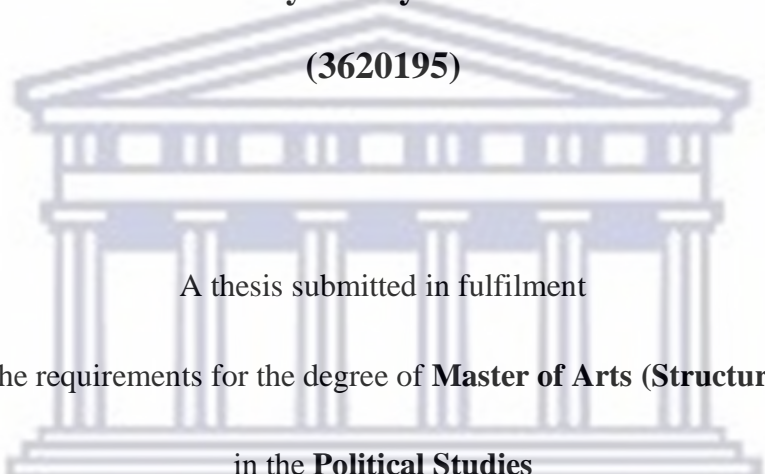


Equality and Non-Discrimination: Comparing the impact of South Africa and Nigeria's same-sex legislation

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Plagiarism Declaration

Declaration

Hereby I, Amy Mikayla Scott, declare that *Equality and Non-Discrimination: Comparing the impact of South Africa and Nigeria's same-sex legislation* is my own original work and that all sources have been accurately reported and acknowledged, and that this document has not previously in its entirety or in part been submitted at any university in order to obtain an academic qualification.

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Abstract

This mini-thesis examines the impact of same-sex legalisation on the LGBTQIA+ populations in South Africa and Nigeria. The study seeks to investigate how the convergence of legislation, culture, and societal norms influences the actual experiences of LGBTQIA+ individuals in these two distinct contexts. The primary research question is, "What is the effect of same-sex legislation on the equality and non-discrimination of LGBTQIA+ individuals in Africa?"

South Africa is known for its progressive stance on LGBTQIA+ rights, which is in stark contrast to Nigeria, where both legislation and popular views are notably negative. This comparative research illustrates that, although South Africa possesses a sophisticated legal system, societal biases persist, leading to ongoing instances of discrimination and violence. In Nigeria, the presence of restrictive laws exacerbates these issues, resulting in an inhospitable environment for LGBTQIA+ individuals.

The study employs queer theory and the five faces of oppression to examine the complexities of identity development, societal norms, and the various manifestations of prejudice encountered by LGBTQIA+ individuals. The study employs a methodological approach that integrates qualitative and sociological approaches. It analyses data on legislative frameworks, societal perspectives, and instances of violence and harassment. Additionally, it explores activism, resistance, and the notion of intersectionality to enhance our understanding of how LGBTQIA+ individuals are empowered in different situations.

The findings indicate that the existing legal mechanisms are inadequate in fully promoting equality and preventing discrimination. To effectively tackle the various challenges faced by LGBTQIA+ individuals, it is necessary to implement societal transformation, provide support services, and employ intersectional strategies. This paper aimed to promote the implementation of comprehensive strategies that include legal reforms, societal education, and support services. The ultimate objective is to establish an inclusive future founded on principles of equality and non-discrimination. Ultimately, this study hopes to contribute to the broader discourse surrounding LGBTQIA+ rights and social justice in Africa, providing valuable insights that may be utilised to shape legislation and initiatives aimed at creating a more inclusive society. The ultimate objective is to facilitate the creation of strategies that not only eradicate legal

inequalities but also promote wider cultural recognition and endorsement of LGBTQIA+ individuals.

Keywords: LGBTQIA+ Rights, Same-Sex Legislation in Africa, Equality, Non-Discrimination, South Africa, Nigeria, Comparative Analysis

Dedications

Firstly, I would like to acknowledge my own efforts to complete this body of work. Through a pandemic, the loss of a parent and uncle, health battles, working multiple jobs to help support my family, etc., I managed to keep a promise to myself to accomplish this task. At times it felt easier to give up, but I am proud that I stuck it out and kept in mind the end goal.

I'd then like to dedicate this thesis to my parents. To my kind-hearted mother, whose hard work has allowed me to get the best out of life, and who has always supported me, thank you. To my late father, who trekked me back and forth and was never shy to boast about my academic achievements, I thank you and hope that I gave you more to boast about in heaven.

To my grandmother, Wilhelmina Scott, my pillar of strength. A woman who has ingrained in me the values of hard work and independence. Thank you for always encouraging me to have a voice and stand up for myself.

To my younger brothers, Josh and Jason, may my hard work and accomplishments be a constant motivator for you both to reach the highest of heights and know that the world is much bigger than your current surroundings.

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Lastly, the community for whom my research is about, the LGBTQIA+ community. I hope my research can make a difference in the challenges you face. May this body of work open the eyes and minds of those otherwise ignorant of your daily plights.

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Chapter 1: Introduction and Background

1.1 Introduction

Throughout the course of the last few decades, a multitude of governmental and non-governmental organisations in a variety of nations throughout the world have demonstrated an interest in working for the rights of lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other sexual minorities (LGBTQIA+). There is a need for an investigation on the characteristics of laws that regulate partnerships between people of the same sexual orientation, as well as the influence these laws have on the rights and prejudices that are experienced by those who have this sexual orientation. This study compares and analyses the legislative procedures that regulate same-sex couples in South Africa and Nigeria. This is done in light of the fact that these two countries have quite different viewpoints towards the LGBTQIA+ community.

When it comes to human rights, South Africa is historically regarded as a progressive African nation, particularly with regard to the rights of gay and lesbian individuals. This includes the rights of gay and lesbian individuals. Relationships between people of the same gender are made official by the constitution of the country. Contrary to this, within Africa, Nigeria has enacted laws such as the Same-Sex Marriage (Prohibition) Act of 2014, which not only prohibits relationships between people of the same gender but also addresses discrimination and prejudice in the society. Nevertheless, as a consequence of complex legal and socio-cultural links, both African countries have comparable obstacles when it comes to the enforcement of fundamental rights such as equality and non-discrimination for those who identify as LGBTQIA+.

The analysis in this thesis was driven by the observation that, despite the progressive nature of the laws that some African countries have regarding relationships between people of the same gender, there are obvious problems faced by the LGBTQIA+ population. It is common for persons who identify as queer to experience confusion regarding their rights and freedoms in relation to equality and the fight against discrimination. This is in direct opposition to the legal framework that governs power relations and the lived experiences of those within the system. A legislative approach that seeks to regulate homosexual and lesbian relationships interacts with sociopolitical and economic factors to shape and impact the experiences of LGBTQIA+

individuals in a variety of settings. As a result, the inclusion of South Africa and Nigeria in this study serves to demonstrate how this interaction occurred.

1.2 Background and Research Problem

Homophobia and discrimination against persons based on their sexual orientation are widespread and consequential issues in today's world. These prejudices are often based on cultural, religious, and social factors, and result in the exclusion of individuals with sexual and gender diversity. Although several regions of the world have gradually accepted homosexuality and enacted measures to prevent discrimination, a significant portion of the globe continues to uphold and enforce prejudice, which clearly constitutes blatant violations of human rights. The victims of homophobia and prejudice continue to experience enduring repercussions in relation to their mental and physical health, financial stability, and legal entitlements as citizens. The objective of this research is to determine the impact of homophobia and prejudice, including their origins, various manifestations, and the severity of their consequences.

