeria media are for boosting commercial interests as much as they are for complying with the regulations of the National Film and Video Censor Board (NFVCB).⁴⁴³ Echoing the revelation in Green-Simms and Azuah's 'Video closet', Osinubi's position is that the culture within NFVCB is to insist that in Nollywood productions featuring queer characters, these characters should be made to acquire their queerness or suffer for it and be either saved from it or destroyed by it.⁴⁴⁴ Unfortunately, these movies trickle down to Nigerian homes where they are consumed and where they form the knowledge basis of upbringing, socialisation and a civilisation that constantly conditioned to despise queer persons.

A 2017 study, titled 'Tragedy of misrepresentation and under-reporting of gender and sexual minorities in Nigeria' interrogates queer representation in Nigerian magazines and newspapers. This report shows that the periods May to July 2013 and January to March 2014 were peak periods of negative portrayals of queerness in the Nigerian mass media.⁴⁴⁵ The peak periods fostered contemporary dissemination of dehumanising narratives against queer persons.⁴⁴⁶ This 2017 report's focus was the portrayal of queer persons in Nigeria, across 187 news items, in the light of Nigerian media compliance with standard and ethical practices of journalism.⁴⁴⁷ For the foundation of standard and ethical practices in journalism the following grounds were considered: 'objectivity and biases displayed; choice of sources and process of sourcing; interpretation given to issues; understanding of human rights and its violations; knowledge and attitude towards contending issues; news placement and positioning; appeal to sensationalism;' as well as methods adopted with engaging with issues pertaining to minorities.⁴⁴⁸

⁴⁴² As above.

⁴⁴³ Osinubi (n 436) 335.

⁴⁴⁴ Green-Simms & Azuah (n 69) 34, 35; as above.

⁴⁴⁵ S Aborisade 'Tragedy of misrepresenting and under-reporting gender and sexual minorities in Nigeria' (2017) 14.

⁴⁴⁶ As above.

⁴⁴⁷ Aborisade (n 445) 16.

⁴⁴⁸ Aborisade (n 445) 8.

The 2017 report shows that the Nigerian media had fallen short of professional standards by proliferating false and prejudiced reports on queer persons and queer issues. Consequently, the Nigerian mass-media actively disregarded the social responsibility of the press towards minorities and the further victimisation of sexual and gender minorities in Nigeria.⁴⁴⁹ This report shows that Nigeria's initial mass media engagement with queerness was more exploratory, but that 2013 and 2014 records a firmer homophobic journalistic coverage of queerness that fostered a skewed public perception of queerness as well as fostered discrimination and violence against queer persons.⁴⁵⁰

The outpour of negative material on queer persons feeds wide curiosity but it also largely grounds the legitimisation of wide intolerance towards queer persons in Nigeria. Intolerant attitudes towards queer persons were already in existence when the SSMPA was enacted and this resulted in peaking rates of violence on the grounds of actual or perceived sexual orientation and gender identity. At the time of the passing of the SSMPA, the Pew Global Attitude Poll recorded that 98 per cent the Nigerian population did not believe that homosexuality should be accepted.⁴⁵¹ It was as though the Nigerian masses had been recruited to subdue the queer community or anyone that seemed to be involved in queer-related issues.

Nigeria systemically sustains violent and exclusionary knowledge frameworks, encoding the discrimination and erasure of hostility into the normal flow of everyday life through the media and other forms of knowledge creation. This research argues that the information that has been created, disseminated and upheld as regards queer persons in Nigeria in and of itself falls within the scope of violence. Knowledge creation not only leads to harm, but is also a form of harm in itself because this knowledge debases the humanity of queer persons.

⁴⁴⁹ As above.

⁴⁵⁰ Aborisade (n 445) 14; P Imiegha 'The role of media portrayal in advancing and reducing homophobia' in TIERS and others '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' (2019) 54.

⁴⁵¹ Pew Research Centre 'The global divide on homosexuality: greater acceptance in more secular and affluent countries' <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/> (accessed 10 July 2018); B Munro 'Locating 'queer' in contemporary writing of love and war in Nigeria' (2016) 47(2) *Research in African Literatures* 142.

There are Nigerian queer stories, although fictional, that are illustrative of some of the violence that queer persons in Nigeria face. Dibia's *Walking with shadows*, set in Lagos, Nigeria, tells the story of a young male adult protagonist, Ebele, who lost his job, social standing and family relations because his homosexual sexual orientation was publicised. His family 'came to his rescue' by subjecting him to brutal exorcism.⁴⁵² Okparanta's *Under the udala trees* articulates the cultural and religious resistance to non-heterosexual identities particularly in South-Eastern Nigeria within the context of Nigeria's 1960s civil war and the shortly after.⁴⁵³ The young female protagonist, Ijeoma, is captured exploring her identity, family relations, and social relations as a girl child during the civil war. Ijeoma encounters same-sex erotic relations, and although there is no name for it, she finds familiarity and roots. This reconciliation would earn Ijeoma, and the community of same-sex loving women, physical hostility, faith-based rejection, threats and eventually an incomplete tolerance.

Ikpo's *Fimisile forever* is set across Southern Nigeria, Western Nigeria, and a fictional Nigerian province named Amara. It begins with the raid of a Nigerian discotheque in the early morning hours by the Nigerian police force and mass arrest of its patrons on homosexual charges. These patrons would turn out to be guests and students of a Nigerian university celebrating the recently concluded graduation ceremony. At the time when this was written, it was only a few weeks after the enactment of the SSMPA, the international community spoke against Nigeria's recriminalisation of same-sex relations and there was no telling what catastrophe the Act would be capable of in the long term. *Fimisile forever* followed the lives of two queer brothers, who themselves are activists, as they fall apart in their bid to resist the dire realities of queer persons in Nigeria.⁴⁵⁴

This hostile environment towards queer Nigerians negatively affects the mental health of queer persons in Nigeria. A 2017 study conducted at the Obafemi Awolowo University showed that depression was four times more prevalent among same-sex

⁴⁵² Dibia (n 117) 174.

⁴⁵³ Okparanta (n 117) 200.

⁴⁵⁴ Ikpo (n 117) 236.

loving and bisexual men than among purely heterosexual men.⁴⁵⁵ This prevalence of poor mental health was found to be as a result of: maltreatment in health care settings; the expectation and lived experiences of being discriminated against; lack of access to support within traditional family networks; and insensitivity to sexual minority health issues among care providers.⁴⁵⁶

Running parallel to violence through knowledge creation is also the legal and social censoring and destruction of sources of queer rights advancement and epistemic resistance. The SSMPA criminalises all endeavours that are inclusive of queer persons, identities and expressions in Nigeria.⁴⁵⁷ This criminalisation violates the human rights to 'free expression, creative freedom and other human rights'.⁴⁵⁸ The SSMPA fosters an atmosphere of intimidation towards writers, film makers and other creatives, some of whom are queer themselves, capable of creating more informed, humane and nuanced knowledge streams on queer identities and lived experiences.⁴⁵⁹

In the wake of the SSMPA, adopted in 2014, writers and other creatives had to be mindful of how they wrote, what they wrote and where they published. Publishing houses had to be careful of what they accepted for publication and some writers who had already been published had to flee abroad for fear of arrest.⁴⁶⁰ Some writers completely stopped writing about queer realities.⁴⁶¹ In 2018, the federal high court held that the registration sought by Lesbian Equality and Empower Initiative (LEEI) was inconsistent with the Companies and Allied Matters Act as well as the SSMPA as LEEI was 'undesirable' and 'offensive'.⁴⁶² The denial of the registration of LEEI constitutes a challenge to the existence and functioning capacity of LEEI as both a sanctuary and knowledge stream for queer women in Nigerian.

⁴⁵⁵ OA Ogini and others 'Depression and associated factors among gay and heterosexual male university students in Nigeria' (2018) 47(4) *Archives of Sexual Behaviour* 3, 14.

⁴⁵⁶ Ogini (n 455) 5.

⁴⁵⁷ SSMPA sec 4.

⁴⁵⁸ PEN Nigeria and others 'Silenced voices, threatened lives: the impact of Nigeria' (2015) 4, 6; ICCPR art 19.

⁴⁵⁹ PEN Nigeria and others (n 458) 4.

⁴⁶⁰ PEN Nigeria and others (n 458) 6.

⁴⁶¹ PEN Nigeria and others (n 458) 13.

⁴⁶² Human Rights Watch 'World report 2019: events of 2018' (2019) 434.

2.4 Queer rights advocacy in Nigeria

Although there are Nigerian laws that provide legal protections from violence, the existence of homophobic laws and attitudes exclude queer persons from this protection. Mutua argues that effectively tackling this violence will require ‘thoughtful analysis, courageous advocacy and fundamental reforms’.⁴⁶³ Consequently, queer rights advocacy in Nigeria plays a significant role in realising these reforms. This section approaches the discussion of queer rights advocacy in Nigeria through two broad categories of thematic advocacy and technical advocacy. While this categorization is adopted here, there could more flexibility and intersection in queer rights advocacy practices in Nigeria. Occasionally queer rights advocacy intervention or organisations may execute their work using a single theme and a single technique, one or both of them reflective of their mission and vision, other times multiple techniques may be used around one theme or multiple themes around one technique. Discussing the current scope queer rights advocacy in Nigeria is important to this study because it opens up some of the subject areas that are being focused on and the techniques being used in order to investigate its scope and the need for complementarity or improvement of queer rights advocacy in Nigeria. The range of queer rights advocacy work carried out in Nigeria exists, is influenced by and constantly in interaction with the globalised and multicultural context in which the African continent and the world is today.

2.4.1 Thematic queer rights advocacy

Thematic queer rights advocacy refers to queer rights focused initiatives that are defined by their incline to a specific queer rights subject area or range of subject areas. This section addresses queer rights advocacy work on the subject areas of faith and sexual health.

Faith-based queer rights advocacy

Faith-based queer rights advocacy in Nigeria refers to queer rights advocacy guided by the theme of queer inclusion in religious spaces and by extension in the larger community. Faith-based queer rights advocacy is important because Nigeria today,

⁴⁶³ M Mutua ‘Sexual orientation and human rights: putting homophobia on trial’ in *Tamale* (n 69) 452, 459.

although secular and democratic, is a religious state. Nigeria is prevalently Christian and Muslim.⁴⁶⁴ It is estimated that Nigeria is 51 per cent Islamic and 49 per cent Christian.⁴⁶⁵ Faith and religion in Nigeria inevitably serve as grounding for prevalence of homophobic norms and attitudes in Nigeria.

Coupled with the erasure of oral tradition which usually sustained elements of indigenous cultural practices, these faiths over time have been used to demonise certain features of indigenous cultures such as traditional religions, cultural practices as well as indigenous gender and sexual expressions and identities.⁴⁶⁶ Nigerian faith leaders have decried queer sexualities and expressions.⁴⁶⁷ In the wake of the recriminalisation of queer sexualities in Nigeria both the Islamic and Christian religious leaders rose, forming a united front in affirmation of the SSMPA, congratulating the President on demonstrating his firm belief in both African culture and religion through the criminalization of queer identities.⁴⁶⁸

As Tamale describes, 'mobilising religion as a source of right will resonate for many African people'.⁴⁶⁹ Fortunately, religion has also been engaged with as a platform for the discussion of the human rights of non-heterosexual persons in Nigeria. The faith-based advocacy has generally been used as a means to engage with the notion that homosexuality is against Nigerian religions and culture particularly within places of worship. Homophobic messaging has been consolidated over the years through messaging and sermons. In engaging with faith and religion, there are two main groups that are iconic in the history of Nigerian queer rights advocacy. These are Changing Attitudes Nigeria (CAN) and House of Rainbow, Nigeria (HORN).

⁴⁶⁴ S Tamale 'Exploring the contours of African sexualities: religion, law and power' (2014) 14 *African Human Rights Law Journal* 151.

⁴⁶⁵ TIERS Nigeria 'Veil of silence - documentary' <https://www.youtube.com/watch?v=wR5dOIUOUjs> (accessed 20 January 2020)

⁴⁶⁶ Tamale (n 464) 153.

⁴⁶⁷ M Epprecht 'Religion and same-sex relations in Africa' in EK Bongmba *The Wiley-Blackwell Companion to Africa Religions* (2012) 515.

⁴⁶⁸ D Oguntola-Laguda & A van Klinken 'Uniting a divided nation? Nigerian Muslim and Christian responses to the Same-Sex Marriage (Prohibition) Act' in *Public religion and the politics of homosexuality in Africa* (2016) 39, 40.

⁴⁶⁹ Tamale (n 464) 153.

CAN is a Nigerian branch of the English non-governmental organisation, Changing Attitudes England.⁴⁷⁰ CAN was founded by Davis Mac Iyalla in 2005.⁴⁷¹ At the time Davis Mac Iyalla was a lay minister and member of St Andrews Church, Bakana, Niger Delta.⁴⁷² Like its mother organisation, CAN is mandated with the vision of fostering inclusion in the Anglican community in Nigeria. There is a firm and persistent engagement with the rank and file of the Anglican community in Nigeria and international spaces for faith-based engagement and faith-based work.

In November 2005 CAN organised its first general meeting in Abuja which then spiralled into other group meetings across ten different Nigerian cities.⁴⁷³ Up to 2008, the African Anglican community firmly held that there were no homosexuals in the Anglican Church. However, at the 2008 Lambeth Conference, CAN organized the African Day of Awareness during which conference participants who were mostly Anglican Bishops from all over the world were given the opportunity to interact with queer Anglicans from the Nigerian community.⁴⁷⁴ This was the first of its kind and it served as a solid rebuttal for the argument that there were no queer persons in the Anglican churches on the African continent.⁴⁷⁵ This bold step in visibility coupled with the 2003 approval of the first openly gay Bishop by the Episcopal Church in the United States of America and blessing of same-sex unions by the Canadian Church triggered the Church of Nigeria's wide support for the Same Sex Marriage Prohibition Bill of 2006.⁴⁷⁶

HORN is a Christian queer rights organisation which caters to the spiritual needs of queer persons on an interdenominational basis. The mother organisation of HORN,

⁴⁷⁰ <http://changingattitude.org.uk/> (accessed 20 January 2020).

⁴⁷¹ D Mac-Iyalla 'No change in attitudes' <https://www.theguardian.com/commentisfree/belief/2009/mar/20/nigeria-gay-rights> (accessed 20 January 2020).

⁴⁷² D Mac-Iyalla 'Changing Nigeria's Anti-LGBT approach' <https://archive.transatlanticrelations.org/publication/changing-nigerias-anti-lgbt-approach-davis-mac-iyalla/> (accessed 20 January 2020).

⁴⁷³ C Coward 'Changing Attitude Nigeria official document' (from the Changing Attitude archives).

⁴⁷⁴ As above.

⁴⁷⁵ C Coward 'Changing Attitude Nigeria official document' (from the Changing Attitude archives); Conversation with Davis Mac Iyalla on 23 January 2020; L Polgreen 'Nigeria Anglicans seeing gay challenge to orthodoxy' <https://www.nytimes.com/2005/12/18/world/africa/nigerian-anglicans-seeing-gay-challenge-to-orthodoxy.html> (accessed 20 January 2020).

⁴⁷⁶ C Coward 'Changing Attitude Nigeria official document' (from the Changing Attitude archives).

House of Rainbow, has a thriving online presence and produces bible-based queer-inclusive materials such as print devotionals and audio-visual materials. HORN caters to the daily spiritual and mental needs of queer persons of faith and as much as possible sustains physical and virtual spaces that enable this. HORN was founded by Rev Jide Macaulay in Lagos in 2006.⁴⁷⁷ Rev Jide Macaulay began conversations with Nigerian gay persons on a Yahoo group named 'African gay Christians'.⁴⁷⁸ Following his visit, the first HORN fellowship took place in Oba Akran in Lagos with 32 people in attendance.⁴⁷⁹ HORN thrived openly and attracted a lot of death threats to both Rev Jide Macaulay and other members of HORN.⁴⁸⁰ HORN still operates in Nigeria, although less openly.

There is now the Interfaith Diversity Network of West Africa which has individual and group members from various faith backgrounds across Nigeria. At the time of this research their identity and the nature of how they engage with advocacy is not public knowledge for security reasons. In certain big cities like Lagos, there has been a rise of modern and more youth led Pentecostal churches that are reputed to provide a respite for young people from the stringent orthodoxy of bigger and more traditional churches.⁴⁸¹ An instance of these spaces are Lagos-based churches like the Harvesters and the Tribe.⁴⁸² In the Tribe there is focus on more youth centred issues such as relationships, mental health and sexuality, career and it affords an enabling and conducive space for vulnerability and open conversations.

So far faith-based advocacy in Nigeria has been used by both members of the clergy and laity in the Christian religion. Nonetheless the Islamic front seems silent or perhaps the working of Islamic queer rights advocacy in Nigeria is not as prominent as on Christian platforms. Although the conversation on queer inclusion in worship places has been on for years, there is yet to be a visible and effective union between

⁴⁷⁷ Berkley Center 'A discussion with Rev Jide Macaulay, founder and CEO of House of Rainbow' <https://berkleycenter.georgetown.edu/interviews/a-discussion-with-rev-jide-macaulay-founder-and-ceo-of-house-of-rainbow> (accessed 20 January 2020).

⁴⁷⁸ Conversation with Rev Jide Macaulay on 20 November 2019.

⁴⁷⁹ As above.

⁴⁸⁰ As above.

⁴⁸¹ CJ Nelson 'I'm a queer Nigerian. It is hard to find a church community' <https://www.nytimes.com/2020/01/23/opinion/sunday/gays-nigeria-church.html> (accessed 20 January 2020).

⁴⁸² As above.

queer Muslims and queer Christians in Nigeria. The challenge that faith-based advocacy faces besides the lack of visible and effective interfaith collaboration is that it is yet to gain the gravitas that is necessary to contend formidably with resistance within the religious spaces in Nigeria. Also, faith-based queer rights advocacy by its very nature is confined to the workings of religious circles and not in the mainstream contesting queer exclusion on other platforms outside of worship places. In recent years, owing to high rates of hostilities and underground operations, faith-based queer rights advocacy has not been as visible and vibrant in Nigeria as it was in the wake of the millennium.⁴⁸³ Although there is the presence of faith-based queer rights advocacy organisations in Nigeria, their visibility and reach are yet to reach its full potential.

Sexual health based queer rights advocacy

In a 2017 study conducted by the Bisi Alimi Foundation, it was shown that it is tedious to access basic health care services in Nigeria and it is much worse for queer persons.⁴⁸⁴ Sekoni's 2022 doctoral thesis found that Nigerian queer persons access to health care in Nigeria is fraught with unequal and homophobic treatment which translate to high rates of HIV among queer persons in Nigeria.⁴⁸⁵ Generally, the Nigerian health care system operates 'against a backdrop of a poorly maintained health infrastructure, widespread industrial action and lack of support for health care providers' as well challenged by legal restriction and limited budgets.⁴⁸⁶ This is further complicated by the general ill-preparedness, lack of support, passiveness and hostility of health officers in Nigeria in the face of health challenges faced by queer Nigerians.⁴⁸⁷

Work in the field of sexual health is one of the most prominent means through which LGBT organising has been done in recent times in Nigeria. Besides being a global issue, access to sexual health services is particularly problematic for queer persons in Nigeria. A few factors, including the heightened vulnerability to HIV and other sexually transmitted infections of men who have sex with men, and importantly the

⁴⁸³ Gevisser (n 28) 131.

⁴⁸⁴ Bisi Alimi Foundation 'Not dancing to their music: the effects of homophobia, biphobia and transphobia on the lives of LGBTQ people in Nigeria' (2017) 9.

⁴⁸⁵ A Sekoni 'Health care experiences of LGBT people in Nigeria, trainings, beliefs and practices of healthcare students and providers' unpublished PhD thesis, University of Lagos, 2022, 174.

⁴⁸⁶ Bisi Alimi Foundation (n 484) 9.

⁴⁸⁷ As above.

stigma, discrimination and violence that being non-heterosexual attracts. The provision and use of sexual health services are further complicated by the criminality attached to the provision of services to queer persons in Nigeria. There are a number of Nigerian queer rights organizations that work in the area of sexual health of LGBTI persons. Some of them are: Access to Good Health Initiative (AGHI); International Centre for Advocacy on Right to Health (ICARH); Women's Health and Equal Rights (WHER); and the Initiative for the Advancement for Humanity (IAH).

ICARH is a health organisation primarily catering to the sexual health needs of queer persons.⁴⁸⁸ They have secure premises in Abuja, Nigeria which may occasionally serve as a respite from the repressive and homophobic society. ICARH engages with and contributes to policy work around the sexual health of queer persons as well as well people living with HIV in Nigeria through research, capacity and advocacy as well as day to day clinic services.⁴⁸⁹

WHER focuses on sexual, reproductive psycho-social health of lesbian, bisexual and queer women through advocacy, day to day clinic services, provision of access to health care, capacity building, para-legal services, monitoring and documentation, research and education.⁴⁹⁰ The IAH is a Port Harcourt based NGO and caters to queer persons in the Niger Delta (South-South) region of Nigeria.⁴⁹¹ The IAH focuses on women, youth and other vulnerable groups within the Niger-Delta. The IAH carries out advocacy through bringing quality and affordable care, education and legal justice to communities. The IAH also provides community services capacity building, sexual health and psycho-social support to persons living with HIV and those at high risk.⁴⁹²

⁴⁸⁸ <https://icarh.org/about> (accessed 21 August 2021).

⁴⁸⁹ <https://www.astraeafoundation.org/stories/womens-health-and-equal-rights-initiative-wher/> (accessed 21 August 2021); The Initiative for Equal Rights '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGI.pdf> (accessed 20 January 2020) 15, 56, 57.

⁴⁹⁰ The Initiative for Equal Rights '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGI.pdf> (accessed 20 January 2020) 15, 56, 57.

⁴⁹¹ <http://iahngo.blogspot.com/> (accessed 21 August 2021).

⁴⁹² The Initiative for Equal Rights '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp->

There are several other grassroots organisations and informal groups that may have interests and provide such services. But it is important to note that they do this within the hostile climate of the SSMPA. Besides facing the problematic issue of illegality of registration and operation, every day of being open and providing services is a day of possible hostility, arrest, unjust detention and conviction to imprisonment for a decade or more.

Queer rights advocacy in Nigeria focusing on the theme of sexual health has drawn on the participation of the different techniques and experts such as health workers, peer educators and policy advocates. The sexual health niche is a prominent niche for queer rights advocacy in Nigeria particularly because it has a history of attracting substantial financial and institutional support internationally. The major focus of these sexual health organisations are capacity building workshops on sexual health, law and policy-centred workshops, provision of sexual health services and the provision of a safe social haven queer persons in the communities where these institutions are established. In situations where, queer rights organisations are based they often avoid publicity for security reasons.⁴⁹³ With queer sexual health work there is the consciousness of hostility among service providers but there is not a sufficient multidisciplinary approach to tackling negative attitudes.

2.4.2 Technical advocacy

Technical queer rights advocacy are queer rights focused initiatives that are defined by their incline to specific approach usually requiring precise technique and as such demanding a precise skill through which queer rights is advanced. This section addresses queer rights advocacy efforts that adopt the technique of literary writing, media engagement and litigation.

Literary queer rights advocacy

Literary queer rights advocacy refers to the production and use of literary works as a technique for advancing one or more queer rights subject areas. Literary works here

[content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGL.pdf](https://www.ohchr.org/en/press-materials/press-materials-2020-01-20) (accessed 20 January 2020) 15, 56, 57.

⁴⁹³ Sogunro (n 1) 636.

include instances of prose, drama and poetry, which in and of themselves adapts the narrative form and may be referred to as demonstrations of storytelling. The nature of the literary queer rights advocacy is such that it leverages the emotive portrayals of fictional characters, conflicts and desire as tools to engage with the real-life situations of queer persons and to advance queer rights. The technique of literary queer rights advocacy is of particular importance in this study not just as an illustration of technical queer rights advocacy but also as central to demonstrating the relevance of narratives to the advancement of queer rights in Nigeria.

Since Duiker's debut, *The quiet violence of dreams*, in 2001, the world of African literature has been quite intentional in its engagement with queer identities.⁴⁹⁴ While Duiker was South African and his work is set, published and mostly read in South Africa, there has also been some intense engagement with the humanity of non-heterosexuals in Nigerian literary works of prose and poetry published both in Nigeria and abroad. The Nigerian literary scene has always been a platform for debate on sexuality and gender. More recently it has become an even more intense space owing to the sprawling supply of queer counter-narratives.

More than ever before in the history of Nigeria, there are more accessible queer literary works and stories as well as more visible queer storytellers and more openly operating platforms that encourage and admit queer literary storytelling. As such these have encouraged more nuanced conversations and engagement with queer identities. These are in spite of thriving homophobic hostility meted out to creators of these literary resources.

There is a non-exhaustive list of Nigerian queer literary resources. These resources range from fictional works such as Okparanta's *Under the udala trees* to non-fictional works such as Edozien's *Lives of great men* to short stories such as Adichie's *Apollo* to the heart wrenching poetry of Oriogun to anthology entries in mobile archival series such as *Queer Africa* and the *Gerald Kraak Awards* to independent blogs, websites

⁴⁹⁴ M Epprecht 'Two decades of sexuality research in Africa south of the Sahara' (2018) 21(8) *Sexualities* 1227; K Duiker *The quiet violence of dreams* (2001) 10.

and Facebook wall diary entries of countless Nigerian queer storytellers all over the world, as well as their online interactions of other queer people leading ordinary lives.

Although Nigerian literary advocacy comprises mostly of individual led advocacy interventions, there are a few Nigerian queer rights organisations that include the use of literary works as an advocacy approach in engaging with the promotion of queer rights in Nigeria. Queer Alliance, Nigeria (QAN) directs its resources to speaking to the knowledge base on queer persons and realities in Nigeria by challenging negative stereotypes about queer persons prevalent in the society. One notable QAN project is *Blessed Body*, an anthology of biographical works of queer rights across the spectrum written by them chronicling their lived experiences both in Nigeria and abroad.⁴⁹⁵ This volume was edited by Azuah and published in 2016. Of particular importance is the budding but remarkable queer library open to the general public situated in the office of The Initiative for Equal Rights (TIERS). The queer library provides a safe space for the display and consumption of African queer literature that would ordinarily be unavailable or difficult to get in mainstream book shops and markets.

These literary resources are discussed further in Chapter 3 on indigenous storytelling. Nonetheless, it is important to state here that the written word as a tool for advocacy has become a prominent and resourceful avenue for resistance to the generally homophobic circumstances of the Nigerian society. Although they are now accessible, the extent of engagement with these literary resources remains limited. The creation and existence of these literary sources are disruptive and resisting homophobia and exclusionary norms, practices, policies and laws. But this is nothing compared to the potential left untapped owing to the literary works being un-engaged with, un-thought of, un-taught in schools, un-included, un-referenced and un-invited where the 'conversations' are or should be heated the most. Literary works are still not adequately leveraged in Nigeria as a queer rights advocacy tool.

⁴⁹⁵ U Azuah (ed) *Blessed body: The secret lives of lesbian, gay, bisexual and transgender Nigerians* (2016).

Media queer rights advocacy

Media queer rights advocacy is the advancement of queer rights interests through journalistic means and other forms of mass media. Media queer rights advocacy in Nigeria recognises that the media is a hotspot for social engineering that feeds the knowledge-base, consciousness and loyalties of the masses. With the advancement of technology and the internet, what falls within the scope of media is non-exhaustive. Although non-exhaustive, this list includes avenues such as newspapers, magazines, television, radio, online social networks, blogs, internet material, films, music, fine art, spoken words in places of learning, work and worship.

When it comes to engagement with queerness in Nigeria, the media has been a key player in the conversations and lived realities of queer persons in Nigeria, particularly in the portrayal of queer persons and curating of queer identities for public consumption.⁴⁹⁶ Generally coming from the side of mainstream media, the portrayal has been negative and over-sensationalised, leading to further victimisation and discrimination of queer persons in Nigeria. Consequently, there is lack of positive portrayal of queer persons leading to incomplete and inaccurate portrayals of queer existence as demonic, immoral and exploitative thrive reinforcing negative stereotypes, legitimating violence.

Nonetheless, there has been some remarkable interventions in media advocacy for queer rights particularly in the light of film and social media engagement. Some of the recent iconic interventions include the work of TIERS, The Equality Hub, NoStringsNG Podcast and the Twitter Pride. Similar to other queer rights advocacy interventions in Nigeria, these are conducted with the stringent climate of homophobia and the possibility of a jail sentence as enshrined in the SSMPA.

TIERS is one of the leading minority rights focused organisations operating mainly from Lagos Nigeria. The scope of their work cut across documentation and monitoring, legal representation, advocacy and security protection and storytelling.⁴⁹⁷ Of

⁴⁹⁶ TIERS '2018 report on human rights violations report based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2018/12/2018-Human-Rights-Report.pdf> 6.

⁴⁹⁷ TIERS 'Our core activities' <https://theinitiativeforequalrights.org/what-we-do/> (accessed 20 January 2020).

particular interest here is their storytelling work which is ‘used as tool to engage and educate the general public on issues relating to LGBT persons in Nigeria’.⁴⁹⁸ Some of TIERS’ storytelling intervention include web series such as ‘Chapter four’ and ‘Untold Facts’ in which human rights issues broadly are discussed and narrowed down to how they affect LGBT and other minority groups.⁴⁹⁹ The conversations in ‘Chapter four’ and ‘Untold facts’ are usually moderated by a host and experts from various industries as queer persons are invited to share their expert views as well as lived experience.⁵⁰⁰

Other media interventions by TIERS include short films. *Hell or high water* dealing with the life of a young queer Nigerian pastor whose sexual orientation was maliciously exposed; *We don’t live here anywhere* a film which tackles homosexuality and homophobia in a Nigerian secondary school and the battle to protect the family image against it at all cost; *Everything in between* is a web series following the lives of three young professional living their non-heteronormative lives in Nigeria’s big city, Lagos.⁵⁰¹ Recently, there is the movie adaption of Jude Dibia’s debut novel *Walking with shadows* released in 2005.⁵⁰² *Walking with shadows* narrates the life of a young professional whose same-sex loving orientation was maliciously broadcasted and suddenly, himself, family, work and future have to navigate the excruciating pain homophobia, rejection and violence legitimated by religion and morality.

The Equality Hub is an organisation that engages with visual storytelling as a tool for promoting the human rights of lesbian, bisexual and queer women in Nigeria.⁵⁰³ Pamela Adie in 2019 released her documentary film *Under the rainbow*, which

⁴⁹⁸ As above.

⁴⁹⁹ TIERS ‘TIERS presents a new discussion series: “UNTOLD FACTS” moderated by TV host Moses Omoghena’ <https://theinitiativeforequalrights.org/tiers-presents-a-new-discussion-series-untold-facts-moderated-by-tv-host-moses-omoghena/> (accessed 20 January 2020); NoStringsNG “‘Untold Facts’ By TIERS, will Tackle Gender & Sexuality Issues In Nigeria’ <https://nostringsng.com/tiers-launches-untold-facts/> (accessed 20 January 2020); TIERS ‘Chapter Four E3 - Understanding Discrimination’ <https://www.youtube.com/watch?v=ZfVVqgmzCFcQ> (accessed 20 January 2020).

⁵⁰⁰ TIERS ‘Untold Facts S4 E2 - Intersectionality in the LGBT Movement’ <https://www.youtube.com/watch?v=4GITnkmf5DI> (accessed 20 January 2020).

⁵⁰¹ ‘TIERS Nigeria’ <https://www.youtube.com/channel/UCgs5oTvFB0wnAA--GWEhEwA> (accessed 20 January 2020).

⁵⁰² TIERS ‘Walking with shadow, official trailer’ <https://www.youtube.com/watch?v=MraPrTBxoOM> (accessed 20 January 2020).

⁵⁰³ The Rustin Times ‘Nigerian activist Pamela Adie is nominated for the first Mary Chirwa Award for courageous leadership’ <http://therustintimes.com/2019/10/14/nigerian-activist-pamela-adie-is-nominated-for-the-first-mary-chirwa-award-for-courageous-leadership/> (accessed 20 January 2020).

captures Adie navigating her life in the homophobic Nigerian society as a young lesbian woman. She has to face hostility from her family and the society at large but eventually evolves into a solid pillar in the Nigerian LGBTI rights movement as well as on the continent.⁵⁰⁴

NoStringsNG is an online platform that engages journalistic tools to discuss and report on queer themed issues across Nigeria.⁵⁰⁵ Resources here usually include podcast series, web articles, web reports on LGBTI rights violations, updates on other LGBTI rights advocacy interventions across Nigeria. The mission of NoStringsNG is to challenge negative stereotypes about Nigerian LGBTI persons as well as increasingly make LGBTI resources, conversations, expressions, realities and rights have a more dignifying place in the society.⁵⁰⁶

At the level of leveraging the internet and social media, the annual Nigerian Twitter Pride is also another interesting queer rights media intervention and this is how it works: every Pride month, queer Nigerians from all over the world have the opportunity to interact on a twitter anchored by a certain hashtag for that year. Although mainstream print and electronic media, because of their wide reach, are attractive platforms for the advancement of queer rights, accessing and leveraging it may be challenging. The challenges that affect access to mainstream print and electronic media for queer rights advocacy is the high cost of access; hostile social, cultural political environment which some media houses have to cater to stay afloat; homophobic leadership of some media institutions and widespread fear of among media stakeholders of being victimized because of their incline towards positive queer portrayal and resistance to hostility. Also contributing to media queer rights advocacy in Nigeria is the wide access to international queer inclusive media platforms such as HBO and Netflix. Various content on these cosmopolitan media platforms provide positive and dignifying representations of queer identities of Nigerian, African and global queer identities. These sources also foster the articulation of homophobic

⁵⁰⁴ eNCA 'Under the rainbow: LGBTI film' <https://www.youtube.com/watch?v=rgACWQF7Nx0> (accessed 20 January 2020); ThisIsAfrica "Under the rainbow' a documentary of self-discovery' <https://thisisafrika.me/african-identities/under-the-rainbow-lgbtqi/> (accessed 20 January 2020).

⁵⁰⁵ NoStringsNG 'About us' <https://nostringsng.com/about-nostringsng/> (accessed 20 January 2020).

⁵⁰⁶ As above.

violence as a global issue and queer identity as a natural part of the human society. Some of these queer inclusive contents are ‘Sex Education’; ‘Grace and Frankie’; ‘Heartstopper’; ‘Dance of the 41’; ‘Moonlight’; ‘Call me by your name’ and this list keeps growing from year to year.⁵⁰⁷

Legal queer rights advocacy

Legal queer rights advocacy is the advancement of queer rights through the use of law practice and legal representation. Legal queer rights advocacy in Nigeria operates within a legal climate that criminalises all queer expressions, relationships, queer rights support and organising. The operation of legal queer rights advocacy is dangerous for legal practitioners as it places them at the risk of professional alienation and criminal sanctions. Nonetheless, there are a few legal practitioners and organisations that carry out legal queer rights advocacy in Nigeria. Legal queer rights advocacy in Nigeria is important because hostility towards queerness is entrenched in law and this creates an atmosphere of state-driven hostility perpetrated by both state and non-state actors with impunity.

In 2014, shortly after the SSMPA was passed into law, a Nigerian activist took the Nigerian police to court for unlawfully arresting and detaining him, and raiding the Abuja office of the International Centre for Advocacy on the Rights to Health (ICARH).⁵⁰⁸ The ICARH office also served the purpose of a clinic for men who have sex with men and transwomen.⁵⁰⁹ In the course of this suit, the argument was made that this violation by state actors violated his rights to dignity, personal liberty, security of person as well as freedoms of expression, association and movement.⁵¹⁰ In 2016, the Abuja Judicial Division of the Federal High Court ruled the violations as unlawful and breaching of Ifeanyi’s constitutional rights. The Court also ruled that the

⁵⁰⁷ Netflix ‘LGBTQ movies’ <https://www.netflix.com/za/browse/genre/100010> (accessed 7 October 2022).

⁵⁰⁸ *Ifeanyi Orazulike v Inspector General of Police & Anor* (Motion No: FHC/ABJ/CS/799/2014); NoStringsNG ‘Nigerian activist Ifeanyi Orazulike wins federal high court case against the Nigerian police’ <https://nostringsng.com/nigerian-activist-ifeanyi-orazulike-wins-federal-high-court-case-against-the-nigerian-police/> (accessed 23 January 2020).

⁵⁰⁹ The Black AIDS Institute ‘AIDS 2014 newsmaker: Ifeanyi Orazulike’ <https://blackaids.org/blog/aids-2014-newsmaker-ifeanyi-orazulike/> (accessed 23 January 2020).

⁵¹⁰ Constitution of the Federal Republic of Nigeria 1999 (As Amended) secs 34, 35, 40; African Charter Ratification and Enforcement Act sec 6, 9(2), 10(1), 11, 12.

government must pay the sum of one million naira to Ifeanyi as well as make a public apology to Ifeanyi.⁵¹¹

The raid of Ifeanyi's office happened only a few hours after the end of the case of *Teriah Ebah v Federal Government of Nigeria*.⁵¹² In *Teriah's* case, Teriah (a UK based Nigerian accountant), brought an action demanding that the Court declare the recently passed SSMPA illegal and unconstitutional.⁵¹³ However, the Court struck out *Teriah's* case on the grounds that Teriah was not part of LGBTI community, is in no way affected by the SSMPA and has no legal standing or right to bring such application before the court.⁵¹⁴ Onuora-Oguno discusses the *Teriah* case within the scope of the Fundamental Rights Enforcement Procedure Rules 2009 (FREP).⁵¹⁵

The FREP sets out the rule of procedure that guides the determination of human rights lawsuits in Nigerian courts, giving them priority, fostering public concern and encouraging public interest litigation. To demonstrate this, the FREP empowers the Courts to apply the rule of overriding objective. Onuora-Oguno makes the case that the overriding objectives of the courts includes the 'liberal and purposive' interpretation of Nigeria's legal human rights commitments contained in the CFRN and the African Charter and the fostering of public interest litigation.⁵¹⁶ The cognisance and application of the rule of overriding principles should have ordinarily inspired the court to look past technicalities and procedural hurdles, to consider the merits of the case, the actual human rights violation sought to be redressed. But obviously owing to extrajudicial

⁵¹¹ NoStringsNG 'Nigerian activist Ifeanyi Orazulike wins federal high court case against the Nigerian police' <https://nostringsng.com/nigerian-activist-ifeanyi-orazulike-wins-federal-high-court-case-against-the-nigerian-police/> (accessed 23 January 2020).

⁵¹² *Teriah Ebah v Federal Government of Nigeria* (Suit number: FHC/ABJ/CS/197/2014).

⁵¹³ M Nathan 'Applicant suing Nigerian government to nullify anti-gay law speaks out before judgement' <https://dailyqueernews.wordpress.com/tag/joseph-teriah-ebah/> (accessed 23 January 2020); I Nnochiri 'UK based Nigerian asks court to declare same-sex marriage law unconstitutional, null and void' <https://www.vanguardngr.com/2014/03/uk-based-nigerian-asks-to-court-declare-sex-marriage-law-unconstitutional-null-void/> (accessed 23 January 2020).

⁵¹⁴ M Nathan 'Breaking Nigerian court strikes down case on anti-gay law' <https://oblogdee.blog/2014/10/22/breaking-nigerian-court-dismisses-judgment-on-anti-gay-law/> (accessed 23 January 2020).

⁵¹⁵ Fundamental Rights Enforcement Procedure Rules 2009; AC Onuora-Oguno 'Protecting same-sex rights in Nigeria: case note on *Teriah Joseph Ebah v Federal Government of Nigeria*' in Namwase & Jjuuko (n 10) 239.

⁵¹⁶ As above.

consideration, the FREP rules were disregarded, public interest litigation thrown out and the opportunity to test the efficacy of the principle, wasted.

In 2017, Adie of the Lesbian Equality and Empowerment Initiatives (LEEI) brought an action against the Nigerian Corporate Affairs Commission (CAC).⁵¹⁷ The LEEI was created with the aim of advocating for the human rights of queer persons. The CAC refused to register the LEEI because the name of the organisation was in breach of the SSMPA which proscribes all organisations that cater to the needs of the queer community in Nigeria.⁵¹⁸ After being turned down twice, Adie brought an action in 2017 challenging the CAC's refusal to register the LEEI on the grounds of their violating their rights to freedom of expression and association as enshrined in the Nigerian Constitution as well as in the African Charter.⁵¹⁹ The Court upheld this position and the matter has gone on further appeal.

Legal advocacy carried out by Nigerian civil society also includes engagement with regional bodies such as the African Commission through the submission of shadow reports. A shadow report was for example submitted to be considered by the African Commission at its 56th session, by a coalition of organisations including: Advocates for Behavioural Change; AMSHeR; Initiative for Advancement of Humanity; International Centre for Advocacy on Right to Health; International Centre for Reproductive Health and Rights; Legal Defence and Assistance Project; TIERS; Women's Health and Equal Rights Initiative; the Centre for International Human Rights of North Western University School of Law; Heartland Alliance and Global Initiative for Sexuality and Human Rights.⁵²⁰

⁵¹⁷ *Pamela Adie v CAC* (2018).

⁵¹⁸ SSMPA 2013 sec 5(2).

⁵¹⁹ CFRN sec 39(1), 39(2), 40; African Charter secs 9, 10(1); B Edokwe 'Pamela Adie v CAC (2018): Federal High Court Suit Seeking to Register Lesbian Associations in Nigeria' <https://www.barristerng.com/pamela-adie-vs-cac-2018-federal-high-court-dismisses-suit-seeking-to-register-lesbian-association-in-nigeria/> (accessed 20 January 2020).

⁵²⁰ Advocate for Behavioural Change and others 'Human rights violations based on sexual orientation and gender identity in Nigeria: a shadow report on Nigeria's compliance with the African Charter on Human and Peoples' Rights (submitted for consideration at the 56th session of the African Commission on Human and Peoples' Rights 21 April to 7 May 2015)' (2015) 2 <https://www.whereloveisacrime.org/wp-content/uploads/2015/05/ACHPR-Shadow-Report-Nigeria-SOGI-2015.pdf> (accessed 20 August 2022).

The global call for Nigeria to review the criminality of queer persons is Nigeria has been both legal and institutional such as through the Universal Periodic Review.⁵²¹ The African Commission in its 2015 Concluding Observation on Nigeria's fifth periodic report also called for a review of the SSMPA.⁵²² Through this shadow report, these organisations sought to bring to the African Commission's attention, Nigeria's avoidance of its human rights commitment under the African Charter to protect the rights of all persons including queer persons in its territory. In a 2017 response to African Commission's recommendations, the Nigerian government evasively wrote that 'Nigeria notes this recommendation'.⁵²³

Hostility and arrests of persons who are actually or perceived to be queer in Nigeria have been a constant since re-criminalisation of same-sex relationships in Nigeria through the SSMPA.⁵²⁴ However, it is also customary for victims of such hostility to shy away from bringing legal action because of the increased hostility and marginalisation that accompanies the incidental visibility as a queer person.⁵²⁵ Owing to this, state actors and non-state actors keep falling back on the SSMPA to legitimate homophobic violence and hostility as well as extortion from persons perceived to be queer in Nigeria.

521 UPR Info Database 'Nigeria' [\(https://upr-info-database.uwazi.io/library/?q=\(allAggregations:!f,filters:\(state_under_review:\(values:!\(fkroryg5\)\)\),from:0,incldeUnpublished:!f,limit:30,order:desc,searchTerm:%27lgbti%27,sort:score,types:!\(%275d8ce04361cde040822e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/library/?q=(allAggregations:!f,filters:(state_under_review:(values:!(fkroryg5))),from:0,incldeUnpublished:!f,limit:30,order:desc,searchTerm:%27lgbti%27,sort:score,types:!(%275d8ce04361cde040822e9a8%27),unpublished:!f)) (accessed 20 August 2022).

522 African Commission on Human and Peoples' Rights 'Concluding observations and recommendations-Nigeria: 5th periodic report, 2011 – 2014 (adopted at 57th ordinary session November 4 to November 18, 2015 Banjul, Gambia' (2015) 18 https://www.achpr.org/public/Document/file/English/concluding_observations_nigeria_5th_sr_eng.pdf (accessed 20 August 2022).

523 Federal Ministry of Justice, Nigeria 'Nigeria's 6th periodic country report: 2015 – 2016 on the implementation of the African Charter on Human and Peoples' Rights in Nigeria'(2017) 17 https://www.achpr.org/public/Document/file/English/nigeria_state_report_6th_2015_2016_eng.pdf (accessed 20 August 2022).

