

# 3.12. Persons with diverse SOGIESC

COMMON ANALYSIS
Last update: March 2026

This profile refers to persons who are perceived as not conforming to state, religious and/or social norms because of their sexual orientations, gender identities and/or expressions, or sex characteristics, including the treatment of lesbian, gay, bi-sexual, trans, intersex or queer, also commonly referred to as LGBTIQ persons.

The analysis below is based on the following EUAA COI report: Country Focus 2025, 2.5.; Country Guidance should not be referred to as a source of COI.

**Step 1: Do the reported acts amount to persecution?**

Some acts to which persons with diverse SOGIESC could be exposed are of such severe nature that they would amount to persecution. More specifically, same-sex relationships are criminalised under Nigerian law and can lead to up to 14 years of imprisonment. In the northern states applying the *sharia* law, flogging and the death penalty may still be imposed. Physical attacks, sexual assault and sometimes even deadly violence by non-state actors, such as community and family members as well as neighbourhood vigilante groups have been reported. Family members may also subject their LGBTIQ relatives to conversion practices, including forced confinement, starvation and torture.

The severity and/or repetitiveness of other acts that persons with diverse SOGIESC could be subjected to and whether they occur as an accumulation of various measures, should be also considered. More specifically, widespread discrimination by both authorities and society against LGBTIQ individuals in Nigeria persists, including when accessing private and public services such as justice, employment, housing and health care. Provider bias and legal barriers can result in denied or substandard care. For example, gender-affirming care for transgender people in particular, remains scarce and they turn to self-prescription of hormones. Police officers often carry out abuses against LGBTIQ individuals, including extortion attempts and discriminatory actions. Extortion, hate speech and verbal abuse by community members and vigilante groups as well as homophobic messages by religious institutions have been also reported.

**Step 2: What is the level of risk of persecution?**

A **well-founded fear of persecution would in general be substantiated** for persons with diverse SOGIESC, given the criminalisation of same-sex relationships and acts, the severity of punishments as well as the pervasive social discrimination and stigma.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation[6] or gender identity to avoid persecution.

**Step 3: Is there a ground for persecution?**

Persecution of individuals under this profile is highly likely to be for reasons of **membership of a particular social group**, based on the shared characteristic or belief that is so fundamental to the identity of the applicant, that they should not be forced to renounce it, as well as their distinct identity in Nigeria, as shown by the criminalisation and the social stigma. Persecution may also be for reasons of **religion**, for instance due to the implementation of *sharia* law by religious courts.

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  CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12 judgment of 7 November 2013, operative part (Court's ruling).

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