Homophobia and discrimination against individuals in the LGBTQIA+ community are pervasive worldwide, making it impossible to confine them to any specific country or culture. It is important to mention that currently, many nations still consider sexual encounters between individuals of the same gender as illegal, with penalties that extend from a life sentence in jail to the death penalty. As of 2023, there were 67 countries that have enacted legislation making consensual same-sex partnerships illegal. In certain nations, such as Iran and Saudi Arabia, engaging in such relationships can result in the imposition of the death penalty (Mendos et al., 2020). Gay individuals may encounter hostile social environments, even in countries where homosexuality is not illegal. Based on a 2020 study conducted by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), certain locations exhibited a prevalence of unfavourable sentiments towards LGBTQIA+ individuals, with over 50% of respondents expressing such attitudes (Mendos et al., 2020).

It can be said that the majority of people develop homophobia as a result of their historical, cultural, and religious perspectives (Herek, 2004). As a result of the fact that the majority of faiths continue to hold the belief that homosexuality is a perversion or a wickedness, homosexuality is the subject of persecution in the majority of theological systems (Comstock, 1991; Baisley, 2021). These beliefs have been profoundly embedded in a variety of

civilisations, and subsequently, they have influenced the formation of laws and the practices that are conducted in society to this day (Adam, 1995). Furthermore, the continued emphasis on cultural norms that encourage heterosexuality and rigid gender classifications is a contributing factor to the marginalisation and discrimination that the LGBTQIA+ minority is subjected to (Warner, 1993; Schneider and Lang, 2022). It is possible for homophobia to develop in a number of stages within a cultural and religious framework. These stages include prejudice, hostility, and discriminatory systems (Herek, 2000). These individuals who identify as gay, lesbian, bisexual, or transgender are at risk of being subjected to hate crimes and injustice as a result of this (Herek, 1989).

Homophobia and prejudice have far-reaching and complex repercussions, affecting individuals, communities, and society on a broad scale. The harmful impact of homophobia on mental health is one of its most immediate consequences. Those who identify as LGBTQIA+ have higher rates of depression, anxiety, and thoughts of suicide than do those who identify as straight. A study that was published in the *Journal of Adolescent Health* found that LGBTQIA+ children had a five-fold higher risk of suicide attempt than did heterosexual youth (Johns et al., 2022). Discrimination and stigmatisation can also contribute to physical health problems, as they intensify stress and hinder access to healthcare, hence worsening pre-existing and oncoming diseases. A significant number of LGBTQIA+ individuals refrain from obtaining medical treatment or seeking illegal medical treatment, as a result of their apprehension towards encountering discrimination, which subsequently results in inferior health outcomes (Kcomt and Gorey, 2022).

Homophobia and discrimination also have substantial economic consequences. Workplace discrimination frequently targets LGBTQIA+ individuals, leading to reduced salaries, restricted job prospects, and elevated rates of unemployment. In 2018, the World Bank conducted a study which found that the economic impact of discrimination against LGBTQIA+ individuals is considerable. This prejudice leads to decreased productivity and higher healthcare expenses, resulting in huge financial losses annually (Badgett et al., 2019). Moreover, the absence of legislative safeguards in numerous nations implies that LGBTQIA+ individuals have few options for addressing unjust behaviour in their professional and working environments.

Individuals who identify as LGBTQIA+ suffer in their ability to participate meaningfully in society because they are marginalised. The capacity of individuals who identify as LGBTQIA+ to get essential services, such as education, healthcare, and housing, is hampered by laws and policies that discriminate against them. In a number of locations, individuals who identify as LGBTQIA+ are subject to restrictions that limit their ability to marry, adopt children, and openly exhibit their identity. This exclusion not only causes physical harm to people, but it also contributes to the continuance of societal inequities and prevents the development of social unity (Ghoshal, 2022).

Notwithstanding these obstacles, there are continuous global endeavours to counteract homophobia and advance equality. International agencies, such as the United Nations, have made substantial progress in promoting LGBTQIA+ rights. The objective of the United Nations' Free & Equal campaign is to enhance consciousness and promote favourable perspectives towards LGBTQIA+ individuals (United Nations, 2023). In addition, numerous countries have implemented anti-discrimination legislation and legalised same-sex marriage, indicating a progressive trend towards increased societal acceptability.

The enduring presence of homophobia and discrimination against LGBTQIA+ individuals remain a substantial issue with far-reaching ramifications. These forms of prejudice, which are based on cultural, religious, and societal standards, appear in many ways and result in substantial harm to mental, physical, economic, and social well-being. To tackle these issues, it is necessary to make joint efforts at both national and international levels to encourage acceptance, implement protective laws, and guarantee that LGBTQIA+ individuals can live without fear or discrimination. Through the implementation of comprehensive programmes, we can aspire to establish a global society that upholds the principles of dignity and respect for all individuals, irrespective of their sexual orientation or gender identity.

Homophobia and prejudice have become integral parts of the legislation and regulatory frameworks of numerous nations, reflecting their political dimensions. These include laws that make relationships between people of the same gender illegal, do not recognise gender identities as legal, and make it harder for LGBTQIA+ people to speak out and meet in public. These restrictions, which are frequently justified based on traditional values or national security concerns, establish prejudice as an official policy and strengthen social structures that support heteronormativity (Herek, 2009; Mendos, 2020). Political leaders occasionally manipulate

homophobia to their advantage, appealing to conservative or religious constituents through the use of anti-LGBTQIA+ rhetoric and policies (Sanders, 2016). On the other hand, when politicians show support for LGBTQIA+ rights, it can lead to changes in society by questioning established beliefs and encouraging tolerance. This is seen in nations that have legalised same-sex marriage and implemented legislation that protect against discrimination (Encarnación, 2016).

The phrase "the personal is political" highlights the interconnectedness between the personal experiences of LGBTQIA+ individuals and the political landscape, which has a significant impact on their identity, relationships, and ability to access rights such as marriage and healthcare (Han, 2017). This concept also recognises the importance of intersectionality, acknowledging how factors such as race, class, and nationality intersect with sexual orientation and gender identity, resulting in distinct experiences of discrimination (Crenshaw, 1991). By acknowledging that personal struggles are inherently political, it promotes comprehensive advocacy efforts that address systemic homophobia and discrimination.

Ensuring the safeguarding of the civil rights of sexual minorities is of utmost importance in a democratic nation, as it serves to uphold the principles of equality, justice, and individual rights. By establishing legal safeguards, societies promote social unity, affirm the dignity and value of all individuals, and demonstrate their dedication to upholding universal human rights. To effectively combat homophobia and discrimination, it is imperative that both national and international endeavours are undertaken to foster acceptance, enact protective laws, and guarantee that LGBTQIA+ individuals can lead lives devoid of fear and discrimination. These efforts are essential for the preservation of democratic values and the cultivation of an inclusive society (Human Rights Watch, 2019).

1.3 Research Rationale and Research Question

This thesis focuses on the challenges faced by LGBTQIA+ individuals in Africa, particularly in Nigeria and South Africa, in relation to their national laws regarding same-sex relationships. Despite the existence of legal frameworks in many countries, LGBTQIA+ individuals still encounter significant obstacles to achieving equality and being free from discrimination. This suggests a disconnect between legal requirements and the actual experiences of LGBTQIA+ individuals. This discrepancy serves as the motivation for examining how same-sex legislation

not only affects LGBTQIA+ individuals from a legal standpoint, but also from social, cultural, political, and economic perspectives, contributing to their oppression and marginalisation.