524 TIERS '2018 report on human rights violations report based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2018/12/2018-Human-Rights-Report.pdf> (accessed 20 January 2020) 4; The Initiative for Equal Rights '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGI.pdf> (accessed 20 January 2020) 16.

525 The Initiative for Equal Rights '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGI.pdf> (accessed 20 January 2020) 27.

The larger body of legal practitioners in Nigeria stay mostly detached from queer rights advocacy.⁵²⁶ Only a handful of lawyers are willing to get involved in matters concerning suspected same-sex relations. This reluctance may be blamed on the prevalent prejudice against queer persons within the legal profession as well as the stigma and publicity that are attached to such cases. There is a growing need to enlighten and empower legal practitioners in Nigeria to be more empathetic, informed and willing to address matters concerning queer persons.

Often legal queer rights advocacy in Nigeria includes psycho-social support for victims of homophobic hostility. Legal queer rights advocacy may often include being available and accessible with the bail or ransom or blackmail money depending on the context. In 2019, 57 men were charged with offences in breach of the SSMPA at a Magistrates' Court in Lagos. This was the first time the SSMPA was used in the criminal case in Nigeria.⁵²⁷ In January 2020, it was reported in a tweet by the Initiative for Equal Rights Human Rights that the Nigerian Human Rights Commission has just established 'a special investigation panel on sexual and gender-based violence across Nigeria'.⁵²⁸ But then there is no guarantee that this will cater to the dire state of LGBTI rights in Nigeria owing to the prevalent culture of exclusion of queer persons and the denial of their human rights.

Jointly, the indigenous queer identities and the thematic and technical queer rights advocacy establish that it is not un-African or un-Nigerian to be queer. The discussion above has also demonstrated that addressing the prevalence of violence towards queer persons is as much a function of human rights standards as it is a function of attitudes. The disparity in attitudes towards indigenous queer identities and formal queer rights advancement interventions are illustrative of the importance of attitudes curated by substantial visibility of queer persons, visible participation of queer persons,

⁵²⁶ Sogunro (n 1) 635.

⁵²⁷ TIERS '2019 report on human rights violations based on real or perceived sexual orientation and gender identity in Nigeria' <https://theinitiativeforequalrights.org/wp-content/uploads/2019/12/2019-Human-Rights-Violations-Reports-Based-on-SOGI.pdf> (accessed 20 January 2020) 27.

⁵²⁸

https://twitter.com/search?q=%E2%80%98a%20special%20investigation%20panel%20on%20sexual%20and%20gender-based%20violence%20across%20Nigeria&src=typed_query (accessed 6 October 2022).

awareness of queer persons, public contact and interaction with queer persons as well as the promotion of queer-inclusive knowledge systems.

Indigenous queer identities that were more participatory and intimate than directly political, were responded to with acceptance, in some case honour and in the least respect. Instances of this acceptance include the case of *adé* of the orisha faith in the Yoruba nation, the *ekwe* of the Igbo nation and the *‘yan daudu* of the Hausa nation. Although the sexual aspects were not obvious, queer persons lived openly and people knew them; worked with them and lived alongside them, aware and respectfully.

Direct queer rights advocacy interventions that are more directly political have secured more deliberate and formal political queer rights organising at national and international levels. But because of the prevalence of homophobic prejudices and negative attitudes, direct queer rights advocacy has attracted heavier sanctions, increased criminality and hostility towards queer persons in Nigeria. These backlashes include the introduction of the Same-Sex Bill in 2005 following the protest of queer persons at the HIV conference. The Nigerian Anglican Communion also severed from the Global Anglican community following the ordaining of a gay priest. In Nigeria, queer rights activists have been ex-communicated from the church. Nigerian queer rights activists are fleeing the country and seeking asylum abroad owing to threats incidental to increased awareness of their queer identities. Venues used for sexual health queer rights advocacy also bear the risk of sudden ambush. Queer rights organisations are also denied formal registration on the basis of SSMPA.

What these disparities in socio-cultural and legal disparities demonstrate is not so much the efficacy of one queer rights advancement approach over another, indigenous over direct. Direct queer rights advocacy and indigenous queer visibility both have their merits. Direct queer rights advocacy is politically-driven and policy-focused, while indigenous queer visibility is culturally legitimated and participatory. While the former is invested in normative and justiciable groundings of queerness in formal and legal structures of the society, the latter is more grounded in reaching for social acceptance, normalizing queerness on mainstream social and cultural platforms, and inclined to the unconscious but active, visible and even central involvement of queer persons in the social and cultural structures of the society. Social

acceptance is more realisable when people have a closer interaction behind the identities as opposed to the hostility that is born by the widespread prejudices about the identities.

Sogunro asserts that Nigerian queer rights advocacy needs to be more articulate and expressive in order to secure the policy makers and justice system's rethink and repeal of our anti-gay laws.⁵²⁹ He also calls for more strategic litigation, community organising, visibility of queer persons and queer rights interventions, and local criticising of homophobic sentiments.⁵³⁰ While agreeing with Sogunro, this research argues that although the direct approach of thematic and technical queer rights advocacy are sound approaches to securing legal and institutional inclusion of queer persons, these approaches attract heavy sanctions due to colonially curated pre-existing negative attitudes and prejudices. Being confrontational towards law and policy as Sogunro prescribes is counter-productive in the absence of attitude-focused interventions and advancements. It is from these negative attitudes that the above discussed hostility towards the political emancipation of queer persons arises. It is important for queer rights advocacy in Nigeria to address the social and attitudinal context in which they operate as much as they are address legal and policy frameworks.

2.5 Conclusion

Nigerian nations are home to queer identities spanning the spheres of complex sexual orientations, gender identities and expressions. Persons with these queer identities were visibly part and parcel of society, through their lives and work, they affirmed the humanity of queerness and were rarely ever subjects of hostility because of how they looked or how they loved. Nigerian nations are also home to prevalent heteronormative conditions. The dire situation of queer rights in Nigeria is owing to the cumulative impact of heteronormative dominance in traditional Nigerian cultures and the relics of colonialism, organised religion and coloniality. Owing to this joint impact, their hostile and exclusionary regulation of gender and sexuality, queer identities have increasingly become scapegoated. Queerness is ascribed immorality, inhumanity and

⁵²⁹ Sogunro (n 1) 634.

⁵³⁰ Sogunro (n 1) 638.

criminality. In present day Nigeria, these repressive sentiments towards queerness are grounded in religions, dominant heteronormative culture and law. These religions, dominant heteronormative culture and laws have remained in Nigerian long after political independence. So too did widespread negative attitudes and hostility towards queer persons. Formal queer rights advocacy interventions are being initiated by queer rights activists and organisations to tackle these anti-queer sentiments, legal and religious practices and beliefs. Some laudable angles that queer rights advocacy has taken are: faith-based advocacy, sexual health advocacy, legal advocacy, media advocacy and literary advocacy. These advocacy approaches are also complemented by the globalised context which influences them, to which they contribute to and in which they operate. However, predominantly, the state of formal queer rights advocacy in Nigerian is that while the focus has been on challenging policies, laws and providing services and other forms of politically-centred interventions, there has not been as much focus on constructively addressing negative attitudes towards queer persons in Nigeria. In pursuit to curb homophobic violence in Nigeria, it is important for Nigerian queer rights advocacy to address negative attitudes as much as it is important to address repressive laws and policies.

Chapter 3: The nature of indigenous storytelling and its place in Nigerian queer rights advocacy

3.1 Introduction

The challenge of violence towards queer persons in Nigeria is attitudinal as much as it is legal and policy based. It is important for Nigerian queer rights advocacy to complement ongoing queer rights advocacy approaches with tools that ensure that negative attitudes as much as law and policy are addressed. This chapter engages with indigenous storytelling as a tool for complementing ongoing queer rights advocacy work with the element of attitudinal focus.

Five sections are structured here. The first section is the introduction. The second section addresses the conceptualisation and definition of indigenous storytelling. The third section discusses some storytelling practices with Nigerian and African roots. The fourth section explores the relevance of indigenous storytelling to queer rights advocacy in Nigeria. The fifth section is the chapter conclusion.

3.2 Indigeneity, identity and cosmopolitanism in the context of Afro-queer storytelling

The nature and movement of storytelling is age old and an iconic illustration of its role in advancing culture and preserving dignity is evident in the indigenous pre-colonial culture of Africans transmitting stories passed down from generation to generation since the Middle Passage.⁵³¹ Similarities in storytelling practices exist across contexts such as Zambian, Native-American and African-American oral traditions.⁵³² Other storytelling practices exist across the globe such as the Xhosa-Ntombi from South Africa; the Sunjata from the Mandika; and the stories of Silamaka among the Fulani from West Africa.⁵³³ Making a case for the universality of storytelling, Carter-Black draws also the Europeanist appeal that makes the case that African-Americans on their initial arrival appropriated the practice from native Americans.⁵³⁴

⁵³¹ J Carter-Black 'Teaching cultural competence: an innovative strategy grounded in the universality of storytelling as depicted in African and American storytelling traditions' (2007) 43(1) *Journal of Social Work Education* 43.

⁵³² As above.

⁵³³ I Okpewho 'Storytelling in the African world' (2009) 3(2) *Journal of the African Literature Association* 113.

⁵³⁴ Carter-Black (n 531) 40.

There seems to be a common practice of storytelling steeped in communal participation and orality. Nonetheless, these similarities across cultures do not negate the particular nuances, references, metaphors and particularities that each culture may embody. This study adopts the preliminary descriptions of indigenous storytelling as set out in the introductory chapter as the production and consumption of narratives that centre a peoples' reality, their identities and their culture. As earlier set out, culture and identities are complex, evolutionary, influential and susceptible to being influenced. Sections in the previous chapter discuss indigenous sexual orientations and gender identities as being identities rooted in the culture of a particular place and people. As guided by Ngwena and Tamale, in addressing indigeneity it is important to look into ethnicities and locales to engage with those indigenous pluralities that are being eroded and condemned by heteronormative cultures, religions, and binaries that condemn queerness.⁵³⁵

Hall discusses the process of media creation and consumption as the process of encoding and decoding shared meaning arrived at through shared knowledge frameworks and production institutions.⁵³⁶ Hall realises the place of influence in the creation and consumption of stories and information.⁵³⁷ Also this influence and these frameworks are units of the culture and identities of communities. When it comes to Afro-queer storytelling, this study engages with the urgency of decoloniality and also of embracing the cosmopolitan basis several identities are formed, represented and constructed.

Decolonisation requires engaging with contexts and locales as well as with their evolution.⁵³⁸ Decolonisation also entails being sensitive to historical exclusion and erasure occasioned by hegemonic representations as shown in the section from the previous chapter on violence through knowledge creation. These hegemonic representations may have been grounded in colonial and even homegrown sources.

⁵³⁵ Ngwena (n 103) 197; S Tamale 'Researching and theorizing sexualities in Africa' in Tamale (n 69) 11.

⁵³⁶ S Hall 'Encoding and decoding in the television discourse' (1973, republished in 2007) 1 *Essential Essays* 5

⁵³⁷ As above.

⁵³⁸ Ngwena (n 103) 199.

Scholars have acknowledged the role of other scholars, particularly colonial-era anthropologists, in the curation of African culture.⁵³⁹

It is important to look beyond hegemonic binaries, to search deeper than what has been published or what may seem obvious, acceptable, presentable, digestible. In exploring this depth, the concept of cultural intimacy comes into play. Cultural intimacy is the 'recognition of those aspects of a cultural identity that are a source of external embarrassment but that nevertheless provide insiders of a common sociality'.⁵⁴⁰ Conversely, the recognition of these 'embarrassing' aspects of a people's culture is acknowledging their complexity as humans and the denial of these not so popular aspects is a denial of people's humanity within a community.

In discussing the concept of 'cultural intimacy', Matory recognises that what is said, how it is said, within what context it is said and who says, can be such principal elements in the formation of culture, what is known about it and how the locality evolves.⁵⁴¹ As such, the reality that a thing is not being said or known is not a grounding for its illegitimacy, inexistence or falseness. A selective recreation of culture can be done through directly 're-selecting and re-reading' and promotion of desired discourse and strategic de-selecting silencing of undesired aspects of culture.⁵⁴² In other words, the stifling of cultural intimacy through control and determination of what the society sees, hears, knows, remembers and what it forgets about itself.⁵⁴³

As shown in the previous chapter, creation of knowledge stems from incidence of power to initiate, represent and reproduce this knowledge recurrently. It is therefore urgent that a decolonial approach or tool acknowledges the existence of a dominant framework, and actively questions hegemonic representations through the production and engagement with alternative and more marginal representations.

⁵³⁹ Matory (n 239) 409; JL Matory 'The English professors of Brazil: on the diasporic roots of the Yoruba nation' (1999) 41(1) *Comparative Studies in Society and History* 74; Epprecht (n 253) 187.

⁵⁴⁰ M Herzfeld *Cultural intimacy: social poetics and the real life of states, societies and institutions* (2016) 7.

⁵⁴¹ Matory (n 239) 424; Matory (n 539) 97.

⁵⁴² Matory (n 239) 433.

⁵⁴³ As above.

However, in unsettling hegemonic constructions with indigenous nuance, it is crucial to understanding that indigeneity in storytelling can also embody exclusion and oppression through nationalistic and reductive representations. Ngwena discusses reductive sameness and nativity, drawing on the flattening that Africa has endured both in its plurality being unwritten through colonisation and through separatist re-writing in pan-Africanist discourses.⁵⁴⁴ Ngwena's contentions around individual and cultural hybridity run parallel to Appiah's position of identity and cosmopolitanism. Appiah speaks to formation and configuration of identity as ongoing processes sourced from our individual and collective experience of the world as citizens of the world.⁵⁴⁵ In a time such as this which Gevisser has described as 'the higher water years of global phenomenon', it is impractical to work through an indigenous or decolonial lens or tell indigenous stories without factoring the influence of globalisation and how the group or community interacts with it.⁵⁴⁶

Appiah poses the question what makes a cultural expression authentic amidst the tension between globalisation and reductive preservationism. To this he responds in praise of 'contamination' and 'cosmopolitanism'.⁵⁴⁷ In explaining this, he restates the golden rule of cosmopolitanism from Terentius's *The self tormentor*, 'homo sum: humani nihil a me alienum puto', which translates to 'I am human: nothing human is alien to me'.⁵⁴⁸ Cosmopolitanism grounds a respect for difference and complexities among human beings and recognising the interconnectedness of our value amidst this difference.⁵⁴⁹ Owing to this interconnectedness identities are bound to be 'contaminated', evolve further and further and further away from homogeneity. Globalisation has made homogeneity of identity or culture and identities impossible, weaving eclecticism into ordinary functioning of communities and identities.⁵⁵⁰

Appiah notes that in constructing identity it is important to understand that a person's lived reality is governed by more than one strip of the person's identity, and also that

⁵⁴⁴ Ngwena (n 268) 3-8.

⁵⁴⁵ KA Appiah *Cosmopolitanism: ethics in a world of strangers* (2006) 1, 4.

⁵⁴⁶ Gevisser (28) 19.

⁵⁴⁷ Appiah (n 545) 92.

⁵⁴⁸ As above.

⁵⁴⁹ As above.

⁵⁵⁰ Appiah (n 545) 84.

a group of individuals sharing a similar identity are heterogeneous owing to the various other identities that they embody.⁵⁵¹ Nonetheless, the reductive portrayals of persons of groups to identities that are considered immoral are prevalent and used as a justification for unfair treatment. These identities become oppressive signifiers. And to rise to reclaim their dignities, persons and groups with oppressive signifiers leverage them as political avenues to be recognized for the purpose of agitating for rights. Tamale's discussion of the concept of 'strategic essentialism' is inspired by Spivak.⁵⁵² She grounds the approach of strategic essentialism as a decolonial approach of focusing on shared identities and interests in order to pursue collectively the urgency of shared realities associated with certain identities and pursue the needs and rights of persons that share these interests. However, Appiah notes that it is crucial that there is constructive balancing between the priority of centring urgent interests and the pushing for recognition of certain identities simply for the sake of recognition.⁵⁵³ Although It is more important that collective human rights are realised, it is also important that strategic essentialism is not done in complete erasure of the evident cosmopolitan eclecticism of subjective realities and needs.

In engaging with cosmopolitan eclecticism in queer storytelling, Gevisser engages with the concept/symbol of the 'pink line' through the lives of research participants he encountered in the course of his writing. He discusses the 'pink line' as a tidy slit torn through by globalisation creating geographical demarcations and demarcations in time, separating places and eras along the notion of the legitimacy of social, cultural, political and legal queer inclusion.⁵⁵⁴ Another level of the globalisation-infused demarcation is the disparity in time and place as regards whether or not to politicise queerness.⁵⁵⁵ While on one side of the divide queerness is perceived as an inconsequential behavioural tenet, the other side of the divide centres queerness as a political identity.

⁵⁵¹ KA Appiah 'The politics of identity' (2006) 135(4) *Daeclalus* 19.

⁵⁵² Tamale (n 38) 11; GC Spivak 'The rani of simur: an essay in reading the archives' (1985) 24(3) *History and Theory* 272

⁵⁵³ Appiah (n 551) 20.

⁵⁵⁴ Gevisser (n 28) 118.

⁵⁵⁵ As above.

However, Gevisser also discusses the 'pink line', in some cases, as being not necessarily a demarcation but a territory in itself.⁵⁵⁶ This 'pink line' is populated by queer individuals and communities who, owing to globalisation, embody a fusion of both worlds, one in which they physically exist, and the other to which they are virtually connected, both these worlds jointly impacting the formation and negotiation of their identities, culture and lived realities.

Gevisser's discussion of these cosmopolitan queer identities is also decolonial in advancing the dignities of the queer persons as well as their subjectivities, dreams and circumstances. His work embodies the desire-based approach of human rights storytelling.⁵⁵⁷ This thesis aligns itself with this approach. It is the position of desire-based approach that in representing human rights subjects in stories it is important to acknowledge their dignities and complexities as opposed to portraying them only as victims of violation and discrimination.⁵⁵⁸ It is important to recognise their various identities and how they interact with each other, as well as how these identities guide them towards achieving their goals.

For this study decolonisation/indigenisation in storytelling is steeped in acknowledging the evolutionary and susceptible nature of culture and identity to globalisation. It also recognises the importance of contributing to his evolution by weaving in contextual culture into prevalent culture, embracing the influence of globalisation.

3.3 Indigenous storytelling practices in Nigeria

The practicalities of storytelling are an important part of its execution. There is no universal standard for the practice of indigenous storytelling due to the complex conceptual nature of indigeneity and storytelling. These elements vary across context and cultures. Ryan writes that it may not be possible to re-enact indigenous storytelling but it could be functional and productive to incorporate elements from traditional and indigenous sources.⁵⁵⁹ This section discusses oral traditions, literary works, fine arts and film as forms of indigenous storytelling in Nigeria.

⁵⁵⁶ Gevisser (n 28) 129.

⁵⁵⁷ E Tuck (n 41) 418.

⁵⁵⁸ As above.

⁵⁵⁹ P Ryan 'The storyteller in context: storyteller identity and storytelling experience' (2008) 4(2) *Storytelling, Self, Society* 85.

3.3.1 Oral tradition as indigenous storytelling

Generally, for an African context like Nigeria, storytelling is often perceived mostly as verbal utterances incorporating drama, song, dance and mime passed from generation to generation as oral tradition.⁵⁶⁰ The performance of oral traditions usually involves a rich and layered orality that draws on song, dance, proverbs, movement and gestures, sacred objects and masks. But even then what these mean or translate to is fluid, varies from locale to locale, and is devoid of archetype.

Nigerian oral tradition forms part of African-American oral tradition

Okpewho explains that the stories that have formed part of the oral tradition of African-American culture, although altered by the antecedents of displacement and slavery, are rooted in the storytelling practices indigenous to parts of the African continent, mostly West Africa, which suffered the most human exploitation through the slave trade.⁵⁶¹ The practice of storytelling within African families along with their folkloric elements were transmitted in the course of the Middle Passage during the transatlantic slave trade. The African ancestors taken away in slave ships were in their own right custodians of the culture of indigenous storytelling. The indigenous storytelling practices transmitted by the slave ancestors of Nigerian origin form part of the wealth of West-African culture that is the basis of African-American oral tradition. Although the experience of slavery altered the practice of storytelling, this experience and the alienation that resulted contributed to the sustenance and retention of elements of West-African storytelling practices.⁵⁶²

In addressing the relationship and similarity between African culture and African-American culture, Carter-Black mentions that in both cultures the physical space and relational dynamics between the storyteller and the audience are important elements of indigenous storytelling.⁵⁶³ In African and African-American cultures, storytelling sessions usually involve the congregation of a cluster of people intimately related. These storytelling sessions could take the form of planned meetings or spontaneously

⁵⁶⁰ S Thackway "Storytellers not just case makers'? a study of storytelling in the essays of Njabulo S Ndebele' (2014) 26(1) *Current writing: Text and Reception in Southern Africa* 42.

⁵⁶¹ I Okpewho 'Storytelling in the African world' (2009) 3(2) *Journal of the African Literature* 110.

⁵⁶² Carter-Black (n 531) 43.

⁵⁶³ Carter-Black (n 531) 33.

presented opportunities.⁵⁶⁴ The primary audience of the storytelling sessions are the children and young people who through this experience can learn and hone their storytelling craft, as well as enjoy and be transported by the experience and ingrained values as are perceived. Indigenous storytelling in African-American culture is understood by the elders as a tool for physical, spiritual and mental emancipation from coloniality.⁵⁶⁵ Indigenous storytelling is also an informative and didactic tool, as well as a source of firm reinforcement of the notion of another's culture, realities and humanity.⁵⁶⁶

Okpewho narrates that historically in Nigeria storytelling took the form of 'performances that brought families and communities together in open-air and community hall interactions'.⁵⁶⁷ In Ibadan, fables serving as educational and emancipatory tools were told to children under the moonlight in order to pass on life lessons from generation to generation.⁵⁶⁸ Omotoso highlights the recreational qualities of storytelling in Yoruba culture in which stories, especially fables steeped in Yoruba mythology, are told at night to the youth by elders after the day's responsibilities have been attended to.⁵⁶⁹ Timing is important in storytelling as it is a taboo to tell stories on the day when work should be done.⁵⁷⁰ These stories are usually told by two or three storytellers to a group of children and they would usually involve chanting, singing and dancing. Omotoso explains that these stories transmit elements of culture such as words, proverbs, imagery and values. This transmission also involves the subliminal cultivation of the storytelling craft as children subsequently transmit these stories told to them by the elders to their peers.

Proverbs as part of oral tradition

Proverbs form part of oral tradition. In the Igbo culture, proverbs are an invaluable part of oral tradition. In Achebe's words 'proverbs are the palm oil with which words are

⁵⁶⁴ Carter-Black (n 531) 40.

⁵⁶⁵ Carter-Black (n 531) 43.

⁵⁶⁶ L Franklin 'The power of oral tradition' <https://navajotimes.com/biz/the-power-of-oral-traditions/> (accessed 21 August 2021).

⁵⁶⁷ Okpewho (n 561) 110.

⁵⁶⁸ As above.

⁵⁶⁹ S Omotoso 'Storytelling: a cherished cultural heritage in Nigeria' (1978) 55(6) *Language* 724.

⁵⁷⁰ As above.

eaten'.⁵⁷¹ Proverbs are often used to punctuate in the Igbo storytelling practice. Some of the proverbs from the Igbo town of Arochukwu are as follows: 'if an under-age youth is not old enough to shoot an antelope, the antelope will jump over him and escape'; 'you may mislead a blind man into believing that there is no oil in the food but you cannot mislead him into believing that there is no salt in the food'; 'when the hill cultivates the habit of being strenuous, the old woman cultivates the habit of stopping to rest'; 'mortality does not make war unnecessary'.⁵⁷² These proverbs are stories that may seem as clauses of logic, but often they are more than just clauses.

When proverbs are used, it is often in the context of inspiring an understanding, wisdom that is inherent in the people and their culture. In the Igbo culture proverbs are hardly ever exhaustively listed and taught but one is expected to grow and socialise into learning as much as possible. An adequate and appropriate use of proverbs is a mark of being literate, grounded and cultured. Conversely, the ignorance of proverbs is a mark of poor upbringing and illiteracy. One of the proverbs that explains this is 'if a proverb is used while communicating with you and you require its mysteries explained in the context, your parent's marriage deserves to be annulled' and perhaps your family disbanded.

Praise poetry as part of oral tradition

Praise poetry is a frequently occurring aspect of the practice of indigenous storytelling in Nigeria. The Oriki in Yoruba culture is to praise poetry declarative and affirming in a certain rhythm of a person considered special. Oyewumi explains that Oriki is used as a tool for affirmation and endearment by mothers to children, courtiers to ruling elite and priests to deities and ancestors in the course of worship.⁵⁷³ Praise poetry also features in east Nigeria as it accompanies ritual dance and practices in invocation of ancestral spirits of Odo Ubaba in Igbo tradition.⁵⁷⁴ The praise poetry of Odo Ubaba is believed to attract communal prosperity; secure the succession of bloodlines through

⁵⁷¹ C Achebe *Things fall apart* (1958) 3.

⁵⁷² Interview with Lolo D Chinyere Ikpo (nee Ezumah), indigene of Arochukwu Abia State Nigeria, 20 September 2020, Rivers State, Nigeria.

⁵⁷³ O Oyewumi 'Beyond gender-centric models: restoring motherhood to Yoruba discourse of art and aesthetics' in Oyewumi (n 201) 236.

⁵⁷⁴ JA Draper & K Mtata 'Orality, literature and African religions' in EK Bongmba (ed) *The Wiley Blackwell companion to African religions* (2012) 104.

physical fortification and reincarnation.⁵⁷⁵ Sieber observed that art, including oral tradition, and spirituality in Africa and among persons of African descents are inextricable and warns against the oversimplification of African art or evaluating them with external sensibilities.⁵⁷⁶ It is important to consider oral tradition through the lenses of the context within the context they are produced Oral tradition such as praise poetry in forming part prayer in indigenous faiths means that there are religious and metaphysical elements to indigenous storytelling as well.⁵⁷⁷ From this perspective practitioners and consumers or audience of oral tradition as indigenous storytelling are as much in a didactic and recreational context as they are in a spiritual one.

Oral tradition as archival and educational tools

Oral tradition serves as intangible archives. In the Igbo town of Umunoha, oral tradition is employed to transmit and preserve information that is important and central to social and economic stability of families and communities.⁵⁷⁸ Some of this information include narratives about the community leader's ruling on a land dispute; stories of brave ancestors who succeeded amidst threatening situations; fables and counsel to younger members of the family and the community.

Oral tradition serves as educational tools. Historically, before the Nigerian civil war, in the Igbo town of Nnono-Oboro, stories were told only when the weather was good, the moon was out and dinner had been served and eaten.⁵⁷⁹ The community's children would always run to a designated spot to sit around a few middle-aged women or older youths. The women would begin the night with teaching them 'egwu-onwa' (moonlight songs and dances) and afterwards the fables would begin. These fables were usually told to buttress moral lessons.⁵⁸⁰ One of the common stories told was that of the tortoise and the dog competing in a race and the dog would take several breaks during the race because he felt the tortoise was so slow and would never catch up.⁵⁸¹ One of

⁵⁷⁵ As above.

⁵⁷⁶ R Sieber 'Some aspects of religion and art in Africa' in NS Booth Jr (ed) *African religions: a symposium* (1977) 141.

⁵⁷⁷ Draper & Mtata (n 571) 97.

⁵⁷⁸ Interview with Mr Paul Onyejela (40), indigene of Umunoha Imo State, 4 April 2020, Rivers State, Nigeria.

⁵⁷⁹ Interview with Chief D Onyemachi Ikpo (72), indigene of Umuosoro Abia State, 9 May 2020, Rivers State, Nigeria.

⁵⁸⁰ As above.

⁵⁸¹ As above.

those breaks the dog overslept and the tortoise won the race.⁵⁸² The moral lessons of this story are: be focused on whatever you set your mind to do; never apply less than the best version of yourself in anything you are involved in; do not underestimate anyone.⁵⁸³

There was a slot for storytelling in the classroom time tables for primary and secondary schools. At Nnono-Oboro school, the teacher for this slot would tell stories sourced from story books written by other teachers. Some of the popular stories was the story of Omenuko written by Peter Nwanna; 'Ije Odumodu jere' and 'Eze oibara oru n'afọ lota n'afọ'. The authors of these story books were mostly from Arochukwu which is in another town in the same province as Nnono-Oboro.

These stories were mostly travel stories of people from Arochukwu who were reputed to be roving sojourners that would settle wherever they felt was most economically prosperous. Although these stories were from Arochukwu, they were not written in the Arochukwu Igbo dialect. These stories were written in the Union Igbo dialect. The Union Igbo dialect was the dialect of Igbos in the towns such as Umuahia dominated by protestant Christians which was noticeably different from the Igbo spoken in places like Awka, which was dominated by the Catholic.

Oral tradition as criminal sanction

Oral tradition serves in customary criminal justice systems as a form of deterrence and social policing. In Nnono-Oboro there was also the oral tradition of freshly composed 'shame songs' (descriptively named for the purpose of this research), accompanied by wooden drums, composed by a designated person. These shame songs were used to accompany the humiliating parade of persons who were either caught or suspected to have committed an abomination against the culture.

These shame songs were composed with the suspect's name and offence prominent in the lyrics and sound. The members of the community in their hundreds would usually march with this suspect to the usually very melodious shame-song. In the

⁵⁸² As above.

⁵⁸³ As above.

instance that a girl became pregnant outside of wedlock, a song would be composed using the names of the pregnant girl and the suspected impregnator. Following this, a parade of hundreds of people singing and drumming to this song would march to the family homes of the pregnant girl and the suspected impregnator. Usually, to placate the crowd, the heads and elders of these homes would give them money otherwise the crowd would linger in the premises singing and drumming as loudly as possible.

Before these shame-songs were taken to the parade, usually there were important preliminaries to be covered. Some investigation was done to confirm the facts to be used to the song and the composer (usually a man) hosted a few choral rehearsals for the people who intended to sing, dance and drum in the parade to ensure that the song was gotten right. Women avoided composing songs for fear of being victimised by the suspects or their families. The musical instruments for the parade were usually stored in the house of the designated composer. Sometimes, these shame songs, long after they had been composed and used, were used during cultural festivals in the communities because of their up-beat and sonorous nature. Sometimes, the offenders were seen gleefully dancing to their shame songs in the heat of drunken festive gyration.

Oral tradition as catharsis

Oral tradition serves as a channel for grief. When indigenes returned in the 1970s to Nnono-Oboro from fleeing the Nigerian civil war, open air storytelling culture did not return with them for fear of insecurity and air raids. After the civil war, the story books used in the classrooms were changed by the state government.⁵⁸⁴ While everyone was taking stock of what they had lost during the war, an elegiac song was composed by neighbouring towns to Nnono-Oboro:⁵⁸⁵

Anom na bunker eh
Anom na bunker kamgba afo ato
Sheri wereh onuma gbakuru Hausa
Muwa onye kuru ngwo anukwa mmanya

⁵⁸⁴ Interview with Chief D Onyemachi Ikpo, indigene of Umuosoro Abia State, 9 May 2020, Rivers State, Nigeria.

⁵⁸⁵ As above.

This verbatim translates to: ‘I was at the warfront fighting when Cherie (pronounced as Sherry and used as a metaphor for wife or lover) left with a Hausa man before I could be with her’. This song was composed to mark the time during the civil war when Umuahia (a town in the same province) fell and women from there were abducted by Nigerian soldiers and taken to Northern Nigeria as wives and lovers. Young men and returnee Biafran soldiers paraded around the village singing this song. Some of the abducted Igbo women returned to Umuahia with Hausa tribal marks on their faces. Their names and their experiences at the hands of the Hausa soldiers and in Northern Nigeria are deliberately kept out of conversations and songs as they kept unspoken to preserve the dignity of these women. It is perceived that silence on this issue has helped the re-integration and restoration of these Igbo women, some of whom are married and grandmothers at the time of this research. Some Igbo women never returned from Northern Nigeria.

More prominent Nigerian elegiacs include the works of Fela Anikulapo-Kuti. Fela is a very important part and contributor to Nigerian oral tradition. Fela used music as a human rights advocacy tool to name and shame injustices such as autocracy and corruption.⁵⁸⁶ Fagbayibo makes the case that Fela’s music can be leveraged as a complementary tool through ‘interdisciplinary, afrocentric and counter-hegemonic activist’ lenses be used to teach, engage with and assess students of international law in African law classrooms.⁵⁸⁷

Historically, oral tradition has been perceived and romanticised as primitive, unscientific, unverifiable and unaware of the sophistication that contemporary storytelling forms such as books and movies embody.⁵⁸⁸ Owing to this perception, it was commonplace for colonialists to devalue oral tradition and its patrons and lure communities away from oral traditions to engage with more ‘civilised’ forms of socialising, documenting, worshipping and more ‘scientific’ forms and sources of information. Draper and Mtata make the case that the legitimacy and importance of

⁵⁸⁶ B Fagbayibo ‘Critical pedagogy of international legal education in Africa: an exploration of Fela Anikulapo-Kuti’s music’ in R Adeola and others (eds) *The art of human rights: commingling art, human rights and the law in Africa* (2019) 7.

⁵⁸⁷ As above.

⁵⁸⁸ Draper & Mtata (n 571) 98.

oral tradition did not thrive on the absence of written or retrievable art forms and does not wane because of their existence.⁵⁸⁹ Draper and Mtata further explain that retrievable forms of art may be used to archive oral tradition, and by so doing serve a complimentary role to oral tradition.

Oral traditions are an important part of the locale even up to present day. Although oral traditions have evolved and vary from place to place, they still have as an important element of people's identity, beliefs, values, norms and memories. These are important pillars and generators which social will and attitudes are influenced by and built on.

3.3.2 Literary works as indigenous storytelling

This research makes the argument that literary works such as prose, poetry and drama can be forms of indigenous storytelling if they centre particular locale, acknowledge its pluralities, complexities and sensibilities. It is also important that literary works as indigenous stories are told from within by storytellers who are both emotionally tethered and politically aware of the locale.

In the 1980s Ken Saro-Wiwa, an environmental activist and author from Ogoni land who used his writing and drama to challenge the exploitative policies of the Nigerian military regime, had a playhouse called Madam-the-madam which produced television shows such as the popular Basi and Company.⁵⁹⁰ Soyinka, a writer and Nobel Laureate who constantly, like Saro-Wiwa, challenged the Nigerian military government, used his fictional prose and plays as his demonstration of defiance.⁵⁹¹ Soyinka's play *The lion and the jewel* became one of the selected texts on which Literature-in-English in the West African Senior School Certificate Exam was set between 2003 and 2005.⁵⁹² His numerous other works have been featured at literary festivals internationally and nationally. These include: The Port Harcourt literary

⁵⁸⁹ As above.

⁵⁹⁰ Interview with Chief D Onyemachi Ikpo, indigene of Umuosoro Abia State, 20 January 2018, Rivers State, Nigeria.

⁵⁹¹ MA AL-Moghales and AMM Hezam 'Protest against military regime in Wole Soyinka's king baabu' (2015) 5(8) *Theory and practice in language studies* 1546 <https://www.academypublication.com/issues2/tpls/vol05/08/02.pdf> (accessed 21 August 2021).

⁵⁹² <https://awajis.com/download/waec/syllabus/gce/LITERATURE%20IN%20ENGLISH.pdf> (accessed 7 February 2018).

festival which takes place in Port Harcourt, Nigeria, and the Ake arts and book festival which takes place in Abeokuta, Nigeria.⁵⁹³

Chimamanda Ngozi Adichie, quite similar to storytellers like Chinua Achebe, Wole Soyinka, Flora Nwapa, Buchi Emecheta to name a few, tells stories through the written and spoken word. While her literary works have been incorporated in content for classrooms and book clubs in several places across the world, her spoken word piece has been anchored in the musical stories told by the African American storyteller Beyonce Carter. In 2006, Chimamanda 's novel *Half of a yellow sun* was published. It retold the history of the Nigerian civil through the eyes of young female overseas returnee professionals. This novel was later adapted into a movie with the same title in 2013. Interestingly, in *Half of a yellow sun*, Adichie writes that Olanna, one of her female characters, had joined other people to organise semi-formal schools, teaching English and telling stories in between air-raids, as their civilian win-the-war contribution to the success of the Biafran war.

Adeola writes that one of Adichie's short stories titled 'The American embassy' offers insight to the need for the adoption of trauma sensitive approach in asylum processes.⁵⁹⁴ 'The American embassy' narrates the American visa interview of a Nigerian woman at the risk of assassination in Nigeria and the questions being posed by the interviewer that worsens the grief of the interviewee and disorganises her.⁵⁹⁵ Adeola does not suggest how Adichie's story can be used to realise or promote the adoption of trauma-sensitive approach in asylum processes. Perhaps Adeola's essay is a subtle demonstration of the functionality of indigenous stories as complementary tools in the teaching and learning toolkits for human rights work and education.

3.3.3 Fine arts as indigenous storytelling

Indigenous fine arts such as sculptures, paintings either on the body or some other surface feature as means through which indigenous storytellers have transmitted

⁵⁹³ Farafina books, 'Soyinka at the garden city literary festival 2010'
<https://farafinabooks.wordpress.com/2010/12/06/garden-city-literary-festival-2010/> (accessed 20 March 2022)

⁵⁹⁴ R Adeola 'Literature and human rights in Africa: making a case for a trauma-sensitive approach in proving persecution in asylum processes through Adichie's The American Embassy' in Adeola and others (n 586) 45.

⁵⁹⁵ C Adichie 'The American embassy' in C Adichie *The things around your neck* (2009) 128.

knowledge. Oyewumi discussed the Esie figurines, carved from soapstone and dating back to the twelfth and fourteenth century, as portrayals of a genderless Oyo Yoruba society.⁵⁹⁶ Masquerades, such as the Ekpe, the Ijele, and the Adanma, among the Igbo nation are also illustrative of the use of fine arts as a means of indigenous storytelling.

These masquerades comprise of sculpted masks and costumes specially designed to the symbolic of deities, ancestors or ideas such that anyone who is specially selected to don them are believed and ascribed the powers and dues of these deities, ancestors or ideas that they represent. Sculpting has been used for either ornamental and religious purposes. Across Nigerian nations sculptures are special, sacred and symbolic, each varying in means and implication across nations. Colonial Christian ministers spread the notion that a large number of Nigerian sculptures were plundered and carted to European destinations where they are now placed in museums alongside other art from around the continent. In recent times fine arts have also been used to convey narratives of people in dire human rights conditions.

An instance of the use of fine arts to convey and humanise the plight of people in dire human rights conditions is the works of Fasasi Abeeden Tunde. Fasasi Abeeden Tunde is a Nigerian refugee in Europe who uses drawings and sculptures to humanise the human rights issue of migrants at sea.⁵⁹⁷ Tunde fled Nigeria owing to political violence and in his bid to get to Europe had to subject himself to several dehumanizing experiences alongside other refugees traveling through the Sahara desert, slavery in Libya, the near death experience of thriving towards Europe on the Mediterranean sea on an inflatable boat and the trauma of watching some of his co-travellers drown. Tunde's drawings and sculptures of drowning people of all ages and gender reaching and crying for rescue express the stark urgency of the issue of migrants at sea. For their potential of empathy-creation and attitudinal shifts, Fasasi's work has been

⁵⁹⁶ Oyewumi (n 247) 112; SP Blier 'Religion and art in Ife' in NS Booth *African religions: a symposium* (1977) 401, 404, 405.

⁵⁹⁷ E Lisot-Nelson 'Sculpting and human rights: an exploration of Fasasi Abeeden Tunde's work in Italy' in Adeola and others (n 514) 103.

exhibited in Europe and used to complement advocacy interventions on migrants' rights, fostering political will and more consciousness in dignity of migrants.⁵⁹⁸

Tunde's work is an important instance of the embracing of the complexities and pluralities of both the locale and storyteller. Tunde, the creator of the sculpture, is a Nigerian whom in the course of leaving Nigeria stepped into the community of pan-African refugees. As such the indigeneity that drives his work while being rooted in his Nigerianness has also been altered by his migrant status, living conditions, the risks he faced to get to Europe, his community of co-refugees and co-travellers as well as his experience of the drowning and the grief as a result.

3.3.4 Film as indigenous storytelling

Film in Nigeria is one of the most prominent Nigerian and African storytelling practices. Although the film industry in Nigeria is at the time of this writing quite synonymous with Nollywood, the rapidly bustling kaleidoscopic storytelling platform, film in Nigeria has a much more complex history. The evolution of film in Nigeria is an important demonstration of the transition of storytelling in both substance and form from colonial to indigenous while evolving, growing in terms of acculturation and technological advancement. The evolution of film in Nigeria is discussed along the colonial era; independence era; indigenous era; indigenous creative and television era; Nollywood era, and the new Nollywood era. Although they are discussed in the context of time, one era did not automatically terminate the other. Some of these eras at several points ran in parallel.

The colonial era of film in Nigeria

The colonial era was from 1903 to 1960.⁵⁹⁹ In the colonial era of film in Nigeria, films were only imported to Nigeria by the colonials masters and these films were didactic, malignant portrayals of Africans and complicit in the promotion of the colonial project of denigration, exploitation, the erasure of indigenous norms and sensibilities and the enforcement of British norms and sensibilities.⁶⁰⁰ These colonial films were mostly

⁵⁹⁸ As above.

⁵⁹⁹ GC Ernest-Samuel & NE Uduma 'From informality to "new Nollywood": implications for the audience' in BA Musa (ed) *Nollywood in glocal perspective* (2019) 48.

⁶⁰⁰ A Agina 'Cinema-going in Lagos: three locations, one film, one weekend' (2020) 32(2) *Journal of African Cultural Studies* 132; SH Hussein & OA Sunday 'From Nigeria film industry to Nollywood: land-marking the growth of the new wave cinema' in BA Musa (n 599) 33.

news and documentaries shot and screened in Nigeria solely by the foreigners without the involvement of Nigerians sent overseas for post-production.⁶⁰¹

The first film screened in Nigeria was a ten night long colonial documentary shown by Balboa, a Spanish businessman under the auspices of Herbert Macaulay, on 12 August 1903 at the Glover Memorial Hall in Lagos.⁶⁰² As at 1907 it had become common practice among the Lagos based Catholic priests to screen, as part of their 'evangelism', racially-biased Christian films which pegged moral standing to race and skin tone.⁶⁰³ The films from the colonial era were produced on celluloid films and were designed to indoctrinate and 'civilise' the 'non-white'.⁶⁰⁴ In 1948, film production began in Nigeria with the emergence of the Colonial Film Unit.⁶⁰⁵

The independence era of film in Nigeria

The Nigerian Independence in 1960 launched the Independence/post-colonial era of film in Nigeria.⁶⁰⁶ The Colonial Film Unit was re-christened the Federal Film Unit (FFU) then structured to be a sub-unit within the Public Relations Unit of the Federal Ministry of Information. FFU handled the production and distribution of films to embassies, ministries and to the general public through mobile cinema vans, public cinemas and television in Nigeria. The films distributed by the FFU were still mostly news and documentaries but also began to include indigenous feature films (documentaries) of the newly independent Nigeria made by Nigerian civil servants.⁶⁰⁷

In the early part of the independence there were over 5000 cinemas operating with one screen each.⁶⁰⁸ These cinemas included: Rex Cinema; Royal Cinema; Capitol Cinema; Casino Cinema; Kings Cinema; the National theatre as well in 1977.⁶⁰⁹ Foreign feature films from America, China and India imported by the Lebanese

⁶⁰¹ Husseini & Sunday (n 600) 31.

⁶⁰² U Onuzulike 'Nigeria: Nollywood as a positive tool for African transformation' (2012) 18(1) *Studies* 176; Ernest-Samuel & Uduma (n 599) 48.

⁶⁰³ O Okome 'Women, religion and the video film in Nigeria: aspects of a new and booming industry: glamour girls 1 & 2, and end of the wicked' (2007) *Bayreuth African Studies Series* 5.

⁶⁰⁴ Ernest-Samuel & Uduma (n 599) 48.

⁶⁰⁵ Husseini & Sunday (n 600) 33.

⁶⁰⁶ Ernest-Samuel & Uduma (n 599) 50.

⁶⁰⁷ Ernest-Samuel & Uduma (n 599) 51.

⁶⁰⁸ Agina (n 600) 133.

