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Criminalization and SOGI

KEY FINDINGS

Canada, Costa Rica, Japan, Kosovo, Mexico, Mozambique, South Africa, Ukraine, and Uruguay do not criminalize same-sex relations. They also do not use laws on vagrancy, public nuisance, or public morals to target sexual and gender minorities.

Five of the 16 countries measured by the report do criminalize conduct based on the individual's sexual orientation.

All sample countries have the same legal age for consensual sex for opposite sex and same-sex relations.

Almost one-half of the countries analyzed use vagrancy, public nuisance, or public moral laws to target sexual and gender minorities.

It is advised that countries repeal laws, constitutional provisions, and regulations that criminalize people based on their sexual orientation, gender identity, gender expression, and sex characteristics.

Importance of the Decriminalization of Same-Sex Behavior Indicator Set

Around the globe, sexual and gender minorities are criminalized for who they love, how they dress and express their gender, and ultimately for who they are (ILGA 2019). Diverse cultures, traditions, religions, and outlooks explain such laws. To live openly and honestly without fear represents one of the most basic human freedoms.

As of December 2019, 70 states continue to criminalize same-sex consensual activity, and six United Nations Member States still impose the death penalty on consensual same-sex sexual acts. Furthermore, in 26 countries, the maximum penalty can vary between 10 years to life imprisonment for same-sex consensual activity.

— *ILGA (2019)*

Respect for the right to privacy and freedom from discrimination are critical to minority and other excluded groups in every society. The criminalization of consensual same-sex relations violates these rights by devaluing people based on their human characteristics. Hiding one's identity and being fearful of openly communicating ideas, views, and needs can lead to isolation and frustrate the basic desire to belong to a community.

Changing society's attitudes toward sexual and gender minorities is often viewed as a path toward decriminalization. Still, it is often the legalization of same-sex sexual activity that improves attitudes toward sexual and gender minorities (Kenny and Patel 2012). Decriminalization not only encourages more open and inclusive laws, but also it creates more friendly and accepting communities for sexual and gender minorities. Repealing laws that criminalize same-sex conduct and punish sexual and gender minorities is an important step toward combating prejudice and protecting lives (Flores and Park 2018). Nevertheless, removing legal obstacles does not always or immediately translate into improvements for sexual and gender minorities.

Decriminalization of gender and sexual minorities is often the first legal obstacle and window of opportunity for greater inclusion.

— *United Nations (2016)*

Globally, sexual and gender minorities frequently fear for their lives (Mendos 2019). Such constant fear shapes all aspects of their existence and can negatively affect their physical and mental health. Consequently, individuals cannot fully contribute to their communities and society overall, which can result in diminished economic development (Badgett and others 2014). Deeply rooted homophobia, biphobia, transphobia, and interphobia—coupled with laws that criminalize people based on their sexual orientation, gender identity, gender expression, or sex characteristics—leave sexual and gender minorities vulnerable to discrimination and violence. Particular rights, such as access to health care or education, are fundamental to a person’s sense of self-worth; however, the effort becomes impossible if the self-identities of sexual and gender minorities remain criminalized.¹

The United Nations Office of the High Commissioner for Human Rights (OHCHR) has made decriminalization based on sexual orientation and gender identity a core issue in its fight against discrimination.² By decriminalizing identities and behavior related to sexual orientation and gender identity (SOGI), the fight for other rights within the sexual and gender minority community becomes more feasible. Decriminalization of sexual and gender minorities can also positively impact economic development (Badgett and others 2014). Increasing evidence shows that criminalizing homosexuality reduces productivity and economic growth. Studies have identified the economic costs of exclusion based on SOGI, such as lost labor and productivity and underinvestment in human capital. Badgett and others (2014) report a positive correlation between legal rights for sexual and gender minorities and gross domestic product (GDP) per capita. Discriminatory practices have real, tangible economic costs that should be considered. Furthermore, in an increasingly globalized and connected world, businesses can face public pressure if they invest in countries that criminalize sexual and gender minorities. Investment in these countries can be negatively affected as a result (Human Dignity Trust 2015).

The criminalization and SOGI indicator set examines a country’s degree of SOGI criminalization. It also considers the level of criminalization of same-sex relations between consenting adults and whether there is a discrepancy between the legal age for consensual sex for heterosexuals and same-sex partners. The indicators also measure the existence of public morality, public nuisance, or vagrancy laws that specifically target sexual and gender minorities.