This study is motivated by the recognition of the systematic discrimination and violence experienced by LGBTQIA+ individuals in Africa, regardless of the stance of the country on same-sex legislation. Whether these laws are inclusive or restrictive, LGBTQIA+ individuals encounter obstacles to their rights and freedoms to varying extents. The objective of this study is to investigate the mechanisms of oppression and identify common challenges faced by LGBTQIA+ populations across different legal contexts by examining the experiences of LGBTQIA+ individuals in Nigeria and South Africa, where same-sex legislation differs significantly.

South Africa is often praised for its advancements in LGBTQIA+ rights in Africa, setting it apart from Nigeria, where same-sex partnerships are considered illegal (Hoad, 2007). However, both countries still face deeply rooted cultural biases that contribute to discrimination and violence against LGBTQIA+ individuals (Gevisser, 2020). This contrast highlights the difficulties of addressing disparities and prejudices solely through legal changes. By comparing the approaches to same-sex legislation and considering socio-cultural factors, we can gain a more nuanced understanding of how LGBTQIA+ individuals experience daily life in different African contexts.

In Nigeria, same-sex relationships are illegal and LGBTQIA+ individuals experience significant social stigma and prejudice, this creates a climate of fear, violence, and exclusion. Despite constitutional provisions for equality and anti-discrimination, the enforcement of laws against LGBTQIA+ communities cultivate an atmosphere of hostility and intolerance, greatly limiting their ability to live openly without the threat of persecution (Essien & Aderinto, 2009)

Conversely, South Africa is notable for its progressive legal system that protects the rights of LGBTQIA+ individuals, such as constitutional safeguards and legal recognition for same-sex partnerships (McEwen, 2021). However, despite these favourable laws, LGBTQIA+ individuals in South Africa continue to experience discrimination, violence, and socio-economic difficulties (Pienaar et al., 2022). This indicates that legal changes alone are not enough to address deeply rooted prejudices and systemic inequalities.

The research question "What impact does same-sex legislation have on the equality and non-discrimination of LGBTQIA+ individuals in Africa?" is important in understanding how legal measures protect the rights and dignity of LGBTQIA+ individuals. This study aims to examine the effects of legal frameworks, societal attitudes, and real-life experiences on LGBTQIA+ communities in Nigeria and South Africa. By doing so, it contributes to discussions on rights, social justice, and equal treatment for all individuals in Africa, regardless of sexual orientation or gender identity.

The research question serves as a guiding principle that directs attention to the various aspects of LGBTQIA+ rights and the difficulties involved in navigating legal protections and societal attitudes. By focusing on the impact of legislation on equality and non-discrimination, this thesis aims to emphasise the disparities between laws on paper and actual experiences, while also identifying forms of oppression that go beyond national borders. Ultimately, the study seeks to challenge the belief that legal reforms alone are enough to ensure all LGBTQIA+ rights and to advocate for comprehensive strategies that address the underlying issues of prejudice and exclusion.

1.4 Scope of the Study and Structure of the Thesis

This research aims to analyse homophobia and discrimination against LGBTQIA+ individuals as an African issue, focusing specifically on political, social, and human rights aspects. The research question will explore the various causes, manifestations, and consequences of homophobia and discrimination, with a particular emphasis on their impact on democratic values and the protection of human rights. By drawing from literature, theory, and employing a qualitative and comparative research approach, this study seeks to develop a comprehensive understanding of how political processes, social perceptions, and the experiences of the LGBTQIA+ community are interconnected in today's world.

In order to comprehend current perspectives on LGBTQIA+ individuals, it is crucial to examine the wider socio-cultural and political contexts that influence them. This is done in Chapter 2 by looking at how homophobia and discrimination have changed over time on a world scale. By placing present-day forms of bias within a broader historical framework, it provides understanding of the complex interaction of social factors that shape societal views on sexual and gender minorities. Expanding on the historical background presented in Chapter

2, Chapter 3 thoroughly examines previous academic research on homophobia, discrimination, and LGBTQIA+ rights, especially withing Africa – namely, South Africa and Nigeria. Its goal is to outline the existing knowledge while also identifying gaps and potential areas for future investigation.

Section 4.1 of Chapter 4 of the study thoroughly examines important words and conceptual frameworks, providing detailed definitions and explanations. This part is essential for developing a clear and unified understanding of these words, which will establish a strong basis for further investigation. Section 4.2 then further explains the theoretical foundations that support the analytical framework of this investigation. In this thesis, the concepts of Queer theory and the Five Faces of Oppression are defined and elaborated upon as the theoretical foundation. Chapter 4 concludes by explaining the reasoning for the choice of theoretical foundation in section 4.3.

Chapter 5 of the study discusses the qualitative research methodologies used in this thesis. It explains the strategies for collecting data, selecting samples, and considering ethical issues. The goal of the chapter is to demonstrate the strength and validity of the research methods. In order to develop a thorough comprehension of LGBTQIA+ experiences in various settings, Section 5.2 of Chapter 5 outlines the comparative research approach to be used. This section seeks to clarify the distinct effects of homophobia and discrimination on LGBTQIA+ communities globally by enabling cross-national comparisons. Section 5.3 and 5.4 of Chapter 5 describes the research methods used to analyse existing data, reports, and policy documents. These approaches, which include qualitative and comparative approaches, were conducted through a desktop research method. Although the research procedures are strong, Chapter 5 concludes by openly admitting the inherent limits of the research approach. The final section clarifies the complexity and nuances of empirical research by acknowledging possible biases, limitations in data, and methodological challenges. Additionally, it advocates for transparency and self-awareness.

Chapter 6 provides a detailed analysis of the empirical findings derived from the qualitative and comparative research methodologies, taking into account the methodological considerations. Through a critical examination of the data, the chapter aims to clarify the implications of the findings and promote a nuanced comprehension of the intricate relationship between political dynamics, societal attitudes, and the lived experiences of LGBTQIA+

individuals. The final and seventh chapter of the thesis presents the final synthesis of the findings. It outlines important insights and implications for policy, practice, and future research. The chapter offers strong recommendations to guide evidence-based interventions that aim to promote inclusivity, equity, and social justice for sexual and gender minorities globally.

The thesis ultimately aims to make a significant contribution to the ongoing discussion on LGBTQIA+ rights and advocate for comprehensive strategies that support equality and non-discrimination. By examining both the legal frameworks and socio-cultural contexts, the study seeks to provide a comprehensive understanding of the obstacles and possibilities for advancing LGBTQIA+ rights in Africa.

Chapter 2: Background and Context

2.1 Historical Context of LGBTQIA+ Discrimination

The widespread problem of homophobia and discrimination against LGBTQIA+ individuals are deeply ingrained and have wide-ranging repercussions that extend throughout cultures. This review of the background and context of the research problem examines the origins, expressions, and significant consequences of discrimination against LGBTQIA+ individuals in Africa. It aims to investigate the intricate aspects related to the impact of same-sex legislation on the quest for equality and non-discrimination. Situated within the wider academic conversation, this review carefully evaluates current research to offer a nuanced comprehension of the deliberate infringement of LGBTQIA+ rights, encompassing both commonplace instances of bias and extreme acts of violence. This highlights the importance of protecting the legal rights of sexual minorities within democratic systems, highlighting the need to address and combat discrimination in all its manifestations. Furthermore, it explores the complex dynamics of the notion of "the personal is political" in relation to LGBTQIA+ rights, analysing how individual experiences link with broader political and social systems. This look at the issues tries to shed light on the tough problems LGBTQIA+ people face and call for big changes to make society more fair and open to everyone.