⁶⁰⁹ Agina (n 600) 135.

businessmen were also being distributed by the FFU and these foreign film dominated the public cinemas in the early parts of the independence but this paved the way for the indigenisation era.⁶¹⁰

The indigenous era of film in Nigeria

The indigenous era of film in Nigeria was from 1972 to 1989 secured by the increasing reservation of certain trades for exclusive control by Nigerians.⁶¹¹ At the time there was a rising number of Nigerians stepping into the role of storytelling through film. To garner more interest and prominence for the Nigerian feature films, the Lagos Council of Arts and Culture, collaborating with the Goethe Institute, organised a festival of Nigerian made films.⁶¹²

Some of the films from the Indigenous film era include 'Kongi Harvest'; an adaptation of one of Soyinka's plays by the same title, produced by Francis Oladele and Ossie Davis; 'Dinner with the devil' produced in 1975 by Sanya Dosunmu; and 'Ajani Ogun' produced Ola Balogun in 1976.⁶¹³ Nigerian film makers in the 1980s, 1990s and even 2000s made celluloid films.⁶¹⁴ These celluloid films include: 'Kulba Na Barna' produced by Brendan Shehu in 1991; 'Pariah' produced by Ladi Ladebo in 1994; 'Oselu' produced by Bankole Bello in 1996; and more recently 'Amazing Grace' produced by Jeta Amata and Alicia Arce in 2006.⁶¹⁵

In spite of this success, the practicalities of 'exclusive control' was fraught with the reality of exclusive production on celluloid film and the limiting requirement overseas post-production for the celluloid films. Film making with celluloid became terribly expensive and challenging in the 1980 owing to low demand; overseas production, plunging exchange rates for the Nigerian Naira and the economic hurdle of the Structural Adjustment Programme (SAP).⁶¹⁶ This led to crippling of the celluloid film and cinema culture.

⁶¹⁰ Agina (n 600) 133.

⁶¹¹ Ernest-Samuel & Uduma (n 599) 51.

⁶¹² As above.

⁶¹³ Hussein & Sunday (n 600) 33.

⁶¹⁴ Hussein & Sunday (n 600) 29.

⁶¹⁵ As above.

⁶¹⁶ Hussein & Sunday (n 600) 33; Ernest-Samuel & Uduma (n 599) 51.

The creative indigenous television era of film in Nigeria

The crippling of the celluloid and cinema film culture in the 1970s and 1980s opened the doors to the creative indigenous film era (or the television era as it has been discussed by other researchers) from 1977 to 1992 when film went past television stations. This research opts to discuss this era as the creative indigenous television film era as opposed to the television era because, the prior research on the television era emphasises television networks as the basis as opposed to the television device, and there was not adequate acknowledgement of thematic expansion of Nigerian films. An important marker of this era was that Nigerian creative and narrative films started being recorded with VHS recorders and produced in Nigeria as video films.⁶¹⁷

During the creative indigenous television film era, indigenous Nigerian filmmakers aspired to compete with foreign films by transitioning into more creative foundations like scripts and theatre-base productions as opposed to being exclusively confined to news and documentaries. Yoruba travelling theatre practitioners provided the quasi-cinematic experience of re-watching the recorded performance of pre-released theatre plays for a fee.⁶¹⁸ Another iconic feature of the creative indigenous film era, besides Nigerians watching and listening to creative Nigerian produced films, was that this viewing was accessible in safer and more intimate clusters than public cinemas like viewing centres, hairdressing salons, viewing centres and restaurants.

In 1977 the Nigerian Television Authority (NTA) was born out of the pre-existing Western Nigerian Television (WNTV).⁶¹⁹ With the support from soap manufacturing companies, Film-makers within the NTA produced television series to be broadcasted.⁶²⁰ Some of these series included: 'Ripples' made by Zeb Ejiro; 'Checkmate' made by Amaka Igwe; 'Behind the Cloud'; 'Mirror in the sun' made by Lola Fani Kayode.⁶²¹ In spite of the rise in the number of indigenous television content, foreign films still dominated the scene. Subsequently, coupled with the fall out among NTA, the television producers and shift of funding, the focus of national television

⁶¹⁷ Agina (n 600)133; Hussein & Sunday (n 600) 29.

⁶¹⁸ Hussein & Sunday (n 600) 36.

⁶¹⁹ Ernest-Samuel & Uduma (n 599) 51.

⁶²⁰ Ernest-Samuel & Uduma (n 599) 54.

⁶²¹ As above.

moved to more foreign films and less Nigerian films as such crippling the creative indigenous film era within the national television network.⁶²² Some television series continued well into the 1990s with other prominent television series like 'Papa Ajasco', 'Super stories' made by Wale Adenuga, and 'Fuji House of Commotion' made by Amaka Igwe.⁶²³ The creative indigenous film era was important because it created many practitioners, prominent actors and actresses that easily transitioned and evolved past travelling theatres and national television.⁶²⁴

This practice of creative script to screen transition and packaging of theatre in a retrievable format was the first demonstration of ideas that would later ground Nollywood as the indigenous production of Nigerian stories in Nigeria by Nigerians in retrievable media for social entertainment, cultural affirmation and commercial gain. With Nollywood some of the definitive elements became 'the telling of the African story from the perspective of African actors and actresses, within the African environment and without the mediation of foreigners'.⁶²⁵

The Nollywood era of film in Nigeria

The Nollywood era kicking off in the late 1980s has grown to become the most commercially successful film model in Nigeria and one of the most successful globally.⁶²⁶ As argued by Haynes, the term 'Nollywood' emerged from an article in the *New York Times* by a journalist named Matt Steinglass speaking to the speed of the Nigerian film production and the internal politics that the video film business in Nigeria is fraught with.⁶²⁷ The emergence of Nollywood has often been attributed to the high cost of celluloid film production, lack of effective marketing; insecurity and declining

⁶²² Ernest-Samuel & Uduma (n 599) 54.

⁶²³ O Soyinka 'Meet wale adenuga the producer of supers stories' <https://ng.opera.news/ng/en/entertainment/39685f6bf81093b0bc2bc5413616d6f2> (accessed 21 August 2021); O Emelike 'Amaka Igwe, the entertainment amazon in my mind' <https://businessday.ng/arts-and-life/article/amaka-igwe-the-entertainment-amazon-in-my-mind/> (accessed 21 August 2021).

⁶²⁴ Ernest-Samuel & Uduma (n 599) 54.

⁶²⁵ Ernest-Samuel & Uduma (n 599) 45.

⁶²⁶ R Lobata 'Creative industries and informal economies: lessons from Nollywood' (2010) *International Journal of Cultural Studies* 337; Husseini & Sunday (n 528) 29.

⁶²⁷ U Onuzulike 'Nollywood: the influence of the Nigerian movie industry on African culture' (2007) 10(3) *Human Communication A Publication of the Pacific and Asian Communication Association* 234; M Steinglass 'Film: when there's too much of a not-very-good thing' <https://www.nytimes.com/2002/05/26/arts/film-when-there-s-too-much-of-a-not-very-good-thing.html> (accessed 26 October 2020).

value of the Nigerian Naira in the course of the SAP during the military regime.⁶²⁸ This drastic increase in cost was also because there were no celluloid film labs in Nigeria; post-production of celluloid films had to be done abroad and with the plunge of the value Nigerian currency international businesses greatly suffered.⁶²⁹ The military regime was also accompanied by insecurity such as car-snatching and armed robberies; the avoidance of most of the cinemas for safety reasons and the conversions of cinemas to churches and warehouses.⁶³⁰ It was safer to watch video films than to go out.

The video films were cheaper to make and more accessible to filmmakers who easily could use a regular video camera like the M3500, a computer and software like Adobe Premiere.⁶³¹ First Nollywood movies were produced on VHS tapes then subsequently VCDs and DVDs. Nollywood video films are usually advertised with colourful photo-studded A4, A3 and A2 size posters or on high spirited and quick paced tv adverts. 'Living in Bondage', released in 1992, was the first Nollywood film that demonstrated the huge potential for commercial success of the video film in Nigeria. Although few Nigerian video films preceded 'Living in Bondage', it stood out arguably because it was more promoted than most and its producer Kenneth Nnebue was a businessman who may have been more integrated in the commercial and marketing streams of Nigeria than the average Nigerian filmmaker at the time and as such took advantage of it.⁶³² Although, 'Living in Bondage' was shot primarily in Igbo and centres on the immorality of the occult, it was hugely commercially successful across Nigeria. 'Living in Bondage' was a stark contrast from recorded stage play as it offered a more aesthetically appealing, affordable and accessible indigenous film experience than was previously possible: the carefully selected locations for shooting; the costumes worn by the actors; the props.⁶³³ More importantly, it was a safer experience to watch great Nigerian films indoors than to be outside exposed to insecurity. The success of 'Living in Bondage' attracted copious financial investment from several private

⁶²⁸ Onuzulike (n 627) 53, 232; Lobata (n 626) 340; Husseini & Sunday (n 600) 25.

⁶²⁹ Husseini & Sunday (n 600) 27.

⁶³⁰ Onuzulike (n 627) 177, 232.

⁶³¹ Ernest-Samuel & Uduma (n 599) 45.

⁶³² Husseini & Sunday (n 600) 37.

⁶³³ As above.

investors to Nollywood as well as the interest of various skilled and not formally skilled stakeholders.⁶³⁴

The Nollywood film industry is fast and exciting. Nollywood is regulated by the National Film and Video Censors Board (NFVCB) and the Nigeria Film Corporation (NFC). The Nollywood video film industry releases over one thousand titles annually in English and films other Nigerian languages independent of state, civil society and international support.⁶³⁵ Often this estimate does not include the bulk of other Nollywood movies that are released without going through the National Film and Video Censors Board.⁶³⁶ Nollywood's commercial success has been ascribed to its wide reach, low cost production, distribution and consumption of its storytelling productions locally and internationally.⁶³⁷

Nollywood films are usually made at a fast pace, small budget and at great technical odds often within days or weeks.⁶³⁸ Nollywood films have been criticised for their bulk quantity and low quality as well as their perceived lack of creativity and depth beyond certain themes, and a shallow skill pool.⁶³⁹ These are easily ascribable to the commercial allure of the Nollywood industry and the reality of most leading producers and filmmakers coming from the ilk of local video cassette marketers and video camera men as opposed to well-trained filmmakers.⁶⁴⁰ Nonetheless, these limitations, which most times are quite visible in the aesthetics and substance of Nollywood productions, do not interfere with the wide appeal of Nollywood movies.

Nollywood constantly provides employment for a vast number of Nigerians generating over 300,000 jobs annually.⁶⁴¹ 'Nollywood is Nigeria's largest source of employment second only to agriculture'.⁶⁴² The production and post-production cost of a regular

⁶³⁴ Onuzulike (n 627) 177.

⁶³⁵ Lobata (n 626) 337.

⁶³⁶ Hussein & Sunday (n 600) 30.

⁶³⁷ Lobata (n 626) 339.

⁶³⁸ Lobata (n 626) 342.

⁶³⁹ Hussein & Sunday (n 600) 31.

⁶⁴⁰ Ernest-Samuel & Uduma (n 599) 45.

⁶⁴¹ O Okome 'Women, religion and the video film in Nigeria: aspects of a new and booming industry: glamour girls 1 & 2, and end of the wicked' (2007) *Bayreuth African Studies Series 4*; Hussein & Sunday (n 528) 30.

⁶⁴² Onuzulike (n 627) 177.

Nollywood film is estimated to be about five million naira but rakes up profits up to a 50 million naira.⁶⁴³ Onuzulike posited in 2012 that sales of Nollywood is estimated to the value of 200 to 300 million dollars per year.⁶⁴⁴ Owing to Nollywood wide's reach, it is also a widely potent social and economic force within Nigeria and internationally, particularly on the African continent.⁶⁴⁵ Some production crews have also been known to carry out social services and contributions in exchange for the availability of a location to shoot a film.⁶⁴⁶

Nollywood films usually portray themes that reflect many aspects of the cultural and political life in Nigeria as well serving as an avenue for cultural consciousness and has contributed to the curation and evolution of the several cultures in Nigeria.⁶⁴⁷ Nollywood movies are the most powerful Nigerian cultural form.⁶⁴⁸ With time, Nollywood movies have lowered Nigerian masses' consumption of the imported Chinese, Indian and American films and increased the consumption rate of Nigerian films.⁶⁴⁹

Nollywood films viewed across the African continent and globally have been said to be a platform for the promotion of several versions of Nigerian fashion, accent and value systems globally, although with debatable accuracy.⁶⁵⁰ In as much as Nollywood films have secured global affirmation, these films, owing to the occasional misconception of their content, have also attracted prejudice, hatred and hostility towards Nigerians as they are often assumed to be in reality the characters that are portrayed in film.⁶⁵¹

⁶⁴³ Ernest-Samuel & Uduma (n 527) 56.

⁶⁴⁴ Okome (n 641) 4; Onuzulike (n 627) 177.

⁶⁴⁵ Lobata (n 626) 341.

⁶⁴⁶ Onuzulike (n 627) 232; Lobata (n 626) 341.

⁶⁴⁷ U Onuzulike 'Nigeria: Nollywood as a positive tool for African transformation' (2012) 18(1) *Studies* 176; Lobata (n 626) 348; Agina (n 600) 141; Onuzulike (n627) 232; Husseini & Sunday (n 600) 28; Ernest-Samuel & Uduma (n 599) 46.

⁶⁴⁸ Husseini & Sunday (n 600) 30; OJ Abodunrin and OC Akinola 'Nollywood as an agent of African culture and identity' in BA Musa(ed) *Nollywood in glocal perspective* (2019) 88, 91.

⁶⁴⁹ Husseini & Sunday (n 600) 28.

⁶⁵⁰ Onuzulike (n 627) 232.

⁶⁵¹ Abodunrin & Akinola (n 648) 90.

Nollywood films usually feature other forms and elements of Nigerian storytelling such as folklore, proverbs, dance, cultural symbols, costumes, proverbs, music and sometimes these films are an audio-visual adaptation of folklore.⁶⁵² The Nigerian Muslim (Northern) and Christian (Southern) divergence is reflective in the nature of video films that these parts produce. While the video films from northern Nigeria are usually more conservative and pegged in Muslim, Far East, Indian and Hindu culture, movies from the southern Nigeria are more incline to West-European and North American culture.⁶⁵³ Viewership of Nollywood films have gone from viewing parlours to rentable DVDs in homes to being broadcast on digital satellite television networks with increasing prominence and has a notably large female consumer.⁶⁵⁴

A major preoccupation of Nollywood movies is the portrayal of what is believed to be perceived culture or culturally accurate social balance as it relates to gender, gender expectations and roles. More often than not this preoccupation with gender and culture places within critical glare the life, persona and the choices of the Nigerian woman often within the realms of her sexuality, faith, career, family and relevance within cultural practice.⁶⁵⁵ Usually the more defiant the female character is of heteronormative norms, the more immoral she is portrayed and the higher the likelihood of the film's plot being tailored to punish her.

This preoccupation with women is arguably ascribable to the internal patriarchies within the Nollywood industry both at the level of the creative process, marketing and state regulation. The Nigerian film making industry is historically a male dominated one with only a handful of women within the spheres of creation and marketing notable names including Amaka Igwe, Emem Isong, Uche Jombo, Rita Dominic, Funke Akindele, Rukky Sanders, Mo Abudu and Genevieve Nnaji. Although some of the ideological groundings of Nollywood industry was the creative, cultural and economic autonomy of local stakeholders (producer, advertiser and consumer) and non-

⁶⁵² Onuzulike (n 555) 232.

⁶⁵³ Okome (n 603) 5.

⁶⁵⁴ Lobata (n 626) 341; Agina (n 600) 141.

⁶⁵⁵ Okome (n 603) 4.

interference of colonial mediation, there merged other sub-colonialism within the local context and among indigenous stakeholders within Nollywood industry.⁶⁵⁶

Following the original set of not formally skilled producers and filmmakers was the ilk of formally skilled and educated film makers who had higher expectations of Nollywood's potential in terms of production quality beyond low cost entertainment and high commercial gain. This new crop of filmmakers often collided with traditional Nollywood marketers. These marketers, mostly businessmen, wielding strong influence in major film-markets across the country, are accustomed to leveraging their financial participation and sponsorship to monopolise film distribution and alter the creative process in the light of what script makes it to screen and what actors get to be cast.⁶⁵⁷ Sometimes this alteration substantially skews the creative direction of the film-maker as well as the content and quality of the film.⁶⁵⁸ An associated hazard of marketing through major film markets is the prominent culture of piracy.⁶⁵⁹ This new ilk of professional filmmakers have made several failed attempts at securing some autonomy over their creative process and distribution such as the short lived Filmmakers Co-operative of Nigeria (FCON) and Project Nollywood Limited which backfired.⁶⁶⁰ FCON was out to create and sustain a platform, avenue for the marketing of films by certain filmmakers, and those filmmakers on being found out were blacklisted in the major markets. Project Nollywood Limited sought to raise funds for film from Nigerian banks but that was not successful. This demonstrates that storytelling using the medium of Nollywood is recognized as not just lucrative but also a function of power and a site of contention of this power. The conceptualising, creation, marketing and distribution of Nollywood stories is similarly a demonstration of mass participation in the sustenance and control of both the craft of storytelling and its relevance in the social and cultural climate of the Nigerian society.

The new Nollywood era of film in Nigeria

Born out from the Nollywood era and the sustained drive for indigenous Nigerian top-quality filmmaking free from oppressive and manipulative interference, is the New

⁶⁵⁶ Abodunrin & Akinola(n 648) 90.

⁶⁵⁷ Ernest-Samuel & Uduma (n 599) 46.

⁶⁵⁸ As above.

⁶⁵⁹ J Haynes "'New Nollywood": Kunle Afoloyan' (2014) 5(2) *Black Camera* 54.

⁶⁶⁰ Ernest-Samuel & Uduma (n 599) 46.

Nollywood era. New Nollywood, arguably what Lobato in 2010 referred to as embassy films usually favoured by foreign embassies and film festival programmes but having no audience locally, has dramatically shifted in circumstances since then.⁶⁶¹ The New Nollywood productions re-introduced the cinema-going culture in Nigeria following its halt during the military regime.⁶⁶² The New Nollywood era has been estimated to have started around 2010, but the release of Jeta Amata's 'Amazing Grace' earlier in the millennium (which was a celluloid film) is arguably a more accurate speculation.⁶⁶³ New Nollywood generally denotes the ilk of Nigerian films and filmmakers that characteristically have more refined filmmaking practice, slower paced film making schedules, attention to detail, international collaboration, higher budget and generally garners large viewership in cinemas and film festivals locally, abroad and on paid internet platforms such as Netflix.⁶⁶⁴

New Nollywood embodies a substantial leap in audio-visual storytelling in Nigeria. While mostly retaining the same themes, New Nollywood films are cut from much higher production quality and reach for different sorts of success. As opposed to sales of VCDs and VHS cassettes, New Nollywood productions aim for paid cinema viewing, international awards and recognition. A 2016 study focusing on Lagos demonstrated that the bulk of the current cinema going audience, mostly associated with New Nollywood, are young (26 - 35) educated middle-class adults, the bulk of whom are women.⁶⁶⁵ As opposed to the early post-independent cinemas with one screen per cinema, these new cinemas, re-ignited by the introduction of the Silver bird cinemas in 2004, are modern and usually located within multi-purpose shopping malls. This strategic location creates opportunities to complement the consumption of these New Nollywood stories with other activities such as window-shopping, dating, eating and people watching and relaxing before the movie.⁶⁶⁶ But then, in spite of the modern cinema environment conducive to conversations as regards the movies, audiences do not engage with other non-familiar faces.

⁶⁶¹ Lobato (n 626) 341.

⁶⁶² Onuzulike (n 627) 177.

⁶⁶³ Ernest-Samuel & Uduma (n 599) 58.

⁶⁶⁴ J Haynes "'New Nollywood": Kunle Afoloyan' (2014) 5(2) *Black Camera* 53, 57; Agina (n 600) 132.

⁶⁶⁵ Agina (n 600) 140.

⁶⁶⁶ Agina (n 600) 136.

3.4 The relevance of indigenous storytelling to queer rights advocacy in Nigeria

Indigenous storytelling is a living and integral part of Nigerian society. Indigenous storytelling, be it through oral tradition, literature, fine arts or film, has been used as a tool for nurturing, archiving, educating, catharsis, criminal sanctions and curating the social and cultural fabric of the society. The discussion on the practice of indigenous storytelling in Nigerian has shown that indigenous storytelling is often a demonstration of power and can be a site of struggle between morals, norms, values and agendas owing to the clout that the promotion and regulation of knowledge confers.

This research is interested in indigenous storytelling because of its potential as a curator of social will and attitudes. In line with advancement of the human rights of queer persons, the potential of indigenous storytelling to change the attitudes of the people towards queer persons is very central to this research.

Indigenous storytelling as relaying the complexities and pluralities of a people in a place through narratives can be leveraged as a tool to complement queer rights advocacy in Nigeria. In the prior sections of this chapter indigenous storytelling has been showed to have several features and has been used in several ways. This section discusses three particular features of indigenous storytelling that makes it an ideal complement to Nigerian queer rights advocacy: the empathy-creation feature and educational feature; decolonisation feature. These three features are discussed below.

3.4.1 Indigenous storytelling as an empathy creation and contact tool

Indigenous storytelling has the potential of curating the social and political will of a people by engaging with the consciousness and sprouting empathy in hearts and minds of members of the society.⁶⁶⁷ Storytelling accomplishes this by taking the audiences' hands, figuratively, and leading them through intersubjective experience of the subject's person, plight and plot in the subject's world that for a moment of experience the audience is the subject.⁶⁶⁸ Keen brings to bear that the potential of

⁶⁶⁷ E Lisot-Nelson 'Sculpting and human rights: an exploration of Fasasi Abeeden Tunde's works in Italy' in R Adeola and others (n 586) 104.

⁶⁶⁸ As above.

narratives to foster empathy enjoys neuroscientific validation.⁶⁶⁹ Empathy, the 'vicarious and spontaneous' sharing of one's state by another, may also be fostered by 'witnessing another's emotional state and hearing another's emotional condition'.⁶⁷⁰

To Keen, empathy may also be fostered through the strategic combination and use of narrative techniques. However, Keen argues that 'no set of narrative techniques' are fool proof for securing empathy, especially when focus of such sought empathy is not similar enough to the group from which the empathy is sought.⁶⁷¹ This is more so when there is empathic inaccuracy - when the author, the literary works and narrative techniques are leaning towards social ends that the reader disapproves.⁶⁷² However, when the reader is in approval, or increasingly becomes so, empathy is fostered and this could bear prosocial results.

Bal and Kettlamp's study shows, and Keen agrees, that narratives have a higher chance of fostering empathy than other non-narrative forms of communication.⁶⁷³ The theory of transportation holds that narratives and narrative style of communication are more capable of creating and fostering empathy than formal or logico-scientific methods of authoring communication.⁶⁷⁴ Higher empathy levels are secured when the audience of stories are emotionally transported by their experience of the story.⁶⁷⁵ 'Transportation' in this study is described as 'a convergent process, where all mental systems and capacities become focused on events happening in the narrative.'⁶⁷⁶

Another point of confluence in both studies is that increased familiarity and intimacy levels between the audience and character in a narrative, through 'character identification', in the course of the storytelling experience lead to increased empathy levels. Character identification, as a component feature of emotional transportation, is when the reader of a literary work particularly relates to and gets emotionally involved

⁶⁶⁹ S Keen 'A theory of narrative empathy' (2006) 14(3) *Narrative* 207.

⁶⁷⁰ As above.

⁶⁷¹ As above.

⁶⁷² As above.

⁶⁷³ PM Bal & M Veltkamp, 'How does fictional reading influence empathy? An experimental investigation on the role of emotional transportation' (2013) 8(1) *PloS One* e55341.

⁶⁷⁴ Mar & Oatley (n 63) 181; Bal & Veltkamp (n 673) e55341.

⁶⁷⁵ As above.

⁶⁷⁶ As above.

with a specific character in the literary work(s).⁶⁷⁷ In the practice of storytelling Ryan insists on the importance of the storytellers 'who use and maintain their backgrounds, cultures, incorporating these in narrations' and use to negotiate the redistribution of legitimacy, value and power.⁶⁷⁸ Ryan further mentions that it is more helpful than not for the storyteller and her audience to have more in common as regards upbringing, experiences and perhaps metaphorical references for more intimate experience of telling and experiencing a story.

The potential of indigenous storytelling to foster empathy may also be explained through imagined contact theory. Imagined contact theory flows from the contact hypothesis which itself is built on the premise that *direct* and contextual inter-group contact and interaction can reduce intergroup biases, consequently *indirect* contact through mental simulation of this contact adopting methods such as storytelling, can create the same result.⁶⁷⁹ Imagined contact is often used as a prejudice-reduction intervention, particularly in schools, where there is inadequate opportunity for direct intergroup contact.⁶⁸⁰ Shafak says that storytelling serves the purpose of rehumanizing persons who have been previously dehumanised.⁶⁸¹ Storytelling also serves as guards against the numb indifference to the pain of others as this can lead to harm or being complicit in the creation of harm and its sustenance.⁶⁸²

Storytelling through literary works, both fiction and non-fiction, have been described as a meeting point between human rights and literature.⁶⁸³ Both genres have been used to foster a culture of empathy, publicising suppressed narratives of victimisation

⁶⁷⁷ Keen (n 669) 214.

⁶⁷⁸ P Ryan 'The storyteller in context: storyteller identity and storytelling experience' (2008) 4(2) *Storytelling, Self, Society* 65.

⁶⁷⁹ L Cameron 'Changing attitudes with a little imagination': imagined contact effects on young children's intergroup biases' (2011) *Annals of Psychology* 708; RN Turner 'Imagining intergroup contact can improve intergroup attitudes' (2007) 10(4) *Group Processes and Intergroup Relations* 427, 431.

⁶⁸⁰ Cameron (n 679) 708.

⁶⁸¹ Hay festival May 2020: conversation between Elif Shafak and Philippe Sands <https://www.hayfestival.com/p-16768-elif-shafak-and-philippe-sands.aspx?skinid=16> (accessed 1 June 2020).

⁶⁸² As above.

⁶⁸³ E Coundouriotis & LM Goodlad 'Comparative human rights: literature, art, politics' (2010) 9(2) *Journal of Human Rights* 123.

and oppression. They have also been used, such as in 19th century abolition of slavery, to make claims to human rights while exposing oppressors.⁶⁸⁴

In her book *Wollstonecraft, Mill and women's human rights*, Botting acknowledges the power and impact of leveraging storytelling through literary works in human rights activism in the 'late eighteenth century Western Culture'.⁶⁸⁵ Storytelling grew empathy among people and fostered the wide consciousness of human rights.⁶⁸⁶ However, there were contestations such as whether or not stories are legitimate sources and whether or not stories subvert the integrity and universality of human rights standards.⁶⁸⁷

This research acknowledges that stories, or the absence of them, can deliberately focus on an exclusive theme or angle and this can be exploitative of both the emotions and empathy of persons and groups that are part of the storytelling experience.⁶⁸⁸ Incidental to this is what Hanne refers to this as the reductive character of literary work.⁶⁸⁹ In this vein, Hanne argues, in focusing on a theme or people, that the activist-storyteller plays the role of psychotherapists to the society by challenging the oppressive stories that malign vulnerable groups.⁶⁹⁰ By centering the complexities and pluralities of both the locale and its people, indigenous stories challenge the exclusionary single story. Storytelling has contributed to fostering regional concern for human rights conditions such as homophobic violence as was in the case in the course of the agitation for and passing of the Resolution 275.⁶⁹¹ However, Hanne recognises that the impact of stories on attitudes of the masses is largely based on what fraction of the masses get to read, experience and interpret these stories.⁶⁹²

The dire state of queer rights in Nigeria is as much a legal as it is an attitudinal problem. Muchera, Owino and Kaleigh, reviewing surveys carried out among staff and students

⁶⁸⁴ As above.

⁶⁸⁵ EH Botting *Wollstonecraft, mill, and women's human rights* (2016) 205.

⁶⁸⁶ As above.

⁶⁸⁷ Botting (n 685) 208.

⁶⁸⁸ As above

⁶⁸⁹ M Hanne *The power of the story: fiction and political change* (1995) 14.

⁶⁹⁰ As above.

⁶⁹¹ As above; CASSRA (n 4); AMSHeR and CAL (n 17) 11.

⁶⁹² As above 25.

in high schools in Barcelona, the United State, South Africa and Kenya, posit that there are causal links between lack of education, lack of exposure to homosexuals and negative attitudes, and conversely between increased levels of education, close contact and interaction with homosexuals and positive attitudes towards homosexuals.⁶⁹³

The use of a queer rights approach that focuses on creating empathy towards queer persons by simulating contact and exposure to queer persons invariably invests in shifting the socio-cultural attitudes towards queer persons from negative and exclusionary to positive, empathetic and inclusionary. Employing indigenous storytelling as a complement to queer rights advocacy, because of its contact and empathy-creation features, is an important and necessary step to tackling high rates of violence and negative attitudes towards queer people.

3.4.2 Indigenous storytelling as communal collaboration

In the conversation on the relationship between storytelling and the masses, Plummer, expatiates on the sociology of sexual storytelling through discussing the place of the community in the creation and telling of stories. Plummer understands storytelling along the two complementary paths of storytelling being a 'symbolic interaction' and storytelling being a 'political process'.⁶⁹⁴ As a symbolic interaction, stories are co-created by operative navigations among the teller, the coaxer, the audience and the context within which they operate.⁶⁹⁵ Besides the storyteller, the community of audiences and coaxers play a decisive role in what stories and approaches enjoy popular demand or suffer rejection and the interpretation and perpetuation of the narratives after they have been told. The social, historical, economic and cultural circumstances within which the community of coaxers, tellers and audiences exist are also an important part of the co-creation process of the stories told and sustained. It is important to understand that 'communities are emotional worlds' as such their constantly shifting political, social, economic and cultural positions will have a say in what stories are told, how they are told, what the range of what they mean or can

⁶⁹³ W Mucherah and others 'Grappling with the issue of homosexuality: perceptions, attitudes and beliefs among high school students in Kenya' <https://www.ncbi.nlm.nih.gov/pmc/articles/pmc5024775/> (accessed 21 August 2021).

⁶⁹⁴ K Plummer *Telling sexual stories: power, change and social world* (1995) 19.

⁶⁹⁵ Plummer (n 694) 22.

mean with time. The mechanism or design through which storytelling is experienced is also a very important part of its creation and this scope of methods available or used will vary from community to community.

Plummer in addressing storytelling as a political process discusses the political world in which stories are co-created and distributed.⁶⁹⁶ This political world is a web of regulating dominations, hierarchical agendas, emotions and regulated freedoms which culminate in decisive questions such as who has the authority to tell a story, who is a legitimate storyteller, what position does this storyteller occupy on the hierarchy of patriarchies (economic, political, gender, cultural, sexual orientation) and whose/what/when will a story make it out to the world the fastest, loudest, widest or at all and how these stories interact with the stories and culture already out there? All of these are questions of personal and social power and this power really belongs to the community: the part that wields the control of the creative process through controlling (open or closing) spaces and opportunities for storytellers to tell and the part that consumes and reacts. The communities as co-creators of stories are emotional worlds and the politics of their emotions can have grave, decisive and often mortal consequences on the tellers of these stories and the stories themselves.

Plummer's discussion reveals that even in the use of storytelling as a tool for empathy creation, the audience are not dormant bystanders without agency. The audience of storytelling have more operative autonomy and participatory roles in the co-creation of stories than is often realised. As such storytelling is a community-building tool as it fosters interaction not just through feeling but through co-creation and communal navigations of emotions. This communal navigation of emotions and interactions are important elements of curbing intergroup bias and shifting attitudes towards queer persons at a communal level.

3.4.3 Indigenous storytelling as an educational tool

Oral tradition has been used for semi-formal education of the community and for the transmission of ancestral knowledge.⁶⁹⁷ Onuora-Oguno and Nwamara make a case

⁶⁹⁶ Plummer (n 694) 26.

⁶⁹⁷ N Onuora-Oguno & Al Nwamara 'Sustainable development and folklore in traditional Igbo society: prospects, challenges and solutions' (2014) 10 *Awka Journal of Research in Music and the Arts* 120.

for the legitimacy of storytelling in the Igbo culture as a teaching and learning tool used in secondary schools.⁶⁹⁸ Storytelling is an important part of how intimate clusters of persons and minds interact with and make sense of the world. Carter-Black, writing from the field of Social Work, makes a case for the universal merits of storytelling as a teaching tool with the potential of ushering students to develop and integrate and an awareness, sensitivity, understanding and appreciation for the experiential realities across several groups.⁶⁹⁹

The capacity of storytelling as a tool for addressing intergroup biases through imagined contact and exposure between these groups also comes into play here. In agreement, *The book of joy* records the Dalai Lama as stating that ‘education and wider contact are really the only solutions’ to issues of fanaticism and global intolerance.⁷⁰⁰ In a 2016 study commissioned by The Other Foundation, titled *Progressive prudes*, sampling the attitudes of 3000 South Africans, it was reported that, although the majority agreed that human rights were applicable to all, they also frowned at the expression of non-heteronormative sexual orientation, gender identity and expression.⁷⁰¹ However, like Muchera, Owino and Kaleigh’s study, *Progressive prudes* reported that negative attitudes towards queer persons often reduce following increased exposure to queer persons as friends and family members.⁷⁰²

Indigenous stories as an educational tool also enjoy legitimacy in the field of law and literature. In leveraging stories as an educational tool for humanising legal and human rights plights, Aristodemou argues that the field of law and literature holds the key to clarifying law such that the governed are well informed and more likely to conform to the law.⁷⁰³ These laws include policies, legal structures available in a society and the people and the context within which they relate. She holds that social and cultural shifts are impossible in a society without considering and comprehending the social

⁶⁹⁸ As above.

⁶⁹⁹ Carter-Black (531) 31.

⁷⁰⁰ The Dalai Lama, Archbishop Desmond Tutu & Douglas Abrams, *The book of joy* (2016) 71.

⁷⁰¹ The Other Foundation, ‘Progressive prudes: a survey of attitudes towards homosexuality and gender non-conformity in Southern Africa’ 2016, 9, 37.

⁷⁰² As above, 41.

⁷⁰³ Aristodemou (n 76) 10.

and cultural spheres which inform the law and within which the law exists.⁷⁰⁴ She argues that storytelling serves as a mirror of social and cultural spheres of society.⁷⁰⁵

The field of law and literature encourages the reference to sources that create and sustain understanding, empathy and have more humanistic value beyond the law books, which are mostly positivist inspired.⁷⁰⁶ It is argued that the field of law and literature opens up the law, making it more accessible for reflection in the light of the social political order and humanity.⁷⁰⁷ Much more intricate than considering the law as it is, the law and literature approach considers varied perspectives to the understanding of law and ponders its implication on human existence.⁷⁰⁸ Empathy as consequence of law and literature secures the reading from inside-out of the effects of the law by affording the reader the opportunity of intimately experiencing the 'shoes' of the affected or vulnerable person on a micro-level as opposed to read about it on a macro-level which the law texts afford.⁷⁰⁹

Aristodemou further argues that stories are more likely than law to challenge unjust ideologies and practices.⁷¹⁰ Aristodemou suggests that storytelling is another, even faster, form of law making capable of trumping existing laws that often promote popular maligning practices.⁷¹¹ This is understood to mean that the force of literature could serve as a potent counter to unjust laws and policies such as the norms and law like the SSMPA that criminalise same sex relations and that incite and condone violence against queer persons.

At its core, the law and literature approach promotes the consideration of 'interdisciplinary enquiries, contextuality and perspectivism' in its fitting the law as a product of the society's culture, and the society as subject to it.⁷¹² The law and literature approach opposes the misleading illusion of self-sufficiency of law and legal

⁷⁰⁴ As above.

⁷⁰⁵ As above.

⁷⁰⁶ Morison & Bell (n 99) 1.

⁷⁰⁷ Morison & Bell (n 99) 2.

⁷⁰⁸ Morison & Bell (n 99) 12.

⁷⁰⁹ As above.

⁷¹⁰ Aristodemou (n 76) 9.

⁷¹¹ As above.

⁷¹² Aristodemou (n 76) 10.

studies in satisfactorily addressing concerns that affect humanity as problematic, the teaching and discussing of law needs to locate itself among other disciplines to be adequately helpful.⁷¹³ In the case of shifting homophobic attitudes and curbing the high rates of violence towards queer persons in Nigeria, legal and human rights interventions need to connect with attitude- focused tools such indigenous storytelling. The unjustness of homophobic violence is as much a legal issue as it is socio-cultural and attitudinal, queer rights advancement can be complemented through the leveraging of indigenous stories and storytelling.

Storytelling highlights the plights of the excluded and marginalised.⁷¹⁴ Aristodemou argues that the service of storytelling to law is that it creates a space where criticising dominant ideologies is safe and possible.⁷¹⁵ Stories open up the society and the law in a way that validates the challenging of single-story narratives and laws that have been used to marginalise minorities. Stories do not necessarily change one's stance on the law, but it offers the person more options as regards definitions and comprehensions.⁷¹⁶ Shafak describes storytelling as 'one of the last free democratic spaces' which affords the opportunity to engage with difficult issues.⁷¹⁷ Adichie in a TED talk titled 'The danger of the single story' discusses the potential and power of storytelling through literary works to dispossess and malign people as well as humanise and empower people.⁷¹⁸ Shafak makes a case for the opportunity that storytelling provides for constant civil negotiation through engaging the attitudes and thoughts of the masses around issues and persons that would ordinarily not be centred.⁷¹⁹

⁷¹³ As above.

⁷¹⁴ Morison & Bell (n 99) 43.

⁷¹⁵ Morison & Bell (n 99) 49.

⁷¹⁶ Morison & Bell (n 99) 50.

⁷¹⁷ Hay festival May 2020: conversation between Elif Shafak and Philippe Sands <https://www.hayfestival.com/p-16768-elif-shafak-and-philippe-sands.aspx?skinid=16> (accessed 1 June 2020).

⁷¹⁸ CN Adichie 'The danger of a single story' <https://www.youtube.com/watch?v=D9Ihs241zeg&t=860s> (accessed 14 September 2020).

⁷¹⁹ Hay festival May 2020: conversation between Elif Shafak and Philippe Sands <https://www.hayfestival.com/p-16768-elif-shafak-and-philippe-sands.aspx?skinid=16> (accessed 1 June 2020).

Stories have resulted in exposing social ills, promoting and protecting the vulnerable and eventually securing social change as well as change in laws and policies.⁷²⁰ Instances of exposure of social ills through literary works include the following: Beecher Stowe's *Uncle Tom's cabin*, which cast a light on the inhumanity of slavery in the anti-slavery movement.⁷²¹ Nadine Gordimer's short stories were part of the change agents in South Africa in vocalising the plight of oppressed South Africans during the anti-apartheid regime;⁷²² Alan Paton's *Cry the beloved country* 'more than any other document brought the South African racial problem to the attention of the world's conscience'.⁷²³ Alice Walker's work portraying the lives of maligned African American women during the 1900s was a rallying point for showing the indignities of gender inequality and racial discrimination.⁷²⁴ Her novel *The colour purple* addressing the theme of racial discrimination, won the 1983 Pulitzer Prize for fiction and was made into a motion picture in 1985.

Storytelling through literary works has been at the forefront of the socio-political project of centring people, maligned social-political issues and changing attitudes in Nigeria. The literary works of Ken Saro-Wiwa were used to draw the world's attention to the plight of the Ogoni people subject to severe human rights violations by way of indignity, marginalisation and environmental pollution.⁷²⁵ Ken Saro-Wiwa's work satirised Nigerian culture even while promoting the rights of minorities. The joint impact of Ken Saro Wiwa's literature, vision and social work under the Movement for the Survival of the Ogoni People (MOSOP) fostered the new visibility of the Ogoni in the federal political scenes as well national and international consciousness to their plight.⁷²⁶ The literary works of Wole Soyinka have been used to expose the injustices of corrupt regimes in Nigeria and foster a greater social consciousness among the West African youth. The literary works of Adichie such as her essay 'We should all be feminists' is

⁷²⁰ Morison & Bell (n 99) 51.

⁷²¹ B Stowe *Uncle Tom Cabin* (1998).

⁷²² MSC Okolo *African literature as political philosophy* (2007) 28.

⁷²³ As above.

⁷²⁴ Ian Wood *Law and literature* (2009) 36.

⁷²⁵ SO Ilesanmi 'Bearing witness: poetry, prison discourse, and communal struggles in human rights education' (2011) *Human Rights Quarterly* 466.

⁷²⁶ Ilesanmi (n 653) 479; Ken Saro-Wiwa 'The language of African literature: a writer's testimony' (1992) 23(1) *Research in African Literature* 157.

adapted from her TED talk were used as a beacon of contemporary feminism to foster gender equality.⁷²⁷

To shift homophobic attitudes, it is imperative for the society to be exposed to and interact with queer persons, to see that they are not so different and not as criminal or demonic as the negative messaging make them out to be. Queer persons are everywhere, but often having to lead concealed lives owing to the risk of exposure to violence.⁷²⁸ Indigenous storytelling has the capacity to expose its audience to contact with queer persons, their lives, decisions, hopes, motivations, humanizing queer persons such that it feels as though they are right there in the room. In fact, there are chances that they are actually there in the room but afraid to be known and experienced in that light. Besides the capacity of indigenous storytelling to foster empathy, it also fosters exposure and interaction. The inclusion of indigenous storytelling in the teaching and learning of law and human rights has a high chance of not just instilling a logical sense of just and unjust but also an emotional awareness of inhumane regardless of previously held beliefs.

3.4.4 Indigenous storytelling as a tool for decolonisation and dehegemonisation

Decolonisation and dehegemonisation as they concern this research are understood as the approach of resistance to cultural and experiential imperialism. In other words, working against the notion that a fixed set of knowledge and practices, that are unengaging with pluralities and subjectivities, can be universally adequate for queer rights advocacy.⁷²⁹ In decolonising queer rights advocacy and the understanding of queerness among the research participants through indigenous storytelling, the proposed intervention is steeped in the understanding that indigenous storytelling and queerness are not pure unique elements specific to certain cultures and that different sources of knowledge and practices need to be engaged with. In other words, there is the understanding that elements to be applied in the intervention as they occur across

⁷²⁷ The Guardian 'Chimamanda Ngozi Adichie: 'I decided to call myself a happy feminist'' <https://www.theguardian.com/books/2015/dec/04/every-16-year-old-in-sweden-to-receive-copy-of-we-should-all-be-feminists> (accessed 21 August 2021).

⁷²⁸ MR Gunda 'Silent no longer! Narratives of engagement between LGBTI groups and the churches in Southern Africa' (2017) 35.

⁷²⁹ S Hunt & C Holmes 'Everyday decolonization: living a decolonising queer politics' (2015) 19(2) *Journal of Lesbian Studies* 156.

contexts are hybrids inspired by multiple cultures. As Ngwena argues, engaging with Tamale, Ngugi and Mbembe, that decolonisation is not reductionist, essentialist, separatist or 'de-westernisation'.⁷³⁰ Decolonisation does not seek to essentialise Africa and Africanness as completely pure and disassociated from external influences but to engage with the realities of Africa and Africanness that have emerged owing these associations and interactions. Dehegemonisation also seeks to recognise the importance of resisting oppressive and exclusionary norms even when they have homegrown roots.

Decolonisation is the conscious rejection of eurocentrism and other forms of cultural imperialism but a recognition of the importance of cultural hybridity and cosmopolitanism in the understanding of identity and lived realities.⁷³¹ Decolonisation calls for being mindful of imported and unquestioned dominant methods and knowledges yet engaging with them through questioning, not exclusion. This intervention using indigenous storytelling as a means of advocacy is cognisant of the seemingly cross-cutting orality and communalist features that exist owing to globalisation but still insists on engaging with the specificities in style that may exist across cultures especially because of the varying levels of calibrations in cultural hybridity.

This research, while drawing inspiration from Hunt and Holmes, seeks to build on their argument that 'decolonisation and queering are actively interconnected, critical and everyday practices that take place across diverse spaces and times'.⁷³² They argue that decolonisation 'is already active in embodiments of indigeneity and queer gender and sexuality'.⁷³³ They suggest decolonisation strategies for queer focused work within the community should include engaging with the knowledge and hybrids of emerging and antique non-heterosexual identities, practices and realities within the locale.⁷³⁴

⁷³⁰ Ngwena (n 103) 197-199; S Heleta 'Decolonisation of higher education: dismantling epistemic violence and eurocentrism in South Africa' (2016) 1(1) *Transformation in Higher Education* 4.