As soon as Nigeria’s Same-Sex Marriage Prohibition Act was passed in 2013, Nigerian authorities arrested several people perceived as gay men and held them in isolation, without access to a lawyer. The Prohibition Act punishes any public show of affection, even a kiss, between two people of the same sex with 10 years’ imprisonment.

—Kamara (2014)

Criminalization and Age of Consent

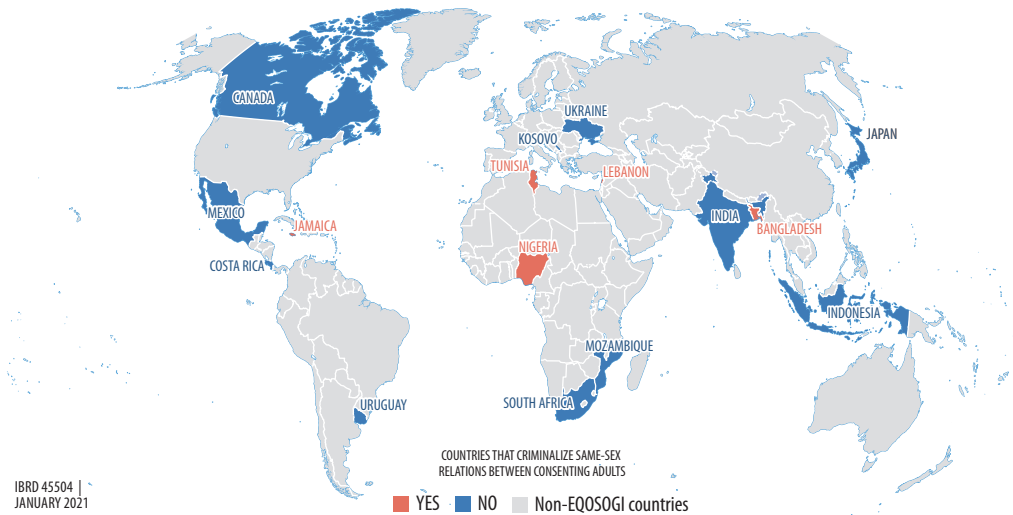
Freedom is a basic element of inclusion and a core pillar of fair and just societies. However, many sexual and gender minorities worldwide cannot exercise this basic right because of factors beyond their control—their sexual orientation, gender identity, gender expression, and sex characteristics. This is particularly true for consensual same-sex relations, which are illegal in many countries.³ Moreover, the criminalization of same-sex activity is often used to target transgender people as well.⁴

The criminalization of what is essentially a private matter threatens the core existence of sexual and gender minorities. Sexual and gender minorities experience isolation in personal and public spheres, including education, health care, and the economy. This exclusion further translates into a lack of opportunities, inability to access basic services (such as health care and education), abuse and over-incarceration, and a general mistrust and fear of authorities (Mallory and others 2017). Sexual and gender minorities often lack basic means to formally report violence and abuse. At the same time, criminalization based on SOGI makes sexual and gender minorities more vulnerable and more prone to being targeted by the police (Hanssens and others 2014). Criminalization directly undermines equality and inclusion of sexual and gender minorities, and countries should urgently address existing shortcomings. Doing so can have far-reaching economic and social benefits.