2.2 Legal and Societal Manifestations

The global concerns of homophobia and discrimination against LGBTQIA+ individuals are strongly rooted in cultural, religious, and societal norms. These biases manifest in various ways, such as legal persecution, social exclusion, and physical assaults. Many countries around the world have laws that make it a crime to engage in private, consensual, same-sex sexual activities (ILGA, 2022). This issue is widespread in 64 jurisdictions, with most of them specifically criminalising sexual activity between men through laws related to 'sodomy', 'buggery', and 'unnatural offences'. Significantly, about half of these jurisdictions are part of the Commonwealth (Human Rights Watch, 2022).

Furthermore, there are 40 countries that have legislation that makes private, consenting sexual behaviour between women illegal. These laws often target acts such as 'lesbianism', 'sexual contact with a member of the same sex', and 'gross indecency'. Lesbians and bisexual women often encounter the risk of being arrested, even in jurisdictions where there is no specific

legislation targeting women (“Map of Countries that Criminalise LGBT People | Human Dignity Trust”, n.d.)

Additionally, there are 12 nations where legal systems allow for the death sentence to be enforced or considered as a possible punishment for engaging in private, consensual same-sex sexual behaviour. Significantly, a minimum of six countries, specifically Iran, Northern Nigeria, Saudi Arabia, Somalia, and Yemen, actively enforce capital punishment for these offences. Moreover, Afghanistan, Brunei, Mauritania, Pakistan, Qatar, the United Arab Emirates, and Uganda still have the legal option of implementing the death sentence (“Map of Countries that Criminalise LGBT People | Human Dignity Trust”, n.d.)

Moreover, transgender individuals in 14 nations face criminalisation of their gender identity and/or expression through laws that specifically target activities such as 'cross-dressing', 'impersonation', and 'disguise'. Transgender individuals in many nations are subjected to persecution due to laws that criminalise same-sex behaviour, as well as regulations that target vagrancy, hooliganism, and public order offences. (“Map of Countries that Criminalise LGBT People | Human Dignity Trust”, n.d.) These discriminatory laws are often backed by historical, theological, and cultural beliefs that consider homosexuality to be morally wrong or against the natural order (Cook & Cusack, 2021).

2.3 Health and Economic Impacts

The consequences of bias against the LGBTQIA+ are substantial and diverse, affecting individuals' mental and physical health, economic opportunities, and social inclusion. An enormously higher percentage of LGBTQIA+ people have mental health problems, such as sadness, anxiety, and suicidal thoughts, compared to straight people. Marshal et al. (2011) discovered that LGB youth have a suicide attempt rate that is five times greater than their heterosexual counterparts. Similarly, a study conducted by (Budge et al., 2020) demonstrated that those who identify as LGBTQIA+ face an increased susceptibility to mental illnesses as a result of experiencing discrimination and social stigma.

Discrimination is also associated with negative physical health effects, such as chronic stress and the avoidance of healthcare services. Studies suggest that a considerable proportion of individuals belonging to the LGBTQIA+ group postpone obtaining medical care because they

fear encountering prejudice, leading to the decline of their health problems (McNair et al., 2023). For instance, a study conducted by Lambda Legal (2020) revealed that approximately 56% of individuals who identify as lesbian, gay, or bisexual, and 70% of those who identify as transgender, reported instances of healthcare discrimination. As a result, a significant number of these individuals choose to refrain from getting essential medical treatment.

The marginalisation encountered by LGBTQIA+ adolescents in educational environments can result in increased rates of disengagement from school and diminished academic performance, as evidenced by research such as Kosciw et al. (2013), which highlights the prevalence of hostile school climates experienced by several LGBTQIA+ students. Kosciw et al.'s (2013) study shows that LGBTQIA+ youth often have to deal with hostile school environments that include bullying, harassment, and discrimination. Students who identify as LGBTQIA+ are more likely to miss school, do worse in school, and feel alone because of these negative conditions. The study shows how important it is for schools to have rules that are supportive and welcoming for LGBTQIA+ students so that they can do better in school.

Prejudice towards LGBTQIA+ individuals in the financial domain can impede their economic opportunities. For instance, Badgett and Frank (2021) discovered that homosexual males experience a wage gap of 10-32% compared to heterosexual men with equivalent qualifications. In a similar vein, Carpenter and Eppink (2017) observed that bisexual individuals encounter substantial disparities in wages when compared to both heterosexual and homosexual counterparts. Moreover, a study conducted by the Williams Institute demonstrated that same-sex couples have a higher likelihood of residing in poverty in comparison to opposite-sex couples (Badgett et al., 2020). This emphasises the economic inequalities that are perpetuated by societal prejudice.

The economic loss stems not only from explicit workplace discrimination but also from the wider societal consequences of exclusion and mental health problems, which diminish the total productivity of the workforce (Drydakis, 2014). Concrete examples from reality vividly demonstrate the effects of these biases. The Supreme Court decision of *Bostock v. Clayton County* (2020) in the United States brought attention to the problem of workplace discrimination. The case of Gerald Bostock, who was terminated from his employer for participating in a homosexual softball league, highlights the detrimental impact of prejudice on the employment prospects and financial security of LGBTQIA+ individuals in the workplace

(*Bostock v. Clayton County*, 2020). This landmark case, which finally established that Title VII of the Civil Rights Act safeguards employees against discrimination on the basis of sexual orientation and gender identity, highlights the imperative requirement for legislative safeguards to guarantee economic equity for LGBTQIA+ individuals. The ruling from *Bostock's* case was a big step forward for LGBTQIA+ rights because it made it clear that federal law protects people from being discriminated against at work because of their sexual orientation or gender identity. It said that discriminating against LGBTQIA+ people is discrimination based on sex. This means that millions of LGBTQIA+ workers across the United States now have federal job protections.

Furthermore, the lack of legislative protections in many countries means that LGBTQIA+ individuals are unable to pursue legal recourse for job discrimination, hence exacerbating economic inequalities. For example, the absence of anti-discrimination legislation in numerous nations results in LGBTQIA+ individuals encountering substantial obstacles in attaining economic equality (Kidd & Bozett, 2019). According to a report by Human Rights Watch (2020), LGBTQIA+ workers in countries that lack legal rights are at a higher risk of experiencing harassment and unfair treatment. This, in turn, restricts their economic prospects and employment stability.

There are many things that violate the rights of LGBTQIA+ people, from widespread bias to acts of physical abuse. Legal and cultural biases that provide advantages to some groups while unfairly treating LGBTQIA+ individuals contribute to an environment where ongoing discrimination and exclusion are widespread. The everyday life of LGBTQIA+ frequently includes experiences of social isolation, bullying, and denial of services. Acts of violence against LGBTQIA+ individuals, such as corrective rape, killing, and physical aggression, are widespread in many parts of the world. Corrective rape, a despicable act aimed at "curing" individuals of their homosexuality, is especially widespread in regions like South Africa (Human Rights Campaign, 2017). As per Brown (2012), corrective rape is a type of gender-based violence that reinforces heteronormativity and functions as a potent tool for patriarchal domination over women's bodies.