⁷³¹ Ngwena (n 103) 199.

⁷³² S Hunt & C Holmes 'Everyday decolonization: living a decolonising queer politics' (2015) 19(2) *Journal of Lesbian Studies* 156.

⁷³³ S Hunt & C Holmes (n 732) 159.

⁷³⁴ As above.

The decolonising feature of indigenous storytelling has the potential to centre the complexities and pluralities of queer persons and the context they live in in Nigeria. Indigenous storytelling is an important complement to Nigerian queer right advocacy because of its capacity to resist and challenge colonialist violent and exclusionary notions, norms and information about queer persons and identities.

The concept of coloniality has been described as the continuity of basic perceptions of natural, logical and fundamental differences within a group which resists the notion of equality and complementarity but grounds the superiority of a part as well its incontestable claim to certain hierarchies of legitimacy to the exclusion of others.⁷³⁵ This coloniality birthing negative stereotypes about queer persons is the basis of the violence and other unfair treatment meted out against queer persons. The termination of obvious colonial administration does not necessarily mean that the exclusionary norms integrated into Nigeria's social fabric have disappeared, colonial exclusions and denigrations are still very much in place.⁷³⁶ Coloniality is a 'complete package with social, economic, cultural, ideological, aesthetic and epistemological contours'.⁷³⁷ The ongoing effects of colonial exclusion in almost every part of the society especially what people have internalized as just and moral such as sanctions and violence towards queer persons.

Indigenous storytelling has the capacity to resist, challenge and correct these negative and exclusionary beliefs. Achebe said that tackling coloniality is central to the task of the African storyteller as part of the society. He refers to this tackling as 'writing back' with the intention 'reshape the dialogue between the colonized and the colonizer'.⁷³⁸ Stories have the power to contest oppression and coloniality that objectify and degrades queer persons. But to accomplish this, the storyteller needs to be intimately aware of this need to contest coloniality as well as the several efforts that have been made to contest it. In 'writing back' and effectively tackling exclusionary knowledge and messaging which fosters negative attitudes and violence towards queer persons,

⁷³⁵ A Quijano 'Coloniality of power, eurocentrism and Latin America' (2000) 15(2) *International Sociology* 533.

⁷³⁶ SJ Ndlovu-Gatsheni *Coloniality of power in post-colonial Africa: myths of decolonisation* (2013) 3.

⁷³⁷ Ndlovu-Gatsheni (n 736) 5.

⁷³⁸ Achebe (n 130) 55.

the practicalities of knowledge creation and knowledge promotion are central. There is a need to be aware of the workings of colonial knowledge.⁷³⁹ Ndlovu-Gatsheni discussed the coloniality of knowledge as the interference by the West with 'African modes of knowing, social meaning making, imagining, seeing and knowledge production'.⁷⁴⁰ Ndlovu-Gatsheni writes that this western interference with western knowledge-systems has centred itself as an objective standard and a universal indicator or quality of truth.⁷⁴¹

Thiong'o refers to this western interference as coloniality of knowledge as the 'cultural bomb'.⁷⁴² This cultural bomb has the impact of destroying a people's belief in their names, languages, environment, cultural heritage, unity, capacity, potential and ultimately in themselves. As such the objects of these oppressions, 'cultural bombs', coloniality of knowledge, being the consumers, the audience are lured and often forced to relinquish their humanity for a lie. Quite incidental to the concept of coloniality of knowledge is the coloniality of being which is the erasure of non-colonial bodies in mainstream spaces through the enforcement of inhumane social, legal, physical and psychological conditions.⁷⁴³

An instance of the demonstration of coloniality of knowledge is the screening of colonial documentaries of Africa, during the colonial era of film in Nigeria, 'cultural bombs' which sought to 'civilise' the Nigerian population by associating dark skin with immorality and light skin with morality. Coloniality of knowledge also comes to play in the undue control of the creative process of Nollywood films by film marketers with large financial and industrial leverage. Similarly, the use of colonial religions to demonise indigenous faiths and sexualities is equally an illustration of coloniality of knowledge. Coloniality of knowledge is demonstrated in the SSMPA's criminalization of all forms of queer rights organising as well as the violence directed by state and non-state actors towards queer persons and queer rights organisations in order to disrupt their work. Achebe and Adichie make the case that stories have the potential

⁷³⁹ NW Thiong'o *Decolonising the mind: the politics of language in African literature* (1986) 3.

⁷⁴⁰ Ndlovu-Gatsheni (n 736) 5.

⁷⁴¹ As above.

⁷⁴² Thiong'o (n 739) 3.

⁷⁴³ Ndlovu-Gatsheni (n 736) 8.

of stripping away dignity, but also regenerating dignity in the reader particularly for portrayed characters that have been previously maligned.

Indigenous storytelling as a complement to queer rights advocacy fosters empathy and changes attitudes towards queer persons as well as challenges and reveals the inhumanity of violence and of exclusionary laws and structures. Thiong'o writes that resistance against any element of coloniality, no matter who resists, is an attack on structures that perpetuate exclusion and inequality.⁷⁴⁴ Indigenous storytelling, centring queer pluralities and complexities are effective 'blows' to the oppression and hate that stifles cultures, humanities and the people that are born from them.⁷⁴⁵ Through indigenous storytelling, negative stereotypes and attitudes can shift, empathy can be fostered, dignity can be restored to queer persons, and these can be preserved and protected by communities.⁷⁴⁶

On the issue of literary works having a mass therapeutic effect, Mulling acknowledges that although this is important, it is not always a good thing. Mulling argues that there is no guarantee that negativity, corruption, and falsehood will no longer mask itself as art and creativity as it did during the Nazi era.⁷⁴⁷ However, Mulling acknowledges Rorty's argument that 'the best way to strengthen human rights culture is precisely by understanding it to be a living and growing culture' as opposed to long-standing norms and principles'.⁷⁴⁸ Rorty upholds the reading of literary works as part of the academic curricula as the best means of fostering human rights consciousness and empathy among students for the suffering of persons that are unlike and unknown to them.

In analysing the literary works of South African women on the issues of repressed femininity under colonialism, apartheid and gender inequality, Khan argues that literary works are a means through which vulnerable individuals and groups make themselves, their history and their marginalising context more visible, legible and available to be seen, read and experienced by those unknowing and unseeing of

⁷⁴⁴ N Thiong'o (n 739) 2.

⁷⁴⁵ As above.

⁷⁴⁶ J Lee 'Decolonising Maori narratives: purakau' (2009) 2(3) *MAI Review* 2.

⁷⁴⁷ G Mulling 'Labours of literature and human rights' (2008) 20(1) *Peace Review* 4.

⁷⁴⁸ Mulling (n 747) 6.

them.⁷⁴⁹ 'The emergence of art created a marginalised group symbolises a radical new beginning of agency and visibility in contesting repression.'⁷⁵⁰ Mulling maintains that empathy serves a greater purpose than logic as far as human rights are concerned. Nonetheless, Mulling's position is that the reliance on literary works and empathy must be guided by experience, intuition and knowledge.⁷⁵¹

In highlighting the stance of reception, Hanne argues that the readers of literary texts have the power to choose how they individually interpret these literary texts.⁷⁵² These readers' powers are to a great extent qualified not just by the nature of a particular literary text but also the readers' expectations, social, cultural, political, emotional and cultural background and context with which such readers read the literary text.⁷⁵³ As such one literary text may vary in meaning across time, place in which they are read and across people that read them.⁷⁵⁴

It has been argued that the laws, policies and institutions available in a society and literary works, as part of popular culture, are often a reflection of the dominant narratives that justify them.⁷⁵⁵ However, literature also gives ordinary persons the opportunities of exposure, participation and contribution to the maligned and unpopular narratives of the vulnerable minorities. Literature is often a reflection of the dominant narratives and may also be an exposure of the marginalised narratives. As such literature in collaboration with law and the exposure of underlying marginalisation can and has been used to 'stir' society.⁷⁵⁶ Storytelling can also tackle the imperially imposed hegemonic structures by unsettling imperial knowledge systems by redirecting the focus to 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

⁷⁴⁹ KB Khan, "Breakthroughs': engaging literary 'voices' of women writers from the South African region' (2016) 32(1) *Journal of Literary Studies* 5.

⁷⁵⁰ N Broude & MD Garrard *The power of feminist art: the American movement of the 1970s, history and impact* (1996) 10.

⁷⁵¹ Mulling (n 747) 7.

⁷⁵² M Hanne *The power of the story: fiction and political change* (1995) 14.

⁷⁵³ As above.

⁷⁵⁴ Mulling (n 747) 30.

⁷⁵⁵ K Dolin *A critical introduction to law and literature* (2007) 2.

⁷⁵⁶ As above.

structures and patriarchies across the board. But, more importantly, by connecting this humanity to the humanity of everyone else in the society.

3.5 Conclusion

Indigenous storytelling covers a broad range of descriptions and practices. This research maintains that it is imperative for the substance and practice of indigenous to be conscious of the complexities of the locale and individual being centred. Indigenous storytelling is an integral part of life and culture in Nigeria and has been practised across modes such as oral tradition, fine art, literary works, film and much more.

Indigenous storytelling has boundless capabilities, but it is particularly suitable as complementary tool for queer rights advocacy in Nigeria because of its potential as a tool for empathy creation, community-building and education and decolonisation. The inclusion of indigenous storytelling in Nigerian queer rights advocacy includes an attitude-focused component which fosters a shift in the negative attitudes towards queer persons. An attitude-focused component is important for Nigerian queer rights advocacy because the dire state of queer rights in Nigeria is as much a legal problem as it is an attitudinal problem. These negative attitudes foster a socio-cultural context which instigates and condones violence against queer persons in Nigeria.

Chapter 4: Advocating for Resolution 275 in Nigeria

4.1 Introduction

In the conversation on complementing queer rights advocacy in Nigeria, the preceding parts of this research address the nature of violence towards queer persons in Nigeria as well as queer rights advocacy in Nigeria. It is the position of this study that the challenges that queer persons in Nigeria face are a result of homophobic laws and homophobic attitudes. This research contends that for Nigerian queer rights advocacy interventions to effectively address these challenges, it is necessary to include attitude-focused components such as indigenous storytelling in campaigns for the advancement of international soft law standards. The inclusion of indigenous storytelling aims to serve as a complement in order to foster empathy, change negative attitudes, eradicate homophobic stigma and consequently to contribute to curbing high rates of violence towards queer persons.

In exploring the notion of complementing ongoing queer rights advocacy interventions in Nigeria, this research narrows the focus to advocacy interventions targeted at advancing 275 Resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity (Resolution 275).⁷⁵⁷ Resolution 275 calls for the eradication of homophobic violence and stigma by state and non-state actors as the recognition of the human rights of queer persons and queer rights defenders. Resolution 275 is important to this research as it is an authoritative interpretation of human and peoples' rights in the African Charter.

To contribute to this discussion, this chapter is split into seven main parts: this introduction; the international context of Resolution 275; the scope of Resolution 275; the factors that affect the implementation of Resolution 275; the potential of Resolution 275 as a pedagogical tool; and the conclusion.

⁷⁵⁷ 275 Resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity (ACHPR/Res.275(LV)2014).

4.2 The international context of Resolution 275

As shown in Chapter 1 of this study, Resolution 275 is an African articulation of the stance of international human rights law on violence on the basis of sexual orientation and gender identity. Resolution 275 came into existence at a time when anti-gay laws were enacted in African states such as Nigeria and Uganda, and as rates of violence towards sexual and gender minorities peaked in Kenya. Notable instances include the murders of Ugandan activist David Kato in 2011 and Cameroonian activist Eric Lembembe in 2013.⁷⁵⁸ The context of ongoing global resistance towards violence meted on queer persons across the world also informed the adoption of Resolution 275.⁷⁵⁹ This global resistance against homophobic violence played out in the form of the passing international soft law at the level of the United Nations (UN) and at the level of the Inter-American Commission on Human Rights (IACHR).⁷⁶⁰

At the level of the IACHR, the Organization of the American States (OAS) made bold public statements calling on member states to address the incidents of violence based on sexual orientation and gender identity.⁷⁶¹ Some of these bold statements include the resolutions adopted yearly since 2008, including Resolution AG/RES.2887 of 2016 and Resolution AG/RES.2908 of 2017, both of which urge member states to provide adequate protection for LGBTI rights defenders and protect intersex persons in line with human rights-compliant medical standards.⁷⁶² In addition, in 2014 the position of Rapporteur on the rights of sexual and gender minorities was established at the Executive Secretariat of the IACHR.⁷⁶³

⁷⁵⁸ A Jjuuko 'The protection and the promotion of LGBTI rights in the African regional human rights system: opportunities and challenges' in Namwase & Jjuuko (n 5) 260; Human Rights Watch 'The issue is violence: attacks on LGBT people on Kenya's coast' <https://www.hrw.org/report/2015/09/28/issue-violence/attacks-lgbt-people-kenyas-coast> (accessed 10 October 2019); Human Rights Watch 'Cameroon: LGBTI rights activist found dead, tortured' <https://www.hrw.org/news/2013/07/16/cameroon-lgbti-rights-activist-found-dead-tortured> (accessed 10 October 2019).

⁷⁵⁹ African Commission on Human and Peoples' Rights and others 'Ending violence and other human rights violations based on sexual orientation and gender identity' (2016) 10.

⁷⁶⁰ As above; <http://www.oas.org/en/iachr/lgtbi/links/> (accessed 10 September 2019).

⁷⁶¹ As above; Organization of American States (OAS) 'IACHR condemns murder of LGBTI rights activist in Mexico' http://www.oas.org/en/iachr/media_center/PReleases/2011/042.asp (accessed 10 September 2019).

⁷⁶² <http://www.oas.org/en/iachr/lgtbi/links/> (accessed 28 April 2019); Resolution AG/RES.2887; Resolution AG/RES.2908.

⁷⁶³ African Commission on Human and Peoples' Rights and others (n 759) 11.

At the level of the UN, specificity on the issues of violence towards queer persons has featured in treaty body findings since the 1990s. The UN Human Rights Council adopted resolutions A/HRC/RES/17/19 and A/HRC/RES/27/32 to address violence towards queer persons, substantiating international expectation of states to address violence based on sexual orientation and gender identity.⁷⁶⁴ A/HRC/RES/17/19, adopted in 2011, expresses concerns as regards the violence towards queer persons and calls for further documentation and engagement with anti-gay laws as well the potential of international human rights law as a tool for curbing violence towards queer persons. A/HRC/RES/27/32, adopted in 2014, which came subsequently, includes the same concerns but acknowledges progress made in the light of engagement with anti-gay laws and calls for sharing of best practices.

A dialogue was held in 2015 between representatives of the African Commission, the UN and the Inter-American human rights system.⁷⁶⁵ In this dialogue, some member states of the African Commission spoke about the need to tackle violence based on actual or perceived sexual orientation and expression.⁷⁶⁶ At the 60th Ordinary Session of the African Commission, held in May 2017 in Niger, member states of the African Commission adopted the Guidelines on Combating Sexual Violence and Its Consequence in Africa (Guidelines).⁷⁶⁷ These Guidelines recognise Resolution 275 as one of the African regional standards on the fight against sexual violence.⁷⁶⁸ The Guidelines recognise other issues such as corrective rape, victimhood and restitution as they affect queer persons on the continent, and further reiterate that states ought to address these issues and act accordingly.⁷⁶⁹

These go to show that Resolution 275 is an African articulation of the growing concern towards the poor human rights conditions of queer persons on the African continent. Resolution 275 was a timely response to the peaking rates of violence towards queer

⁷⁶⁴ African Commission on Human and Peoples' Rights and others (n 759) 10, 11, 17.

⁷⁶⁵ As above.

⁷⁶⁶ As above.

⁷⁶⁷ http://www.achpr.org/files/instruments/combating-sexual-violence/achpr_eng_guidelines_on_combating_sexual_violence_and_its_consequences.pdf (accessed 29 April 2020).

⁷⁶⁸ As above.

⁷⁶⁹ As above.

persons across African states and the hostility at the regional level to the idea of queerness as part of Africanness. Chapter 1, section 1.2.2 engages in detail on the emergence of Resolution 275 from the tension at regional level of whether or not queer persons and queer organisations are within the protective ambit of the African Charter. There was need for increased visibility of queer persons across the continent, particularly visible enough for the members of the African Commission. This visibility needed to be articulated clearly enough to make the point that queer rights were indeed human rights.

With the passing of Resolution A/HRC/RES/17/19 at the level of the UN, mobilisation around the issue of violence towards queer persons in African jurisdictions was heightened among queer rights organisations on the Africa continent.⁷⁷⁰ This mobilisation was done through the compilation and publication of reports on several African states.⁷⁷¹ These reports were primarily textual and photographic stories of African queer persons' lived experiences. These were stories of African queer persons being lynched, raped, harassed, murdered, violated ruthlessly all across the continent.⁷⁷²

One of these reports is 'Violence based on perceived or real sexual orientation and gender identity in Africa 2013', a 71 page-document giving an intimate overview of violence based on queerness across several African states.⁷⁷³ Violence based on queerness was clearly a human rights issue across the African continent and this 2013 report was persuasive evidence specifically directed at the Commission. One of the most iconic landscapes reported was Uganda.⁷⁷⁴ The Pew Research Centre's study

⁷⁷⁰ CASSRA (n 4); AMShER 'Nigeria: the MSM health scorecard' <https://www.amsher.org/wp-content/uploads/2016/10/AMShER-African-MSM-Health-Scorecard-Nigeria-1.pdf> (accessed 10 October 2019); AMShER 'Reflections on sexuality and equality in Africa' <https://www.amsher.org/wp-content/uploads/2016/04/Refelctions-on-Sexuality-and-Equity-In-Africa-Volume1.pdf> (accessed 10 October 2019); AMShER 'Kenya: the MSM health scorecard' https://www.amsher.org/wp-content/uploads/2016/05/Kenya_Scorecard_Final.pdf (accessed 10 October 2019).

⁷⁷¹ CASSRA (n 4).

⁷⁷² CASSRA (n 4).

⁷⁷³ CAL & AMShER (n 17).

⁷⁷⁴ As above.

of June 2013 shows that 96 per cent of Ugandans disapproved of homosexuality.⁷⁷⁵ With this disapproval came violence and negative messaging from political and religious leaders, all of which peaked in February 2014 when the Ugandan Anti-Homosexuality Act was passed.⁷⁷⁶ In 2014, reported and verified cases of violence rose to 89, 47 of which were attributable to state actors.⁷⁷⁷

Other African states covered by the 2013 report include Nigeria, Malawi, Kenya, Burundi, and least expectedly, South Africa.⁷⁷⁸ The 2013 report was launched at the NGO Forum which was held before the 54th ordinary session of the African Commission Rights in 2013.⁷⁷⁹ The 2013 report was used to reignite conversations as regards the human rights of queer persons with the commissioners and civil society.⁷⁸⁰ Other aspects of the African Commission session engaged with the issues and facts presented in the 2013 report. In April 2014 at its 55th ordinary session, the African Commission passed Resolution 275.⁷⁸¹

In aligning with Resolution 275, the African Commission General Comment 4 : The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment lists corrective rape and anal testing as amounting to torture under the African Charter, Commissioner Lawrence Mute's intersession report; the Guidelines for training law enforcement officials on policing assemblies which calls on

⁷⁷⁵ Pew Research Centre 'The global divide on homosexuality: greater acceptance in more secular and affluent countries' <https://www.pewresearch.org/global/2013/06/04/the-global-divide-on-homosexuality/> (accessed 10 September 2019).

⁷⁷⁶ SJ Thapa 'LGBT Uganda today: continuous despite nullification of Anti-homosexuality Act' https://assets2.hrc.org/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf (accessed 10 September 2019).

⁷⁷⁷ As above; [Consortium on monitoring violations based on sex determination, gender identity and sexual orientation 'Uganda report of violations based on gender identity and sexual orientation July 2015' \(2015\) 9 https://www.outrightinternational.org/sites/default/files/15_02_22_lgbt_violations_report_2015_final.pdf](https://www.outrightinternational.org/sites/default/files/15_02_22_lgbt_violations_report_2015_final.pdf) (accessed 10 September 2019).

⁷⁷⁸ CAL & AMSHeR (n 17).

⁷⁷⁹ CASSRA (n 4); CAL 'A decade of activism on SOGIE and SRHR at the ACHPR' <http://www.cal.org.za/2017/09/28/a-decade-of-activism-on-sogie-and-srhr-at-the-achpr/> (accessed 10 September 2019); African Commission on Human and Peoples' Rights and others (n 759) 31 https://www.ohchr.org/Documents/Issues/Discrimination/Endingviolence_ACHPR_IACHR_UN_SOGI_dialogue_EN.pdf (accessed 10 September 2019).

⁷⁸⁰ As above.

⁷⁸¹ As above; African Commission on Human and Peoples' Rights and others (n 759) 10 https://www.ohchr.org/Documents/Issues/Discrimination/Endingviolence_ACHPR_IACHR_UN_SOGI_dialogue_EN.pdf (accessed 10 September 2019).

states to protect the rights of vulnerable groups to assemble freely; Commissioner Alapini Gansou's inter-session activity report which highlights harassment against queer rights defenders and calls on states to repeal laws that threaten the work of these queer rights defenders.⁷⁸²

4.4 The scope of Resolution 275 in Nigeria

The range of Resolution 275 in Nigeria cannot be discussed in the absence of considering the clout of the African Charter in Nigeria. This section considers the prospects and limitations of Resolution 275 as an African human rights soft law instrument addressing violence on the grounds of actual or perceived sexual orientation and gender identity.

Besides being sourced from customary international practices, general principles of law recognised by civilised nations, international law is sourced from hard and soft international law.⁷⁸³ Hard law includes treaties. Soft law includes resolutions, declarations, guidelines, principles and other guiding documents.⁷⁸⁴ At international level, hard law is binding and enforceable on state parties that have ratified the relevant treaties.⁷⁸⁵ At international level, soft law is not binding in and of itself but may be of persuasive force in the operation of international law.⁷⁸⁶ The African Charter is a hard law instrument and as such is binding at international level on African state parties. As a soft law standard, Resolution 275 is generally only persuasive on African state parties.

At the national level, the effect of international law is defined by whether or not the nation is a monist or dualist state. In a monist state, international law is directly applicable and binding on the affairs of the state at national level once the international treaty has been ratified. Conversely, in dualist states international law is generally not binding but persuasive on the affairs of the state at national level unless the

⁷⁸² W Isaack 'African Commission tackles sexual orientation, gender identity' <https://www.hrw.org/news/2017/06/01/african-commission-tackles-sexual-orientation-gender-identity> (accessed 10 September 2019).

⁷⁸³ African Commission on Human and Peoples' Rights and others (n 773) 7, 12; S Besson & J d'Aspremont (eds) *The oxford handbook of the sources of international law* (2017) 541.

⁷⁸⁴ AT Guzman & TL Meyer 'International soft law' (2010) 2(1) *Journal of Legal Analysis* 175.

⁷⁸⁵ As above.

⁷⁸⁶ As above.

international treaty is ratified and domesticated as a local law.⁷⁸⁷ As provided by the Constitution of the Federal Republic of Nigeria 1999 (As Amended) (CFRN) international law cannot be binding until it is domesticated.⁷⁸⁸ The African Charter has been domesticated in Nigeria through the African Charter on Human and Peoples' Rights Ratification and Enforcement Act.

The African Charter is as binding in Nigeria as every other locally enacted law with the qualification that it complies with the CFRN.⁷⁸⁹ It is important to note that the African Charter in terms of legal hierarchy stands equal in legality with the SSMPA and other national laws that criminalise consensual same-sex relations.⁷⁹⁰ The African Charter forms part of the Nigerian human rights system and the human rights provided within it are enforceable in principle in Nigerian courts, to the extent that it is consistent with the CFRN.

The principle of expansive interpretation is entrenched in articles 60 and 61 of the African Charter.⁷⁹¹ The two provisions require the drawing on external legal references to expand on and clarify substantive provisions of human rights in the Charter.⁷⁹² The principle of expansive interpretation grounding the 'broad and purposive understanding' of human rights is a frequently used tool for the advocacy for queer rights, used to locate the humanity of minority groups within already existing human rights provisions especially when these minority groups are not specifically mentioned in binding legislation and protective documents at international level.⁷⁹³ The principle of expansive interpretation also encourages looking beyond the text of the grounding

⁷⁸⁷ E Egede 'Bringing human right home: an examination of the domestication of human rights treaties in Nigeria' (2007) 51(2) *Journal of African Law* 268; F Viljoen *International human rights law in Africa* (2012) 527.

⁷⁸⁸ CFRN sec 12(1).

⁷⁸⁹ CFRN sec 1.

⁷⁹⁰ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, commencement para 1; SSMPA, commencement.

⁷⁹¹ African Charter art 60-61.

⁷⁹² C Heyns 'The African regional human rights system: the African Charter' (2004) 108(3) *Pennsylvania State Law Review* 688.

⁷⁹³ R Murray & F Viljoen 'Towards non-discrimination on the basis of sexual orientation: the normative basis and procedural possibilities before the African Commission on Human and Peoples' Rights and the African Union' (2007) 29(1) *Human Rights Quarterly* 89; *Toonen v Australia*, Communication No. 488/1992, UNHR Committee (25 December 1991), UN Doc CCPR/C/50/D/488/1992 (1994); *Young v Australia*, Communication No. 941/2000, UN HR Committee (18 September 2003), UN Doc CCPR/C/78/D/941/2000.

law to determine its implication on the lived realities of persons and communities that are the object of its application.⁷⁹⁴

Coming in through the channel of expansive interpretation as espoused in the African Charter, Resolution 275 is a clarifying lens to better understand the scope of the domesticated African Charter as it plays out in the Nigerian human rights system.⁷⁹⁵ The CFRN and the African Charter, although applicable to all persons, are both silent on sexual orientation, gender identity and expression issues. Jointly, Resolution 275, the African Charter and CFRN logically ground the inclusion of the human rights of queer persons within the scope and protection by state authorities.

In the context of the above discussion on hard and soft law, the clout of soft law such as Resolution 275 is important to consider. Resolution 275 is a persuasive but an 'authoritative' interpretation of the African Charter as it 'reflects the thinking and interpretation of the African Commission' on provisions within it and as such it is an invaluable compliment to the African Charter.⁷⁹⁶ As a general principle of international law, the Resolution 275 equally remains an authoritative interpretation to the African Charter until the Nigerian government expressly objects to it.⁷⁹⁷

Resolution 275 is merely of persuasive effect in the course of adjudication and application at local level until it is incorporated as part of national law.⁷⁹⁸ Biegon contends that for soft law this domestication or incorporation could be evidenced through: explicit reference to the resolution in the national law or during the drafting of that national law; implied or paraphrased reference in the content of the national law or drafting history of the national law; or the state's express acknowledgment before the African Commission of its legislative steps being inspired by the soft-law norm.⁷⁹⁹

⁷⁹⁴ As above.

⁷⁹⁵ As above.

⁷⁹⁶ J Biegon 'The incorporation of the thematic resolutions of the African Commission into domestic law' in O Shyllon (ed) *The Model Law on Access to Information for Africa and other regional instruments: soft law and human rights in Africa* (2018) 192, 193.

⁷⁹⁷ Vienna Convention on the Law of Treaties art 31(3)(b).

⁷⁹⁸ CFRN sec 12.

⁷⁹⁹ Biegon (n 809) 200; F Viljoen 'The impact and influence of the African regional human rights system on domestic law' in S Sheeran and N Rodley (eds) *Routledge handbook of international law* (2013) 445.

Resolution 275 condemns homophobic violence such as rape, assault, arbitrary imprisonment, all forms of persecution; systemic attacks by state and non-state actors on the basis of real or imputed sexual orientation or gender identity.⁸⁰⁰ Resolution 275 calls on state parties to protect human rights defenders by eradicating stigma, negative backlashes to their work and criminal prosecution when they defend the human rights of queer persons.⁸⁰¹ Resolution 275 recognises the eradication of stigma as an important aspect of eradicating violence against queer persons. Resolution 275 further calls for the eradication of violence through enacting and implementing effective anti-violence legislation and establishing effective complementary structures that penalises and prosecutes perpetrators of violent attack as well as centring victims' needs in judicial procedures.⁸⁰² It is important to note here the language of Resolution 275 does not use the word 'gender expression', but the position of this research is that 'gender expression' can be implied in the gender identity as well.

Resolution 275 recognises that actual or imputed sexual orientation, gender identity and expression are grounds on which state and non-state actors target persons for violence. There are three primary things that Resolution 275 accomplish: the condemnation of violence by the recognition of human rights in spite of actual or imputed sexual orientation or gender identity; the recognition of the eradication of stigma as an important part of eradicating homophobic violence and call to African state parties to protect, promote and respect the human rights in spite of sexual orientation, gender identity. In other words, in Resolution 275's condemning violence on the grounds of queerness, it is affirmatory of the human rights of queer persons, calls for the eradication of stigma and instructive to the states of how these human rights are to be protected and respected.

The implication of Resolution 275 touches on a broad range of human rights enshrined in the African Charter as they apply to queer persons. Some of these are: right to equality; freedom from discrimination; right to bodily integrity; right to life; right to dignity and prohibition of torture and inhuman treatment; right to liberty and security;

⁸⁰⁰ Resolution 275 art 1-2.

⁸⁰¹ Resolution 275 art 3.

⁸⁰² Resolution 275 art 4.

fair trial; freedom of conscience; right to information and freedom of expression; freedom of association; freedom of assembly; freedom of movement; right to political participation and the right to property.⁸⁰³ Violence on the basis of actual or perceived sexual orientation and gender identity as reported above breaches all these human rights.

Resolutions 275 demonstrates that the conversation on violence and stigma should include, more urgently so, queer persons. This is so because dominant and exclusionary norms do not only seek out the victim's genitalia, they seek out the person's vulnerability and expression of non-hegemonic identities. Violence seeks out the dignity of vulnerable and minority groups. Although the duty to protect the dignity of all persons is rightly within the confines of state obligations in the African Charter, queer persons as minorities in Nigeria fall short of this coverage. It is important that queer rights advocacy looks within the human rights framework on violence based on gender as well as advocacy methods that address systems, norms homophobic violence is legal, systemic and attitudinal.

As soft international law Resolution 275 is persuasive both at international level and national levels in Nigeria. The domesticated African Charter may give the persuasiveness of Resolution 275 a bit more institutional grounding as both emerged from the African Commission, but Resolution 275 remains still only of persuasive effect. This research is not so much concerned with the enforceability of Resolution 275 as it is focused on its being a complement to ongoing queer rights advocacy efforts in terms of its ability to shift attitudes. The advancement and notoriety of international soft law instruments largely depends on the extent to which it features in the work carried out by the state governments, civil society, academics, lawyers, service providers and other human rights stakeholders.⁸⁰⁴ Resolution 275, as soft law and persuasive tool logically lends itself to persuasive approaches. Advancing Resolution 275 and its vision to eradicate homophobic violence and stigma calls for leveraging persuasive advocacy approaches. Addressing minds. Addressing systems. Addressing attitudes. The advancing of queer rights in Nigeria requires a nuanced,

⁸⁰³ African Charter art 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

⁸⁰⁴ Adeola, Viljoen & Muhindo (n 94) 151.

more attitude-focused approach to complement policy centred queer rights interventions.

This research argues that Resolution 275 also rides on the legitimacy of African Union Agenda 2063 (Agenda 2063) themed 'The Africa we want' adopted in January 2015.⁸⁰⁵ Agenda 2063 sets out political, environmental, social and economic transformation aspirations which should secure development for Africa at both national and international level in the long term, or at least by the year 2063.⁸⁰⁶ These aspirations include: the promotion and imbibing 'democratic values, human rights, gender equality and the rule of law' as well as fostering social inclusion of minorities and the eradication of intolerance.⁸⁰⁷ Agenda 2063 ties in with the Sustainable Development Goals (SDGs) which in itself pushes for more social inclusion of minorities and the recognition of the cross-cutting human rights to equality and non-discrimination.⁸⁰⁸

Having considered the social and legal scope and implication of Resolution 275, it is also important to consider the factors that affects its implementation as well as its being used in the advocacy for the eradication of violence on the grounds of actual or perceived sexual orientation and gender identity in Nigeria.

4.5 Factors affecting the use of Resolution 275 as tool for queer rights advocacy tool in Nigeria

Resolution 275 is an important legal and attitude focused advocacy tool for the eradication of violence and stigma on the grounds of actual or perceived sexual orientation and gender identity. Riding on the legitimacy of the domesticated African Charter, as well as the VAPPA, Resolution 275 is an important tool for legal, policy and attitudinal reforms in Nigeria. The success of a soft law norm, such as Resolution 275, at the country level, is usually driven by its relevance to the challenges on the ground as well as the visible and effective intervention of non-governmental organisations (NGOs) committed to the realisation of the norm at country level.⁸⁰⁹ The

⁸⁰⁵ NK Poku, K Esom & R Armstrong 'Sustainable development and the struggle for LGBTI social inclusion in Africa: opportunities for accelerating change' (2017) *Development in practice: stimulating thought for action* 433; E Mills 'Leave no one behind': gender, sexuality and the sustainable development goals' (2015) 2.

⁸⁰⁶ Poku, Esom & Armstrong (n 805) 433.

⁸⁰⁷ Agenda 2063 aspiration 3, 4 and 6; As above.

⁸⁰⁸ UN General Assembly 'Transforming our world: the 2030 Agenda for Sustainable Development' para 19.

⁸⁰⁹ Biegon (n 799) 200.

success of a soft law is also driven by social, legal, academic and broad reference to it by human rights stakeholders.⁸¹⁰ The African Commission also has the promotional obligation to advance human rights, but generally its resolutions, although central to the success of the Commission's public legitimacy, are yet to reach their full potential.⁸¹¹ Resolution 275 falls within the ambit of this general limitation of the African Commission to promote its soft law on domestic grounds.⁸¹²

Having earlier discussed some elements of the relevance of Resolution 275 in Nigeria in addressing challenges such as the dire state of human rights faced by queer persons in Nigeria, this section addresses the factors that affect the realisation of soft law standards by state and non-state actors.

4.5.1 Factors that affect the realisation of Resolution 275 in Nigeria by state actors

Although in theory Resolution 275 is a part of Nigeria's international human rights commitments, it is yet to be incorporated into Nigerian legal system and advanced as queer rights advocacy tool in Nigeria. There are a few obvious challenges to the use of Resolution 275 as an advocacy tool for queer rights in Nigeria. There is the fact that as international soft law Resolution 275 is only persuasive, yet to be expressly domesticated or incorporated as law locally and is not supported by sanction. There is the lack of complementary laws and policies and a huge gap in the implementation of the already existing anti-violence laws and policy, such as the VAPPA, owing to lack of political will, resources and the general oppressive and corrupt climate as well as patriarchal norms which are often quite inconsiderate of minorities. There is also the added layer of great intolerance towards queer persons as well as intolerance for discourses and initiatives that are inclusive of queer persons and queer identities.

In describing the scope of work and expectations of national human rights institutions, the Principles relating to the status of national institutions (Paris Principles) provide that their functions include promoting the harmonisation of national enactments and

⁸¹⁰ Adeola, Viljoen & Muhindo (n 94) 151.

⁸¹¹ African Charter art 45; V Balogun and E Durojaye 'The African commission on human and peoples' rights and the promotion and protection of sexual and reproductive rights' (2011) 11(2) *African Human Rights Law Journal* 378.

⁸¹² Balogun and Durojaye (n 811) 385.

practise with the international human rights commitments of the states.⁸¹³ These expectations, also grounded in the Nigerian National Human Rights Commission (Amendment) Act 2010 (NHRC Act), include the eradication of all forms of discrimination; the co-creation of pedagogies for human rights in educational institutions; and the collaboration with civil society to curb human rights violations.⁸¹⁴ However, the Nigerian National Human Rights Commission (NHRC) has remained mostly silent on Resolution 275, more specifically, on the issue of violence on the grounds of actual or perceived sexual orientation and gender identity.

The silence of the NHRC may be attributed to factors such as the general issues of negotiated autonomy, independence and accountability which are applicable to national human rights institutions across the world in their interaction with the government from which they draw their legality.⁸¹⁵ This silence may also be attributable to the prevailing institutionally and socially homophobic climate in which the National Human Rights Commission operates. Nonetheless, the NHRC is part of the Network of African National Human Rights Institutions (NANHRI). NANHRI is charged with ensuring the consolidation of the impact of the national human rights institutions in their engagement with international human rights standards, including Resolution 275.⁸¹⁶ The NHRC has been part of the NANHRI training programmes and have reported carrying out intervention with NANHRI project tools to advance more human rights compliant pretrial and interrogative practices among Nigerian law enforcement.⁸¹⁷ While there has largely been silence on Resolution 275, there is potential for future engagement.

⁸¹³ Paris Principles, Principle 3(b).

⁸¹⁴ Paris Principles, Principle 3(f) and 3(g); NHRC Act secs 5 (f), 5(g), 5(h), 5(n).

⁸¹⁵ A Smith 'The unique position of national human rights institutions: a mixed blessing' (2006) 28(4) *Human Rights Quarterly* 908, 910; Human Rights Watch 'Protectors or pretenders? Government human rights commission in Africa'(2001) <https://www.hrw.org/legacy/reports/2001/africa/overview/summary.html> (11 September 2022).

⁸¹⁶ NANHRI 'A Guide for African National Human Rights Institutions for Implementing Resolution 275 in Africa' (2020) iv https://www.chr.up.ac.za/images/researchunits/sogie/documents/NANHRI_Guide_for_NHRIs_on_Implementing_Resolution_275V002.pdf (accessed 11 September 2022).

⁸¹⁷ NANHRI and Association for the Prevention of Torture 'Preventing torture in Africa: lessons and experiences from human rights institutions' (2016) 5, 43.

As engaged with in Chapter 2 on the state of queer rights in Nigeria, the legislature, law enforcement and the judiciary are non-responsive to Resolution 275 and are bent on continuing the intolerance of queer persons.⁸¹⁸ Prior parts of this research discusses attitudinal studies and human rights reports showing how high the intolerance levels are in the Nigerian society towards queer persons, which is evidence of the active contradiction with Nigeria's national and international human rights commitments and disregard for Resolution 275. The non-independence of the Nigerian judiciary is also a stumbling block to realization of the rule of law in accordance with human rights standards as well as the advancement of queer rights in Nigeria.⁸¹⁹

Owing to the widespread disregard for and non-response to Resolution 275 as well as the intolerance and violence towards queer persons in Nigeria, queer persons, who are low on the socio-economic scale, are often maligned from education and training opportunities as they are kicked out of school and denied education by their caregivers as a way of punishment for their queerness. As such this translates to low levels of skill and expertise in the queer community and within the queer rights activist space. This lack of expertise results in weak institutional and professional capacity within queer rights organisation.⁸²⁰ Other state induced challenges that affect advocacy for the realisation of Resolution 275 include: poor security, police brutality, poor health care services and even victimisation within the healthcare system.⁸²¹

Nigerian queer right organisations apply themselves to complementing poor state health facilities.⁸²² Some Nigerian queer rights organisations collaborate with mainstream organisations to carry out public health interventions.⁸²³ This is usually for the purpose of service delivery within a safe physical and institutional space that would

⁸¹⁸ ST Ebobrah 'Africanising human rights in the 21st century: gay rights, African values and the dilemma of the African legislator' (2012) 1(1) *International Human Rights Law Review* 134.

⁸¹⁹ I Abdullahi 'Independence of the judiciary in Nigeria: a myth or a reality' (2014) 2(3) *International Journal of Public Administration and Management Research* 64.

⁸²⁰ M Armisen 'We exist: mapping LGBTQ organising in West Africa' (2016) 24.

⁸²¹ Armisen (n 820) 13.

⁸²² Sogunro (n 1) 631.

⁸²³ K Okanlawon 'Cultures of public interventions regarding LGBTQ issues after Nigeria's Same Sex Marriage (Prohibition) Act (SSMPA)' (2018) 45(5) *College Literature* 643.

ordinarily not be the target of violence or police brutality.⁸²⁴ Other Nigerian queer rights organisations work independently either quite openly or underground and run the risk of being discovered and having to face regular police brutality. Sometimes these Nigerian queer rights organisations that provide public health services also double as asylums/safe houses and delve into tackling cases of unlawful arrest, mob attacks and other forms of homophobic violence.⁸²⁵

The high intolerance levels towards queer persons, the disregard for and non-response to Resolution 275 coupled with the criminalisation of gay clubs and services for queer persons make it generally difficult to conduct queer rights advocacy in Nigeria. This is because queer rights advocacy often translates to visible organising which increases the risk of homophobic targeting and violence towards queer persons in Nigeria. Reports discussed above have shown how the existence of the SSMPA translates to regular raiding of meetings and office spaces that feature elements of queer organising. Owing to this, political and physical spaces for formal queer rights organising are shrinking.⁸²⁶ It is risky for queer rights activists to operate on the internet. There is also the restriction of queer rights organisation from registration.

The generally pervasive homophobic climate results in the invisibility of older and more privileged queer persons in queer spaces owing to the fear of blackmail or harassment and often the passiveness of the bulk of Nigerian queer persons in favour of leading safer, simpler less political lives.⁸²⁷ The alternative to this is constantly being at the risk of police brutality or violence at the hands of private individuals. There have been some very bold queer rights advocacy interventions in Nigeria such as an open dialogue organized at the University of Lagos,⁸²⁸ the screening of 'Veil of silence' by TIERS,⁸²⁹ the queer rights protest march in Lagos;⁸³⁰ and the screening of 'Under the

⁸²⁴ Sogunro (n 1) 635.

⁸²⁵ As above.

⁸²⁶ Armisen (n 820) 5.

⁸²⁷ Armisen (n 820) 24.

⁸²⁸ Okanlawon (n 823) 646.

⁸²⁹ A Tugbiyele 'Personal is political: sexual identity and 'Nigerian culture' <https://thefeministwire.com/2014/02/nigerian-culture/> (accessed 20 June 2020).

⁸³⁰ Rights Africa 'Nigerians take to the streets to protest LGBTI killings' <https://rightsafrika.com/2018/05/29/nigerians-take-to-the-streets-to-protest-lgbti-killings/> (accessed 20 June 2020).

Rainbow' by the Equality Hub.⁸³¹ Although these events are commendable, it is important to never underrate the danger that is incidental to queer rights organising and advocacy in Nigeria.

Nonetheless, the prevalent danger and risk involved with queer rights visibility and organising has not been universally stifling. The assumption that the Nigerian society is essentially homophobic and not yet ready for queer rights conversations is arguably inaccurate.⁸³² If there is a silver lining to the SSMPA it is that while it has sparked homophobic violence in Nigeria, it has also fostered queer rights discourse and public interrogation of queer lives and queer issues. What these dynamics translate to is that in spite of these state induced challenges, Nigeria is still a context in which queer rights interventions circled around Resolution 275 can be embarked on strategically. But while there is widespread disregard for and non-response to Resolution 275 there is also widespread non-awareness and non-engagement by Nigerian queer rights organisations. It is important that Nigerian queer rights organisations and activists are adequately informed about the scope of Resolution 275 and its implication amidst other anti-violence legislation such as the VAPPA and African Charter which opens to expansive interpretation. Nigerian queer rights organisation also needs to recognise the stigma focus of Resolution 275.

4.5.2 Factors that affect the realisation of Resolution 275 in Nigeria by non-state actors

The success of Resolution 275 is as much dependent on domestication, incorporation, implementation and promotion by the state actors as is it dependent on advocacy and interventions by Nigerian queer rights organisations. Given that the state mechanism in Nigeria is noticeably absent from the scene of implementation and advocacy for the Resolution 275, this responsibility falls largely on civil society.

International human rights organisations such as Human Rights Watch and Amnesty International have been involved in public engagement and human rights reporting but there is yet to be direct engagement with advancing Resolution 275 in Nigeria.

⁸³¹ Brittle Paper 'Pamela Adie's under the rainbow is Nigeria's first documentary about being lesbian' <https://brittlepaper.com/2019/07/pamela-adies-under-the-rainbow-is-nigerias-first-documentary-about-being-lesbian-watch-teaser/> (accessed 20 June 2020).

⁸³² Epprecht & Egya (n 3) 379.