Most of the 16 countries analyzed do not criminalize people based on their sexual orientation. Those countries that prohibit same-sex acts are Bangladesh, Jamaica, Lebanon, Nigeria, and Tunisia. Countries that criminalize same-sex acts are more likely to target men than women. In Bangladesh, for example, the law penalizes individuals who have sexual relations “against the order of nature.” If found guilty, the accused can be imprisoned for life or face a fine and imprisonment of up to 10 years.⁵ Sexual and gender minorities have also been targeted under Section 290 of the Penal Code for “unsocial activities.”⁶ Similarly, in Lebanon, any sexual activity contrary to “the order of nature” can lead to imprisonment for up to a year.⁷ Lebanon also criminalizes gender expression by making it an offense for a man to “disguise himself as a woman.” The penalty for this offense is up to six years’ imprisonment.⁸ Tunisia’s criminal code criminalizes same-sex conduct between consenting adults with imprisonment of up to three years for private acts of sodomy.⁹ Jamaica still applies the Offences Against the Person Act (OAPA) of 1864, which criminalizes sodomy and same-sex sexual conduct among males only. Punishment includes imprisonment with or without hard labor.¹⁰ In Nigeria, the country’s criminal code criminalizes same-sex acts between consenting men, whether in public or private. The legislation also prohibits the procurement or the attempt to procure same-sex acts, and the violation carries a prison sentence of three years.¹¹ In addition, Nigeria’s Same Sex Marriage Prohibition Act of 2013 punishes anyone who enters into a same-sex marriage contract or civil union with 14 years’ imprisonment. The Prohibition Act also penalizes anyone who administers, witnesses, abets, or aids the solemnization of a same-sex marriage or civil union, or supports the registration, operation, and sustenance of gay clubs, societies, organizations, processions, or meetings with 14 years’ imprisonment.¹² Furthermore, in Nigeria’s 12 northern states, Sharia law criminalizes same-sex intimacy between both men and women. These laws put sexual and gender minorities at extremely high risk of imprisonment or death and deny their access to public spaces and services (map 1.1).

MAP 1.1

EQOSOGI Countries That Criminalize Same-Sex Relations between Consenting Adults, 2021



Source: World Bank Group, Equality of Opportunity database.

Note: In Indonesia, however, some local governments apply Islamic-based laws to criminalize homosexuality, although the country overall does not. EQOSOGI = equality of opportunity for sexual and gender minorities.

Indonesia is something of an outlier in this category because its laws do not specifically criminalize same-sex relations. However, some local governments apply Islamic-based laws to criminalize homosexuality. Bylaws that criminalize consensual same-sex sexual acts, for example, were passed in Aceh province and the city of Palembang. Aceh was given autonomy to implement Sharia law and to run its own Islamic Sharia court system. The Aceh regulation on criminal offenses, introduced in 2014, imposes an interpretation of Sharia law under which same-sex sexual activity is punished with a penalty of 100 lashes and imprisonment of up to eight years. Article 63 prohibits male penetration, while Article 64 prohibits same-sex sexual activity.¹³ The city of Padang Panjang in West Sumatra, for example, criminalizes same-sex sexual activity and punishes it with up to three months' imprisonment or a fine of up to 10 million rupiah (approximately US\$700) (Badgett, Hasenbush, and Luhur 2017).¹⁴

In India, by contrast, the Supreme Court decriminalized homosexuality in September 2018 by declaring Section 377 of the Indian Penal Code unconstitutional.¹⁵

None of the analyzed countries have a different legal age of consent for heterosexuals and sexual and gender minorities. Canada previously prohibited anal sex before the age of 18, with the general age of consent for vaginal intercourse being 16. But on June 21, 2019, Canada officially made 16 the age of consent, regardless of the partners' sex/gender and the type of sexual act.¹⁶ The five countries (Bangladesh, Jamaica, Lebanon, Nigeria, and Tunisia) that criminalize

same-sex relations do not differentiate age of consent based on opposite-sex or same-sex relations because same-sex relations are illegal.

Despite the growing number of countries worldwide that have abolished laws criminalizing people based on SOGI, **lesbian, gay, bisexual, transgender, and intersex (LGBTI) people continue to fear for their lives based on their identity alone.**

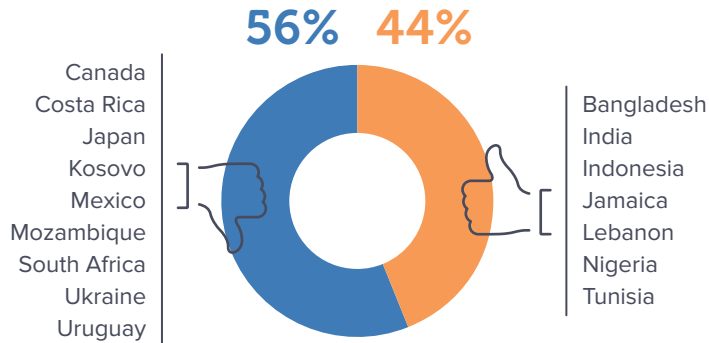
—Mendos (2019)

It is advised that countries adopt the following good practice policy actions:

- Repeal laws, constitutional provisions, and regulations that criminalize people based on their sexual orientation, gender identity, gender expression, and sex characteristics.
- Repeal laws, constitutional provisions, and regulations that criminalize sodomy, same-sex attraction, or same-sex sexual activity that can be used to target sexual and gender minorities.
- Repeal laws that ban sexual and gender minorities from showing affection in public or private spaces.
- Repeal laws that distinguish between heterosexuals and sexual and gender minorities regarding the legal age of consensual sex, including provisions that set different ages of consent for different sexual acts such as vaginal, anal, or oral sex.