The rates of homicide and physical assault, specifically targeting LGBTQIA+ individuals based on their sexual orientation or gender identity, are significantly high. According to a report published by the Human Rights Campaign in 2020, it was observed that 2020 saw the highest

number of deaths ever recorded for transgender and gender non-conforming individuals. At least 44 people were fatally shot or killed through other violent methods. Carroll (2019) has emphasised that this violence frequently remains without consequences, leading to a climate characterised by fear and discrimination. In Brazil, a substantial proportion of homicides target LGBTQIA+ individuals, and numerous instances go without adequate investigation or prosecution.

Tangible instances in the real world plainly demonstrate the harsh repercussions of this discrimination and violence. The 2008 rape and murder of Eudy Simelane, a lesbian football player in South Africa, drew global awareness to the problem of corrective rape and the severe violence experienced by LGBTQIA+ individuals in the country (Wells and Polders, 2016). Another instance is the 1998 homicide of Matthew Shepard in the United States, which brought attention to the widespread occurrence of violence against the LGBTQIA+ community and resulted in the implementation of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act in 2009 (Loffreda, 2000). The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, which was passed in 2009, adds crimes motivated by a victim's real or perceived gender, sexual orientation, gender identity, or disability to the 1969 U.S. federal hate crime law. Along with that, it lets the federal government help investigate and bring hate crimes to justice when local governments cannot or will not. This Act makes it harder for people to get away with violent crimes motivated by bias and gives the federal government more power to deal with hate crimes.

LGBTQIA+ individuals often face restrictions on their right to marry, adopt children, or openly display their identity in many areas. According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), numerous countries fail to acknowledge same-sex marriages or let LGBTQIA+ individuals adopt children (ILGA, 2020). This rule limits their family rights and makes things more unequal in society overall. This exclusion not only affects LGBTQIA+ individuals but also reinforces societal inequalities and impedes social cooperation. The European Union Agency for Fundamental Rights (2020) argue that the absence of legal acknowledgment and protection worsens the social exclusion of LGBTQIA+ individuals, hindering their access to justice and support.

2.4 Legislative and Human Rights Considerations

It is very important for democratic nations to make sure that the civil rights of sexual minorities are respected. Democracy is based on the ideas of equality, fairness, and protecting individual freedoms. The violation of the rights of LGBTQIA+ individuals undermine the democratic values of a society. The enactment of anti-discrimination legislation, acknowledgment of marriage equality, and legal affirmation of gender identities all contribute to the creation of a more inclusive society, guaranteeing that every individual can participate fully and fairly (Smith, 2022).

When Russia passed the "gay propaganda" law in 2013, it severely limited the rights of LGBTQIA+ people. This led to more violence and abuse against sexual minorities (Human Rights Watch, 2014). Similarly, the *Obergefell v. Hodges* case in the United States was a significant ruling that established the recognition of same-sex marriage across the country, underscoring the significance of legal acknowledgment for LGBTQIA+ rights (Garrow, 2015). When the US Supreme Court decided on *Obergefell v. Hodges* on June 26, 2015, it was a landmark case. Five judges voted in favour of the decision, which said that all states must allow same-sex weddings and recognise marriages between people of the same gender that were approved in other states. The case brought together several challenges to state laws that make it illegal for people of the same gender to get married. It was named after James Obergefell, who fought Ohio to get his marriage to John Arthur recognised on Arthur's death certificate. The majority decision was written by Justice Anthony Kennedy, who stressed the equal protection clause and the basic right to marry. The decision overturned national bans on same-sex marriage, making marriage equal across the United States and showing how important it is for LGBTQIA+ rights to be recognised by the law. People who are LGBTQIA+ won a big victory with this ruling, which upheld their right to marry and equal treatment under the law.

Societies that endorse LGBTQIA+ rights are more inclined to uphold other fundamental human rights, leading to a beneficial cycle of human rights adherence. Conversely, the mistreatment of LGBTQIA+ individuals often coincide with more extensive infringements on human rights, highlighting the interconnectedness of various rights and liberties. Paternotte (2018) argues that evaluating a society's dedication to human rights can be done by examining the safeguarding of LGBTQIA+ rights. The author suggests that the mistreatment of sexual minorities often mirrors broader instances of prejudice and disparity.

2.5 The Personal as Political

The concept of "the personal is political," which gained popularity during the feminist movements of the 1960s and 1970s, highlights the interconnection between personal experiences and broader social and political structures (Hanisch, 2006). The concept holds particular significance when considering LGBTQIA+ rights, as political measures and cultural beliefs exert a substantial influence on individual identity, relationships, and expressions of gender and sexuality (Hanhardt, 2013).

For those who identify as LGBTQIA+, instances of prejudice and marginalisation in their daily lives are not solely personal matters but also reflections of broader political influences. The ability to enter into marriage, legally adopt children, get healthcare, and live without experiencing violence are all inherently political issues, subject to the governance of rules and regulations that either protect or deny these rights. When LGBTQIA+ individuals' campaign for their rights, they engage in political activism to challenge established power hierarchies and strive for recognition and equal treatment (Weeks, 2016).

Intersectionality adds complexity to these experiences by incorporating race, socioeconomic status, religious affiliation, nationality, sexual orientation, and gender identity, leading to unique challenges and types of prejudice. For instance, someone who identifies as both gay and a person of colour may face discrimination based on both their race and sexual orientation. This highlights the significance of advocating for inclusive and intersectional political policies, as discussed by Crenshaw (1991). The intersectional approach underscores the necessity of comprehending the ways in which many forms of discrimination intersect and exacerbate the marginalization of LGBTQIA+ individuals. The concept of intersectionality will be discussed at greater detail later on in the thesis.

Acknowledging that personal challenges are inherently connected to politics enables activists and partners to more effectively confront the systemic origins of homophobia and prejudice (Engel, 2001). This perspective advocates for a holistic approach to advocacy, including the various social, economic, and political factors that impact the lives of LGBTQIA+ individuals. By getting involved in politics and doing political activities, people can turn their own experiences of abuse into group efforts to change society.

As a result of deeply rooted cultural, religious, and social norms, homophobia and discrimination against LGBTQIA+ people are widespread problems with significant consequences. LGBTQIA+ rights are violated in many ways, from everyday prejudice to violent acts, making it clear how important it is to pass laws that protect these rights right away. Safeguarding the civil rights of sexual minorities is essential for maintaining democratic principles and fostering a fair and inclusive society. The principle of "the personal is political" underscores the connection between individuals' personal experiences and broader political structures, highlighting the importance of political activism in the fight for LGBTQIA+ rights. To solve these problems, people from all over the world need to work together to make society more accepting, make sure there are strong law protections, and make sure that LGBTQIA+ people can live their lives without fear or discrimination.

Chapter 3: Literature Review

The rights of those who identify as LGBTQIA+ are fundamentally human rights that should be widely recognised and respected. These rights are fundamental, regardless of an individual's sexual orientation, gender identity, or expression. Refusing to grant these liberties based on individual characteristics not only violates fundamental human rights, but also sustains structural inequality and bias (United Nations, 2023). Securing widespread acceptance of LGBTQIA+ rights is a crucial step towards achieving full equality, as it ensures that LGBTQIA+ individuals have the same access to opportunities, resources, and legal protections as their heterosexual and cisgender counterparts.

Securing LGBTQIA+ rights is crucial for building a society that is both inclusive and equitable. The marginalisation of LGBTQIA+ people exacerbates inequalities and denies them essential opportunities and resources. Robust legal systems that protect against discrimination are necessary to help LGBTQIA+ people fully integrate into society without being hurt or discriminated against. Safeguarding these rights not only advantages individuals who identify as LGBTQIA+ but also benefits society as a whole, by fostering variety, inclusiveness, and tolerance. This comprehensive approach to human rights ensures that each person has the opportunity to flourish and make significant contributions without encountering any kind of discrimination or prejudice (Open For Business, 2018).