Generally, non-queer rights-centred Nigerian NGOs have remained unresponsive to the enactment of the SSMPA, the passing of Resolution 275 and the alarming rates of violence on the grounds of actual or perceived sexual orientation and gender identity.⁸³³

Although they are working hard Nigerian queer rights stakeholders do not yet fully engage with the potential of Resolution 275. Reasons for this range from focusing on very specific funder-curated mandates and operations to the exclusion of others, to generally the non-engagement of international and regional human rights standards to the non-centring of persuasive or attitude-focused queer rights intervention approaches. In advancing Resolution 275 with its focus on acts and attitudes, it is important to consider its potential as a persuasive tool and for complementarity with other queer rights advocacy themes and mandates and across several sites.⁸³⁴ Advancing Resolution 275 is important in Nigeria even when it is unsafe for queer rights advocacy as demonstrated in Chapter 2 of this study.

As regards exploring diverse sites of queer right advocacy, Nigerian scholars have written about the necessity of Nigerian queer rights organisations to use strategic litigation, seek the support from the academic community; and find ways of greater participation from and collaboration with mainstream civil society. Sogunro advocates for more structure in Nigerian queer rights advocacy, recurring 'strategic litigation on behalf of queer persons, community mobilisation through solidarity marches and vocal criticisms of homophobic civil society spaces'.⁸³⁵ Ebobrah argues that although the courts may be, in theory, the safest place to secure the human rights of queer persons owing to the expectation of the judiciary's political independence, there is the limitation of general subservience of African judiciaries to the executive arm of government.⁸³⁶ In addition to this subservience is also the prevalent homophobic and patriarchal norms that operate in the society. A political limitation of the court is that if their findings are too divergent from overriding norms, these findings could be side-lined.⁸³⁷

⁸³³ Sogunro (n 1) 631.

⁸³⁴ Nibogora (n 1) 182.

⁸³⁵ Sogunro (n 1) 638.

⁸³⁶ Ebobrah (n 818) 134.

⁸³⁷ As above.

Despite the sociocultural and political limitations within which queer rights advocacy is done, it is still commonplace for queer rights litigation in Nigeria to factor in the risk of a negative backlash of the SSMPA on queer persons domiciled in Nigeria. *Teriah v Federal Government of Nigeria* and *Pamela Adie v Corporate Affairs Commission*, as engaged with in Chapter 2, are commendable Nigerian attempts to challenge homophobic structures in the courts.⁸³⁸ At the time of this study the latter case is still on appeal in Nigeria. These court room agitations are, in the least, a commendable demonstration of brave citizen engagement with the homophobic climate in Nigeria. the part of Nigerian queer rights activists.

However, these cases also demonstrate the need for more out-of-court engagement, more education, and more attitude-changing work. Courtrooms cannot be expected to the determinant adjudicator of queer liberation, but are more likely to merely confirm – and uphold – the prevalent norms and the state of socio-cultural responses to queerness at the time. There is still much attitudinal work to be done across several advocacy sites in Nigeria to challenge homophobic norms.

Okanlawon and Osinubi contend with that Nigerian educational institutions are mostly silent towards queer rights issues in spite of the opportunities that are available within such settings.⁸³⁹ While there is a rich crop of Nigerian queer academics, Nigerian queer research and Nigerian queer rights interventions take place at the sites of foreign universities and conferences, leaving the Nigerian high school and university classrooms and campuses to remain mostly silent around the issues of gender, sexualities and queer rights.⁸⁴⁰ Perhaps this dislocation can be blamed on the general limitation on freedom of expression by oppressive legal, political and social regimes.⁸⁴¹ The violence and exclusion that accompany support for queer rights makes it dangerous and destructive to bring such issues into the classroom.

⁸³⁸ *Pamela Adie v CAC* Suit no: FHC/ABJ/CS/827/2018; *Teriah Ebah v Federal Republic of Nigeria* Suit number : FHC/ABJ/CS/197/2014.

⁸³⁹ Okanlawon (n 823) 643; TA Osinubi 'Introduction: denormalising imperatives in African queer scholarship' (2018) 45(4) *College literature* 597.

⁸⁴⁰ Okanlawon (n 823) 643; Osinubi (n 839) 600.

⁸⁴¹ Okanlawon (n 823) 643.

Reporting on a 2011 queer studies intervention jointly coordinated by himself and Egya, a Nigerian lecturer, among undergraduate students of African literature, Epprecht demonstrates that there are available and yet untapped advocacy queer-advancing opportunities in Nigerian university classrooms.⁸⁴² It is suggested in Epprecht and Egya's report that the self-censorship of queer rights advocacy on the ground of fear may be misplaced, as Nigerian universities are fertile grounds to begin the destigmatisation project. Epprecht and Egya's report further suggests that, increasingly, researchers and activists can and should take up of the task of conducting queer rights interventions in Nigerian universities.⁸⁴³ Following Epprecht and Egya's study, in 2011 were brewing events that led to the enactment of the SSMPA only two years after. Nonetheless, seven years after the report it is obvious that Epprecht and Egya may have been on to something. Increasingly, as evident in Okanlawon's study, queer-themed conversations, focus groups and other empirical research, as will be considered in detail in the next chapter, are beginning to make their way into the campuses of Nigerian universities.⁸⁴⁴ However, it is this study's position that for educational institutions to advance Resolution by leveraging these queer inclusive opportunities that exist in Nigerian universities, it is crucial to reimagine Resolution 275 as an attitude-focused pedagogical tool. As demonstrated in the previous chapter, this study is interested in leveraging indigenous storytelling and law for its attitude shifting and pedagogical potentials to advance human rights standards. As such at this point this study centres the joint use of indigenous storytelling and Resolution 275 as attitude focused pedagogical tools

4.6 Practical considerations for the joint use of indigenous storytelling and Resolution 275 as an attitude-focused pedagogical tools in Nigerian classrooms

This section builds on the discussion on the joint use of Resolution 275 and indigenous storytelling in chapter one of this study. It is the position of this study that for Resolution 275 and indigenous storytelling to be reimaged as an attitude-focused pedagogical tools in a Nigerian or African classroom, it is crucial for this to be done within the

⁸⁴² Epprecht & Egya (n 3) 378

⁸⁴³ As above.

⁸⁴⁴ K Okanlawon 'Homophobia in Nigeria schools and universities: victimization, mental health: victimization, mental issues, resilience of the LGBT students and support from straight allies: a literature review' (2020) 16, 17, 18; BM Mapayi and others (n 3) 7630; Okanlawon (n 3) 155.

subtext of decoloniality. Tamale argues that 'universities in Africa represent the example per excellence of the colonial project'.⁸⁴⁵ In recent years universities in Africa have been going through agitations from the students and community for its decolonisation.⁸⁴⁶ However, as guided by the description of decoloniality and decolonisation chapter two of this study, it is important to understand that the oppression experienced in education is usually a joint impact of coloniality and homegrown hegemonies. As discussed in the prior section there have been recent and more specific attitudinal studies conducted at universities across south-west and central Nigeria that have shown that negative attitudes towards queer persons are quite prevalent in universities studied.⁸⁴⁷

However, these studies also demonstrate that negative attitudes towards queer persons in Nigerian universities are foregrounded by some level of pity and compassion.⁸⁴⁸ If the potential of Nigerian universities as an inclusive space for queer persons is to be realised through fostering attitudinal change, Tamale suggests that there are five layers of oppressive that must be addressed. These layers are: the institutional ethos of the university; the content of the curricula; the pedagogical approaches employed in classrooms; the research politics of wider academia; and the functional inclusiveness of diversities in the demographic of the university communities.⁸⁴⁹

⁸⁴⁵ Tamale (n 38) 235.

⁸⁴⁶ E Constandius et al '#FeesMustFall and decolonising the curriculum: Stellenbosch university students and lecturers' reaction' (2018) 32(2) *South African Journal of Higher Education* 67; S Shay 'Decolonising the curriculum: it's time for a strategy' (2016) 13 *The Conversation*; N Wamai 'Decolonising the academy- towards a global movement?' <https://www.universityworldnews.com/post.php?story=20160524135416842> (accessed 1 December 2021); N Begum & R Saini 'Decolonising the curriculum' (2019) 17(2) *Political Studies Review* 198; C Achebe *There was a country: a personal account of Biafra* (2012) 55.

⁸⁴⁷ K Okanlawon 'Homophobic bullying in Nigerian schools: the experiences of LGBT university students' (2017) *Journal of LGBT Youth* 55; BM Mapayi and others 'Homophobia and perceptions about homosexuality among students of tertiary institution in Nigeria' (2016) 14(3) *Gender and Behaviour* 7630; BM Mapayi and others 'Sexual orientation and quality of life among students of Obafemi Awolowo University' (2015) 15(4) *African Health Sciences* 1070; M Eprecht & SE Egya 'Teaching about homosexualities to Nigerian university students: a report from the field' (2011) 23(4) *Gender and Education* 370; AT Bucknor-Arighede & SA Omotoso 'A perception study on same-sex marriage and gay practice among selected Nigerian youths' (2015) *Journal of Sourcing for Nigerian Journalists Reporting on Gender and Sexuality* 152; K Okanlawon 'Perceptions and attitudes of heterosexual Nigerian university students towards LGB persons' (2020) 17(2) *Journal of LGBT Youth* 166.

⁸⁴⁸ Okanlawon (n 345) 166.

⁸⁴⁹ Tamale (n 38) 236.

These five layers, as explained by Tamale, are interconnected and must all be addressed if decolonial transformation is to occur.⁸⁵⁰ This study divides these five layers into two categories: administrative and substantive. While the ethos, demographic and research politics constitute the administrative layers, the curricula content and pedagogical approach make up the substantive category. This study regards curricula content as a hybrid layer requiring both administrative and substantive reconfiguration. It focuses on the substantive layers of curricula content and pedagogical approaches.

As regards curricula content and pedagogical approaches, decoloniality centres social transformation and context within the same vein in which it recognises the impact of and rejects prejudices and reductive engagements.⁸⁵¹ Decoloniality is vested in destabilising oppressive common place constructions and practices that are internalised as usual and unquestionable in the university classroom such as homophobia. This study emanating from a law faculty has chosen to look within, and to engage with this destabilising in the context of law classrooms. In Nigeria, law classrooms are generally a site of doctrinal, hierarchical and positivist approaches to study employed in the interaction by the lecturer in interacting with the students, or the other way around. These approaches also flow over to how academic material is engaged with. While being formalistic, traditional legal education is often detached from the socio-cultural context within which it is studied.⁸⁵²

Guided by Tamale, jointly engaging with Resolution 275 and indigenous storytelling as decolonial curricula content and pedagogical tools has to be set along the lines of trans-disciplinarity as well as democratic and inclusive engagement.⁸⁵³ It is important to note that these three elements align with social constructivism, which views 'learning and understanding as inherently social, and rather than knowledge being rooted in the individual, it is rooted in cultural' and interactive activities as well as in the social environment in which these occur.⁸⁵⁴

⁸⁵⁰ Tamale (n 38) 237.

⁸⁵¹ Tamale (n 38) 244.

⁸⁵² Tamale (n 38) 262.

⁸⁵³ Tamale (n 38) 266.

⁸⁵⁴ L Abderrahim and others 'A theoretical journey from social constructivism' (2021) 29(1) *The EuroCALL Review* 39; P Adam 'Exploring social constructivism: theories and practicalities' (2006) 34(3) *Education* 245.

As regards trans-disciplinarity in curricula, Tamale explains that it is important in the decolonial classroom for various perspectives and knowledge fields to integrate with indigenous norms and values in order to 'reveal the fluidity and interrelatedness of silo disciplines'.⁸⁵⁵ Trans-disciplinarity also consolidates and enriches the process of teaching and learning through challenging and destabilising dominant knowledge orders and boundaries.⁸⁵⁶

In merging the field of international human rights law, queer inclusive literature and oral storytelling, especially in a historically oppressive site such as the Nigerian university classroom, the complementarity and individual potential of these separate disciplines is advanced. This trans-disciplinarity is also encouraged by article 61 of the African Charter which grounds the legitimacy of the complementarity of international human rights compliant African practices as tools through which the human rights enshrined in the African Charter could be understood.

As regards democracy and inclusive engagement, it begins with centring the thoughts and voices of all learners, without discrimination.⁸⁵⁷ This centre should be cognisant of the learners' cultural backgrounds, but also of the cosmopolitan configurations of the learners' identities, beliefs and worldviews.⁸⁵⁸ It is crucial that this decolonial learning reinstates nativist exclusion in centring puritan reductive constructions and representation.⁸⁵⁹ Decolonial pedagogies generally step away from reducing the learners to consumers of knowledge or the 'teacher' as a transmitter of knowledge. Similar to trans-disciplinarity, inclusivity also opens the door to non-traditional law classroom material such as oral tradition, stories, music. Tamale, in particular, recognises storytelling as a decolonial approach suitable for classrooms because of its participatory approach to engaging with knowledge and also its potential to reclaim the dignity of historically marginalised individuals and groups.⁸⁶⁰

⁸⁵⁵ Tamale (n 38) 266.

⁸⁵⁶ Tamale (n 38) 267.

⁸⁵⁷ Tamale (n 38) 270.

⁸⁵⁸ As above; K Appiah *In my father's house: Africa in the philosophy of culture* (1992) 56, 72.

⁸⁵⁹ As above.

⁸⁶⁰ Tamale (n 38) 274.

The joint use of storytelling and Resolution 275 as an attitude-focused pedagogy seeks to leverage the merits of indigenous storytelling as discussed in the previous chapter. These merits include storytelling as an empathy-fostering, collaborative, educational and decolonial tool. Kuvyenhoven's 2005 doctoral thesis, focusing on the teaching experience of 27 grade four and five students in New WestMinster, Vancouver, discusses the approach of Linda (the teacher) practice on three levels of participation.⁸⁶¹ These levels which form separate activities are: the inclusion of students in storytelling participation in social awareness; the inclusion of students in storytelling participation in mindful interaction; and the inclusion of students in storytelling participation in deep imaginative engagement.⁸⁶² For these three levels, with their separate activities, Linda uses oral narratives specific to disciplines and her students developed skills, such as listening and thinking, and experiencing realities through their imaginations.⁸⁶³ Kuvyenhoven's study demonstrates the use of storytelling as a pedagogical tool with academic material and contexts, which this study seeks to also accomplish in Nigerian universities.

In indigenous storytelling, the element of language is central. In addressing the role of language in her novel *Half of a yellow sun*, Adichie speaks to the importance of language to storytelling and to communication generally.⁸⁶⁴ In indigenous storytelling, language that is rooted in the locale evokes feelings and emotions that would ordinarily not be present without it. Adichie makes the argument that had she not spoken Igbo, and even a certain informal and endearing sort, in the course of her research, certain aspects of the stories shared by her research participants would not have been passed on to her.⁸⁶⁵

Language as an element of storytelling has the potential of single-handedly animating or alienating the audience. Language evokes familiarity, safety, affection and respect. The element of language in indigenous storytelling creates a context that enables the

⁸⁶¹ JC Kuvyenhoven 'In the presence of each other: a pedagogy of storytelling' unpublished PhD thesis, University of British Columbia 2005 202.

⁸⁶² Kuvyenhoven (n 861) 210.

⁸⁶³ As above.

⁸⁶⁴ In the Shadow of Biafra Film 'In the shadow of Biafra: Chimamanda Ngozi Adichie – language and memory' https://www.youtube.com/watch?v=HWBsfN_LNxI (accessed 10 September 2019).

⁸⁶⁵ As above.

acknowledgment of the collective humanity of persons as opposed to the exclusionary dissimilarities and sets the humanity of persons as inviolable. To illustrate the power of language, in Botswana, LeGaBiBo under the umbrella of BONELA, usually hosts *diptso*, a traditional meeting which affords queer rights activists the opportunity to discuss queer realities with stakeholders.⁸⁶⁶ The meetings are strategically advertised as *diptso* because of the traditional implications of the term. These implications include that the meeting is mandatory, steeped in the Setswana language and culture, and that parties in attendance are to conduct themselves respectfully and attentively.⁸⁶⁷ This approach proved quite successful and led to many other engagements contributing to the work towards the decriminalisation of same-sex relations in Botswana.⁸⁶⁸ However, in as much as the context is centred, the present cosmopolitan nature of most identities and lived realities needs to be factored into decolonial interventions to avoid tailoring culturally nativist interventions for a world that no longer exists.

Achebe also considered the Africanness of the African storyteller in the light of its being a historical and contextual construct which should be responsive to challenges of the time in which it exists and is summoned.⁸⁶⁹ He illustrated what amounted to Africanness at the time before his emergence and shortly after were responses to the general denigration of the continent that colonialists proffered. So, when the colonialists painted the picture through their ethnographies, studies, reports and stories that Africa had neither culture nor humanity, the African intellectuals at the time withdrew into pre-colonial practices of their varied ancestries to mine historical proofs of Africa's culture and humanity to counter these colonial denigrations. Collectively, these African proofs came to be referred to as 'African culture', the same that Ngwena warns against because this collectivising and essentialising of various practices also stifles the thriving of complex truths.⁸⁷⁰ Nonetheless, Achebe makes the case that this collectivising was strategic and necessary owing to the collective denigration African

⁸⁶⁶ McAllister (n 42)42.

⁸⁶⁷ As above.

⁸⁶⁸F Viljoen 'Botswana court ruling is a ray of hope for LGBTI people across Africa' <https://theconversation.com/botswana-court-ruling-is-a-ray-of-hope-for-lgbt-people-across-africa-118713> (accessed 10 March 2020).

⁸⁶⁹ Achebe (n 130) 55.

⁸⁷⁰ Ngwena (n 103) 149.

faced at the hands of colonialism.⁸⁷¹ Achebe addresses the role of African storytellers in his essay 'The novelist as a teacher'.⁸⁷² The role of the African storyteller, in the context of the widespread condemnation of his identity, is to regenerate and re-educate the masses as well as re-humanise previously maligned minorities through counter-narratives.⁸⁷³

Besides the decolonial subtext, which has been engaged with above, this study seeks to add two other elements as practical considerations in the joint use of indigenous storytelling and Resolution 275 as pedagogical tools. These two elements are cosmopolitanism and the desire-based approach.⁸⁷⁴ As regards cosmopolitanism, this study acknowledges that the representation of queer persons and their context should recognise the interconnectedness of queer identities with other identities as well as how this interconnectedness is influenced by their interaction with the global community.⁸⁷⁵ Similarly, the use of these queer representations in university classrooms is not done in the ignorance of the fact that law classrooms are themselves extensions of the complex globalised society. As such the engagement with these queer representations ought to make room for inclusive non-hierarchical engagement as well as listening. As regards the desire-based approach, it is the tradition of human rights reporting to be violation-centred, and the danger of this is that violation becomes the single story of human rights subjects as opposed to their humanity.⁸⁷⁶ In constructing the humanity of characters and circumstances to be featured as part of decolonial pedagogy, it is important that these characters' identities are not flattened to their being subject to human rights violations. It is important that these characters are represented in the fullness of their dreams, ambitions, complex lives and their humanities. This is important because the reductive representation of persons as just victims is contributory to the erasure of their humanity and fostering their perpetual revictimization through narratives and through public perception and attitudes.

⁸⁷¹ Achebe (n 130) 55.

⁸⁷² C Achebe 'The novelist as a teacher' (1985)

<http://mrhuman.weebly.com/uploads/2/1/5/1/21516316/thenovelistasteacher.pdf> (accessed 21 August 2021).

⁸⁷³ As above.

⁸⁷⁴ As has been alluded to in Section 1.3 of Chapter 1 and discussed in Section 3.2.1 of Chapter 3 of this study.

⁸⁷⁵ Tuck (n 41) 418.

⁸⁷⁶ As above.

4.7 Conclusion

In Nigeria, violence on the grounds of sexual orientation and gender identity target the humanity and dignity of queer persons. This violence can be carried out by action justified by homophobic legal regimes or by the perpetuation of stigma through knowledge creation. Nigeria's international human rights commitments as articulated in both the African Charter and Resolution 275 calls for the eradication of state and non-state actor violence and stigma towards queer persons, as well as the recognition and protection of the human rights of queer persons and queer rights defenders. The success of Resolution 275 depends on the implementation by state parties to the African Charter and the promotional activities of NGOS.

Resolution 275 is a soft law instrument and as such is persuasive, but it is an authoritative interpretation of the domesticated African Charter and as complements the VAPPA and CFRN. More importantly, Resolution 275 as a persuasive instrument lends itself to persuasive approaches that address homophobic law, systems and attitudes. Owing to the urgent plight of queer persons in Nigeria, the promotion of Resolution 275 is important both at the level of law reform and destigmatisation through attitude-changing and empathy-fostering. The challenges that affect the promotion and realisation of Resolution 275 in Nigeria include state induced factors such as the homophobic legal climate and complicit law enforcement. The promotion of Resolution 275 is also challenged by the institutional and practical limitations of state and non-state actors.

As a persuasive tool, the potential of Resolution 275 extends beyond the courtroom and calls for the leveraging of wide-reaching interdisciplinary persuasive and attitude-focused approaches. Despite the pervasiveness and prevalence of societal homophobia in the country, the study identifies the potential for queer rights advocacy of Nigerian university classrooms. It is important – and possible – to reimagine Resolution 275 as an attitude-focused pedagogical tool. This study argues for the joint use of Resolution 275 and storytelling in Nigerian classrooms as attitude-focused pedagogical tools.

Chapter 5: Can stories change the school? (intervention report)

5.1 Introduction

So far, this thesis has engaged with the overarching notion that there is potential, a place even, for indigenous storytelling in Nigerian queer rights advocacy. This is more so the case as Nigerian university classrooms present a viable site for the advancement of queer rights through reimagining the joint use of Resolution 275 and indigenous storytelling as attitude-focused decolonial pedagogical tools. Chapter 2 asserts that it is imperative for ongoing queer rights advocacy to be cognisant and responsive to the issues of law and policy as well as working towards attitudinal-change and empathy-fostering. Chapter 3 engages with the nature of indigenous storytelling and posits that indigenous storytelling is a suitable complementary tool for addressing the attitudinal component of queer rights advocacy. Chapter 4 narrows in on queer rights advocacy focusing on Resolution 275 which addresses both violence and stigma towards queer persons as a good site for the complementary attitudinal work of indigenous storytelling. State and non-state Nigerian queer rights actors, including educational institutions, as well as regional actors such as the African Commission, are yet to sufficiently engage with Resolution 275. Chapter 4 further discusses that Resolution 275 is a persuasive tool and lends itself to advocacy approaches such as indigenous storytelling. Jointly leveraging Resolution 275 and indigenous storytelling within the existing opportunities that Nigerian university classrooms present would require reimagining them as pedagogical tools.

This chapter takes on the challenge of designing and executing a Resolution 275-based advocacy intervention in Nigerian university classrooms by adopting indigenous storytelling as a complementary tool. The chapter explores the potential of Nigerian law classrooms as a site for queer rights advocacy through the use of Resolution 275 and indigenous storytelling as decolonial attitude-focused pedagogical tools.

This chapter builds on the introduction to the research methods provided in Chapter 1 by providing an overview of the design and application of advocacy and data collection materials. The first section of this chapter considers previous instances of other researchers citing Nigerian university classrooms for queer themed conversations and research. The second section discusses the creation of the 'Khaki' research tools and

the pilot study conducted at the University of Pretoria. The third section discusses research methods and deals with the research context, demographic spread and research procedure. The fourth section is an analysis of the findings of the Resolution 275-based advocacy intervention conducted at the faculties of law at the Niger Delta University (NDU), University of Lagos (ULA) and the University of Ilorin (UIL) in Nigeria. The fifth section considers the limitations of the study while the seventh section is the conclusion.

5.2 Queering the Nigerian classroom

Prior to the current study, other writers of fiction and researchers have written about and conducted a number of queer-themed studies on academic institutions in Nigeria. These works range from fictional narratives such as Ikpo's *Fimisile forever*, to autobiographical accounts such as Azuah's *Blessed body* and Edozien's *Lives of great men*, Epprecht and Egya's classroom intervention, to Okanlawon's empirical studies addressing attitudes, prejudices and mental health of queer persons in Nigerian universities.⁸⁷⁷

Nigerian literary authors have engaged with queer identities resident in academic institutions. Ikpo's *Fimisile forever* is a novel mostly set in a fictitious Nigerian University where staff and students negotiate the limits of queer engagement and visibility as part of the academic curricula and life on campus.⁸⁷⁸ Azuah's *Blessed body* is an anthology of non-fiction entries written by queer Nigerians. In the entry titled 'Resurrection' the writer recounts that in her secondary school, staff and students self-recruited to police people's sexuality and that she had to end her relationship for fear of homophobic violence.⁸⁷⁹ Edozien's *Lives of great men* is an autobiography that begins with the adolescent and adult years of the author. Edozien recounts the recurring strategy of Nigerian boys in secondary schools taking on double lives in order to mask their same-sex attraction because of fear of hostility. These young boys would

⁸⁷⁷ Ikpo (n 117); Azuah (n 388); F Edozien *Lives of great men: living and loving as an African gay man* (2017) 25; K Okanlawon (n 3) 155; Mapayi and others (n 3) 7630.

⁸⁷⁸ Ikpo (n 117) 116, 117, 201.

⁸⁷⁹ B Kenny 'Resurrection' in U Azuah (ed) *Blessed body: the secret lives of Nigerian lesbian, gay, bisexual and transgender* (2016).

go on to morph into the heterosexual society by taking on wives while maintaining sexual relationships with one or more same-sex lovers.⁸⁸⁰

The plots of these literary works focus on Nigerian schools as settings for engagement with queer identities. The existence and availability of these literary narratives are an invaluable advancement to queer academia and literati as well as the visibility of queer persons and queer-themed conversations on the Nigerian academic and literary scenes. These books also are part of the age long use of storytelling globally as a tool to advance the dignity of queer persons through dignifying portrayals in literary works. Some of these works were engaged with in the literature review in the first chapter of this study. In theory these narratives have the potential for changing negative attitudes by fostering empathy towards queer persons. However, these texts are yet to be assimilated into Nigerian academic syllabuses and on their own they lack the empirical and analytic components to demonstrate their potential as empathy-fostering tools.

In a 2011 queer studies intervention involving conversations on African queer identities carried out at a university in north-central Nigeria by Epprecht and Egya, it was observed that there was potential for further classroom queer-themed engagements by local researchers.⁸⁸¹ In the same year Tamale called on local and previously oppressed and colonised queer people to take ownership and authorship of queer-themed research.⁸⁸²

Okanlawon, a Nigerian sexual health and rights advocate, social worker and researcher, engages with empirical and analytic angles to university-based queer research on attitudes and phobias. In 2012, Okanlawon conducted a study on homophobic bullying at the Obafemi Awolowo University (OAU), Ile-ife.⁸⁸³ This study was conducted through the thematic analysis of in-depth interviews of 14 queer university students who were at least two years in study at the OAU and had faced homophobic bullying.⁸⁸⁴ In showing that the OAU has been a site of high rates of

⁸⁸⁰ Edozien (877).

⁸⁸¹ Epprecht & Egya (n 3) 378.

⁸⁸² Tamale (n 69) 23.

⁸⁸³ Okanlawon (n 3) 51.

⁸⁸⁴ Okanlawon (n 3) 55.

homophobic bullying with adverse effects on queer students' academic career, Okanlawon's 2012 study distilled three broad thematic categories: 'forms of homophobic bullying'; 'consequences of homophobic bullying on LGBT students' and 'coping strategies'.⁸⁸⁵ Okanlawon's 2012 study also recommends that to curb homophobic bullying there is need for protective educational policies for queer students as well as the introduction and sustenance of culturally sensitive anti-bullying programmes.⁸⁸⁶

In 2017, Okanlawon conducted another study at OAU, but this time using a 90-minute long focus group discussion to distil the attitudes of 11 heterosexual undergraduate students towards queer persons.⁸⁸⁷ Of particular interest is that Okanlawon's 2017 study found that this group showed positive perceptions about queer persons and higher tolerance for same-sex loving woman than same-sex loving men.⁸⁸⁸ These demonstrations of tolerance were expressed amidst views of fear, an inclination towards conversion therapy, belief in the 'biological causation of homosexuality' and attribution to social and environmental factors as well.⁸⁸⁹ Okanlawon reports on the general silence of the leadership of Nigerian universities and academics on the SSMPA, queer-themed issues and homophobic discrimination in Nigerian universities. Okanlawon attributes this silence to the subservience and deplorable political conditions of the university system as well as the general homophobic climate in Nigeria.⁸⁹⁰ Nonetheless, there was the exceptional instance of the 2017 University of Lagos based conference on 'Inclusivity, equality and diversity in university education in Nigeria', in which the SSMPA was discussed.⁸⁹¹

Okanlawon in 2020 published a rich and multi-layered literature review of Nigerian school-focused empirical research and media releases, which shows that the Nigerian university scene is fraught with homophobic attacks and prejudices.⁸⁹² Okanlawon's

⁸⁸⁵ Okanlawon (n 3) 57-64.

⁸⁸⁶ Okanlawon (n 3) 51.

⁸⁸⁷ K Okanlawon 'Perceptions and attitudes of heterosexual Nigerian students towards homosexual and LGB persons' (2019) *Journal of LGBT Youth* 7.

⁸⁸⁸ Okanlawon (n 3) 1.

⁸⁸⁹ As above

⁸⁹⁰ Okanlawon (n 823) 643-645.

⁸⁹¹ Okanlawon (n 823) 646.

⁸⁹² Okanlawon (n 3) 9.

literature review comprises a thematic analysis of 28 publications that address the theme of queer persons in Nigerian schools. This review covered the work of other empirical researchers such as Bucknor-Arigbede, Omotoso, Mapayi and Sekoni focusing on the lived experiences of queer persons in Nigerian academic institutions.⁸⁹³ Adopting a thematic analysis, Okanlawon's review reports patterns which express that Nigerian schools and universities are widely reported to be hostile and violent towards queer staff and students leading to several adverse consequences such as expulsion of queer students and staff, plunging mental health and increase in student drop-out.⁸⁹⁴ Nonetheless, Okanlawon's review shows that it is has also been widely reported that there are heterosexual allies among staff and students within Nigerian schools as well evidence of resilience among queer students.⁸⁹⁵

Although Okanlawon's research and reviews capture the lived realities of queer persons in Nigerian schools, there is a gap left in research interventions for taking a step beyond evaluating the status quo to incorporating elements that challenge it. Nigerian queer academia is yet to embark on an empirically evaluated resistance to homophobic prejudices and attitudes in Nigerian schools. Within this gap the earlier mentioned call by Epprecht and Tamale for local researchers to take ownerships of queer studies advancements still echoes. Okanlawon's recommendations in his research and reviews have featured suggestions as regards the initiation of anti-bullying programmes, queer- inclusive curricula, pre-service queer sensitisation for staff of Nigerian academic institutions as well decriminalisation of same-sex relations in Nigeria.⁸⁹⁶

The body of research engaged with embody evidence of deplorable queer rights conditions, but also demonstrates the potential for queer rights advocacy that exist in Nigerian university classrooms. This study contributes to this body of research by

⁸⁹³ Mapayi and others (n 3) 1065; AT Bucknor-Arigbede and SA Omotoso 'A perception study on same-sex marriage and gay practice among selected Nigerian youths' (2015) *Osumare Journal of Sourcing for Nigerian Journalists Reporting on Gender and Sexuality*; AO Sekoni and others 'Provision of health care services to men who have sex with men in Nigeria: students attitudes following the passage of the same-sex marriage prohibition law' (2016) 300.

⁸⁹⁴ Okanlawon (n 3) 1, 8, 10, 11, 13, 14, 20.

⁸⁹⁵ Okanlawon (n 3) 16, 20.

⁸⁹⁶ Okanlawon (n 3) 28.

engaging with the potential for queer rights advocacy that exist in Nigerian university classrooms, particularly law classrooms. This study explores this potential by employing Resolution 275 and 'Khaki' together as attitude-focused decolonial pedagogical tools. This study is conducted across three Nigerian universities: Niger Delta University, Bayelsa (NDU); University of Lagos (UNILAG) and the University of Ilorin (UIL).

5.3 The making of 'Khaki'

This section covers the preparatory steps taken before leaving for the actual field research in Nigeria. These steps were the production of the advocacy tools and the pilot study conducted at the University of Pretoria.

5.3.1 The production of the advocacy and data collection tools

The advocacy tools produced for and used in this research are in two categories: advocacy and data collection tools. The advocacy tools are: Annexures 1 and 7, respectively a textual and audio version of the 'Khaki' story; Annexure 5 is a two-page leaflet explaining the content and rationale behind Resolution 275 woven through with references to Khaki titled 'African Union human rights body, African Commission'; Annexure 4 contains copies of the Resolution 275 document. The data collection tools are: Annexure 2, the preliminary survey forms; Annexure 3, the final survey forms; Annexure 8 consent forms; Annexure 6 focus group questions and Annexure 9 attendance sheets. Annexure 10 is the ethical clearance letter from the University of Pretoria. Annexures 11, 12 and 13 are letters from the universities visited authorising research visits.

As described in more elaborate detail in the first chapter of this study, 'Khaki' is the story of a recently graduated Nigerian law student Adanna who leaves home to undertake the compulsory one-year national youth service programme. The first part of 'Khaki' sees Adanna exposed to gender-based violence. The second part of 'Khaki' sees Adanna exposed to inter-ethnic violence. The third part of 'Khaki' sees Adanna exposed to violence on the grounds of her perceived sexual orientation.

5.3.2 Pilot study

On 6 and 7 February 2020, a pilot session was conducted at the Centre for Human Rights, University of Pretoria, to assess the functionality of the research tools and research process.⁸⁹⁷ Seven participants were recruited from the Nigerian Students Association at the University of Pretoria, Hatfield Campus: five Nigerians, one Zimbabwean participant and two South African participants. The Zimbabweans and South Africans were included to meet to have as wide a range of participants as possible to assess the functionality of the research tool. There were three male research participants and four female participants. There were at least six research participants present across the three different focus group sessions held over the two days. All sessions were audio-recorded, and notes of the session were taken. The first steps taken were the introductions, the signing of the consent forms and the preliminary survey forms. Following these, the participants were taken through listening to the three different parts of 'Khaki' at various times over the two days, each of these times immediately followed by writing down their initial thoughts on paper, and then a focus group conversation guided by the questions. These questions were to non-hierarchically engage with the perspectives of each of the research participants.⁸⁹⁸ Each set of questions was tailored to fit the plot and recognise characters present in the part of 'Khaki' being dealt with at that time. At the end of the three sessions, there was a brief, semi-formal discussion on Resolution 275, the plot of 'Khaki' and the experiences faced by the female protagonist Adanna. Following this, the final survey was conducted through oral individual interviews.

The pilot study revealed that the following shortcomings of the research tools and process: the audio files were not clear enough for listening; the preliminary surveys took too long and the questions were not precise enough; the presentation and conversation on Resolution 275 needed some structure and a consistent form across the three campuses and an informal conversation was not sufficient to ground the

⁸⁹⁷ K Kelley 'Good practice in the conduct and reporting of survey research' (2003) 15(3) *International Journal of Quality in Health Care* 263; ZA Hassan, P Schattner & D Mazza 'Doing a pilot study: why is it essential' (2006) 1(2-3) *Malays Fam Physician* 70 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4453116/> (accessed 9 June 2021).

⁸⁹⁸ de Oliveira (n 120) 3095; J Kitzinger 'The methodology of focus groups: the importance of interaction between research participants' (1994) 16(1) *Sociology of Health and Illness* 106.

consistency of that element of the research across the three campuses; the final survey, because it was conducted orally, took too much time to complete.

The following improvements were made on the research tools: (i) The number of questions in the preliminary and final survey questionnaires in Annexures 2 and 3 was reduced from 26 to 11 more precise questions. (ii) The quality of the audio files was improved. (iii) The Resolution 275 discussion was improved, with the creation of an information sheet (See Annexure 5). (iv) Ground rules at the introduction of the study were developed, such as mutual respect among the research participants when listening and speaking, being time conscious, brief and being free to hold an opinion even if it is not mainstream. The following adjustments were also made: For more prudence with time, the final individual interviews were substituted with final survey forms (Annexure 3) to be filled out in the same fashion as the preliminary survey. The short agenda and focus group questions were revised to guide the focus group discussions more precisely. The exercises were scheduled to run across three days to spread out its intensity. Beside these shortcomings that had been addressed, the research process was shown to be feasible and as such I embarked on my research visit to Nigeria.

5.4 Method

This section complements the prior method section in chapter one by discussing additional elements such as the context in which the methods were applied, the diversity of the research participants and the procedure adopted for the execution of the study.

5.4.1 Context of the field study

Field visits and research sessions across the three chosen Nigerian universities in March 2020 were conducted in the wake of the Academic Staff Union of Nigeria strike of 2020 which suspended all academic activities on university campuses across Nigeria, and the emergence of the COVID-19 pandemic in Nigeria. As such the research participant focus, from the initial proposal of first year law students, opened up to law students generally who could avail themselves. And at UIL, owing to the emergence of the pandemic the research participants had to include members of the university who were not law students.

Surveys, an indigenous storytelling intervention and focus group discussions were conducted with 24 research participants across the three pre-determined Nigerian universities. The research participants comprised Nigerian undergraduate law students, one law lecturer, one law graduate and an undergraduate student of agriculture. The method section in Chapter one addresses reflexivity, data collection and ethics. The storytelling intervention titled 'Khaki' was the stimulus tool in the study and the surveys were conducted to evaluate the attitudinal range of the research participants before and after 'Khaki'.

The focus group discussions were aimed at exploring the influence of indigenous storytelling on the attitudinal range of the research participants towards queer persons and homophobic violence. As discussed under the pilot study section the aim of the focus group discussion, grounded in the theory of cognitive dissonance, was to determine the extent of attitudinal congruence and attitudinal similarities. In other words, to explore the extent to which the attitudinal ranges of the research participants towards homophobic violence were parallel to their attitudinal ranges as regards gender-based violence and inter-ethnic/faith-based violence all influenced by indigenous storytelling.

Research participants were recruited prior to data collection in each of the research sites Nigeria. I contacted three Nigerian universities through senior staff members in their faculties that are alumni of the Human Rights and Democratisation in Africa Masters programme offered at the University of Pretoria. These alumni from these three universities committed to providing me with research participants from their law faculties and a venue where the surveys and focus group discussions could be conducted. It was strategic for the research participants to be law students owing to the focus on the promotion of a law that would more naturally form part of their academic curricula than in other faculties.

In March 2020, the field work began with NDU in the South-South of Nigeria. The study involved a preliminary survey on their attitudes towards queer persons, a three-day storytelling intervention, each day accompanied by a focus group discussion, and the last day concluded by a presentation on Resolution 275 and a survey interrogating

attitudes towards the queer character in the stories. At NDU the study started off with 12 research participants on the first day but only 8 of them were consistently present until the third day. At ULA, the study began with 12 participants, who were all studying human rights as coursework in their third year and constant through the three days intervention. During my field visit at the University of Lagos, the federal government announced that all schools would be shut down within a few days. There were only two reported cases of COVID-19 in Nigeria when I finished with Niger Delta University; and 22 reported cases when I finished at the University of Lagos.

At Ilorin in the North-Central of Nigeria, the management of UIL announced an instant vacation of all its university student residences. Most of the prospective research participants whose families were not resident in the province left Ilorin on the day of my arrival and there was no access to the university campus as a venue for the research sessions. With the timely assistance of some faculty staff at UIL, a law office boardroom was available for the sessions and four research participants from UIL: one law student, one law lecturer, one recent law graduate and a student from the faculty of agriculture. Owing to the threat of interprovincial lockdown, the study at Ilorin was conducted in two days as opposed to three.

By giving their time and attention to this study, the research participants made a huge contribution to the success of this study. They all had to travel to visit the meeting venues to meet with me regardless of the school not being in session and the emergence of the COVID-19 virus. In appreciation light lunches were provided for the research participants at UIL like the earlier two universities. But still risks were calculable given the very low number of reported cases at the time and safety precautions were adhered to such as social distancing. All the sessions had the research participants and I seated either in a circle or around a table, widely orbiting the media device which streamed the story, and the recording device which recorded the focus group discussions. While the preliminary and final surveys were done by way of filling the forms in Annexure 2 and 3 respectively, the focus group discussions were guided by the questions in Annexure 6 but with occasional liberty granted to the research participants to explore the incidental issues that arise from the focus group discussion.

5.4.2 Demographic spread of research participants

This section discusses the diversity of the research participants. This study proposed to cover a diverse spread of research participants taking into consideration that they must all be above 18 years of age, in the first year of undergraduate law study as well as gender, religious and ethnic balance. However, in the light of the AASU strike and the emergence of the COVID-19 pandemic as well as the general ethnic composition of students within the campuses, certain ethnicities were more dominant depending on the campus. Owing to these, the research participant focus was altered from first year undergraduate students to undergraduate law students who were interested in human rights with the exception of three of whom were: a law graduate, law lecturer and student of agriculture, all still members of the university community. Making these adjustments was necessary for the actualisation of the research before all institutions were compulsorily shut down.

In total, this research had 24 research participants (See Table 1); 8 at NDU; 12 at ULA and 4 at UIL. Each research participant is ascribed a unique identification comprising a three-letter prefix indicating the university and a single digit. The prefix NDU indicates that the research participants are from the Niger Delta University; the prefix ULA indicates that the research participant is from the University of Lagos; the prefix UIL indicates that the research participant is from the University of Ilorin.

Table 1: Gender Spread Across Three Universities

University	Male	Female
NDU	NDU2	NDU3
	NDU6	NDU5
	NDU10	NDU7
	NDU12	NDU9
ULA	ULA2	ULA1
	ULA3	ULA4
	ULA5	ULA6
	ULA7	ULA8
	ULA9	ULA10
UIL	UIL1	UIL2
	UIL3	UIL4

Table 2: Regional/ ethnic and religious spread

University	Eastern	Western	Southern	Northern
NDU			NDU2 (Izon)	
			NDU3(Izon)	
			NDU5 (Epie)	
			NDU6 (Atissa)	
			NDU7 (Izon)	
			NDU9 (Engenni)	
			NDU10 (Izon)	
			NDU12 (Ijaw)	
ULA	ULA2 (Igbo)	ULA1 (Yoruba)		
		ULA3 (Yoruba)		
		ULA4 (Yoruba)		
		ULA5 (Yoruba)		
		ULA6 (Yoruba)		
		ULA7 (Yoruba)		
		ULA8 (Yoruba)		
		ULA9 (Yoruba)		
		ULA10 (Yoruba)		
		ULA11 (Yoruba)		
		ULA12 (Yoruba)		
NDU	UIL3 (Igbo)	UIL1 (Yoruba)		UIL2 (Ebira)
		UIL4 (Yoruba)		

All research participants were Christians except for ULA12.

5.5 Research procedure

This study adopts deductive/theoretical thematic analysis to read existing theories into data garnered from research. As discussed in Section 7 of Chapter 1, this study stems from imagined contact theory, transportation theory, law and literature which jointly propose that stories are a potent tool in the reduction of homophobic bias, fostering of empathy and attitudinal shifts. The study is also grounded in queer theory and decolonisation in dismantling the notion that there is one unquestionable way to engage and advocate for the queer rights in Nigeria. More particularly this study dismantles the unquestionability of restrictive law classroom pedagogies in Nigeria through engaging with soft law and indigenous storytelling in unity of space and time to explore the existing queer rights advocacy potential. The overarching element of indigenisation comes to play in the grounding of interventions in narratives and platforms that are intimate with the participants such as stories and characters from their locale that embrace their cosmopolitan identities that they could easily connect with, substitute themselves with and easily become. Qualitative approaches such as thematic analysis are not designed to measure or empirically calibrate impact or causality but for interpretive engagement with group perspectives as they occur within contexts.⁸⁹⁹ As such, exploring the potential of using Resolution 275 and ‘Khaki’ in unity of time and place in Nigerian law classrooms necessitates the engagement with attitudes and group perspectives at various points in these Nigerian law classrooms during the intervention such as before the experience of the stories and afterwards. The analysis of this study draws on Festinger’s cognitive dissonance theory to engage with the extent of consistencies of beliefs on violence; Kubler-Ross’s and Kessler’s discussion on five stages of loss to address extents of levels of acceptance or rejection of queer persons; Plummer’s discourse on telling sexual stories to articulate the symbolism of the storytelling intervention.⁹⁰⁰ The analysis of this study is equally embracing of Appiah’s discussion on cosmopolitanism as interconnected of humans and their identities through globalisation; how this global influence plays out in public

⁸⁹⁹ JA Smith ‘Textual analysis’ (2017) *The international encyclopedia of communication research methods* 2, 3; RE Stake *Qualitative research: studying how things work* (2010) 14, 17, 19; M Travers *Qualitative research through case studies* (2001) *Qualitative Research through Case Studies* 6.