Vagrancy, Public Nuisance, or Public Morals Laws

In addition to specific laws criminalizing sexual and gender minorities directly, countries also indirectly target this community through vagrancy, public nuisance, or public morals laws.¹⁷ These laws might go unnoticed by the general public. Still, they have real-life consequences for sexual and gender minorities, often preventing them from accessing basic services and job opportunities and forcing them into the informal sector, which leaves them vulnerable to abuse (Badgett and others 2014). These indirect ways of criminalizing sexual and gender minorities lead to exclusion. They prevent sexual and gender minorities from living freely and from contributing to and engaging in society. Seen as “immoral” or as a “public disturbance,” sexual and gender minorities often live on the fringes of society (Human Dignity Trust 2016).

FIGURE 1.1**Use of Vagrancy, Public Nuisance, or Public Morals Laws to Target Sexual and Gender Minorities in Seven of the Analyzed Countries, 2021**

Source: World Bank Group, Equality of Opportunity database.

These laws target gender minorities (transgender or gender nonconforming people) in particular. They are often prosecuted on public moral grounds for the way they express their gender (including through clothing choice) when this is perceived to be at odds with their birth sex.¹⁸

Using indirect measures to target sexual and gender minorities is not the norm among the reviewed countries. However, 7 of the 16 countries analyzed make use of vagrancy, public nuisance, or public morals laws against sexual and gender minorities (figure 1.1). Bangladesh criminalizes “nuisance” in public places without precisely defining what this constitutes.¹⁹ According to this study’s expert contributors, this provision is arbitrarily and unfairly used to categorize and criminalize as public nuisance certain activities that transgender people traditionally rely on to survive, such as sex work and begging. Similarly, India uses public obscenity and nuisance laws that criminalize begging and regulate sex work against *hijras* (third gender).²⁰ Lebanon’s Penal Code criminalizes gender expression by making it an offense for a man to “disguise himself as a woman.”²¹ It also criminalizes behavior that offends public morals and prohibits the possession, making, or distribution of materials that may incite others to immorality, thus posing barriers to freedom of expression.²²

Although many of these laws do not explicitly target sexual and gender minorities, they are arbitrarily used against them and pose a significant threat to their social and economic well-being. In Indonesia, the Penal Code’s provisions for offenses against decency and the law against pornography are open to interpretation and have been used to persecute sexual and gender minorities.²³ Those found guilty of offending decency can face up to 32 months in jail or a fine.²⁴ The authorities have used this law to criminalize transgender and gender-diverse people.²⁵ Similarly, the Tunisian Criminal Code criminalizes any act contrary to public decency and morality.²⁶ In Jamaica, the Offences Against the Person Act criminalizes sexual minorities and also prohibits any act of “gross indecency.”²⁷ In Nigeria, the Same-Sex Marriage Prohibition Act of 2013 punishes any person who makes a public showing of a same-sex amorous relationship

with 10 years' imprisonment.²⁸ Also, the Criminal Code of Nigeria prohibits acts of "gross indecency" between men with a penalty of three years' imprisonment.²⁹

More countries target sexual and gender minorities indirectly than directly. Even in countries where such laws do not exist, contributors report cases in which sexual and gender minorities' moral standing is questioned. For example, experts in Canada state that sexual and gender minorities (transgender people, in particular) face increased policing in public spaces. Such measures prevent sexual and gender minorities from fully participating economically, socially, and politically in public spaces. They remain a major obstacle in the advancement of equality for sexual and gender minorities worldwide.

It is advised that countries adopt the following good practice policy actions:

- Repeal laws, constitutional provisions, and regulations that explicitly or implicitly target sexual and gender minorities on vagrancy, public nuisance, or public moral grounds.
- Enact new laws or regulations to protect sexual and gender minorities from being criminalized in the name of public nuisance or public morals.