What kind of commitment a society has to fairness, equality, and morality can be seen in how much LGBTQIA+ rights it has. To make society more open, we should get rid of past wrongs and organisational barriers. Despite global progress in recognising the rights of LGBTQIA+ individuals, a large portion of the queer population continues to face violence, discrimination, and persecution based on their gender identity or sexual orientation. International collaboration and promotion are crucial in protecting the rights of the LGBTQIA+ community worldwide, ensuring that no individual is exposed to injury or prejudice due to their sexual orientation or gender identity. The global perspective stresses how human rights are linked and how important it is to work together to achieve equality.

3.1 LGBTQIA+ Rights in Africa

The progress of LGBTQIA+ rights in Africa has been greatly influenced by a complex interplay of religious, colonial, and political elements. Historically, many African communities were said to have a more flexible and diverse understanding of gender and sexuality. However, the colonial authorities enforced strict ideologies and legal systems that considered same-sex partnerships as criminal, in accordance with the moral values of European colonisers (Epprecht, 2008; Han and O'Mahoney, 2018). The lasting impact of these laws from the colonial era has resulted in widespread bias and instances of hostility towards LGBTQIA+ individuals throughout the continent. The persistent enactment of prejudiced laws in several African countries provides proof of the lasting influence of colonialism (Kaoma, 2018).

Several African nations have made progress in recognising and protecting the rights of LGBTQIA+ individuals in recent years, despite encountering several obstacles. The primary catalysts for this transformation are global advocacy campaigns, shifting public sentiments, and legal progressions (Awondo, 2019a). Several countries have made substantial efforts to decriminalise homosexuality and promote LGBTQIA+ rights through constitutional amendments and legislative changes. South Africa, Botswana, Mozambique, and Lesotho are notable examples of countries that have achieved significant progress in LGBTQIA+ rights through legal and judicial means (Currier & McKay, 2017). South Africa's Constitution was the pioneering document globally to explicitly forbid discrimination on the grounds of sexual orientation. Additionally, in 2006, South Africa achieved another milestone by becoming the inaugural African nation to legalise same-sex marriage (Currier & McKay, 2017).

3.2 Case Studies of Progress and Challenges

The High Court's 2019 decision to legalise same-sex couples in Botswana marked a pivotal moment for LGBTQIA+ rights. The court ruled that the statutes from the colonial era that criminalised homosexuality were found to be unconstitutional. According to Duggan (2020), it was determined that these bans violated individuals' rights to privacy, dignity, equality, and liberty. This landmark decision has sparked initiatives to raise awareness and advocate for the acceptance of LGBTQIA+ rights, despite conservative attitudes in some groups of people in society. Botswana's achievement serves as a prime example of how legal frameworks can effectively support societal reform and improve the protection of human rights (Friedman, 2020).

In 2015, Mozambique amended its Penal Code to eliminate legislation that criminalised same-sex partnerships, effectively decriminalising homosexuality. However, LGBTQIA+ individuals in Mozambique consistently encounter sentiments of shame, discrimination, and hostility, especially in rural areas where conventional attitudes about sexuality and gender are deeply ingrained (Human Rights Watch, 2016). These problems highlight the importance of inclusive policies that address both legal reform and public attitudes in order to achieve true equality. The situation in Mozambique underlines the intricate relationship between legal reforms and societal attitudes, emphasising the necessity for comprehensive solutions that tackle both aspects.

In 2012, Lesotho achieved progress by amending its Penal Code to eliminate criminal sanctions for same-sex relationships. Despite the legislative improvements, LGBTQIA+ individuals in Lesotho continue to face substantial challenges, including violence and discrimination in rural areas influenced by traditional beliefs (Homan, 2020). The frequent reappearance of these difficulties emphasises the significance of ongoing promotion and instruction in changing ingrained cultural standards and promoting tolerance. The case of Lesotho demonstrates that although legal reforms are essential, they must be complemented with endeavours to transform societal perspectives.

Despite these potential improvements, many African nations continue to enforce outdated laws that criminalise same-sex partnerships, therefore fostering prejudice and violence. Political and religious leaders in numerous areas openly support legislation that opposes the LGBTQIA+ population, resulting in significant barriers to attaining equality. Nigeria, Uganda, Gambia, and Tanzania have implemented stringent laws that target LGBTQIA+ individuals, resulting in significant violations of human rights and creating an atmosphere marked by fear and oppression for LGBTQIA+ individuals (Biruk, 2021). The current circumstances highlight the pressing necessity for global activism and assistance in addressing deeply rooted homophobia and advancing human rights.

3.3 The Anti-Gay Catalyst: Nigeria's Same-Sex Prohibition Act 2014

The implementation of the Same-Sex Marriage (Prohibition) Act in 2014 has worsened the exclusion and discrimination faced by the LGBTQIA+ community in Nigeria. This legislation

not only prohibits same-sex marriage but also enforces stringent limitations on LGBTQIA+ activism and promotion, leading to an increase in discrimination and violence (Ibrahim, 2015). The measure has received significant criticism from human rights organisations and the international community for its infringement upon fundamental human rights and freedoms. The extensive use of the law and harsh penalties have resulted in an inhospitable environment for LGBTQIA+ individuals, hindering their progress in securing their rights and ensuring their safety (Thoreson, 2014).

The Same-Sex Marriage (Prohibition) Act in Nigeria is a manifestation of how social, cultural, and religious influences shape the perceptions of LGBTQIA+ individuals. The presence of laws throughout the colonial period that criminalised same-sex relationships has established the basis for the current legal frameworks, which are additionally reinforced by conservative religious beliefs and political discussions (Epprecht, 2013). These factors lead to a pervasive climate of prejudice and hostility against LGBTQIA+ individuals, impeding significant progress in campaigning for their rights.

Moreover, the legislative measures have wide-ranging socioeconomic implications. According to reports, there has been a significant rise in the harassment, extortion, and unjustified arrests of LGBTQIA+ individuals by law enforcement since the law was put into effect (Oginni, 2018; Aderonke, 2019). The repressive atmosphere in Nigeria has compelled numerous LGBTQIA+ individuals to conceal their identities and has hindered the functioning of organisations that offer vital assistance and advocacy for this community. For instance, the International Centre for Advocacy on Rights to Health (ICARH) has observed heightened challenges in providing HIV/AIDS services as a result of the fear induced by the legislation (ICARH, 2015).

Moreover, the way the law is implemented and interpreted by society in Nigeria is greatly influenced by its cultural and religious environment. Nigeria's populace exhibits strong religious devotion, with both Christianity and Islam advocating traditional perspectives on sexuality (Adogame, 2013). Religious leaders frequently support the legislation, presenting it as a safeguard for moral and family principles. The religious endorsement of the law offers a strong societal rationale, making it more difficult to contest (Smith, 2018; Guth, 2019; Brown, 2020).

The international community has also emphasised the negative effects of Nigeria's legislation on human rights (Obi, 2019; Akinola, 2020). The United Nations has raised concerns about the law's compliance with international human rights norms, namely in relation to the rights of expression, association, and privacy (Murray, 2017). The global criticisms highlight the necessity for Nigeria to harmonise its legislative framework with international human rights commitments in order to safeguard the dignity and rights of all its inhabitants.