⁹⁰⁰ E Kubler-Ross & D Kessler *On grief and grieving: finding the meaning of grief through the five stages of loss* (2005) 20; L Festinger’s *A theory of cognitive dissonance* (1957) 3; K Plummer *Telling sexual stories: power, change and social world* (1995) 18.

engagement with queer identities as captured by Gevisser and how inclusive engagement with these complexities could ground decoloniality in classrooms and foster positive attitudes towards queer persons.⁹⁰¹

There is a pre-knowledge stemming from previously conducted research on Nigerian universities and in Nigeria generally that the attitudes towards queer persons in Nigeria is predominantly negative and violent. There is also the understanding that the improvement of attitudes from negative and violent to accepting and positive is not just ideal for a queer-inclusive society but also necessary to meet the expectation of Resolution 275 which calls for the eradication of violence and stigma towards queer persons. This study engages with the perceptions of the research participants in their engagement with joint use of Resolution 275 and indigenous storytelling in the course of the field work through the two sets of data analysed in this research. The survey data and the focus group data.

5.5.1 Survey data

The survey data comprises responses to surveys conducted on the research participants before and after the storytelling intervention and discussion on Resolution 275 across the three campuses; a preliminary survey was conducted before the focus group session and a final survey was conducted after the storytelling intervention and discussion of Resolution 275. The survey data from the three campuses were coded and analysed jointly in the separate categories of preliminary survey and final survey.

The preliminary and final surveys were conducted to assess the attitudes and perceptions of the research participants towards queer persons and homophobic violence. These surveys were coded deductively under the broad deductive themes of negative, positive and neutral attitudes towards queer persons. Within these three themes there were four phases of thematic coding. The thematic coding for the three broad deductive themes, jointly yielded six sub-themes. The final survey, under the three broad deductive themes, yielded nine sub-themes.

⁹⁰¹ Appiah (n 545) 93; 119; Appiah (n 858) 72; Gevisser (n 28) 129, 130, 131; Tamale (n 38) 235.

This study's incline towards the broad deductive themes of positive, negative and neutral attitudes is guided by queer theory and Kubler-Ross's logic that attitudes are really on a continuum and constantly moving as opposed to being in fixed binaries. In being guided by queer theory, this research looks beyond the traditional binaries of attitudes towards queer persons which usually portrayed as negative and positive in human rights reports. The research recognises that a variety of attitudes exists between these binaries. 'Positive' draws in all the data generally queer accepting and non-violent. 'Negative' draws in all the data generally queer rejecting and violent. The category of neutral draws in all the data generally not neatly ascribable to the categories of positive and negative.

5.5.2 Focus group data

The focus group data comprises both focus group discussion and the individual thoughts written on paper by the research participants during the focus group discussion. The focus group data is used to engage with the perceptions and attitudes of the research participants towards violence on grounds such as gender and ethnicity and their attitudes towards violence based on actual or perceived sexual orientation and gender identity, as well as explore basis for possible congruence. Assessing the attitudinal congruence on violence on these three grounds is based on the Resolution 275's establishment of a congruence between human rights generally (African Charter) and the human rights of queer persons. Similarly, using stories to foster intimacy between the research participants and the main character Adanna across two prior instances of violence towards Adanna is a strategic step. The incline here is to foster the recognition and acceptance of Adanna's inherent humanity prior to the revelation of her queerness. This strategy is also guided by theories of contact and imagined contact that contact/interaction breeds intimacy and understanding and curbs bias, as such more of this contact will result in better results.

Assessing the attitudinal congruence of the groups of research participants across the three stories is also guided by social psychological theory of cognitive dissonance. Assessing the extent to which the recognition of Adanna's humanity on two planes can guarantee the recognition and acceptance of her humanity after the revelation of her queerness is an important step in the success of an advocacy tool that aims at tackling law and attitudes in its promoting Resolution 275.

The focus group data were collected separately across the three campuses and owing to the nature of focus group discussion, each focus group discussion was coded inductively and separately. The process of inductive coding required distilling the data for recurring patterns within each discussion, and letting the themes emerge from these recurring patterns. Each campus had three focus group discussions bringing the total number of focus groups to nine. However, for the purpose of this study analysing the focus group data to assess the attitudinal congruence was done on a campus by campus basis. However, determining attitudinal similarities required coding across the three campuses.

5.6 Data analysis

The thematic analysis of the data collected from the field study is done under the heading of preliminary survey, focus group and final survey. The preliminary survey is referred to here as 'Before 'Khaki''. The focus group analysis is referred to as 'during 'Khaki''. The final survey here is referred to as 'After 'Khaki''. In the preliminary and final survey, the study distils negative, positive and neutral responses towards queer persons. In the focus group analysis, the study discusses the range themes emerging as regards queer persons. The study also discusses areas of convergence and divergence across the three universities in their responses to the intervention and attitudes towards queer persons.

5.6.1 Before 'Khaki': study on attitudes towards queer persons in Nigerian universities before the experience of indigenous storytelling

This section builds on prior empirical studies on attitudes towards queer persons in Nigerian universities as covered in section two of this chapter and attitudinal surveys on Nigeria covered in Section 3.2.2. of Chapter 2 of this study. In this study research participants expressed attitudes and thoughts that were negative towards queer persons and attitudes that were embracing and inclusive of queer persons. The research participants in this study also expressed thoughts and attitudes that were not clearly positive and accepting or rejecting. Altogether the preliminary survey at the three universities yielded six themes: hostility, horrified from prior same-sex harassment, passiveness, vigilance, acceptance and non-violent 'conversion'. These six themes will be addressed under the heading of negative, neutral and positive attitudes expressed before the intervention.

Negative attitudes towards queer persons expressed before the intervention

The negative attitudes expressed by the research participants before the intervention fell under two themes. These themes are the theme of hostility towards queer persons and the theme of being horrified owing to past violence from queer persons.

Hostility towards queer persons

The theme of hostility towards queer persons among Nigerian undergraduate students, being consistent across the three campuses studied, is a confirmation of the findings of the prior empirical research at Nigerian universities. Nigeria is predominantly a homophobic country and Nigerian universities also are generally hostile towards queer persons.⁹⁰² Okanlawon's work, as has been discussed earlier, affirmed by annual human rights reports, are testimonial to the general state of hostility towards queer persons in Nigeria. In this study, the hostility expressed towards the idea of queerness and queer persons manifested through thoughts and attitudes that were inclined towards pathologising and conversion of queer persons; active retributive violence towards queer persons; express hate and rejection of queer persons; and conditional acceptance of queer persons.

In attitudes inclined towards pathologising and conversion of queer persons, some of the research participants expressed their understanding of queerness as an aberration, a defect.

Queerness was considered to be a biological aberration.

It [acting contrary to biologically assigned sex] may be a genetic problem. - NDU6

I would most definitely try to make him/ her [gay sibling] look inwards [deeply] and search for his/her true self because we are from the same parents and he/she cannot be different. - ULA10

I will take him/her [gay sibling] to the nearest police station. After he/she is out, I will beat the attraction out of him/her. - NDU9

⁹⁰² Okanlawon (n 3) 149.

Queerness was considered a moral aberration:

About homosexuality, morally, I believe it is wrong. - NDU5

Finally I will speak sense to him/her [gay sibling] to see why he/she should perish such thoughts and take him/her for deliverance. - ULA2

I would try to correct them and make them act as they should. - UIL3

Queerness was also considered a supernatural aberration:

God did not make man to like man ... anything that is not biblically proven does not stand. - ULA2

Well, I believe it is demonic for you to be having feelings for someone of the same sex. - ULA5

I feel if boys like their fellow boys or girls behave like boys it is not right and it goes against the natural balance of things and against God. - NDU10

I am of the opinion that the true test and taste of humanity should be towards opposite sexes not same sexes. - UIL1

I see this as out of context of the purpose of the creation of God. There were many things that were more out rightly not spelt out by God, but the fact that a man and woman is the standard for marriage or attraction is one which was basically spelt out by God. So for me it will be a negative response. - UIL4

Considering queerness as wrong and an abnormality is grounded in the norms didactic messaging from Nigeria's colonial heritage, proponents of prominent organised religions as well as predominantly patriarchal norms that are integral to Nigerian culture.⁹⁰³ This colonial and Christian heritage perpetuates itself past the colonial era through sermons in worship places or statements from people of authority across spheres. Amidst incidences of progressive culture, as discussed in Chapter 2, it is commonplace for custodians of traditional Nigerian culture to protect the exclusionary homogeneous standards. Consequently, the negating of queer identities has been recognised in media as well as in more contemporary cultural and storytelling productions such as Nollywood films. As shown in Chapter 2's discussion of violence through knowledge creation, some of religious messaging and Nollywood movies portray queerness as a trait imposed by external forces.⁹⁰⁴ Consequently, individuals and communities, in deeming queerness to be a genetic, moral or supernatural

⁹⁰³ Outright Action International 'Harmful treatment: the global reach of so-called conversion therapy' (2019) 31.

⁹⁰⁴ Green-Simms & Azuah (n 66) 38.

aberration, self-recruit in the assumed interest of the queer person to save or convert the latter. The surveys across the three universities demonstrated an inclination among some of the research participants to self-recruit as queer converters to save the queer person.

I would feel awful and try to know what went wrong with him or her, because I won't approve of it. However, I would do my best to talk to him or her out of it relentlessly. - NDU3

I will speak sense to him/her to see why he/she should perish such thoughts and take him/her for deliverance. - ULA2

I would try to correct them and make them act as they should. - UIL3

These inclinations towards conversion of queer persons across NDU, ULA and UIL run parallel to Okanlawon's 2017 findings at the Obafemi Awolowo University.⁹⁰⁵ Interestingly, in NDU there was the following sentiment:

I will love him/her very much as I feel the lack of love I one's life can change the person's orientation. - NDU7

I will sit my sibling down and talk. There is nothing as understanding as having a sincere conversation. Beating will not solve the problem but a sincere heart to heart conversation would. - ULA2

If my sibling was beaten up because he/she was found in a compromising position of the same sex. Talk to him or her. - NDU5

Okanlawon's study also spotted the inclination of participants to 'compassionately persuade with counselling and therapy'.⁹⁰⁶ Faith-based conversion therapy is a usual response to queerness in Nigeria. In Okparanta's *Under the udala trees*, the protagonist's mother on discovering the protagonist's attraction to persons of the same sex began bombarding her with Bible passages that condemn homosexuality.⁹⁰⁷ In Ikpo's *Fimisile forever*, a spirited and loud prayer session was held for the queer person.⁹⁰⁸

More brutal forms of faith-based conversion therapy including physical binding and whipping of the queer person, are portrayed in the novel *Walking with shadows* and

⁹⁰⁵ Okanlawon (n 3) 158.

⁹⁰⁶ Okanlawon (n 3) 163.

⁹⁰⁷ Okparanta (117).

⁹⁰⁸ Ikpo (n 117).

the movie *Hell or high water*.⁹⁰⁹ At the time of this research there is no statistical data on the prevalence of conversion therapy in Nigeria, but practices have been recorded to include: flogging, fasting, corrective rape.⁹¹⁰

While perception of queerness as a genetic and supernatural aberration attracts calls for conversion therapy, the research participants demonstrate that perception of queerness as immoral earns the queer person some chastisement. This chastisement is not so much aimed at the correcting of queer person as it is aimed at retribution and as commensurate consequence of queer expression.

If my sibling acted like a person of the opposite sex and gender, I will probably beat him up, just as soon as I notice it. - NDU12

If it repeats itself, take appropriate disciplinary measures. - ULA4

Retributive violence is one of the most common forms of hostility towards queer persons in Nigeria. Retributive violence forms a substantial part of violence towards queer persons discussed in chapter two of this thesis. Retributive violence, which is often perpetrated by both state and non-state actors, includes: battery and assault; arbitrary arrest and unlawful detention; mob attack; invasion of privacy; forceful eviction wrongful dismissal; kidnap; rape; torture.⁹¹¹

If my sibling was beaten up because he/she was caught in a compromising position of the same-sex. I will thank people that beat him and continue the beating immediately if I can. - NDU9

If my sibling was beaten because he was caught in a compromising position with someone of the same-sex, I would also join in beating them for doing such immoral acts. - NDU10

This research finds that there is a difference in the undertones and implications between when the research participants deemed queerness to be a genetic and supernatural aberration and when they deem queerness a deliberate moral aberration.

⁹⁰⁹ Dibia (n 117); TIERS Nigeria 'Hell or high water – short film' <https://www.youtube.com/watch?v=0LhvJGa4BP0> (accessed 10 May 2021).

⁹¹⁰ Choice for youth and sexuality and others 'Conversion therapy' (2019) 8 https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/CHOICE_for_Youth_Sexuality_and_Partners.docx (accessed 10 May 2021).

⁹¹¹ TIERS Nigeria '2019 report on human rights violations based on real or perceived sexual orientation and gender identity and expression' (2020) 17; Human Rights Watch 'World report 2021: events of 2020' (2021) 505; Amnesty International 'Amnesty International report 2020/21: the state of the world's human rights' (2020) 272.

When the research participants deemed queerness to be a genetic or supernatural aberration there was the inclination to 'save' the queer person from queerness through conversion therapy because trait of queerness was considered to be outside of the queer persons will and control.

However, considering retributive violence as a response to queerness is demonstrative of the prevalent notion of 'corrective' violence as chastisement being dished out to queer persons once there is perception of a wilful expression of queerness and the deliberate violation of morals and culture as opposed to one steeped in unconscious subservience to an aberration. Like in the stance of conversion therapy, individuals self-recruit to defend morality which then translates to aggressive policing of queer persons. This policing of queer persons is quite similar to the January 2019 instance of Badmos, the Lagos state, where a police spokesperson threatened that the SSMPA will be used against Nigerian queer persons who do not flee the country.⁹¹²

I will take him/her to the nearest police station. After he/she is out, I will beat the attraction out of him/her. - NDU9

I will do personal chastisement because both our culture and religion does not support such act.- ULA5

Moral arguments against queerness are grounded in the perception that homosexuality is against the Nigerian culture. As discussed in Chapter 2 of this study, prevalent hegemonic constructs of gender and sexual orientation are rooted in oppressive traditional cultural practices and norms as well as in Nigeria's colonial heritage and prevalent faith practices. On the strength of these, some research participants expressed total rejection and repulsiveness towards queer persons:

It [homosexuality] should remain rejected. It should never be welcome and it should not be given a chance to exist in our society/ religion. - NDU9

I feel it [homosexuality] is irritating and unheard of because our culture and religion preaches against it. - ULA9

*If my sibling told me that he/she was attracted to a person of the same sex, based on my religious background, my natural intuition will be to respond in a negative way.
- UIL2*

⁹¹² Human Rights Watch 'World report 2020: events of 2019' (2020) 434.

Total rejection of and repulsion for queer persons or queerness logically flow from the perception that queerness is a moral, genetic or supernatural aberration. The rejection of queer persons in Nigeria reflects in the high rates of violence towards and attitudinal reports that still show a prevalence of intolerance for queer persons and queerness by the wider Nigerian society.

Harassed and horrified by queer person

It is commonly accepted that the rejection of queer persons is only akin to repressive norms and culture on gender and sexuality. There is, as is evident in the study, the instance of rejection of queer persons and queerness born out of distress from previous same-sex sexual harassment.

I have been a victim of sexual harassment by the same-sex and I felt horrified. - NDU3

There was a singular case of this prior same-sex harassment in NDU and this case is an interesting exception to the argument that the rejection and hostility towards queerness and queer persons is a result of anti-queer socialisation. This study accepts the legitimacy of this research participants' resistance to queer persons but also seeks to locate this incident of sexual harassment within the broader context of the prevalence of sexual harassment in Nigeria.

Empirical studies involving students and staff across tertiary institutions in provinces such as Ogun, Benin, Taraba and Imo demonstrate that sexual harassment, although deplorable, is part of the lived realities of students of Nigerian tertiary institutions.⁹¹³ Although these studies do not agree on the rate of prevalence of sexual harassment cases, they agree that sexual harassment has grave psychological effects on the victims and that female undergraduate students are most at risk of sexual harassment. The exclusive focus of all of these studies on heterosexual sexual harassment in

⁹¹³ SY Erinsho, MN Femi-Oyewo & EO Oduwole 'Sexual harassment on campus: a study in a Nigerian university' (2018) 4 *AGOGO: Journal of Humanities* 7; TBE Omorogiuwa 'Sexual harassment among university students in Nigeria: prevalence, psychosocial factors and preventions' (2018) 17(2) *Bangladesh Education Journal* 31; A Onoyase 'Prevalence of sexual harassment of female students of tertiary institutions in Taraba state, North east Nigeria: implications for counselling' (2018) 8(1) *International Journal of Higher Education* 77; CB Duru 'Sexual abuse among female undergraduates in tertiary institutions in Imo state, southeast Nigeria: prevalence, pattern and determinants' (2018) 5:e4516 *Open Access Library Journal* 6.

tertiary institutions may erroneously suggest that sexual harassment can only occur between persons of the opposite sex. However, Erinoshio affirms the description of sexual harassment as 'a manifestation of powerplay, with perpetrator taking advantage of their superior position, or their economic superiority to lure, coerce or sexually intimidate victims and may involve persons of the same or opposite sex'.⁹¹⁴

Although fear, distress and other psychological and mental health challenges are natural responses to sexual harassment. The rejection of all queer persons solely on the grounds of previous same-sex sexual harassment is arguably extreme and stems from a reduction of all queer persons to be predatory.⁹¹⁵ As such it is important to note here that NDU3 also expressed disdain for queerness along the lines of conversion and conditional acceptance as well as the rejection of the legitimacy of same-sex attraction.

If my sibling was beaten up because he/she was caught in a compromising position with a person of the same-sex, I would feel embarrassed and terrible. However, I would like to hear my siblings side of the story and I will ensure it doesn't repeat itself. - NDU3

Positive attitudes towards queer persons in Nigerian universities before the experience of indigenous storytelling

Similar to the studies discussed above, students at the three campuses visited also demonstrated positive attitudes towards queer persons. The positive attitude toward queer persons in the preliminary survey under the sub-themes of inclusive affirmation of queer persons, resignation towards queer persons and defence of queer persons.

Inclusive affirmation of queer persons

Inclusive affirmation of queer persons resonating among the research participants is as much a confirmation of prior empirical attitudinal research on attitudes towards queer persons in Nigeria.

Personally, I do think that there is nothing wrong with a boy acting like a girl or vice versa. This is because, it might be their own comfort zone, and where they can blend more with the society. - NDU3

⁹¹⁴ Erinoshio, Femi-Oyewo & Oduwole (n 913) 4.

⁹¹⁵ Erinoshio, Femi-Oyewo & Oduwole (n 913) 3; Omorogiuwa (n 913) 30.

But I have come to an understanding that it is normal and I have accepted it to be because they are most times more amazing friends. - ULA 1

If my brother were to act like a lady, I will easily see it as a result of mixing and growing up among girls and will see nothing wrong about it even if he were to start cross dressing. - UIL2

This inclusive affirmation of queerness is born from the perception of queerness as well within the bounds of what is seen as normal within the human race. This inclusion of queerness is a stark difference from the perception of queerness as aberration as was evident under the negative attitudes discussed earlier. Some research participants demonstrated their openness to making room for queerness and queer expression in society.

I believe that people should be able to choose who they like and who they are attracted to, irrespective of gender. - ULA11

I personally do not see myself engaging in a same-sex sexual relations but we all have rights to express our sexual preferences without being discriminated or castigated for our decision. - UIL2

Studies have shown that there is a gradual decline in the rejection of queer persons in Nigeria. TIERS studies demonstrate that public support for the criminalisation of same-sex relations has plunged from 96 per cent of the population in 2010 to 75 per cent in 2019.⁹¹⁶ This indicates a rise in the withdrawal from hostility. TIERS studies also show a spike in the rate of acceptance of queer family members within families from 11 per cent of the Nigerian population in 2015 to 40 per cent in 2019.⁹¹⁷ Okanlawon's studies and review of other empirical university-based queer studies have also reflected positive perceptions towards queer persons and support among Nigerian university students.⁹¹⁸

Resignation towards queer persons

⁹¹⁶ Seiglar (n 343); Bisi Almi Foundation and others (343).

⁹¹⁷ D Oladipo 'Acceptance rate of lesbians, gays, bisexuals in Nigeria rising NOI polls'; TIERS 'Attitude towards heterosexuality in Nigeria 2019' 4 <https://theinitiativeforequalrights.org/wp-content/uploads/2019/08/2019-Social-Perception-Survey.pdf> (accessed 20 January 2020).

⁹¹⁸ Okanlawon (n 3) 170; Okanlawon (n 3) 16.

Some research participants demonstrated some resignation towards the idea of queerness and the reality of queer persons. The research participant's demonstration of resignation strikes a congruence with Kubler-Ross's and Kessler's discussion on 'acceptance' as phase of loss.⁹¹⁹ In engaging with this construct and language of 'loss', it is important to underline that several communities and individuals are at varying stages of their interaction with the 'loss' of queer persons. Kubler-ross and Kessler distil the five stages of loss as: denial, anger, bargaining, depression and acceptance.⁹²⁰ These stages are neither linear nor conclusive of each other and may overlap. This study finds parallel between some of these phases of loss and the neutral attitudes demonstrated by the research participants. The phases of loss approach have been adopted to frame the trajectory of neutrality towards queerness, the continuum of attitudes towards queerness and the growing acceptance of queer persons.

Acceptance here is deemed to be the basic recognition of a certain status quo as a 'permanent reality' and making peace with it despite the consequential distress.⁹²¹ Resigning, accepting, making peace with the reality and permanence of queerness is more of a continuous process than a phase.⁹²² The process of making peace or resigning to the reality and permanence of queerness may often result lead to certain rationalities such as arguments on the causality of queerness:

About effeminate boys and masculine girls, I believe that they have been that way since birth and there is nothing anyone can do to change that. It can also be because of the upbringing of the child. - ULA5

It usually arises from situation where a particular sex grew up in an environment dominated with other sex. Thus they tend to be that way. - UIL2

The process of resigning or making peace with queerness also includes the history of inclining towards conversion therapy. This study reveals that in the context of attitudes towards queer persons occasionally this distress is evident in past act or inclination towards conversion therapy:

⁹¹⁹ E Kubler-Ross & D Kessler *On grief and grieving: finding the meaning of grief through the five stages of loss* (2005) 20.

⁹²⁰ Kubler-Ross & Kessler (n 919) 20.

⁹²¹ Kubler-Ross & Kessler (n 919) 32.

⁹²² Kubler-Ross & Kessler (n 919) 34

I will try to talk to him /her into being normal (liking the opposite sex). If it does not work, I will let him have his way. It is his life/right. - NDU6

Try to make him/her to be confident in his/her gender. If that does not work. There is nothing I can do than be the supportive sibling. - NDU5

However, I cannot enforce my opinion on other people so I believe they should be allowed to act as they like. - ULA7

I would still like to know why he/she has that feeling and try to convince him/her against it. But if it is what he/she wants then all I can do for now is wish him/her well. He/she still has the right to do what is appealing to their spirit. - ULA12

This seeming ambivalence or evolution in attitudes is not altogether surprising as often queerness and its expression is a negotiation, a dialogue between queer persons and their community. What inclusion, acceptance and affirmation mean and the extent of these will vary from context to context, person to person, family to family, community to community and time to time. Similar to the element of 'conditional acceptance' discussed under negative attitudes above, an acceptance trajectory that indicates a history of conversion therapy and present resignation towards queerness is a reality as well in the broader Nigerian society. This reality has been captured in literary works such a *Under the udala trees* where Ijeoma's mum whom had constantly tried to extinguish Ijeoma's same-sex attraction, even to the point of marrying her off to a man eventually came to the point of acceptance in the novel's epilogue.

And now she began muttering to herself "God who created you must have known what He did. Enough is enough"....She cleared her throat and finished : "Ka udo di, ka ndu di." Let peace be. Let life be.⁹²³

An acceptance trajectory that indicates a history of conversion therapy floats in *Walking with shadows*, in a conversation in the context of an ending marriage between a gay man whom had just been exposed and his wife.

'I don't know Adrian,' Ada confessed, 'I don't know if I can understand anything that you have just said. It is asking me to disregard all I have learnt all my life. It is asking me to put aside all the Bible's teachings and accept your word only. I've promised myself not to judge you or

⁹²³ Okparanta (n 117) 323.

your kind because I would never really understand why you are the way you are and I will make sure our daughter is not prejudiced either.⁹²⁴

Sometimes, the inclination to convert is dogged and it succeeds the acceptance of the queer persons humanity. It is important to note here that the non-violent inclination to convert the queer person following resignation is hardly based on personal disgust but is rooted in the protectiveness of a person who is vested, who cares.

If my sibling acted like a person of the opposite sex. Ah! I will talk to him/her to try to curtail it because the society we live in is really unsafe. People will judge and throw stones before getting to know him. - ULA1

This non-violent conversion therapy comes under positive attitude towards queer persons as opposed to negative attitudes. The research participants demonstrated an inclination to convert, erase the identity and expression of queer persons but these are subtler and more grounded in non-violence.

This study recognises the element of the research participants self-recruitment to 'correct' the queer persons but this is done with the underlying intention to protect queer persons from the generally toxic environment as well interact more diplomatically, with queer persons and this yields a lot of opportunity for learning and understanding queer persons. This study deems non-violent 'conversion' as portrayed here to be a positive attitude that embodies the elements of the recognition queer person's humanity and non-violence towards queer persons. This position was reflected in the sentiments of the mother of a recently exposed gay pastor in the Nigerian film *Hell or high water*. In that scene the gay pastor had just been disowned by his father, but his mother snuck back in to speak with him to encourage him to work towards rising above the rejection and assimilating back into his heterosexual façade. With her arms around him, 'No, it's not over' she said, 'there must be a way.'⁹²⁵

Defence of queer persons

Linking closely with the inclination to protect queer persons through converting them is the research participants being actively defensive of queer persons. This study

⁹²⁴ Dibia (n 117) 192.

⁹²⁵ TIERS Nigeria 'Hell or high water- short film' <https://www.youtube.com/watch?v=0LhvJGa4BP0> (accessed 15 May 2021).

deems the theme of defence to be a more solid and proactive level of acceptance than inclusivity. The inclination of Nigerian undergraduates to defend queer persons lays on a parallel with the Afrobarometer 2015 finding on the 2 per cent of Nigerians that 'strongly like' queer persons.⁹²⁶

If my sibling was beaten up because he/she was caught in a compromising position with someone of the same-sex. Nobody has the right to beat up my sibling if so found. - NDU7.

If my sibling was beaten up because he was caught in a compromising position with someone of the same-sex, I would treat the wounds he got from the beating and if it is much more serious, I would take him to a hospital. - ULA7.

*If my sibling was beaten up because he/she was caught in a compromising position with someone of the same-sex, my response will be violent. Because apart from the fact that he has a right to express his sexual preferences without him being discriminated against. His right to private life as provided for in the Nigerian Constitution has been violated as well as he has been assaulted without a just cause. Although, the Nigerian law is against homosexual marriages, until such persons are attempting to carry out a legal marriage, I don't see their sexual relation as an offence which calls for jungle justice or punishment.
- UIL2.*

The existence of actively protective allies among family members is an important step in the advancement of queer rights in Nigeria. It is this active defence and protection that stops corrective rape, homophobic mob violence and homophobic lynching. It is important to highlight that extremes of active protection of queer persons may translate to counter- use of force or violent retaliation:

If my sibling was beaten up because he/she was caught in a compromising position with someone of the same sex, I would defend my sibling to my last drop of blood and sweat. Whoever my sibling chooses to be attracted is not public interest. - ULA11

Nonetheless, the general inclination of protecting and defending queer persons are attitudes which may secure and sustain positive advancements such as holding perpetrators of violence accountable and decriminalisation of queerness.

The positive attitudes expressed by the research participants generally demonstrated the acceptance of the humanity of queer persons. The Afrobarometer 2015 study on tolerance conducted across 33 African countries, including Nigeria, shows that persons with formal education, particularly post-secondary education are more likely,

⁹²⁶ Afrobarometer (n 365) 26.

than persons without these levels of education, to be tolerant of queer persons.⁹²⁷ As regards tolerance generally the Afrobarometer 2015 study shows that persons within the age range of 18 and 25 were more likely than persons older than 25 to be tolerant. Other drivers of tolerance besides formal education and age include: physical domicile in which urban residents are more tolerant than rural residents; 'gender' in which males are more dominant than female; 'media exposure' in which persons with internet access, social media access and mass media devices and content are more likely to be tolerant than persons without them.⁹²⁸

Given these Afrobarometer findings, it is only logical that acceptance occurs among the research participants who are: in their early twenties; prime users of social media and are within the socio-economic bracket that can afford tertiary education and assumed urban living. Although located within prevalent homophobic climate of Nigeria, Nigerian universities and Nigerian classrooms, there are possible groundings for the existence of positive and queer inclusive attitudes. As discussed in chapter three of the study and as grounded in 2016 South African attitudinal study increased exposure to queer persons results in the fostering of empathy and inclusive attitudes.⁹²⁹ At a time such as this, in the history of the world with globalisation where intergroup exposure to persons, groups and ideas are made easier, more accessible and frequent through the internet but also media, travel and rising multicultural and cosmopolitan construction of our communities.⁹³⁰ These advancements in the 'high water years of global phenomenon' has also come with opportunities for a rise in the visibility of queer persons through the diverse representations of queer persons in media and the autonomy enjoyed by queer persons in most of the urban cities of the world, albeit on a negotiated continuum.⁹³¹ The university space being part of this urban configuration is also privy to access and interaction with these negotiated continuum visibility, and as such exposure and positive attitudes are bound to thrive. These are demonstrative of Nigerian classroom and universities of commendable sites with great potential for the advancement of queer rights.

⁹²⁷ Afrobarometer (n 365) 13.

⁹²⁸ Afrobarometer (n 365) 14, 15, 26.

⁹²⁹ The Other Foundation (n 701) 41.

⁹³⁰ Appiah (n 545) 84.

⁹³¹ Gevisser (n 28) 18, 122.

Neutral attitudes towards queer persons in Nigerian universities before the experience of indigenous storytelling

This study's embrace of neutral attitudes towards queer persons is based on queer theoretical lens as well as drawing parallels between the journey towards the acceptance of queerness and queer persons and the elaboration on the stages of loss and grief by Kubler-Ross and Kessler.⁹³² As such this study recognises that attitudes are usually on a continuum as opposed to being in pure binaries. While there may be stark extremes of positive and negatives, there are attitudes and feelings that are still, ambivalent, unsure, falling into neither sphere of the extremes of positive and negative attitudes and often a combination of both negative and positive in incalculable ratios. This study makes the argument that recognising and promoting the plurality of sexual orientations and gender identities is grounding for recognising and interrogating the plurality of attitudes towards queer persons beyond the extreme cadres of negative attitudes and positive attitudes towards queer persons.

In preceding parts of this analysis addressing negative attitudes, particularly hostility towards queer persons, a similarity was drawn between the inclination towards conversion therapy and the inclination towards retributive violence. They both considered queerness an aberration that should be stopped through one means or another. Also, underlaying this inclination to stop queerness is the grounding sentiment to separate/reclaim the queer person from queerness; to undo the feeling 'loss' of the queer person to queerness.

The feeling of loss is understandable as queerness is often considered so inconsistent with dominant heteronormative cultures that queer persons who live and love on the outside of this culture are often considered lost by their community.

⁹³² DN Walker 'Towards a queer methodology' (2004) 1(4) *Qualitative Research in Psychology* 334; MA Fineman 'Introduction: feminist and queer legal theory' in MA Fineman, JE Jackson & AP Romero (eds) *Feminist and queer legal theory: intimate encounters, uncomfortable conversations* (2009) 5; J Halley 'Queer theory by men' in MA Fineman et al (eds) *Feminist and queer legal theory: intimate encounters, uncomfortable conversations* (2009) 26,27; M Detamore 'Queer(y)ing the ethics of research methods: toward a politics of intimacy in researcher/researched relations' in K Brown & CJ Nash (eds) *Queer methods and methodologies: intersecting queer theories and social science research* (2010) 173; Kubler-Ross & Kessler (n 919) 20.

The neutral attitudes expressed by the research participants before the intervention fell under two themes: denial and inquisition towards queerness. These themes will be discussed using the lens of the phases as discussed above.

Denial of the existence of queerness

Kubler-Ross and Kessler discuss the phase of denial as usually the first phase that wells up once a person comes in contact with loss. In the phase of denial there is yet to be an emotional connection with the idea of loss and the reality of loss seems so distant, so unreal. As such there is neither emotional articulation nor attitudinal response to loss.

Some of the research participants seemed unbothered by the idea of queerness or queer persons through demonstrating passive indifference.

Personally, I do not like homosexuals. It does not mean that I hate them or anything.
- NDU3

I am indifferent about how anyone conducts themselves. - ULA6

I am indifferent about boys that act like girls and girls that act like boys. I am indifferent about homosexuality. If my sibling told me that he/she is attracted to be person of the same sex I would be surprised but indifferent. - UIL3

If my sibling was beaten up because he/she was caught in a compromising position with someone of the same sex, I don't think I will have any negative behaviour because it is against the laws of Nigeria. -NDU12

Owing to the fact that the knowledge of a person's queerness has been demonstrated to have a disruptive effect on their lives and the social dynamics in their community, carrying on like this disruption has not happened is a natural response to some persons and communities. Often this non-response or passiveness to queerness may subject the individual to be 'paralysed with shock', silence and confusion.⁹³³

If my sibling told me that he/she is attracted to a person of the same sex, I honestly don't have a clear answer to this.... If my sibling was beaten up because he/she was caught in a compromising position with someone of the same sex, I would be shocked. - ULA3

If my sibling told me that he /she was attracted to a person of the same sex, at first, I might be confused and be quiet. - ULA1

⁹³³ Kubler-Ross & Kessler (n 919) 21, 22.

If my sibling told me that he/she is attracted to a person of the same sex, I would be very confused. - ULA9

Inquisition about queer persons

The inquisition about queer persons by the research participants took the angles of questioning the reality of queerness and negotiating what levels or extents of queerness are permissible. Kubler-Ross and Kessler write the elements of questioning and reflection of circumstances into denial as a response to loss, or as in this case the awareness of another person's queerness.⁹³⁴ This denial is a numbness and although the individual might seem yet unphased and unbothered it is at this stage that there begins brewing questioning of everything within one's self. This questioning and reflecting are also revealed in attitudes of the research participants and are expressed through vigilant and close observation, enquiry and answer-seeking.

If my sibling acted like a person of the opposite sex I would want to know why they act, walk or talk in that particular way. - NDU3

If my sibling told me that he/she is attracted to a person of the same-sex, first, I would want to know why he/she has such thoughts. Why he/she does not prefer the opposite sex. -ULA2

For the 'loss' of a person to queerness, the community contends what happened along the way that turned the queer person different. There is also the incidental question of who or what is the best source to consult?

But the act should be reported to my parents, as they are more knowledgeable and experienced. - NDU7

I would seek counsel and give my candid advice to my (gay)sibling... If my sibling acted like a person of the opposite sex, I will watch the angles of my parents who should be the first role models and have been giving him care from birth. - UIL1

To an extent the underlay of denial and subsequently questioning is the bigger questions of how did queerness happen? At this point of questioning the question of whose fault is it and who is to blame is only lurking around the corner. The blame question is usually accompanied by the apportioning of blame and boundless anger.⁹³⁵ This phase as discussed by Kubler-Ross and Kessler strikes a parallel with the theme

⁹³⁴ Kubler-Ross & Kessler (n 919) 22.

⁹³⁵ Kubler-Ross & Kessler (n 919) 26

of hostility towards queer persons where the research participants demonstrate their inclination towards retributive violence and conversion therapy.

The phase of bargaining as discussed by Kubler-Ross and Kessler came up for the research participants involving the negotiating of what levels and extents of queerness is permissible and in what context. Some research participants expressed negotiated and conditional accommodation, slight tolerance of queerness:

I won't judge them or stop them from acting in that particular way as long their intentions are genuine and will not lead to homosexuality. - NDU3

It looks funny if the sibling is just acting that way and he/she is in no way attracted to same sex. - NDU6

This however is to an extent and when people consciously try to look, sound and talk like the opposite gender is where I draw the line. - ULA9

I believe that effeminate boys and masculine girls are within the bounds of character/behaviour wise, still acceptable. But if to the extremes of cross dressing, gender modification, honestly not a fan... and if we do not draw the line even at male to female relationships, then where will it end? - ULA 3

Conditional or a more negotiated acceptance of queerness is an interesting middle ground. This conditional acceptance slightly condones mild queer gender expressions with very firmly set limits and rejection of extreme gender modification and same-sex attraction:

If my sibling acted like a person of the opposite sex, sometimes, it looks funny if the sibling is just acting that way and he/she is in no way attracted to same sex. So, I'll leave it. - NDU6

If my sibling acted like a person of the opposite sex, it would be awkward at first and may be funny. - ULA12

Within the past five years in Nigeria, there have been emergence of some male social media personalities that adopt the female persona in gender expression while still maintaining a full beard.⁹³⁶ There are also female social media personalities who take

⁹³⁶ K Udosen 'Madam Theresa vs breastilola' <https://www.youtube.com/watch?v=ce9jY16G4UJ> (accessed 10 June 2021); S Chuks 'The august meeting election 2020' <https://www.youtube.com/watch?v=2vOAEN9pyOc> (accessed 10 June 2021); Zicsaloma 'The most touching story you have ever heard' <https://www.youtube.com/watch?v=diAwcAcvt7s> (accessed 10 June 2021).

up the masculine persona.⁹³⁷ Some of these social media personalities have gone on to secure very lucrative brand ambassadorial deals.⁹³⁸ As has been discussed in chapter two on media advocacy, leveraging the internet, international independent film streaming services such as Netflix have also been a rich source of queer representation and the mainstreaming of queer identities. Amidst the legitimization of commercialising queer gender expressions there is a firm resistance to queer sexual orientation and rejection of homosexuality and an extreme expression of queerness.

5.6.2 During ‘Khaki’: study on attitudes towards queer persons in Nigerian universities during the experience of indigenous storytelling

This section addresses the theoretical framing of the ‘Khaki’ experience and the thematic analysis of the focus group discussions. Analysing the ‘Khaki’ experience is an important foreground for the final survey as it provides context and nuance to the final findings.

The theoretical framing of ‘Khaki’ and analysis of the focus group discussions

In the preliminary surveys across the three campuses, research participants demonstrate a range of positive, negative and neutral attitudes towards queer persons. Foregrounding the intention of ‘Khaki’, the preliminary survey established the attitudinal range of the research participants before ‘Khaki’ was performed.

This section builds on the above as well as Chapter 4 of this thesis on Resolution 275 and the broader principle of ubuntu as discussed in Chapter one. Khaki is an advocacy tool sensitive to the vision of Resolution 275 to equalise all humanity (including queer ones) as well as to equalise the unacceptability of all stigma and violence (including homophobic ones). Khaki has three parts focusing on three different types of violence. Each part of Khaki was followed by a focus group discussion to engage with the attitudes and perspectives of research participants towards the main character and the violence that faced in that part. The purpose of this is to engage with the similarities and congruence between the research participants’ general attitudes towards the main

⁹³⁷ Taaoma ‘Mama toa has never been this surprised’ <https://www.youtube.com/watch?v=-hTToZneRso> (accessed 10 June 2021); Maraji ‘African dads in private vs the public’ <https://www.youtube.com/watch?v=aWdQ4Dgt6-M> (accessed 10 June 2021).

⁹³⁸ As above.

character (and other forms of violence towards her) and their attitudes towards the main character after being exposed as queer, and homophobic violence towards her.

The issues to be distilled and discussed here are the scope of attitudinal congruence between attitudes towards the queer character and violence before and after the revelation of her queerness. The concept of attitudinal congruence is pegged in the logic of contact theory and imagined contact theory. Contact theory asserts that intergroup bias can be shifted by more intergroup contact, interaction and experiences. Imagined contact theory grounds that this intergroup contact can be substituted, where unsafe, for a simulated experience of contact, like storytelling, to accomplish the shifting of intergroup bias.

This study draws on the logic that the longer the exposure the higher chances of attitudinal shift. As such this study deems attitudinal congruence to be the harmony of positive attitudes across several discussions during intergroup contact, real or imagined, across deeper intimacies and revelation of other initially unknown identities. 'Khaki' as a simulated intergroup experience is also informed by the sensitivity to the pre-existence of bias based on colonially staged homophobic social conditioning and the negatively flattening portrayal of the humanity of queer persons. As such Khaki's first two parts were strategic to both prolong the intergroup experience of the main character Adanna who was only exposed as queer at the end. The first two parts were also to humanise Adanna's identity beyond the single layer of her queerness and secure opportunities for the research participants to experience this multi-layered and nuanced humanity.

The concept of attitudinal congruence is also pegged in the theory of cognitive dissonance. The theory of cognitive dissonance holds that the existence of inconsistency in belief will motivate the person bearing this inconsistency to reduce it, and to actively avoid situations and information which may likely increase the inconsistency. Cognitive dissonance theory relates to the experience Khaki in the sense that guiding the research participants to engage with their beliefs on violence and sympathy towards Adanna is strategic in foregrounding their individual realisation of the inconsistency of their beliefs on violence and stigma towards queer persons. This strategy aims to accomplish that the existence of this inconsistency of beliefs on

violence generally and homophobic violence when it concerns someone that they care about (in the case the protagonist Adanna) should create a psychological discomfort that urges research participants to align their totality of their beliefs on violence as well as their thoughts of the protagonist before and after the revelation of her queerness.

In summary, 'Khaki' was created to encourage the research participants care about the queer protagonists unconditionally and to deem homophobic violence as unacceptable as other forms of violence. The unacceptability of all forms of violence and the unconditionality of the acceptance of humanity is grounded in the preamble of Resolution 275.

The analysis of the nine focus group discussions conducted across NDU, ULA and UIL went through four phases of coding. Up until phase three of the coding, the focus groups and preliminary notes were attended to on a session by session basis and in the three clusters for each campus. However, to distil attitudinal congruence and similarities, the fourth phase of coding was done across all the sessions in the three campuses. As such the fourth phase of coding arrived at 8 themes.

The analysis of the themes found is addressed under the subheadings of attitudinal congruence within the campuses, similarities across the campuses and uniqueness of the campuses. The analysis of these themes under these headings is brief because at this stage in the intervention the exercise is yet incomplete owing to the engagement of the research participants with the flyer in Appendix 5 pending conversation weaving Resolution 275 and the Khaki intervention. As such the analysis of the focus group themes is to serve the purpose of an analytic lens on the research participants experience during the journey.

Attitudinal congruence within the campuses

NDU

At NDU, the research participants across the three focus groups and their preliminary notes found congruence on the theme of 'violence should be stopped and victims defended'. A striking instance of attitudinal congruence is the attitudinal trajectory of NDU9.

Vulnerability of female. First thing that came to mind was gender inequality, oppression of females, females not being protected despite the fact that they are vulnerable. - NDU9 (Session 1)

She (Adanna) is a corper of course she is a government property. I think the government should be concern is specifically, primary the government before anything to be concern, anybody around her. - NDU9 (Session 2)

The arrest itself is right because there is a law preventing same sex relationship.... but the problem was they violated her fundamental human right in the process of carrying out the arrest smashing her phone, and then violating her right to human dignity amongst others. So, all of that process was wrong, but then the arrest itself was right because it had legal backing. And then, like he said the cut her off from her family when she was arrested. She was supposed to be given an opportunity to speak with her lawyer, her parent, her family members had the right to know whereabouts of their child because she's in an unknown land. Then the N. Y. S. C.... the community where she was serving should also be concerned. - NDU9 (Session 3)

It is important to note here that NDU9 is a particularly interesting research participant who had remained jovial, articulate and very open during the earlier two sessions and was a bit quiet and seemed a bit uncomfortable during the third session. The sentiments of NDU9 are spirited. In the first two focus groups she spoke up for Adanna and in the last focus group she came through as well. Nonetheless cast against background of her sentiments in the preliminary, she came on strongly under the theme of hostility towards queer persons:

It (homosexuality) should be remain rejected, it should never be welcome and it should not be given a chance to exist in our society/ religion. -NDU9 (preliminary survey)

I will take him/her (sibling) to the nearest police station. After he/she is out, I will beat the attraction out of him/her. - NDU9. (preliminary survey)

If my sibling was beaten up because he/she was caught in a compromising position of the same-sex. I will thank people that beat him and continue the beating immediately if I can. - NDU9 (preliminary survey)

If my sibling told me that he/she is attracted to the person of the same sex, I will take him/her to the nearest police station. After he/she is out, I will beat the attraction out of him/her. - NDU9

It (homosexuality) should be remain rejected, it should never be welcome and it should not be given a chance to exist in our society/ religion. - NDU9 (preliminary survey)

This study recognises the transition of NDU9 following her views from the focus groups as she demonstrates a further shift away from hostility towards the recognition of the human rights of queer persons:

So, it's not as if anybody right and been infringed that you say go and report and say okay this person is actually a homosexual, no. Everybody is doing their thing, but to the extent where you start forcing someone else. - NDU9 (Session 3)

Having said that this, it is important to note that at the stage of the third focus group NDU9 though recognising of queer humanity is yet distrustful of queer persons:

And even apart from influencing them, she could directly lead them into that kind of lifestyle. They are in senior secondary school, then they are adolescence. So, I think she could have easily been molesting any of them. - NDU9 (Session 3)

ULA

At ULA, the research participants across the three focus groups and their preliminary notes found congruence on the theme of 'violence should be stopped and victims defended':

I feel like the whole society itself should be reoriented. Starting from even the older generation and beside that people can't speak up again these days... She felt like what do we know. We are just children. So actually, I feel like the whole psychic should be reoriented. - ULA1 (Session 1)

I feel like if this people actually agreed to send their children to school, like the girls to school, there should be some kind of agreement signed. Like you can't just come and interfere with her while she is in school. I feel like that is totally disrespectful to the educational system and to the teacher. There should be an agreement that parents should not just walk in and drag the child out of class. - ULA1 (Session 2)

Yes, I feel like N. Y. S. C. Should like write some kind of security for its corper. Because you can't just send people in society that you know that... familiar with, because they should write some kind of security system. - ULA1 (Session 3)

From the preliminary survey:

Sometimes effeminate boys and masculine girls used to irritate me in all honesty. - ULA1 (Preliminary survey)

UIL

At UIL, the research participants across the three focus groups and preliminary notes found congruence on the theme of violence should be stopped and victims defended.