Notes

1. For more information, see <https://www.amnesty.org/en/what-we-do/discrimination/lgbti-rights>.
2. For more on the United Nation's efforts to combat discrimination on the basis of sexual orientation and gender identity, see the United Nations Office of the High Commissioner for Human Rights website at <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>.
3. Questions asked for this indicator set include: Are there any laws, constitutional provisions, and/or regulations that criminalize people based on sexual orientation, gender identity, gender expression, and sex characteristics? Does your country criminalize same-sex relations between consenting adults? Is the legal age for consensual sex the same for heterosexuals as for sexual and gender minorities?
4. See the Human Dignity Trust's map of countries that criminalize lesbian, gay, bisexual, and transgender (LGBT) people, available at https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter=crim_gender_exp.
5. Bangladesh, Penal Code. 1860. Article 377: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment] for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine. Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."
6. A lesbian couple from the Jhalakati District of Bangladesh was arrested and jailed and subjected to a "gender test." A case was filed against them under Section 290 of the Penal Code for unsocial activities. This followed reports in June 2013 that two women in Bangladesh were arrested for marrying in secret (see the Human Dignity Trust at <https://www.humandignitytrust.org/country-profile/bangladesh/>). Section 290 of the Penal Code of 1860 provides: "Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred takas."

7. Lebanon, Penal Code. 1943. Article 534: “Any sexual intercourse contrary to the order of nature is punishable by up to one year in prison.”
8. Lebanon, Penal Code. 1943. Article 521: “Any man who disguises himself as a woman and enters a place specifically for women only or a place in which anyone aside from women are prohibited from entering may be jailed for no more than six months.”
9. Tunisia, Criminal Code. 1913. Article 230: “La sodomie, si elle ne rentre dans aucun des cas prevus aux articles precedents, est punie de l'emprisonnement pendant trois ans.”
10. Jamaica, Offences Against the Person Act. 1861. Article 76: “Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned & kept to hard labor for a term not exceeding 10 years.”
11. Nigeria, Criminal Code Act. 1990. Article 217: “Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years.” Article 214: “Any person who (1) has carnal knowledge of any person against the order of nature; or (2) has carnal knowledge of an animal; or (3) permits a male person to have carnal knowledge of him or her against the order of nature is guilty of a felony, and is liable to imprisonment for 14 years.” Article 352: “Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony and is liable to imprisonment for 14 years.”
12. Nigeria, Same Sex Marriage Prohibition Act. 2013. Article 1: “A marriage contract or civil union entered into between persons of same sex is prohibited in Nigeria and shall not be recognized as entitled to the benefits of a valid marriage.” Section 5: “A person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment.”
13. Indonesia, Law No. 18/2001 on Special Autonomy for Special Region of Aceh province as Nanggroe Aceh Darussalam Province. Aceh Regulation (No. 6/2014), Articles 63 and 64.
14. For further examples of regional anti-LGBTI (lesbian, gay, bisexual, transgender, and intersex) laws, see UNDP and USAID 2014.
15. Article 377 of the Penal Code was abolished by Navtej Singh Johar v. Union of India WP (Criminal) No. 76 of 2016. Article 377 of the Penal Code of India stated that “anyone who voluntarily has carnal intercourse against the order of nature with any man, woman or animal.”
16. Section 159 of the Criminal Code of Canada prohibited anal sex prior to the age of 18. This prohibition was found unconstitutional by a number of courts. This prohibition was finally repealed by Bill C-75, which passed into law on June 21, 2019.
17. The relevant question for this indicator set is: Are sexual and gender minorities targeted with other laws such as vagrancy, public nuisance, or public morals?
18. See the Human Dignity Trust’s map of countries that criminalize LGBT people, available at https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter=crim_gender_exp.
19. Bangladesh, Penal Code. 1860. Article 290: “Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred taka.” Article 294: “Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.”
20. India, Penal Code. 1860. Section 268 provides with respect to public nuisance: “A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.” Section 294: “Obscene acts and songs. Whoever, to