3.4 A Beacon of Hope: South Africa's Progressive Same-Sex Legislation

South Africa serves as a beacon of hope for LGBTQIA+ rights in Africa, displaying an amazing transition from repression to inclusion. Momentous events, the end of apartheid and the adoption of a new constitution in 1994, highlighted the values of equality, respect, and impartiality for all people, including LGBTQIA+ people (de Vos, 2015). In 1998, South Africa achieved the milestone of becoming the first country to explicitly safeguard sexual orientation from discriminatory practices in its constitution (Dugard, 2011). This groundbreaking step laid the foundation for substantial progress in LGBTQIA+ rights. The legal recognition has helped the creation of a society that is more inclusive and democratic.

Decriminalising homosexuality and other legislative developments, such as the recognition of same-sex marriage under the Civil Union Act of 2006, demonstrate South Africa's dedication to equality and human rights. South Africa's bold measures have positioned it as a trailblazer in advocating for LGBTQIA+ equality, both within Africa and globally. The nation's progressive legislation and continuous endeavours to combat bias and foster inclusiveness serve as an exemplar for other nations striving to improve LGBTQIA+ rights.

Promoting and safeguarding LGBTQIA+ rights are essential for sustaining the principles of human rights and attaining full equality. The process of recognising and protecting basic rights in Africa is complex, influenced by historical, cultural, and political considerations. Despite notable progress in specific countries, other challenges continue to endure. Ensuring that LGBTQIA+ individuals can live without prejudice and violence and have the same rights and freedoms as others requires ongoing campaigning, international collaboration, and societal change.

3.5 Contrasts of Homosexuality in Africa

The legislative and policy frameworks of numerous countries are still deeply rooted in the political dimensions of homophobia and prejudice. It is clear that the government in some African countries support prejudice when it comes to laws that make same-sex marriage illegal, do not recognise gender identities legally, and limit the rights of LGBTQIA+ people to speak out and gather. The legal and legislative acts are occasionally justified under the guise of safeguarding traditional values or national security. However, in actuality, they perpetuate bias and uphold societal systems that prioritise heteronormativity (Amnesty International, 2013; Tamale, 2014).

As an illustration, the Anti-Homosexuality Act of Uganda, which was first enacted in 2014 and later invalidated by the courts due to procedural reasons, was reintroduced in 2023 with more severe punishments, such as the imposition of the death penalty for cases of "aggravated homosexuality" (Jjuuko, 2023). International human rights organisations have criticised this act for its draconian provisions and its promotion of violence and discrimination against LGBTQIA+ individuals (Ahlberg, 2020). The action exemplifies the impact of political and religious figures that support strict restrictions against the LGBTQIA+ community, using the pretext of safeguarding cultural values and morality.

In Nigeria, the Same-Sex Marriage (Prohibition) Act of 2014 not only prohibits same-sex marriages, but also makes it illegal to establish LGBTQIA+ organisations and publicly show same-sex affection (Izugbara, 2019). The implementation of this legislation has resulted in the widespread targeting and mistreatment of LGBTQIA+ individuals, as evidenced by several accounts of heightened levels of assault and blackmail perpetrated by both law enforcement officials and the general populace (Gosine, 2015; Awondo, 2019b). The implementation of these regulations is frequently portrayed as a safeguarding of cultural or religious principles, but in actuality, it sustains systematic prejudice and societal marginalisation.

Conversely, South Africa serves as a prominent illustration of forward-thinking legal structures designed to safeguard LGBTQIA+ rights. The nation's constitution, ratified in 1996, was the pioneering document globally to explicitly forbid discrimination on the grounds of sexual orientation (De Vos, 2017). In 2006, South Africa passed a law that made same-sex marriage legal (Johnson, 2015). Although there are legal safeguards in place, the acceptance of

LGBTQIA+ individuals continues to be a difficult issue, and they often encounter acts of violence and bias, especially in rural regions (Oswin, 2007; Tucker, 2009; Matebeni, 2011). This contrast emphasises the necessity of implementing comprehensive strategies that encompass both legal reforms and initiatives to alter public perceptions.

Global collaboration and promotion are crucial in protecting the rights of the LGBTQIA+ community worldwide, ensuring that no one is exposed to violence or prejudice due to their sexual orientation or gender identity. As previously mentioned, the United Nations, through its Free and Equal campaign, endeavours to advance equitable rights and just treatment for LGBTQIA+ individuals globally, underscoring the significance of safeguarding these rights within the broader framework of human rights (O'Flaherty and Fisher, 2008). Applying pressure and support from other countries can be very important in inspiring countries to adopt more comprehensive policies and making sure that governments are held accountable for human rights transgressions (Brysk, 2013).

Political leaders and institutions play a pivotal role in shaping public opinion towards LGBTQIA+ rights. Politicians frequently manipulate homophobia to gain political leverage by appealing to conservative or religious groups through the implementation of anti-LGBTQIA+ rhetoric and laws (Gross, 2016). Politicians who use this situation for their own gain could make discriminatory laws stronger and keep the environment hostile for LGBTQIA+ people. According to Goldberg (2019), Russia and Uganda frequently use anti-LGBTQIA+ laws as political tools to strengthen their power and divert attention away from more urgent issues.

On the other hand, supporting LGBTQIA+ rights in politics can result in substantial changes in society. Progressive ideology and thorough legislation have the capacity to challenge established customs and foster increased acceptance. The nations that have legalised same-sex marriage and implemented comprehensive anti-discrimination legislation exemplify how political resolve can lead to heightened equality (Kollman, 2018). On the other hand, these victories often face strong resistance, showing how hard and polarising the political fight for LGBTQIA+ rights is (Warner, 2018).

The impact of politics on LGBTQIA+ rights is apparent in multiple circumstances. In Russia, the government has implemented legislation that prohibits the dissemination of "gay propaganda," a measure that Healey (2019) contends is employed to stifle opposition and divert

attention from economic and political concerns. Similarly, the Anti-Homosexuality Act in Uganda has been employed to garner backing from conservative people and redirect focus away from state corruption and ineffectiveness (Hoad, 2017). These examples illustrate how political leaders manipulate cultural biases in order to retain power and exert control.

In contrast, countries that have fully accepted LGBTQIA+ rights showcase the beneficial consequences of political endorsement for fair and equal treatment. It has been shown that when countries like the United States and Canada legalise same-sex marriage, social stigmas related to it go down and more people accept it. (Pizer and Sears, 2018). Moreover, the fact that countries like Sweden and the Netherlands have strong anti-discrimination laws has made societies that are welcoming and respectful of LGBTQIA+ people. (Keuzenkamp and Bos, 2013). These cases show that progressive political activism can make a big difference.

The political endeavour to secure LGBTQIA+ rights is intricate and diverse. Progressive policies can drive substantial progress in promoting equality and cultural acceptance. However, they typically face opposition from conservative forces, leading to politically charged and polarising environments. This phenomenon is seen in the United States, where the Supreme Court's decision to legalise same-sex marriage in 2015, known as *Obergefell v. Hodges*, resulted in both jubilation and strong resistance from different religious and conservative factions. In Brazil, the election of a conservative government resulted in a revival of anti-LGBTQIA+ sentiment and the reversal of previously acquired rights (Human Rights Watch, 2019).

Ultimately, political leaders and institutions have a significant impact on LGBTQIA+ rights. The acts of politicians, whether by using homophobia for political advantage or advocating for equality through progressive legislation, have a significant impact on shaping society views and policies. The divergent strategies and results witnessed in various nations underscore the persistent and frequently disputed character of the political struggle for LGBTQIA+ rights.