So, I think the most important thing is to not just pay attention on the rapist but also on the victim. It is very important not just to neglect the victim. - UIL4 (Session 1)

Abuse of female student by male corpors is a thing that should actually be addressed.... Report this guy let them know that he is a terrible person.... So, you know it took me time to be able to confide to my mom. My mom told my dad. And that's how they started carrying police to the school to arrest everybody. My dad actually went to the police, because since they told me that they were untouchable by anybody in the school so if they can't discipline you in your school then I have actually discipline you outside your school. So, I think student have that boldness that ok people can stand for them. - UIL4 (Session 2)

Definitely I can't support him. If he was caught in a compromising position. I am not saying he will go to jail ...the right thing to do is release him not detain him unnecessarily. He has to face the wrath of the law. - UIL4 (Session 3)

From the preliminary survey:

If my sibling told me that he/she is attracted to the person of the same sex. For me, I see this as out of context of the purpose of the creation of God. So, for me it will be a negative response. - UIL4 (Preliminary survey)

Attitudinal similarities across the campuses

While attitudinal congruence traces the parallels of themes across focus groups within the campuses, attitudinal similarities are parallels of themes across campuses. This study found that on the conversation on violence generally, there are two categories of attitudinal similarities. The first category addresses attitudes that are similar across three campuses. The second addresses attitudes that are similar between two campuses.

First category: attitudes similar across three campuses

The following themes were consistent across the three campuses: culture of silence; and queer persons are unacceptable, dangerous and should be punished.

Culture of silence:

Some of the research participants across the three campuses shared the understanding that the culture of silence about violence is the norm in Nigeria. This silence about violence is often ensured by, as described by NDU6 in session 2, people minding their business and being passive towards cases of violence when it does not concern them. NDU9, in suggesting that women such Adanna should remain silent, insisted that in session 2 that female persons should respect the culture of the

superiority of men, leave this superiority unchallenged and in demanding respect for women 'It is not okay to take this right to the extreme and demand for things irrationally'. In session 2, ULA10 raised the worry that breaking the silence and challenging oppressive norms may have adverse consequences such as incurring the wrath of the oppressor 'and make them want to do more'. But this fear of the oppressors, as suggested by ULA3 in session 3, 'might also be the reason why things never change'. Besides silence being a preventive measure, UIL1 in session 1 suggests that silence could protect the victim from further violence through stigmatisation by the community. UIL3 in session 1 and UIL4 in session 2 also share that the consequence of breaking the silence around violence included exposure to ineffective and counterproductive state structures.

Let's say immediate she got the impact, she went to probably the security and reported they will be like wetin him do you? He touch your breast? Wetin happen your breast disappear? I can say this because I have been to that and I can find all those police that are nonchalant. So, I am saying this from experience. If you go there to report, it will be like he touch you? Na by mistake, he touch your breast? The car full you no see. That's the way they will handle it. - UIL3 (Session 1)

I think the reason why some people don't report sexual assault is because they start feeling less like everybody knows that this guy has slept with me. - UIL4 (Session 2)

Queer persons are unacceptable, dangerous and should be punished:

For some of the research participants, queerness was not only intolerable but immoral and punishable. NDU10 was certain that everyone and everything in Nigeria considers same-sex relations an aberration and as such it should further 'also reflect in the constitution that it is prohibited' but also went on to say that although the arrest was right the violent manner in which Adanna was arrested and denied contact was both wrong and illegal. UIL4 argued that the constitution prohibited same-sex relations and simply needed to be respected in spite of human rights standards prescribe. NDU2 wanted more criminal laws and sanctions to be placed on same-sex relations. Agreeing with NDU10, UIL4 said that the process of arresting Adanna was unjust. ULA7 felt that Adanna deserved to be punished because she should have been aware of the socio-cultural climate in which she lived in Northern Nigeria.

However, I feel the arrest of Adanna is right as she should have known previously that homosexuality is a grievous or unpunishable in the North. - ULA7 (Session 3).

Her arrest was right but the further detainment refusal of her from contacting anybody is what is wrong. Nigeria constitution is against homosexual ...as much as we fight for our fundamental human right, we need also to understand that the constitution is the... we need to respect that. - UIL4 (Session 3)

NDU3 was of the opinion that same-sex loving people can do as they please but should not place anyone at risk in the process, as such keeping to themselves and out of everyone's way. NDU9 and ULA3 raised the concern of recruitment by queer persons in queerness for instance the students taught by Adanna in the story were at risk of being recruited by her into same-sex relations. And further this recruitment may:

..rob children of the right to choose what they believe, as the same ideas keep on getting reinforced with them wanting to try something new/novel without fully understanding. - ULA3 (Session 3) (recruit children)

Further along the lines of deeming queerness both immoral and teachable, ULA10 argued that same-sex relations are illegitimate simply because persons in same-sex relationships cannot independently procreate. 'It just doesn't make sense' she said. Nonetheless, ULA3 went on concede that indeed the treatment meted out to Adanna and queer persons in general amount to stigmatisation and it could be quite challenging to bring the shift the society from considering queerness tolerable to embracing the humanity of queer persons.

I wish I could tell you they would be accepted, but many can never subscribe to that belief. - ULA3 (Session 3)

Second category: attitudes similar between two campuses

Some research participants from NDU and UIL were of the opinion that 'moral policing should not be the priority of the Nigerian society'. NDU6, although not particularly embracing of complexity of queer persons, is of the position that queer persons are inconsequential to the society as the attention given to criminalising same-sex relations should be directed at other more pressing social and legal issues. As such the undertone is not so much embracing the humanity of queer persons but that moral policing of sexual orientation by the state is outside the legitimate scope of what should be the state priority in the current social, economic and political climate. Unlike NDU6, UIL2 argument on the faulty prioritisation of queerness, is pegged in the recognition of the humanity and the human rights of queer persons.

I actually do not promote homosexuality... because I feel whatever they do, do not affect society.... Like society have a lot of problems. There are thieves on the street, we have... I feel like a country like Nigeria, homosexuality has nothing to do with our society like it does not affect. If we have 10 homosexuals on this street where were... nobody will have time to rob anybody, nobody will have time to pick anybody. Those persons are fragile creatures.
- NDU6 (Session 3)

I personally thing in Nigeria the law should be abolished. the fact that the law is there doesn't mean people are not doing it. So why not legalize it? Why not just let people have their life? Why stamping their right to enjoy their life and get on with better things? I feel one thing about Nigeria is misplacement of priorities. We have better things to think of than what people were doing with their private life. So, I think the law is longer than it should be. - UIL 2(Session 3)

The theme of acceptance of queer persons was consistent between some research participants in ULA and UIL. Acceptance was expressed through inclinations of ULA1 to accommodate queer persons, UIL2 accepting the same-sex partner of his queer brother, ULA12 protecting of others in the society who may be accidentally perceived as queer even when they are not. Another element of the views on acceptance was ULA12 and ULA1 calling for the revision of laws that criminalise queer persons and queer gatherings because these laws violate the human rights of everyone in the society. ULA12 cites the hypothetical instance of having a gay client at her restaurant and being convicted under the SSMPA just simply because her business is inclusive.

Looking at the same sex prohibition act can be read, it said if someone goes to you basically this law is just contradicting itself. Depriving them their right, forgetting that we have freedom of association. You cannot associate because of one thing and then people are now even like, I don't know what happened. But then I am falling victim of the circumstance I am not finding myself. Because this person is gay and she came to my restaurant and then I am falling victim of it and I am been prosecuting for it. I think the law should be adjusted to a large extent. - ULA12 (Session 3)

Research participants from NDU and ULA jointly demonstrated their sensitivity to intersectional and multiple identities as grounds for violence across the two themes of 'difference breeds violence' and 'the assault was planned'. In session 2 NDU9, ULA5 and ULA11 recognised that there was a brewing intolerance for Adanna on the grounds of her being from a different faith and ethnic group, and more generally between Hausas and Igbos flowing from the Nigeria-Biafra civil war of the 1960s.

There is a particular hatred that stems down from the Biafran war towards Igbos...I will call it ethnic rivalry. A combination of the Yorubas and the Hausas against the Igbos. So, once

they saw that Adanna was an Igbo person automatically just zone her that this one I do not have anything to do with her. That's why I just felt, for someone to just come into the class and just take one bust into the class and just take one girl irrespective of there is someone teaching in that particular point in time. If it was that a fellow Mallam, like him in that place and, they might have understood what is going on but that approach that the Muslims I will show you. That's what has happened, so may be because he's a man he feel okay this woman cannot do anything to him. Secondly, she is Igbo, so I will deal with her. So those were the mindset. That mindset that he had which was terrible. - ULA 11(Session 2)

Flowing from the earlier recognised intolerance in session 2, NDU3, ULA4, ULA11, ULA12 were of the opinion in Session 3 that the attack on Adanna and her same-sex partner was as much grounded in homophobia as it had ethnic and faith undertones. The implication of these, as pointed out by NDU3, ULA4, ULA11, ULA12 research participants, is that the attack on Adanna and her partner was planned. Adanna was not just same-sex loving, she was also Igbo and Christian and to intolerant persons such as the Kaftan boys, these other layers of her identity complicate her vulnerability further, making her queerness even more unpardonable. ULA12 was the only Muslim research participant in this study. Although ULA12 conceded to high rates of violence in the North, he also made an interesting case for the ubiquity of violence across ethnic groups and the layers of gender inequality, patriarchy and male chauvinism.

So, I feel the problem is just an ethnic thing. We also have Yorubas' and Igbos' that are actually harassing women. So, it is an ethic matter. And then to add to that. I also feel, this boils down to their personality and orientation basically... I've heard stories where Hausas also harass Hausas. I just feel it's basically the annoying thing, I don't know, it's just northerners like saying okay yes, we should terrorize people, like let's just make this place unsafe for people. ... So, I just feel it is ok yes it is... the ethnic, female and male this thing. I might just feel it's basically their own orientation as well. Yes, the northerners. - ULA 12 (Session 2)

Some research participants such as NDU2, NDU6, ULA3 and ULA5 all from ULA and NDU harmonised on the theme of 'Adanna turned lesbian because of previous violation from men'. On the one hand this logic may be considered an unforeseen consequence of plot of 'Khaki' deliberately building the victimhood of Adanna across the three parts. On the other hand, this inclination to see Adanna's queerness as a calculated response to her previous violation is not strange to plots of some popular Nollywood films such as Beautiful Faces that portray a lesbian identity as a deliberate choice taken to avoid men or a consequence of violation from men. These same sentiments have been echoed across Nigerian universities.

I think Adanna became a lesbian. I think the society she lived in forced her into doing that. - NDU2 (Session 3)

I feel even this Adanna they are talking about today ... most children, teenagers, girls they are always attach to their first sexual experience most of them. Whatever happened to somebody it comes in two ways, and then some of these boys molested by ladies, they end up not liking to be around ladies, they don't get attach to them sexually. And then, they feel they could conform with the male gender, and then somehow, somehow, they become sexually attracted to them and they become gay. Most of these persons they are actually victim of circumstances. - NDU6 (Session 3)

I believe that, that line that she does not like men... we heard that perhaps her dislike for men and her push toward the opposite gender was as a result of sexual harassment she faced when she was coming to the N. Y. S. C. Camp in the first place. That may be a factor or reason why many people are actually, they move toward the same gender that maybe they faced violence from the opposite gender. - ULA3 (Session 3)

Like I said many of these cases are as a result of violence against them therefore they have ingrained a kind of hatred toward the opposite sex. I don't know. - ULA5 (Session 3)

The logic of lesbianism as a response to previous violations calls on Kubler-Ross and Kessler's phase of bargaining with grief. Seeking answers, attempting logical links to make inexplicable human realities such a queerness digestible. It is important here to concede that violence has a tremendously negative impact on its victims such as Adanna. The impact of violence ranges from physical impact such as scars and injuries to social impacts such as secondary victimisation to mental impacts such as fear, anxiety, emotional detachment, confusion and other symptoms of post-traumatic stress disorder.⁹³⁹ However, a causal link is yet to be scientifically established between with being previous violate and development of same-sex attraction. However, what exists are established and consolidated evidence that human sexual orientations as opposed to being in fixed binaries exists in a continuum.⁹⁴⁰

The causality of queerness through trauma runs parallel to the pathologisation of queerness engaged with in earlier parts of this analysis. As discussed in Chapter 2 of this study, the notion that queerness is it itself a flaw deserving of correction is the basis of several violent acts and knowledge systems. However, these derogatory

⁹³⁹ CE Jordan, R Campbell & D Follingstad 'Violence and women's mental health: the impact of physical sexual and psychological aggression' (2010) *Annual Review of Clinical Psychology* 612,613.

⁹⁴⁰ R Epstein 'Support for a fluid-continuum model of sexual orientation: a large scale internet study' (2012) 59(10) *Journal of Homosexuality* 1356, 1377.

notions exist side by side on an equal social and political footing with positive and defensive attitudes and are in conversation in the context of a law classroom. This dynamic challenges the dominance of these exclusionary notions.

5.6.3 After 'Khaki': study on attitudes towards queer persons in Nigerian universities after the experience of indigenous storytelling

The analysis of the final survey builds on prior empirical studies on narrative theory and imagined contact theory which have demonstrated the potential of stories to alter intergroup biases and change attitudes. While expatiating on these theoretical groundings for indigenous storytelling, Chapters 3 and 4 of this study discuss the relevance of indigenous storytelling as an empathy creation and contact tool; an educational tool as well as a decolonial tool; and Resolution 275's potential to be used jointly with it. The theoretical framing of the preliminary survey and focus group discussions analysed above jointly draw on the groundings of queer theory, narrative theory, the construct of attitudinal congruence and cognitive dissonance theory. These theoretical groundings have been strategic in capturing the trajectory of the research participants' mindset and experience of the storytelling intervention before it began.

Similar to the preliminary survey, the final study on these research participants attitudes and mindsets conducted at the NDU, ULA and UIL went through four phases of thematic coding and culminated in themes which be discussed under the primary categories of negative, neutral and positive attitudes towards queer persons.

Negative attitudes towards queer persons in Nigerian universities after the experience of indigenous storytelling

The negative attitudes expressed by the research participants after the intervention fell under the single theme of hostility towards queer persons. Hostility towards queer persons is familiar in Nigerian universities as grounded in the preliminary survey and previous attitudinal studies. Nonetheless, the hostility towards queer persons demonstrated after the Khaki experience, after the attitudinal congruence experienced is more negotiated than extreme. After the experience of 'Khaki' it appears that the research participants that hold on to their anti-queer hostility, simultaneously embody a growing consideration of the humanity of queer persons and themselves setting up boundaries for their anti-queer hostility.

There is still evidence of dislike of queer persons and resistance to the reality of same-sex relationships across the three campuses. It is important to note that in this post-intervention dislike for queer persons, the basis of this rejection of queer identities has shifted from culture and religion to personal preference and seeking justification in the existence of anti-sodomy laws.

I do not support same-sex relationships. - UIL4

No matter how acceptable we paint homosexuality to be, it does not change the fact that it is wrong and should not be legalised. - ULA6

If my sibling/close friend told me that he/she was like Adanna, I would make my stand very clear that I am not in support of such. - NDU9

I do not like homosexuals. - NDU3

Some of the research participants in disliking queerness put forward the legitimacy of the legal punishment for queer people as is enshrined in Nigerian legal system. Some of the research seem caught in the middle of their realisation of the negativity of violence and their perceived negativity of violence. This conflict is demonstrated in the inclination of these participants to have queerness punished within the confines of the recognising the human rights and dignity of queer persons:

If my sibling/close friend was lynched/violated because he/she liked a person of the same sex, I would do something about it. My sibling/close friend should be punished accordingly, but should not be discriminated, stigmatized or treated badly. - NDU2

Homosexuality. Homosexual people should be treated like every other person and if they are caught, they should follow due process in executing punishment. - ULA7

Nonetheless, demonstrating a less violent and more negotiated stance towards queer persons, the research participants express more restraint towards the discrimination and dehumanisation of queer persons. In sustaining a common thread of a more negotiated resistance to queerness and queer persons, there is the subscription to conversion therapy. However, conversion therapy here has shifted from the earlier retributive violence to less violent and more interactive. Although the underpinnings of

conversion therapy remain to rid queer persons of their queerness, there is a recognition of the humanity of queer persons as seen in the statement of NDU2 and ULA7.

If my sibling/close friend told me that he/she was like Adanna, I would talk to them and try to see why they want to be with same sex, and possibly talk him out of it. - NDU3

I would rather that homosexuals be made to go through therapy sessions and rehabilitations rather than time in jail. - ULA 6

If I had a sibling or close friend that told me that he/she was like Adanna, I will constantly try to talk him/her out of this stance. - ULA4

These attitudes towards queer persons are still within the realms of the negative because while on some level they recognise the humanity of queer persons, they are still resistant to the notion of queerness, the inclusion of queer people and the legitimacy of queer identity and expression. There are shifts in the negative attitudes among the research participants from pathologising, retributive violence, rejection and fear to dislike, clinical rehabilitative therapy, corrective conversations and legal punishment all within the framework of recognition the negativity of violence and stigmatisation of queer persons. These shifts are neither perfect nor complete but are important and commendable shifts in the continuum of attitudes towards queer persons, identities and expressions as well as the realisation of the vision of Resolution 275.

Neutral attitudes towards queer persons in Nigerian universities after the experience of indigenous storytelling

The conversation on the continuum of attitudes towards queer persons applies more centrally to the neutral attitudes expressed by the research participants after the Khaki intervention. These neutral attitudes crystallised in five themes: Previous violation by men turn women to lesbians; undecided about queer persons; faithless in the concept of gender equality; unphased by Resolution 275 and ambiguity.

Previous violation by men turn women to lesbians

Some of the research participants were of the opinion that because Adanna was constantly violated by men she must have decided to take on a same-sex loving identity.

Yes, experiencing the first two parts of Khaki impacted on how I felt about Adanna in the end. Yes, I believe the sexual assault and victimization that Adanna went through in the first two parts of Khaki resulted in who she was in the third part and her decision not to have sexual relationship with a person of her gender. - ULA6

I felt that Adanna did not become a lesbian by choice but by circumstance. Adanna said 'I don't love men'. To me, this statement was born out of the experience Adanna had from Sisi Corolla pikin's incident. Adanna had seen a man rape a three-year-old. This I think is what built the dislike for men in Adanna. - NDU9

On the one hand this is a logical deduction in the context of previous conditioning good instances of which are Nollywood films that portray same-sex affection between women as a method to avoid men. The underpinning of this attitude is the recognition of the prevalence of extreme patriarchal domination in the society and the vulnerability of Adanna as a young Igbo woman who has seen and experienced men at their worst and is now resident by herself in the Northern part of Nigeria. In their reasoning Adanna's queer identity is a logical response to her fear and avoidance of men.

On the other hand, there is much to be said as regards the gap in the knowledge and academic curriculum on human sexualities and African sexualities which exists in these institutions. In a Nigeria socialised through conservative Abrahamic faiths, the conversation on human sexualities and African sexualities are rarely had in classrooms. These conversations are left to sources such as Nollywood films and religious sermons with their production and dissemination steeped in coloniality as well as hegemonic traditional norms. This theme of the assumption that same-sex affection is born out of heterosexual abuse is grounding for the existence of knowledge gaps as well as opportunities for the discussion of African sexualities in tertiary institutions in Nigeria.

Nonetheless, the inclination by ULA6 and NDU9 that Adanna was driven to her lesbian by previous experiences of violation by men on her and other females she knew, loosely links to the conversation on nature and nurture as roots of queerness. This also links to the notion of pathologising queerness as discussed in prior sections where this theme arose during the intervention.

Undecided about queer persons

Indecision following the revelation of queerness is parallel to Kubler-Ross and Kessler's 'denial' as a phase of grief or stage in a continuum towards acceptance. Kubler-Ross and Kessler discuss denial to include a cognitive awareness but emotionally numb non-response to the stimulus of new information. Indecision about queerness mirrors a similar stagnancy in the face of new knowledge about queerness.

After the intervention, some of the research participants having become cognitively aware of queerness expressed emotional stagnancy by through their indecision on their reaction towards queerness. But in the research participants this emotional stagnancy towards queer persons involved by being more inclined to exploration of the implications of queerness than to violence.

I am undecided on how I would treat my sibling/close friend if he/she told me that he/she was like Adanna. - ULA6

If I had a sibling/close friend that told me that he/she was like Adanna, I am undecided. - NDU10

If I had a sibling/close friend that told me that he/she was like Adanna. Firstly, I would ask why. - NDU5

NDU3 expressed denial of queerness by inclining towards ignoring the existence of it. Ignoring or acting as though queerness does not exist is parallel to Kubler-Ross's and Kessler's discussion on denial of loss as including carrying as though nothing happened, or living emotionally disconnected and distant from change, from grief and from the reality of queerness. Nonetheless in NDU3's instance, this carrying on is not completely disconnected, there is underlying inclination towards recognising the humanity of queer persons:

Their choices of whom to have a sexual relationship with should not make them to be ill-treated or harassed. They could be ignored. - NDU3

Faithless in the concept of gender equality

After the Khaki intervention, there were some sentiments on resignation not necessarily towards queerness but towards the ubiquity of violence, patriarchy and the vulnerability of persons in the face of violence. This resignation is not so much an emotional disconnect or numbness, it is quite the opposite. This faithlessness comes

with the emotional saturation of the research participants by stories of violence frequent in the everyday life of most Nigerians. This resignation, owing to emotional saturation on some level, translates to an emotional stagnancy and perhaps stagnancy in general towards human rights, humanity, change or the possibility of it:

I have never been in support of gender inequality but it should be noted that a 50-50 equality is not reasonably achievable. - NDU9

No, experiencing the two parts of Khaki did not impact on how I felt about Adanna in the end. I am neutral because Adanna just like any other person has experienced what could be called the norm in the Nigerian society. Because other than the fact that Nigeria is unsafe and is in a state of high insecurity, it has been discovered that three out of every four girls will at a point suffer sexual abuse/ molestation/ harassment in Nigeria. Thus, her experience in either part one or two has had no impact on me. - UIL2

As regards these queer persons, this emotional saturation is not actively violent but could be passively violent in the instance of being this saturation being complicit with the perpetuation of violence. Although this faithlessness in human rights is grounded in the awareness of human rights standards and the general disregard for it, this faithlessness may be inactive and non-violent but is potentially dangerous to human rights and to queer persons in the event that research participants remain inactive or complicit in the face of homophobic attacks or another crisis.

Unphased by the experience- Khaki and Resolution 275

In discussing emotional stagnancy after the intervention, the final survey includes elements of self-assessment which requires participants to convey whether or not they felt any difference in their positions towards queer persons between before and after the 'Khaki' intervention.

Some research participants reported being unphased by the 'Khaki' intervention because of prior belief in the humanity of queer persons and prior awareness of Resolution 275:

I feel neutral about the Res 275 and sexual as affecting my thoughts on sexual and gender minorities. I still feel the same way (accepting of queer persons) I have, probably because I have been aware of this Resolution before. - ULA1

Listening to Khaki did not have any impact on how I feel about Adanna. I have always felt the same way about Adannas. They are humans and would remain irrespectively of what we perceive them to be. - NDU5

No, Res 275 does not apply to my sibling that is like Adanna. ...Yes, my knowledge of Res 275 affects what I think of sexual and gender minorities. My knowledge of Resolution 275 made me understand that humanity is priority. - NDU12

No, The knowledge of Res 275 does not affect what I think about sexual and gender minorities. My standpoint have been that Adannas should be accepted because they are humans. - NDU6

Yes, Res 275, will apply to my sibling that is like Adanna.... My knowledge of Res 275 does not affect what I think of sexual and gender minorities. - ULA5

No, my knowledge of Res 275 does not affect my knowledge of Res 275. Because before my knowledge of Res 275 I have always believed in the idea 'live and let live'. I don't have to have the same orientation but I should respect people who do. - UIL2

NDU9 and UIL2 reported neutrality based of lack of faith in the attainment of equality and human rights standards, which we have discussed in the preceding section:

Neutral about my knowledge of Res 275 affecting what I think about sexual and gender minorities. I have never been in support of gender inequality but it should be noted that a 50-50 equality is not reasonably achievable. - NDU9

I am neutral because Adanna just like any other person has experienced what could be called the norm in the Nigerian society. Because other than the fact that Nigeria is unsafe and is in a state of high insecurity, it has been discovered that three out of every four girls will at a point suffer sexual abuse/ molestation/ harassment in Nigeria. Thus, her experience in either part one or two has had no impact on me. - UIL2

Unmoved by the 'Khaki' experience (participants unaware of shift)

Similar to the sentiment of hostility towards queer persons, some research participants expressed the views that nothing about the entire process of 'Khaki' had an effect on their views towards queer persons. They claimed neutrality on the grounds that they were unphased by the experience to the effect that still they would not condone queer persons or queer expressions. However, this study places their attitudes before and after 'Khaki' side by side, with the former in parenthesis. Here, research participants conceded to have had a change of heart in the final survey:

Listening to Khaki has not imparted to how I feel about people like Adanna...Khaki has made me more conscious of people's rights. If my sibling was an Adanna, I will not take the law into my hand. If my sibling/close friend told me that he/she was like Adanna, I would

make my stand very clear that I am not in support of such. I will however not proceed to physical violence. (If my sibling was beaten up because he/she was caught in a compromising position of the same-sex. I will thank people that beat him and continue the beating immediately if I can.) - NDU9

No, listening to Khaki has not impacted on how I feel about persons like Adanna .. Yes, experiencing the first two parts of Khaki had an impact on how I felt about Adanna in the end... (Well, I believe it is demonic for you to be having feelings for someone of the same sex.) - ULA5

No, the focus group had no influence on how I feel about people like Adanna ..Well, Adanna was a victim of life's unfortunate side and more than anything. I think she needed to be understood and listened to. (I personally do not believe that homosexuality is alright. I feel that being attracted to someone who has the same biological components as you is not okay. But then my religion and morality has contributed greatly to this.) - ULA10

No, listening to Khaki has not impacted on how I feel about people like Adanna.... If I had a sibling or close friend that told me that he/she was like Adanna, I will constantly try to talk him/her out of this stance but not in a harsh manner portraying violence or hatred. (If my sibling told me that he/she is attracted to the person of the same sex. For me, I see this as out of context of the purpose of the creation of God. There were many things that were more out rightly not spelt out by God, but the fact that a man and woman is the standard for marriage or attraction is one which was basically spelt out by God). - UIL4

Although thematic analyses is not a tool for ascribing impact or causality, the disparity in research participants perspectives about queer persons from context to context is demonstration of the emergence of differing perspectives within the context of decolonial approaches in Nigerian classrooms, even when the persons who self-contradict are unaware and unconscious of this difference in their attitudes along the continuum from hostility to full acceptance of the humanity of queer persons.

Ambiguous/vague comments

ULA3 was a bit too stealth in his submission that it became somewhat ambiguous, but it demonstrates the culture of sensitivity to the issue of violence and striking a balance between the perpetuation of social norms, which are generally patriarchal, and human rights standards. It also demonstrates his perception of empathy-focused advocacy approaches as manipulative.

Before Khaki, I felt no one should be subject to violence or thrust aside without being given the chance to be understood. After Khaki, I understand not a lot of people would agree with my stance of non-violence and I feel their plight. Believing understanding and communication would be far more effective in changing their ideals than violence would. I still feel more or less the same, only intrigued that many ideals seem so right or alike, very soon man will lose his sense of wrong. - ULA3

Positive attitudes towards queer persons in Nigerian universities before the experience of indigenous storytelling

The primary purpose of the 'Khaki' intervention was to explore the potential of Nigerian classroom as sites for queer rights advocacy by engaging with the perspectives research participants and attitudes towards queer persons during with the joint use of Resolution 275 and indigenous storytelling as attitude focused pedagogical tools. The themes raised under neutral and negative attitudes after 'Khaki' consolidate the notion established through prior research that even within resistance to queerness there can exist recognition of the human rights and humanity of queer persons. The scope of positive attitudes expressed after the 'Khaki' intervention in this study demonstrate symbolically what indigenous storytelling jointly used with Resolution 275 can accomplish as a complementary and empathy-fostering tool for queer rights advocacy in Nigeria. This scope also reinforces the confirmation of the potential of Nigerian classrooms. The positive attitudes expressed by the research participants after the intervention fell under two themes: the acceptance of queer persons and embracing the implication of Resolution 275.

The acceptance and protection of queer persons

The research participants across the three campuses expressed their recognition of the inhumanity of homophobic violence. Simultaneously, the humanity of Adanna is legitimated within a community that had previously, and perhaps on some level still, considered queerness an aberration.

Khaki was too sad and I cannot grasp my mind around why someone's right will be so infringed upon. Adanna is a victim of circumstance and her arrest because of her sexual orientation is barbaric and repulsive. - NDU7

After Khaki, I still feel that homosexuality is repugnant however, this is not a reason for violence whatsoever. - ULA5

Adanna's experience is bad and uncalled for. This is because no one should be made to suffer by virtue of their expressing their sexual opinion. Her experience stemmed up from bigotry, hatred for anything that stands against the norm, religiosity and morality of the environment she found herself and lack of compassion from others. - UIL2

As for me Adanna's experience was a result of public and state carefree attitude on the case that affects violence and violations. In the society male factor who are supposed to be 'sane' have the right of caressing and raping without any punishment. - UIL1

This acceptance and the inclination towards protecting queer persons, as earlier stated is a step further than Kubler-Ross's and Kessler's acceptance as being at peace with the existence of a thing. The acknowledging of the humanity of queer persons and recognising the importance of actively protecting that humanity is a big step past merely being at peace. Protection of queer persons and the recognition of queer humanity is a more proactive and more congruent with the messaging of Resolution 275.

Some research participants in their acceptance leaped into affirming queerness as well. In this affirmation of queerness these research participants demonstrate not just a recognition of the basic humanity of queer person but an embrace of this queer identity in its stark distinctness. In line with Resolution 275 and Ubuntu, this embrace of identity is full, welcoming and celebratory and affirming of the interdependence and interconnectivity among humans regardless of their identity.

If I had a sibling/close friend that told me that he/she was like Adanna. I would accept. Then I would reveal my interest in knowing more and give a sexual respect. I will not interfere or have stigma or report to anybody. We are family. - UJL1

Equal protection is everyone's right. - UJL3

Yes, listening to Khaki has impacted on how I feel about people like Adanna. I feel that people that are vulnerable like Adanna should be encouraged to stand tall and be comforted and should not be oppressed. - NDU2

Everyone should be given room for fair hearing to express themselves no matter the offence or crime they commit. Jungle justice should be discouraged at all cost. Adanna was not treated well such that she is human and she has rights which should be respected. The violation of Adanna's rights is really bad and degrading. - ULA8

In this study, research participants demonstrated that joint with affirming and protecting queer persons is the impulse to defend and restore the humanity of queer persons. The defence and restoration of queer persons may be more reactionary than proactive towards queer persons, but they factor in the elements of restorative justice. In this light, the attitude of the research participants here is sensitivity to the implications of violence on the wellbeing of queer persons as well integration of the queer person as part of the society after the violation. Restorative initiative such as therapy for the victims of homophobic violence and orientation for the society about

homophobia are very important to the defence and recognition of the humanity of queer persons. The research participants in engaging with homophobic violence demonstrate their understanding that an effective human rights conversation on violence should attend to the victim as well as to the community within which the victim lives and operates.

If my sibling/close friend like Adanna was lynched/violated because he/she is like Adanna, I would do something about it. I would take up the matter in court and ensure that his fundamental human rights are enforced in court. - NDU3

To my sibling: I would make sure he/she undergoes therapy and is treated. - ULA1

As for me Adanna's experience was a result of public and state carefree attitude on the case that affects violence and violations. - UJL1

Yes, there is need for more sensitization about violence against queer people. - NDU5

The advocacy and protection of other fundamental rights regardless of their orientation. Though, where a right stops another begins. However, certain rights are not to be denied regardless of the circumstances. - ULA4

5.6.4 Embracing Resolution 275

The primary ground for using narratives of intimate life such as Khaki to complement queer rights advocacy is that narratives afford intimate experiences, simulate contact and are empathy-fostering. Empathy is necessary to understand the visions of Resolution 275 as deeming the eradication of violence and stigma towards queer persons as indivisible obligations towards protecting, promoting and realising the human rights of queer persons. Following the telling of 'Khaki' and the conversation on Resolution 275, some research participants admitted an initiated and growing shift towards feeling and caring for queer persons.

... experiencing the two parts of Khaki had an impact on how I felt about Adanna in the end. How we humans can pass through different situations not being able to tell anyone and maybe us feeling afraid not to say something because we feel we may/would not be attended to. - NDU10

I don't know any Adanna in real life. Before Khaki, I had no thoughts about people like Adanna because I try not to think about this controversial issue. After Khaki, I feel more empathetic towards them. The whole immersive experience of seeing the experience through another person's view brought about a difference in my feeling. - ULA9

... the focus group influenced my view about people like Adanna. That people like Adanna need protection, they need protection they need to be loved and accepted rather than being rejected or hated for who they are. - UIL2

In showing their interest and care for queer persons, research participants embraced the vision of Resolution 275. Some research participants expressed their understanding of Resolution 275 as being both inspiring of individual empathy and demanding of state protection for queer persons from homophobic violence on the continent.

Yes, very much so, Resolution 275 would apply to my sibling, to protect my sibling from any form of violence based on his sexual orientation. - UIL2

... my knowledge of Res 275 affects what I think about sexual minorities. That steps have been taken to at least secure peace and security if we cannot have everyone subscribe to the same beliefs. - ULA3

... my knowledge of Resolution 275 affects how I think about sexual minorities. Everyone has to be treated equally with respect to humanity. - NDU3

An interesting element of protecting queer persons that emerged among the research participants is the inclination to hide the queer person or conceal support for queer persons because of the hostility of the environment. In other words, some participants adopted the semblance of passiveness and secrecy as a protective measure towards queer persons and allies supportive of queer persons.

I will tell me sibling to hide from the world because the act is prohibited and condemned in most parts. - NDU6

I feel very passionate about Adannas because I have my own share of experiences and thus I'd always defend them when given the opportunity. Telling of Khaki might have just re-echoed my feeling. Because sometimes, I can act like I am indifferent about it for fear of societal condemnation. - ULA1

The 'Khaki' storytelling intervention across the three campuses reaffirm that although the prevalent attitude towards queer persons in Nigerian classrooms is hostility and resentment, there are persons who are inclusive and protective of queer persons present in the social fibre of Nigerian campuses. Nigerian campuses, as a microcosm of the wider Nigerian society, are not entirely homophobic but multi-attitudinal

constantly evolving in a continuum. And in this multi attitudinal community, there exists great potential in indigenous tools such as stories to improve attitudes towards queer persons and by extension their human rights conditions.

Plummer in discussing the sociology of stories such as 'Khaki', speaks to flexibility and unpredictability of process, experience and outcomes of storytelling owing to ever evolving dynamics of the contexts in which these stories are created, told and are carried in.⁹⁴¹ Plummer rightly points out audiences and communities are as much cognitive units as they are emotional worlds.⁹⁴² Plummer also discusses the community building feature of storytelling in the sense that intimate stories are capable of generating, from the within the audience, communities of meaning. These communities of meaning are communities that share the common experience of the craft, the story. In this study the three campuses form a joining of meaning because they have shared the same experience of 'Khaki'. Plummer posits these commonalities are important because communities are more responsive to narratives that weave in their histories and identities than they respond to narrative that do not.⁹⁴³

In employing indigenous stories such as 'Khaki', this study demonstrates that Nigerian communities and other multi-attitudinal communities can be further shifted on the continuum, farther from negative and hostile attitudes and closer to positive, inclusive and protective attitudes. This study reaffirms the legitimacy of imagined contact theory and the discipline of law and literature as important approaches in advancing human rights education, awareness and sensitivity in law classrooms. As regards Resolution 275, this study demonstrates that indigenous storytelling, owing to its empathy-fostering and attitude-shifting capacity, has a place in complementing ongoing queer rights advocacy interventions targeted at securing non-violent and queer-inclusive attitudes in classrooms and communities.

Employing decolonial methods or approaches, such as democratic, inclusive and non-hierarchical conversations, as part of the classroom activities ensures that hegemonic notions lose their unquestionability and dominance through co-existing with positive

⁹⁴¹ Plummer (n 622) 11.

⁹⁴² Plummer (n 694) 22.

⁹⁴³ As above.

and constructively questioning notions of queerness.⁹⁴⁴ It is helpful that this non-hierarchical and democratic engagement within the socio-cultural insulation of a storytelling exercise that favours intimately recognisable fictional characters and contexts such as Adanna and the NYSC programme. This is because while providing the students with a dynamic socio-cultural cushioning, it still provides students with the safety and freedom of an academic environment, and if queer persons are present and concealed, it provides them anonymity, freedom and not being directly the subject of debate. The joint leveraging of the cosmopolitan configuration of present-day Nigerian classrooms and democratic, inclusive and non-hierarchical engagement are important elements in the potential for queer rights advocacy that Nigerian classrooms embody.

5.7 Limitation of study

The primary limitation of this study was that although it opened up the floodgate for conversations on sexual orientation and gender identity among the research participants, the duration of the university visits was too short to accommodate both the intervention and an extensive engagement on African sexualities beyond the scope of 'Khaki' and Resolution 275. This study was also limited by its sample size owing to the circumstances such as the ASUU strike and emerging lockdown at the time of the field visits. However, the nature of the study was not to establish causality but engage with various socio-cultural university contexts and their group perspectives in response to the joint use of indigenous stories and a soft law instrument. Although socio-cultural contexts may slightly differ, the Nigerian university space is an extension of the cosmopolitan constructions that most cities of the world enjoy. Although there are slight socio-cultural differences between these universities, they are not as far-reaching as would make them extremely diverging contexts. Owing to the infinite range of cosmopolitan identities in each of the Nigerian universities, this study recognises the limitation of getting a sufficiently representative interview sample. Interpretive analysis of the perspectives from the groups engaged with are not done to be universally applicable as regards their contexts and to exploratory and demonstrative of the potential that Nigerian classrooms embody.

⁹⁴⁴ Tamale (n 38) 270.

However, in narrowing down to the context of the Nigerian law classroom, this study focuses on the unique context of law students who generally are within the scope of the traditional doctrinal teaching approaches. The initially planned trajectory was to engage with first year law students as new entrants into the university space who would ordinarily encounter the substance of international soft law in the course of their studies. However, engaging with students from several years of study opened up the intervention to students who are at various stages of their law education. Some of these students had encountered human rights education while others had not. Among the research participants, there was only one Muslim research participant, ULA12. This study recognises that ULA12 is not fully representative or instructive of all young muslim men at the University of Lagos or in Nigerian universities. However, ULA12 in speaking for himself is demonstrative of the presence of inclusive attitudes and perspectives among young Nigerian Muslim university students in law faculties.

The production of the 'Khaki' audio materials required more skilled expertise in order to arrive at a storytelling material of better post-production quality and more immersive than what was used for the study. This study in its small demographic and size contexts is confirmatory of opportunity for decolonial attitude-focused queer rights interventions in Nigerian classrooms. This study invites broader, more rigorous and causality-driven interventions involving scholars from other disciplines such as psychology, anthropology and ethnography to discuss the human rights and humanity of queer persons in Nigeria.

5.8 Conclusion

This chapter explores the potential of Nigerian law classrooms as sites of queer rights advocacy through the joint use of decolonial attitude-focused tools -- Resolution 275 and indigenous storytelling. This study relies on the emphasis that previous literary and empirical works have placed on the potential of Nigerian universities and classrooms as places embodying the dynamic of prevalent homophobia as well as queer-inclusive attitudes. Studies show that queer-inclusive attitudes are forged through exposure to queer persons. And this exposure is commonplace in a cosmopolitan time and spaces such as Nigerian universities located in wider globalised contexts similar to other African universities. Although not vested in attribution of causality, this qualitative study engages with the perspectives of

undergraduate law students at various stages of employing the joint use of Resolution 275 and 'Khaki'. This is the new step this study is taking.

The engagement with student participants proceeds through three phases: a preliminary survey, focus group discussions and a final survey. The preliminary survey engaged with the attitudes of the research participants towards queer persons before the telling of 'Khaki'. The focus group discussions engaged with the attitudes of the research participants towards queer persons during the intervention of 'Khaki'. The final survey engaged with the attitudes of the research participants towards queer persons after the telling of 'Khaki'. The preliminary survey affirmed the findings of previous studies that showed that homophobic attitudes are prevalent in Nigerian universities. These negative attitudes were hostile and inclined towards retributive and curative or 'corrective' violence towards queer persons. But there were some positive attitudes in Nigerian universities, too. Building on previous studies, the preliminary survey revealed that in contrast to the prevalent resistance to queer and queerness demonstrated by some research participants, other participants were inclined to actively defend queer persons against homophobic violence. The focus group discussion and survey followed after the participants' exposure to 'Khaki'. 'Khaki' is the story of a Nigerian girl who goes through multiple incidents of violence. 'Khaki' was built on the strategy to assess the possibility of attitudinal harmony or congruence towards other forms violence and homophobic violence within each research participants. The three parts of 'Khaki', each representing an incidence of violence on a different ground, affords the research participants the opportunity to experience the main character Adanna in different violent contexts. Each part of 'Khaki', and the focus group discussion afterwards, affords each research participant a chance at growing intimacy with Adanna and opportunities to react to her being violated on a specific ground.

Guided by the theory of cognitive dissonance, the recognition of the inhumanity in one instance of violence could either trigger the harmonious recognition of the inhumanity across all instances of violence (including homophobic violence) or trigger the discomfort with the attitudinal disharmony or incongruence that may exist in the instance of homophobic violence. This attitudinal disharmony complements empathy-creation to drive attitudinal shifts further away from hostility and towards inclusivity.

The analysis of the focus group discussions revealed that attitudinal congruence occurred across the three campuses in some research participants that previously demonstrated hostility towards queer persons. The final survey showed that there were still negative, positive and neutral attitudes towards queer persons after the telling of 'Khaki'. However, the negative attitudes expressed were further away from physical hostility and violence that in the preliminary survey, the neutral attitudes were more recognising of the humanity of queer persons and the positive attitudes were more protective of queer persons. In engaging with the perspectives of the research participants with 'Khaki', the data shows thematic disparities in perspectives within the group towards queer persons. This suggests that the potential of Nigerian classrooms as sites of queer persons also includes the potential to encourage attitudinal disparities at various times during the use of decolonial attitude-focused pedagogical tools. Through these attitudinal disparities in the course of inclusive and democratic learning and social interaction, hegemonic norms are questioned and their dominance unseated through the existence of more cosmopolitan and inclusive views raised during the interaction and reflection. These cosmopolitan views arise from the students of today's Nigerian university being part of a globalised world, bearing identities that evolve through interdependent access and interaction with a multiplicity of influences and cultures. Broadly speaking, the existence and level of these cosmopolitan identities are curated along parameters such as age, socio-economic standing and level of education. However, in the context of these Nigerian law classrooms, the engagement with tools and the perspectives of the students showed that attitudes towards queer persons exist in a continuum between hostility towards queer persons and the protection of queer persons. In responding to the surveys, the experience of the joint use of indigenous storytelling and Resolution 275, and focus group discussions, the scope of the research participants perspectives were indicative of disparities along the attitudinal continuums from negative to positive towards queer persons, some of whom were not aware of these shifts. Although this study is not vested in causality, it suggests that exploring Nigerian law classrooms embodies great potential for destabilising prevalent homophobic norms, attitudes and violence through making room for democratic and inclusive engagement with Resolution 275 and indigenous storytelling, and fostering opportunities for positive attitudinal disparities.