- the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.” See also the Immoral Traffic (Prevention) Act, 1956. Section 4(1): “Any person over the age of 18 years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to 1,000 rupees, or with both and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than 10 years.” Certain state laws are also used against transgender persons who engage in begging or sex work; for instance, the Telangana Eunuchs Act, 1919, and the Karnataka Police Act, 1963.
21. Lebanon, Penal Code. Article 521: “Any man who disguises himself as a woman and enters a place specifically for women only or a place in which anyone aside from women are prohibited from entering may be jailed for no more than six months.”
 22. Lebanon, Penal Code. 1943. Article 532: “The exposing of public morals by any of the ways mentioned in paragraphs 2 or 3 of Article 209 shall be punished with imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira.” Article 209: “The making or possession, importing or attempts to import for trade, distribution, for payment, copying, exhibition or display or attempts to display to the public, or for selling or attempts to sell, or distribution or engaged in the distribution of each publication, an editor or a drawing or a declaration or pictures or paintings or photographs, or the origin of the image or its template or produced anything in breach of modesty shall be punished with imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira.”
 23. Indonesia, Law No. 44 (Pornography Act). 2008. Article 1: “Dalam Undang-Undang ini yang dimaksud dengan: 1. Pornografi adalah gambar, sketsa, ilustrasi, foto, tulisan, suara, bunyi, gambar bergerak, animasi, kartun, percakapan, gerak tubuh, atau bentuk pesan lainnya melalui berbagai bentuk media komunikasi dan/atau pertunjukan di muka umum, yang memuat kecabulan atau eksploitasi seksual yang melanggar norma kesusilaan dalam masyarakat.” Article 3: “Undang-Undang ini bertujuan: a. mewujudkan dan memelihara tatanan kehidupan masyarakat yang beretika, berkepribadian luhur, menjunjung tinggi nilai-nilai Ketuhanan Yang Maha Esa, serta menghormati harkat dan martabat kemanusiaan; b. menghormati, melindungi, dan melestarikan nilai seni dan budaya, adat istiadat, dan ritual keagamaan masyarakat Indonesia yang majemuk; c. memberikan pembinaan dan pendidikan terhadap moral dan akhlak masyarakat; d. memberikan kepastian hukum dan perlindungan bagi warga negara dari pornografi, terutama bagi anak dan perempuan; dan e. mencegah berkembangnya pornografi dan komersialisasi seks di masyarakat.” Article 4: “(1) Setiap orang dilarang memproduksi, membuat, memperbanyak, menggandakan, menyebarkan, menyiarkan, mengimpor, mengekspor, menawarkan, memperjualbelikan, menyewakan, atau menyediakan pornografi yang secara eksplisit memuat: a. persenggamaan, termasuk persenggamaan yang menyimpang; b. kekerasan seksual; c. masturbasi atau onani; d. ketelanjangan atau tampilan yang mengesankan ketelanjangan; e. alat kelamin; atau f. pornografi anak.”
 24. Indonesia, Penal Code 1999. Article 281: “By a maximum imprisonment of two years and eight months or a maximum fine of 3,000 rupiahs shall be punished: 1st, any person who with deliberate intent publicly offends against decency; 2nd-ly, the people who with deliberate intent offend against decency whereby another person is present in spite of himself.”
 25. See the Human Dignity Trust’s Indonesia website at <https://www.humandignitytrust.org/country-profile/indonesia/>.
 26. Tunisia, Criminal Code. 1913. Article 226: “Est puni de six mois d’emprisonnement et de quarantehuit dinars d’amende, quiconque se sera, sciemment, rendu coupable d’outrage public à la pudeur.” Article 226 bis: “Est puni de six mois d’emprisonnement et d’une amende de mille dinars quiconque porte publiquement atteinte aux bonnes mœurs ou à la morale publique par le geste ou la parole ou gène intentionnellement autrui d’une façon qui porte atteinte à la pudeur. Est passible

des mêmes peines prévues au paragraphe précédent quiconque attire publiquement l'attention sur une occasion de commettre la débauche, par des écrits, des enregistrements, des messages audio ou visuels, électroniques ou optiques.”

27. Jamaica, Offences Against the Person Act. 1861. Article 79: “Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding two years, with or without hard labor.”
28. Nigeria, Same-Sex Marriage Prohibition Act (Article 5 (2)). 2013: “A person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.”
29. Nigeria, Criminal Code Act (Section 217): “Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for three years.”

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