Chapter 6: Summary and conclusion

6.1 Introduction

Nigeria is a hostile place for queer persons. Homophobic hostility manifests itself through homophobic attitudes and homophobic laws. In response to the peaking rates of homophobic violence across the continent, the African Commission adopted Resolution 275, calling on states to eradicate homophobic actions and stigma occasioned by state and non-state actors. Queer rights advocacy opportunities exist for the fostering of Resolution 275 as a human rights standard issued by an African human rights treaty body. Opportunities exist for state and non-state human rights stakeholders to leverage Resolution 275's potential as a persuasive tool. This thesis engages with indigenous storytelling as an attitude-focused tool to be used jointly with Resolution 275, based on its empathy-fostering capacity.

Various studies engaged with in this research demonstrate that although Nigerian universities are generally homophobic, they also present queer rights advocacy opportunities because of queer-inclusive attitudes among members of university communities. Owing to globalisation and increased visibility of and access to positive portrayals of queer persons and queer representations in local and international media, positive attitudes towards queer persons in Nigeria have been steadily increasing. The existence of these positive attitudes grounds Nigerian universities as a possible site for queer rights advocacy. Having considered the urgency of attitude-focused queer rights advocacy, the persuasive potential of Resolution 275 and the opportunity of Nigerian university classrooms, this thesis explores these potentials jointly by reimagining the decolonial nature of these pedagogical tools. In the course of this exploration, the thesis also engages with the perspectives and attitudes of Nigerian law students towards queer persons.

The thesis engages with the theoretical grounding for locating queer rights advocacy in educational institutions through jointly advancing international human rights soft law and decolonial pedagogical approaches, in particular indigenous storytelling. In discussing student perspectives towards queer persons, this thesis engages with the context of three Nigerian law faculties and the student engagement with attitude-focused queer rights advocacy tools.

This concluding chapter provides a summary of findings from this study addressing the contributory potential of leveraging the opportunities that Nigerian universities embody to advance queer rights through complementary decolonial attitude-focused approaches. This chapter also consolidates the value of this study, locating it within the urgency to advance Resolution 275 as a soft law instrument with persuasive capacity in and outside the courtroom. This concluding chapter makes recommendations to Nigerian queer rights advocacy organisations, the broader queer rights stakeholder community and more precisely to Nigerian academics and researchers. In wrapping up this chapter, the study summarises and acknowledges potential ground for further research stemming from this study.

6.2 Summary of key findings

This thesis interrogates whether indigenous storytelling has a legitimate place as a complementary tool for queer rights advocacy, particularly in the advancement of Resolution 275 in Nigerian law classrooms. Addressing this main question raises the following sub-questions: What is the state of queer rights advocacy in Nigeria? What is the nature of indigenous storytelling in Nigeria and how can it be used to enhance queer rights advocacy in Nigeria? How can queer rights advocacy using indigenous storytelling be applied in the promotion of Resolution 275 in Nigeria? In the following paragraphs the key findings are discussed, guided by the sub-questions posed in the study.

6.2.1 Gaps in Nigerian queer rights advocacy

The state of queer rights in Nigeria is curated by the parallel factors of colonial, indigenous and cosmopolitan socio-cultural and legal norms, as well as demonstrated through the actions and attitudes of state and non-state actors.

To engage with the potential of indigenous storytelling in queer rights advocacy, it is important to establish the status of Nigerian queer rights advocacy. Queer rights advocacy in Nigeria exists within the social cultural context that considers queerness as alien to being African. Chapter 2 considers prominent Nigerian nations for manifestations of queerness over time, identifying displays of queerness in the Igbo, Hausa and Yoruba nations.

Indigenous queer manifestations existed and still exist across the spectrum of sexual orientation, gender identity and expression. Across the three prominent Nigerian nations queer identities and queer persons enjoyed legitimacy as part of cultural life and in some instances served and led in capacities that their communities and cultures revered. The Igbo nations have the Ekwe women and female presenting performers and artistes. The Ekwe women, whose titles allow them to sit and participate in strictly all-male meetings, can marry women not because they were unable to produce a male heir, but because their titles allow it. The male-born but female-presenting artistes often take on the female persona with varying degrees of permanence. The Yorubas have the *ade* priests, who are born male but take on a feminine gender expression in their priesthood and devotion to deities. The Hausas have the 'yan daudu who are considered important parts of the Bori cult, as they were often deemed to embody supernatural forces. Many other instances of queerness existed within these nations, which are now generally considered incompatible with Nigerian culture, morals and faiths.

Parallel to the existence of indigenous queerness, indigenous hegemonies and patriarchies also grounded the dominance of heterosexual sexual orientation and heteronormative gender identities and expressions. These homegrown hegemonic structures sustained the exclusion and limitation of identities that did not conform to dominant frameworks. Evidence of these indigenous hegemonies exist in studies of Igbo culture in the history of Ahebi Ugbabe, as well as in studies on the socialisation of Yoruba children within their homes and communities. The patriarchal socio-cultural sensibilities of the early indigenous elite of colonial Nigeria was illustration of this indigenous hegemony and exclusion. The existence of exceptional persons such as the Ekwe, *ade* and 'yan daudu in their exceptionality are also illustrative of the existence of a dominant framework within which they are the exception.

Colonial hegemonies, through exclusionary legal and faith-based advancements, were complicit in the advancement of sexual and gender hegemonies. These colonial and indigenous hostilities culminated in present Nigerian societies considering queerness as alien to Nigerian indigenous culture and justifying homophobic oppression, brutalities and stigma. This study discusses homophobic oppression in Nigeria in terms of violence through actions and violence through knowledge creation.

This homophobic oppression is further entrenched in the legal enactments such as Criminal Code, the Penal Code, the Armed Forces Act and the SSMPA.

Despite legal and social homophobic hostilities, there has been ongoing queer rights advocacy in Nigeria. This queer rights advocacy has been sustained in the context of global and regional agitations to advance queer rights. This context also includes cosmopolitan reconfigurations of queer identities and the sociocultural evolutions of queer lived realities owing to globalisation. Some of the queer rights advocacy ongoing in Nigeria include: faith-based advocacy, sexual health advocacy, advocacy for literary, media advocacy and legal advocacy.

Faith-based advocacy, carried out by organisations such as House of Rainbow and Changing Attitudes, tackles homophobic exclusion in faith organisations and places of worship at both the national and international level. Sexual health advocacy, which is one of the most prevalent ongoing forms of queer rights advocacy in Nigeria, adopts the form of queer-inclusive service delivery and agitation for policy change. Literary advocacy employs the creation of queer-inclusive and queer-centred fiction and non-fiction literary works. Media advocacy uses mass media and the internet as platforms for challenging exclusionary narratives through the production and dissemination of queer-inclusive online content such as podcasts, films and web series. Law and policy focused queer rights advocacy in Nigeria has taken Nigerian queer rights matters to the courts, challenging hostile legislation and its consequences on the work, organising and lives of queer persons in Nigeria. This thesis concludes that while the various forms of ongoing Nigerian queer rights advocacy are commendable and have recorded some successes, gaps still exist in the complementarity of attitude-focused queer rights advocacy with other mono-thematic queer rights advocacy approaches.

6.2.2 Indigenous storytelling is suitable for being integrated into Nigerian queer rights advocacy

Indigenous storytelling embodies contact and empathy creation, as well as communal collaboration, education and decolonisation. This makes indigenous storytelling a viable complement to queer rights advocacy in Nigeria. Storytelling as a tool to advance the dignity of queer persons has been present across the African continent and the world. Chapter 1 of this study considers instances such from Renault's

engagement with queer identity in her 1950s fictional work *The charioteer*. African representation of queer identities also includes works such as Lanham and Mopeli's *Blanket-boy*, also from the 1950s. More recent representations include the *Gerald Kraak* and *Queer Africa 2 anthologies* which both engage with fictional and non-fictional representations of queerness on the African continent. Gevisser's *The pink line: journeys across the world's queer frontiers*, which engages with contemporary cosmopolitan queer identities and queer realities, is a further demonstration of the use of storytelling to advance queer rights.

In further engaging with the legitimacy of indigenous storytelling as a complementary tool for queer rights advocacy in Nigeria, Chapter 3 of this study interrogates the nature of indigenous storytelling in Nigeria to build a bridge for its incorporation. This study deems 'indigenous storytelling' as being the contextual, multi-layered and nuanced narrative of a place and its people. This study's engagement with indigeneity as regards storytelling is also embracing of the cosmopolitan configuration that people, their identities and stories have owing to globalisation and the rising rate of multicultural contact and interaction. Nigeria is a rich site for indigenous storytelling practised in instances such as the form of oral tradition, literary works, fine arts and film.

Oral tradition manifests itself and is practised through the creation and use of proverbs and praise poetry. Oral tradition has served communities as verbal archives passed down from generation to generation, and as tools for intergenerational and inter-peer education. Oral tradition has provided sanctions for criminal offences. Oral tradition has also been leveraged as tools for communal healing and catharsis. Nigerian literary works as indigenous storytelling are important means through which Nigerians portray, transmit and preserve the political, cultural and emotional conversations at the time they were published and are accessible long thereafter. The use of fine art as another form of expressing indigenous storytelling is often a medium for relaying intimate traumatic past experiences as well as healing for the creator of the piece of art. Film, as a prominent approach to indigenous storytelling in Nigeria, has evolved across several eras: the colonial era, independence era, indigenous era, creative indigenous television era, Nollywood era and new Nollywood era of film in Nigeria. In these eras the process of film making and the power to tell indigenous stories evolved and

transitioned further and further away from external control and regulation to become more indigenous and autonomous. However, in this autonomy, Nigerian storytelling practices and practitioners have lived, worked within and interacted with the cosmopolitan context that today's globalised world is.

Indigenous storytelling plays social and culturally significant roles in the co-creation, existence and sustenance of communities socially, culturally, politically and economically. The use of indigenous storytelling as a complement to Nigerian queer rights advocacy is theoretically grounded in its capacity to persuade or shift a person(s) from one world view to another, from one belief system or normative scope to another, and more particularly towards being increasingly open, believing and inclusive of the humanity of previously maligned persons. These capacities of indigenous storytelling are demonstrated in its serving as: contact and empathy creation tool, communal collaboration tool, educational tool, and decolonisation tool. As a contact and empathy creation tool indigenous storytelling simulates opportunities for intimate interaction amidst intergroup bias to curb the latter and foster understanding and empathy. Indigenous storytelling as a contact tool is grounded in transportation theory, contact theory, imagined contact theory and the law and literature approach, which are discussed in Chapter 1 of this thesis. Discussing the transportation theory, Mar, Oatley, Bal and Ketlamp highlight the capacity of stories to capture and stir the senses of the audience through the intense and intimate experiences of the characters. Cameron and Turner in discussing the contact theory and imagined contact theory highlight that interaction reduces intergroup bias and that stories, if used to simulate interaction, can also accomplish the reduction of intergroup bias. Chapter 1 discusses these theoretical groundings for the practice of indigenous storytelling, thereby providing empirical merits for the employment of indigenous storytelling as a complementary and attitude-focused tool for queer rights advocacy in Nigeria.

As a communal collaboration tool, indigenous storytelling serves as symbolic interaction among the coxer (person/circumstance) who demands the story; the teller who tells the story; the community or audience who confers meaning and life to these stories across time; and the cultural, social and economic context within which all three parties operate. Indigenous storytelling is a co-creative endeavour. It is also a political

process that involves the narrative and its co-creator navigating hierarchies, powers, dominations, privileges and restrictions present from story to story and from context to context, as determined by the communities and the powerful within them. Indigenous storytelling is also an educational tool as has been demonstrated by previous practices across the cultures of several Nigerian nations that employ storytelling as fora for socialising children and young adults. Indigenous storytelling is also a decolonial tool as it is used to resist and dismantle negative perceptions and portrayals of minorities perpetuated by exclusionary and oppressive knowledge systems and materials.

To consolidate the already existing trajectory of employing storytelling as a tool to advance the dignity of queer persons, this study finds that the above discussed features of indigenous storytelling are demonstrative of its capacity to complement and be used in conjunction with ongoing queer rights advocacy work. An attitude-focused component is necessary for Nigerian queer rights advocacy because violence towards queer persons is as much a legal problem as it is an attitudinal problem.

6.2.3 Resolution 275 as a tool to be used in combination with indigenous storytelling

As an institutionally African soft law instrument, Resolution 275 is a persuasive tool that can be used in conjunction with indigenous storytelling for law-based and attitude-focused queer rights advocacy. Educational institutions as human rights stakeholders bear the promotional role of advancing Resolution 275. To take advantage of Nigerian universities embodying the potential to be sites of attitude-changing queer rights advocacy, it is crucial that the use of Resolution 275 and indigenous storytelling are reimagined as pedagogical tools.

Regional queer rights advocacy for law and policy has yielded increased international recognition of the danger of homophobic stigma and violence. In Africa, law and policy-focused queer rights advocacy has led to the emergence of Resolution 275, a regional human rights instrument calling on African state parties to the African Charter to actively curb violence and stigma based on actual or perceived sexual orientation and expression.

Resolution 275 is an African articulation of the position under international human rights law calling for the wide condemnation and eradication of physical attacks and stigmatisation of persons on the grounds of their actual or perceived sexual orientation, gender identity and expression. These standards are reflective in other regional and UN human rights instruments. The Organisation of American States has called for adequate protection for queer rights defenders and intersex persons in line with medical standards.⁹⁴⁵ The UN Human Rights Council also fostered queer inclusion as prescribed by international human rights law.⁹⁴⁶ The African Charter (which Nigeria has domesticated) provides for and calls on state parties to protect the human rights of all its citizens, including queer citizens.

Resolution 275 gives credence to the location of the rights of queer persons in the African Charter. As an international human rights instrument calling on African states to eradicate homophobic violence, Resolution 275 recognises the dual nature of homophobic violence as comprising violent acts and stigma on the grounds of actual or perceived sexual orientation, gender identity and expression. Resolution 275 is an important legal development for queer rights in Nigeria because it recognises that violence and stigma towards queer persons ought to be eradicated by state parties to the Charter. Resolution 275 is a sound regionally-grounded persuasion tool available to queer rights activists and stakeholders at the national level. It unequivocally confirms that the scope of the African Charter's protection includes queer persons.

However, Resolution 275 is soft law and by its nature does not confer any binding state obligation but can be of persuasive force in court. Through this channel, it may become integrated into national law. Resolution 275 draws its legitimacy from the expansive nature of the African Charter which obliges the Commission in its articles 60 and 61 to draw inspiration from general principles of international human rights law (such as the OAS and UN resolutions referred to earlier) to interpret the provisions of the African Charter. In Nigeria, Resolution 275 is complemented by other national legislation such as the VAPPA, which condemns and criminalises violence. As an international human rights instrument and advocacy tool, Resolution 275 faces the

⁹⁴⁵ OAS Resolutions AF/RES.2887 of 2016 and AG/RES.2908 of 2017.

⁹⁴⁶ UN Resolutions A/HRC/RES/17/19 and A/HRC/RES/27/32

challenges of the silence of state institutions such as the national human rights commission and the judiciary in advancing the state's human rights obligations. This silence may be attributed to independence and accountability factors that these entities face. As much as Resolution 275 is a legal instrument, the value of soft law instruments such as Resolution 275 extends beyond the courtroom.

The potential of Resolution 275 in Nigeria as a persuasive queer rights tool lies in range within which human rights stakeholders and civil society actively engage with it in their human rights work across practices and disciplines. As an African instrument that speaks against homophobic violence, its visibility and integration into local human rights conversations and interventions can be a very potent tool for normalizing the expansion of human rights in Nigeria to include queer persons. As a persuasive guide to the scope of state obligation in the African Charter, Resolution 275 lends itself to persuasive channels and approaches both within and outside courtroom settings. As an African queer rights tool designed to guide and persuade, it is important for Nigerian queer rights advocacy groups to understand that Resolution 275 lends itself to approaches that are attitude-focused.

Like all other African Commission soft law, Resolution 275 suffers non-engagement at the judicial and quasi-judicial arenas, and also at the hands of other state and non-state human rights stakeholders. In Nigeria, Resolution 275 is yet to fully realise its potential as an African Commission soft-law standard that can be used by human rights stakeholders in and outside court rooms to advance queer rights, including classrooms.

To leverage Resolution 275 and indigenous storytelling jointly in Nigerian law classrooms requires that they both be reimagined as attitude-focused decolonial pedagogical tools. This re-imagination requires the unsettling of traditional doctrinal legal education to involve more decolonial approaches such as the use of stories. This decolonial approach involves the inclusion of non-hierarchical and democratic social interaction as part of legal education. In leveraging stories in law classrooms, it is important that these stories are used in ways that are sensitive to desire-based and cosmopolitan representations of queer persons as well as acknowledging of the cosmopolitan space which university classrooms embody.

Within Nigerian universities, this study focuses on law classrooms. This is because law classrooms, owing to their law-focused curricula, naturally engage with international human rights law standards. In employing Resolution 275 as a persuasive tool in Nigerian university law classrooms, it is important that Resolution 275 is re-imagined not just as law but as a persuasive pedagogical tool. It is the position of this study that using Resolution 275 and indigenous storytelling as a combined empathy-fostering pedagogical tool has the potential to advance attitude-focused and stigma-reduction queer rights advocacy.

6.2.4 The joint use of indigenous storytelling and Resolution 275 unsettles hegemonic homophobia in Nigerian law classrooms and encourages attitudinal shifts

The joint use of indigenous storytelling and Resolution 275 is a decolonial pedagogical approach for engaging with perspectives on queer persons in Nigerian law classrooms. This approach fosters institutional and individual engagement with positive representations of queer persons and advances soft law. It unsettles hegemonic homophobia in Nigerian law classrooms and encourages attitudinal shifts.

Attitudes towards queer persons exist at various points in a continuum covering hostility, neutrality, protectiveness, awareness and conformity with Resolution 275. Indigenous storytelling can play a contributory role in fostering classroom-based advocacy approaches that make attitudinal shifts away from hostility towards protectiveness, even when the audience does not realise that this shift is happening or has happened. This study recognises that there are previously conducted queer-themed contributions focusing on Nigerian tertiary institutions. These queer-theme work include auto-biographical and fictional work, as well as empirical studies assessing the attitudes of Nigerian students towards queer persons. These queer-themed contributions are complemented by nationwide attitudinal studies that demonstrate that although homophobic attitudes are prevalent in Nigeria, other attitudinal expressions that are more inclusive of queer persons also exist in Nigeria. However, this study takes a step further by conducting an attitude-focused intervention to engage with the opportunity that exist in Nigerian law classrooms and their

perceptions in response to advancing Resolution 275 through attitude-focused queer rights advocacy.

Chapter 5 samples the range of perspectives emerging in the course of the joint use of Resolution 275 and indigenous storytelling as decolonial attitude-focused pedagogical tools. The story 'Khaki' (Annexure 1); Resolution 275 (Annexures 4) and a Khaki-Resolution 275 flyer (Annexure 5) were used jointly across three Nigerian law faculties in NDU, ULA and UIL. The use of these tools was punctuated with a preliminary survey, focus group discussion and final survey. The purpose of these interventions was to qualitatively engage with the perspectives of the law students in these faculties towards violence and the main character Adanna when exposed to gender-based violence, ethnic and faith-based violence, and homophobic violence.

The preliminary survey across the three campuses, perhaps predictably, affirmed the conclusions of previous studies such as those of Epprecht and Okanlawon that attitudes towards queer persons in Nigerian universities were on the positive, negative and neutral planes. The preliminary negative attitudes are demonstrated in some of the research participants' hostility towards and being horrified by queer persons. This hostility was expressed through some of the research participants considering queerness an aberration deserving of retributive and curative or rehabilitative violence. The preliminary positive attitudes towards queer persons are demonstrated in the research participants inclination to be inclusive and affirming of queer persons and to be defensive of them.

The preliminary survey neutral attitudes towards queer persons are demonstrated in some of the research participants' denial of, or avoiding engaging with, the existence of queerness by being indifferent and non-responsive to it. Some other research participants in the preliminary survey express the neutral attitudes of curiosity about queerness, not hostile but not accepting either. The varied responses to queerness at the beginning of the study were analysed guided by the Kubler-Ross and Kessler's discussion on the phases of grief as being on a complicated continuum as opposed to being in binaries. The analysis of the various responses was also guided by Appiah's and Gevisser's stance on how globalisation leads to the evolution of various complex identities, norms and values. As guided by Tamale's position on decolonial

pedagogies, leveraging the existence of these varied identities and perspectives through democratic engagement in the context of a classroom can lead to the democratic unsettling of hegemonic norms and the curbing of hostile prejudices. The range of attitudes towards queer persons in these Nigerian universities demonstrated that while Nigeria may regularly be considered a homophobic state, the attitudes towards queer persons in these Nigerian universities existed on a continuum and across a range, from hostility to indifference to defence.

'Khaki' was written and post-produced in three parts. In 'Khaki 1' Adanna, the protagonist, falls victim to gender based violence while on a journey from southern Nigeria to northern Nigeria for the national youth service programme. In 'Khaki 2,' Adanna and her female students are visited in the classroom by male indigene of the community in northern Nigeria who bullies the student and threatens to deal with Adanna because she is a southerner. In 'Khaki 3', a report reaches Adanna's home that she has been maltreated and arrested because she was caught in bed with someone of the same sex. This strategy of the 'Khaki' plot structure is to create multiple instances of violence on different grounds towards Adanna (the main character in 'Khaki') and assess the congruence/harmony of the attitudes of the research participants towards Adanna. Congruence/harmony here refers to the extent of similarity and consistency across expressions or tones or messages relayed by a research participant in response to the three instances of violence in 'Khaki'. This strategy is guided by the theory of cognitive dissonance: the existence of inconsistency across beliefs will motivate the person bearing this inconsistency to reduce the inconsistency, and may actively avoid situations and information which may likely increase the inconsistency.

Each instance of violence in 'Khaki' provides an opportunity for each research participant to express attitudes on that particular instance of violence and violence generally. Besides the empathy fostered by simulated contact with Adanna, the inconsistency of homophobic beliefs with other multiple anti-violence beliefs may lead to an internal discomfort within the research participant. This internal discomfort encourages the research participant to increasingly align his or her homophobic attitudes with anti-violence completely regardless of actual or perceived sexual orientation or gender identity.

The African Charter provides for the state obligation to protect the human rights of all persons and Resolution 275 guides the interpretation of this protection to include the eradication of violence and stigma towards queer persons. As such, advancing Resolution 275 requires increasingly persuading persons further and further away from homophobic stigma and violence. Curating discomfort occasioned by incongruent attitudes on violence, particularly when as regards homophobic violence, draws inspiration from Resolution 275 which locates the condemnation of homophobic violence within the African Charter. In providing for the state obligation to protect the human rights of its citizens, the African Charter condemns violence against all persons. The joint implication of Resolution 275 and the African Charter is that while the human rights of queer persons are equated to the human rights of everyone else, condemnation of homophobic is equated with the condemnation of all forms of violence. The strategy of the plot of 'Khaki' seeks, like Resolution 275 and the African Charter, to encourage the research participants to equate homophobic violence to other forms of violence, and as such incline towards the condemnation of violence more generally. This strategy aims at emotionally preparing the research participants for the concluding of the intervention, the discussion on the content of Resolution 275.

The analysis of the focus group discussions, assessing the attitudes of the research participants towards queer persons during the indigenous storytelling intervention, show that attitudinal congruence occurs in research participants across NDU, ULA and UIL. This attitudinal congruence is seen in the research participants' inclination towards the eradication of all forms of violence (inclusive of homophobic violence) and the defence of all victims of violence (inclusive of persons targeted on the grounds of their actual or perceived sexual orientation, gender identity and expression). Attitudinal congruence here refers to similarity in research participants' attitudes across different parts of the story in the intervention.

The striking aspect of the attitudinal congruence is that some of the research participants, who demonstrate this attitudinal congruence in the final survey, demonstrate hostility towards queer persons and queer identity in the preliminary survey. Across the three campuses some research participants recognise the negative impacts of the culture of silence on victims of violence and the perpetuation of

violence. The focus group discussion also shows that some research participants across the three campuses believe that 'queer persons are unacceptable, dangerous and should be punished'. In NDU and UIL, some research participants were of the opinion that the moral policing of queerness should not be the society's priority. In ULA and UIL, research participants express their acceptance and protectiveness of queer persons. In NDU and ULA, some research participants expressed their sensitivity to intersectional and multiple identities as recurrent grounds for violence. In NDU and ULA, some research participants also expressed their belief that a female's recurrent exposure to violence from men could result in her becoming same-sex loving. The conclusion of the focus group discussion is followed by a conversation on the content and implications of Resolution 275. This conversation is guided by the flyer (Annexure 5) and it uses graphic icons and the plot of 'Khaki' to explain Resolution 275 under the heading of 'AU human rights treaty body, African Commission gives guidance about state treatment of Adannas'.

Several factors are at play in setting these attitudinal positions of the research participants towards queer persons and they include: age, domicile, exposure to the internet and social media. Younger persons, persons with more education, living in urban areas and with access to the internet and social media are generally more tolerant. This study establishes that the experience of 'Khaki', the simulated contact with queer persons plays a contributory role, alongside these other factors, towards realising the disparities along the attitudinal continuum seen in the final survey. The final survey shows that research participants demonstrate negative, neutral and positive attitudes towards queer persons. The negative attitudes expressed in the final survey are the research participants being hostile towards queer persons, but this hostility moves from inclinations towards retributive violence and violent conversion therapies, as is the case in the preliminary survey, to non-violent non-support, subscription to human rights conscious legal processes and peaceful conversations. This non-violent stance of the research participants expressed in the final survey is a valuable accomplishment of this thesis as it demonstrates the success of indigenous storytelling in aligning the research participants with the design of Resolution 275 of equating homophobic violence to all other forms of violence deserving of eradication.

The neutral attitudes expressed in the final survey towards queer persons are research participants expressing that previous violation from men turn women into lesbians. Also, some research participants were undecided about what to feel as regards queer persons. Some research participants have shown themselves to be faithless about the possibility of a society built on equality. Some research participants reported being unmoved by the experience of the stories and the conversations. Some of these research participants, at the time of their report, were not aware of the shifts in their attitudes that are evident in their varying positions towards queer persons and homophobic violence through the exercise. These variations in the attitudes of research participants, that are oblivious of their shifts, show movement of their attitudinal positions further along the continuum from negative to positive. Some of the research participants demonstrate evasiveness about their attitudes towards queer persons. While evasiveness in itself is not inclusive and protective, it is also non-violent and as such considered an important distance from hostility.

The research participants also demonstrate very positive attitudes towards queer persons in the final survey. Some of the research participants are accepting and protective of queer persons and embracing of Resolution 275. These research participants recognise the inhumanity of homophobic violence and violation of the human rights of queer persons. Even the research participants that expressly distance their sexual preference from same-sex attractions, restating their heterosexual sexual orientation, are clear on their condemnation of homophobic violence. Some of the research participants demonstrate their protectiveness of persons from homophobic violence by suggesting the concealment of queer persons.

In responding to the surveys, the experience of indigenous storytelling and focus group discussions, the research participants reveal some shifting attitudes towards queer persons even when they believe in their self-assessment that they are unphased by their experience of the research process. Although this analysis, being qualitative, is not vested in establishing causality, it demonstrates that indigenous stories such as 'Khaki' provides the opportunity for safe democratic social interaction on queer identities and queer inclusive soft law within the context of law classrooms.

6.3 The joint use of Resolution 275 and indigenous storytelling curbs stigma and violence

Resolution 275 and indigenous storytelling, used jointly, is a timely decolonial complement to the promotional role of educational institutions to curb stigma and violence towards queer persons.

Despite the prevalence of homophobia in Nigeria, studies have shown that queer rights advocacy opportunities exist in Nigerian university classrooms. Resolution 275 is an invaluable tool in the hands of human rights stakeholders, particularly educational institutions in Nigeria. And because it is designed and adopted as a persuasive human rights instrument, Resolution 275 logically lends itself to persuasive approaches, more especially those that address the society's attitudes and prejudices towards queer persons. This study shows that advancing Resolution 275 can be complemented by indigenous storytelling to tackle the attitudinal components of homophobic violence in Nigeria.

This thesis is inspired by the field of law and literature which is built on the premise that advancing legal standards requires the complementarity of tools outside of the law, especially literary works. The field of law and literature recognises the importance of stories dealing with the socio-cultural components of legal standards. It acknowledges that while laws are logical and enshrine obligations, stories recognise society as a social and emotional community and interact on that level. Stories are an important complement to advancing the understanding of legal standards because of their capacity to foster more intimate experiences and empathy. Social psychology is also at play here through the theory of cognitive dissonance, which provides that inconsistency of beliefs within a person urges this person through cognitive discomfort towards establishing consistency in beliefs. The experiencing of 'Khaki' as well as intimately engaging with the theme of violence on various grounds on the same person, increasingly brings the research participants to that point where they need to decide whether or not a person's queerness warrants their destruction through violence.

This thesis is also inspired by contact and imagined contact theory, which lays out that intergroup prejudices can be curbed through interaction between persons in conflicting

groups. These theories accept that where intergroup interaction is either impossible or dangerous, it can be simulated through the experience of art, photographs and other forms of storytelling. Merging the implications of law and literature, contact theory and imagined contact theory, this thesis finds that there are opportunities for advancing legal standards, such as Resolution 275, on homophobic violence and curbing homophobic attitudes through the use of indigenous storytelling. In advancing queer rights on the African continent, it is important for states to recognise their obligation to protect all persons in line with their binding international human rights commitments under the African Charter. However, these binding commitments do not expressly mention queer persons. But then where soft law recognises the inclusion of queer persons, it presents an opportunity for legal advancement through persuasion. In the course of advancing soft law such as Resolution 275, it can be very helpful to adopt persuasive approaches that are sensitive to the socio-cultural position of the society with the vision of shifting them towards more inclusion. It is also important for advocacy groups to recognise that the value of soft laws as persuasive tools exist beyond the confines of the courtroom to spaces of learning, working, worshipping and the wider society. Recognising the wide scope of soft law such as Resolution 275 and the importance of persuasive approaches that address attitudes, this thesis demonstrates these potentials through employing indigenous as a tool to advance Resolution 275.

Queer theory also comes in place to encourage looking beyond the accepted traditions of human rights education and advancement and making room for complementarity with other tools. The decolonial lens complements this position as it encourages the particular sensitivity to the lived realities, human rights requirements of the locale and well as employing tools and nuances that emerge from the locale. The theory of cognitive dissonance as logic that discomfort arises from incompatible beliefs, is employed owing to its alignment with Resolution 275. Resolution 275 as an international human rights instrument provides for equating homophobic violence to other forms of violence deserving of eradication. As such, building an indigenous storytelling intervention on equating various forms of violence is important to emotively make the inconsistent beliefs on violence within the research participants more obvious to them. Homophobic violence is as destructive as violence on any other ground.

Scholars such as Tamale, Epprecht and Okanlawon, offering proof that queerness is indeed African, have engaged with the lived realities of queer persons on the African continent and particularly the impact of exclusionary beliefs on the human rights of queer persons. There are opportunities, Tamale and Epprecht show, for African human rights practitioners to advance the plight of queer persons. Okanlawon has shown that in as much as Nigerian universities are sites of homophobia, there also exists thriving empathy and acceptance in these communities.

Stories matter and are very powerful because they meet the community at the level of beliefs, attitudes and emotions. Indigenous stories are powerful because they re-confer stolen dignity as well as re-socialise, re-educate and re-build the cohesion of communities by curbing bias. It is no surprise that the experience of 'Khaki' moves Nigerian university students towards the inclusion and protection of queer persons. More attitudinal shifts are possible following the experience of 'Khaki'. This thesis is both an acknowledgement and a seizing of the advocacy opportunities recognised by other scholars.

Being a recurrently topical place for the queer rights violation, Nigeria is also home to many queer rights organisations, queer persons and academic institutions. The study in Nigeria demonstrates the opportunities for attitude-focused queer rights interventions that exist within the social-cultural environment of Nigerian universities. This study illustrates the potential for growth in approach and capacity of queer rights initiatives and queer rights organisations in Nigeria. This study is demonstrative of the reality that attitudes towards queer persons are in a range and Indigenous storytelling in queer rights advocacy gradually moves these attitudes further along the continuum between negative and positive attitudes.

6.4 Recommendations

This study makes the following recommendations are made queer rights stakeholders:

6.4.1 Nigerian queer rights organisations

This study recommends that Nigerian queer rights organisations should recognise the value of Resolution 275 as an institutionally African human rights instrument and a

potential tool for persuasion and attitudinal change. While it is important to cater for the queer community through service delivery and pursue legal reform through litigation, Nigerian queer rights organisations should employ Resolution 275 more clearly, effectively and deliberately through other persuasive approaches beyond the court room and beyond policy-focused advocacy spaces.

There is a rise in the employment of persuasive approaches in Nigeria, particularly through storytelling, but these efforts are still removed from the clear advancement of Resolution 275, leveraging its Africanness and its persuasive clarification of state obligation. Increasingly interdisciplinary bridges should be built between policy-focused work and attitude-focused work queer rights work in Nigeria so that in the course of co-creation of queer rights advocacy interventions persuasive approaches can more directly advance Resolution 275 in its persuasion of both state and society to eradicate homophobic violence and stigma.

6.4.2 Human rights stakeholders and practitioners outside of formal civil society

Ongoing policy-focused queer rights advocacy needs to embrace the opportunities for attitudinal change and empathy-fostering that exist not only in regular sites of advocacy such as court rooms but also in largely unengaged sites such as places of worship, work, learning, the media as well as other platforms. Similarly, queer persons and queer rights stakeholders also need to recognise their responsibility to participate in the project of persuading the wider society against homophobic violence. It is also very important that queer rights stakeholders increasingly recognise that the advancement of soft law such as Resolution 275, which clarifies the inclusion of queer persons within the protection obligation of the state, is dependent on how wide, sustained and interdisciplinary visibility and engagement it gets. The role of queer rights stakeholders in normalising Resolution 275 cannot be overemphasised.

This responsibility to persuade the society against homophobic violence could be addressed through simply making room for queer narratives or queer representation in mainstream and intersectional spaces or productions. A simple instance is while putting together a human rights awareness week on the eradication of violence, include a presentation or a performance of equal destructiveness of all forms of

violence including homophobic violence while referencing Resolution 275. This responsibility to persuade against homophobic violence could be addressed through creating and disseminating storytelling materials such as films, posters, cartoons, music videos, sermons, presentation aids, that demonstrate, referencing Resolution 275, the similarity of homophobic violence to other forms of violence, even while doing these within the context of broader themed projects.

6.4.3 Academic institutions and researchers

Educational institutions and researchers are equally human rights stakeholder who can play complementary roles in the persuasion of state and society away from homophobic violence and advancing Resolution 275. More academic institutions and researches should embrace more queer-themed studies built on interdisciplinarity involving law, literature, design, media production and social psychology. Classrooms provide great and safe opportunities for engaging creatively with the practice of dismantling coloniality, hegemonic and exclusionary attitudes. These opportunities deserve more attention and investment by practitioners, donors and other stakeholders. Indigenous stories can change the world, but we need to co-create opportunities and enable practitioners that can make this change happen.

6.5 Conclusion

This thesis interrogates the legitimacy of indigenous storytelling as a complementary tool for Nigerian queer rights advocacy. In this interrogation, this thesis addresses three questions: What is the state of queer rights advocacy in Nigeria, and to what extent is it indigenised? What is the nature of indigenous storytelling in Nigeria and how can it be used to enhance queer rights advocacy in Nigeria? How can queer rights advocacy using indigenous storytelling be applied in the promotion of Resolution 275 in Nigeria?

On the state of queer rights advocacy in Nigeria and its indigeneity, the thesis finds that ongoing Nigerian queer rights advocacy interventions find fertile ground even in a hostile social and legal climate. However, there is urgency for attitude-focused queer rights advocacy in Nigeria. On the nature of indigenous storytelling in Nigeria and its potential at enhancing Nigerian queer-rights advocacy, the thesis finds that indigenous storytelling, being narratives that are co-created by persons and circumstances within

the locale, embodies the qualities of contact and empathy-creation, communal collaboration, education and decolonisation, and these qualities make indigenous storytelling a viable complementary platform for queer rights advocacy in Nigeria.

In exploring the particular instance of advocacy against homophobic violence in Nigeria, this study recognizes the potential of Resolution 275 as African soft law, which persuasively guides the interpretation of the state's obligations under the African Charter to include the eradication of homophobic violence and stigma. Also, this study recognizes the potential of Resolution 275 as a persuasive tool that by its nature as a soft law instrument lends itself to persuasive and attitude-focused approaches such as indigenous storytelling. This study finds that Nigerian queer advocacy groups are generally non-responsive to the potential of Resolution 275 as a persuasive tool. This study recognises the potential of jointly using Resolution 275 and indigenous storytelling as attitude-focused tools geared towards curbing homophobic stigma and promoting African Commission soft law. Studies have shown that Nigerian university classrooms embody viable sites for queer rights advocacy. As such it falls within the ambit of educational institutions, as human rights stakeholders, to reimagine Resolution 275 and indigenous storytelling as attitude-focused pedagogical tools.

On the issue of demonstrating the joint potential of indigenous storytelling and Resolution 275 in Nigerian university classrooms, this study applies tools and simultaneously engages with the perspectives of Nigerian law students across three Nigerian universities: Niger Delta University, University of Lagos and the University of Ilorin. I produced an indigenous story titled 'Khaki' for this purpose, first written and then post produced into sound files. The assessment of the attitudes of these research participants was done through the analysis of data garnered from a preliminary survey, before the experience of 'Khaki'; three focus group discussions at each university at different points of the experience of 'Khaki'; a final survey after the experience of 'Khaki' and conversation of Resolution 275 guided by a promotional flier designed around the plot of 'Khaki' to advance Resolution 275. From the analysis of the data garnered, this thesis finds that attitudes towards queer persons exist at various points in a continuum across hostility, neutrality, protectiveness, awareness and conformity with Resolution 275. This study recognises that these attitudinal positionings are owing to pre-existing variables such as age, education, domicile and the cosmopolitan

configurations of Nigerian university classrooms. This study demonstrates that the joint use of indigenous storytelling and Resolution 275 are valuable for providing opportunities in Nigerian law classrooms for decolonial legal education as well as provide non-hierarchical, inclusive and democratic platforms for the unsettling of hegemonic norms such as homophobia. While indigenous storytelling has a legitimate place as complementary tool for ongoing queer rights advocacy work in Nigeria, there is room for improvement on the practice and magnitude of leveraging indigenous storytelling as a queer rights advocacy tool.

6.6 Areas for further research

The following thematic areas stemming from this study are suggested as areas for further research:

6.6.1 Interdisciplinary and pan-African co-creation of indigenous storytelling experience and participation

There is room for further research to improve potential practices of using indigenous storytelling as a complementary tool for queer rights advocacy. Indigenous storytelling is a co-creative process. It is important that more interdisciplinary practitioners become involved in the planning and execution of indigenous storytelling interventions. Plummer, as discussed in Chapter 3 of this thesis, says that as a form of symbolic interaction, storytelling involves coaxers, tellers and an audience. It is important that more coaxers and tellers be involved in the production of an intervention because in that way more interdisciplinary issues are considered, more dynamic substantive and production approaches are employed and there is an increased chance of a more rounded, more nuanced production.

Practitioners such as human rights academics, social psychologists, media practitioners, scholars with a focus on African sexualities and gender from across the African continent should endeavour to engage with interdisciplinary approaches to human rights advancements. I imagine that this interdisciplinary and pan-African core would further interrogate the meaning and manifestation of indigeneity in an indigenous storytelling practice. This interdisciplinary and pan-African core of indigenous storytelling co-creators and producers may make room for the practical expansion of indigenous storytelling and its legitimacy as a complementary for queer rights advocacy on the African continent, and with a pan-African grounding to it.

The 24 research participants in this study were mostly in the law and human rights field and are Nigerian nationals. However, there is room to explore the approach of indigenous storytelling as a complement to queer rights advocacy with a higher number of and more multidisciplinary audience, perhaps an audience outside an academic setting. Plummer explains that the audience are incredibly important to the experience of storytelling production because it is them that give meaning to the story, disseminate the message of the story widely and grant the story lives of its own beyond the storytelling production. The larger the audience or research participants of a storytelling intervention, the wider the spread of the vision of the storytelling production. A larger number of research participants would further interrogate the legitimacy of indigenous storytelling as complementary tool for Nigerian queer rights advocacy beyond the university classroom.

6.6.2 Employing other contemporary approaches to storytelling as a complementary tool for queer rights advocacy

There is room to empirically assess the impact of storytelling used jointly with soft law on a quantitative level and with a wider, ranging from audience to audience. There is also room to employ and quantitatively assess responses to other forms of indigenous storytelling. Other forms of storytelling may include films, audio podcasts, paintings, sculpture, social media stories such as status updates, video stories, online blogs and vlogs. Through these approaches a much wider demographic can be reached and engaged with to empirically evaluate the insights and findings generated in this study. Similar to this study, these various forms of storytelling may be employed as a complementary tool for prejudice reduction and to advance Resolution 275 or other queer rights focused international soft law in Nigeria or other jurisdictions.

6.6.3 Deeper empirical exploration of the causality of prejudice reduction and attitudinal shifts through the isolation of variables and mixed research approaches

The 2016 Afrobarometer study titled 'Good neighbours? Africans express higher levels of tolerance for many but not for all' shows that acceptance of queer persons is more common among persons who are young, educated, living in urban areas and have

access to social media and the internet. This study acknowledges these pre-existing variables and further establishes that indigenous storytelling can play a contributory role in fostering empathy towards queer persons. However, there is room for empirically interrogating the precise impact of these variables on the attitudinal shift of these research participants and the precise extent and ratio in which storytelling complements these pre-existing variables. In other words, within one study, assess the various impact levels of age, domicile, education, access to the internet and experience of indigenous storytelling within each research participant to determine the precise causal trajectory towards attitudinal shifts by each of these variables. This further research may require the employment of qualitative and quantitative approaches.

6.6.4 Longer term effect of attitudinal change

This indigenous storytelling intervention in this study was conducted and assessed across a short period of three days. To further ground the legitimacy of indigenous storytelling as a queer rights tool, it would make an interesting study to return in a year or two to NDU, UIL and ULA to meet with the research participants that were involved in indigenous storytelling intervention used in this thesis to assess their attitudes towards queer persons through focus group study. By doing this, such a third attitudinal study would be to assess the long-term effect of indigenous storytelling as a complementary tool for Nigerian queer rights advocacy. There is the need to assess and understand attitudinal change over a much longer period than three days. Perhaps in a subsequent study, the intervention duration could include a much longer time before the final survey in order to explore the lasting effects of attitude-focused queer rights interventions.

6.6.5 Factors affecting the advancement of Resolution 275 as a soft law standard in Nigeria

It is important to more deeply interrogate the factors affecting and experiences of Nigerian queer rights organisations using Resolution 275 as a soft law instrument within and outside the Nigerian courts. Perhaps such an intervention should include the leveraging of soft law as an advocacy tool for wide audiences across several platforms.

Annexures

1. Khaki – short story text
2. Preliminary survey form
3. Final survey form
4. Resolution 275
5. Resolution 275-Adanna flyer
6. Focus group questions
7. 'Khaki' 1, 2 and 3 (sound files mp3 placed in a repository/google folder)
8. Consent form
9. Attendance sheets (to be scanned)
10. University of Pretoria ethical clearance letter
11. University of Lagos letter of permission to carry out research visit
12. University of Ilorin letter of permission to carry out research visit
13. Niger Delta University letter of permission to carry out research visit

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Convention for the Safeguarding of the Intangible Cultural Heritage

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Freedom of Association and Protection of the Right to Organise Convention

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