3.6 The Importance of Protecting Civil Rights in a Democratic State

In a democracy, it is very important to protect the rights and freedoms of sexual diversity. Democracy is fundamentally based on the ideas of equality, fairness, and safeguarding individual freedoms. The violations of the civil rights of LGBTQIA+ people raise serious

concerns about the safety of democratic ideals. Therefore, it is imperative for a democratic society to guarantee that sexual minorities are afforded the same rights and liberties as their fellow citizens (Waites, 2023).

By giving legal rights to LGBTQIA+ people, we hope to get rid of systemic bias and bring people together. Enacting laws to combat discrimination, granting legal recognition to same-sex marriage, and validating gender identities through the legal system all help to fostering a more inclusive society. These laws guarantee the full and equal participation of all individuals in society (Winter et al., 2023). Protective measures not only recognise and value LGBTQIA+ people for who they are, but they also bring people together by pushing for an environment of acceptance and integration (Garg and Singh, 2022).

Moreover, the protection of LGBTQIA+ rights indicate a society's dedication to the principles of universal human rights. Nations that respect the rights of sexual minorities within democratic frameworks are more inclined to safeguard and maintain other fundamental human rights, so fostering a favourable cycle of human rights adherence (McKay and Johnson, 2022). On the other hand, people who are LGBTQIA+ are often abused at the same time as other human rights are being violated. This shows how different rights and freedoms are connected (Paternotte, 2018; Wintemute, 2017).

Homophobia and discrimination against the LGBTQIA+ community are major political concerns that have far-reaching consequences. These biases are intensified by laws and policies that marginalise individuals who identify as LGBTQIA+ and create social inequality. The principle of "the personal is political" highlights the correlation between individual experiences and larger political frameworks, stressing how important it is to be politically active in the fight for LGBTQIA+ rights. To tackle these problems, it is necessary to coordinate domestic and global initiatives in order to promote inclusivity, implement legislation that offers protection, and guarantee a life devoid of fear and discrimination for LGBTQIA+ individuals. Protecting the rights and civil liberties of sexual minorities is important for upholding democratic ideals and building a fair and inclusive society.

Chapter 4: Theoretical and Conceptual Framework

4.1 Key Terms and Concepts

The main ideas and topics that are important to understanding when looking at same-sex laws in Nigeria and South Africa are explained in detail in the following section. These concepts are clearly explained based on scholarly literature and are essential for understanding the study's theoretical approach and method.

4.1.1 Sexual Orientation

Sexual orientation is how someone feels about other people, whether it's romantic, sexual, or mental. It is commonly categorised into heterosexual, gay, bisexual, or asexual orientations, among others. Meyer and Frost (2022) defines sexual orientation as encompassing not only behaviours and wants, but also one's identity and involvement in the community. This concept is particularly significant for this study because it forms the basis for discrimination under laws related to same-sex relationships, which has a big impact on the real lives of LGBTQIA+ people in the situations being looked at.

4.1.2 Gender Identity

Gender identification pertains to an individual's subjective impression of their own gender, which may or may not align with the biological sex assigned to them at birth. Butler (1990) introduced the notion of gender performativity, which suggests that gender is not an inherent characteristic but rather a behaviour performed in accordance with societal norms. This study utilises the concept of gender identity to examine the impact of legislation and societal standards in Nigeria and South Africa on individuals who deviate from established gender roles, leading to their marginalisation and discrimination.

4.1.3 Heteronormativity

“Heteronormativity” refers to the assumption that heterosexuality is the standard or “normal” sexual orientation, which thus results in the exclusion or marginalisation of non-heterosexual identities. Warner (1991) explains how heteronormativity supports cultural norms that put ‘straight’ relationships ahead of other types of sexual and emotional relationships. Comprehending heteronormativity is crucial for this research as it provides a critical

perspective to evaluate how law regarding same-sex relationships uphold these norms and the social effects that follow.

4.1.4 Intersectionality

In her work, Crenshaw (1989) coined the term "intersectionality" to show how social categories like race, class, and gender are linked and create systems of disadvantage or oppression that overlap and depend on each other. This study employs this concept to analyse the interplay between various forms of identity-based oppression experienced by LGBTQIA+ individuals in Nigeria and South Africa, thereby enhancing our comprehension of the challenges they face.

4.1.5 Queer and Queer Theory

The term "queer" provides a perspective that lets us fully understand how sexual and gender orientations can be different and many. For the purpose of this thesis, the concept includes those who identify as lesbian, gay, bisexual, transgender, queer, intersex, and asexual, as well as those who reject traditional categorisations and embrace non-normative manifestations of identity. Additionally, "Queer Theory" argues against common ideas about gender and sexuality by saying that these things are shaped by society and can be changed, rather than being set and clearly split into two groups. Sullivan (2021) argues that the goal of queer theory is to break down the binary labels of straight/gay/homosexual and male/female in order to provide a more complete view of identity. This study uses Queer Theory as its primary theoretical framework to investigate the impact of legislation pertaining to same-sex relationships, with a particular focus on how these laws shape and restrict the identities and experiences of individuals who identify as LGBTQIA+. Consequently, a more in-depth analysis of Queer Theory will be presented in a subsequent section of this thesis.

4.1.6 Oppression

"Oppression" refers to the enduring and systematic nature of social inequality that is deeply ingrained in social institutions and internalised by individuals (Young, 1990). This study employs Young's "Five Faces of Oppression" framework to analyse the structural injustices experienced by LGBTQIA+ individuals, giving a full understanding of their exclusion and disenfranchisement from a variety of points of view.

4.1.7 Discrimination

“Discrimination” refers to the unfair or prejudiced treatment of specific groups of people, especially based on factors such as race, age, sex, or sexual orientation (Braswell et al., 2020). Fredman (2020) states that discrimination can encompass several manifestations, such as legal, social, and institutional practices that exhibit bias against particular groups. It is important to understand this idea in order to understand how laws about same-sex relationships in Nigeria and South Africa consistently discriminate against LGBTQIA+ people.

4.1.8 Legal Frameworks

“Legal frameworks” encompass a comprehensive collection of statutes, rules, and fundamental principles that dictate and regulate societal conduct and interpersonal connections (Von Maravic, 2021). These encompass legal regulations, legislative enactments, and judicial rulings that shape public policy and societal norms. Murray (2018) emphasises the fact that colonial traditions often affect how sexuality is regulated in African countries. This study examines the unique legislative frameworks in Nigeria and South Africa in order to gain a deeper understanding of their impact on the rights and well-being of LGBTQIA+ individuals.

4.1.9 Social Justice

“Social justice” is the ideology that advocates for equal distribution of economic, political, and social rights and opportunities among all individuals (Rawls, 2001). Fraser (2009) defines social justice as “the process of eradicating structural inequalities to guarantee fair and impartial treatment for every person”. The study ultimately aims to underline and tackle the injustices faced by LGBTQIA+ communities within the framework of same-sex legislation.

4.1.10 Patriarchy

“Patriarchy” refers to a societal structure where men hold the main authority and control over important roles such as political leadership, moral influence, social advantages, and ownership of property (Connell, 1987). The significance of this concept in the study as it intersects with the enforcement of heteronormativity and has an impact on the lives of LGBTQIA+ individuals. Although this study does not explicitly use patriarchy as a primary analytical framework, understanding its impact helps to put the systemic nature of discrimination and the reinforcement of gender standards that support same-sex laws in context.

Patriarchy also intersects with queer theory in multiple ways. Queer theory questions and dismantles traditional norms and binaries related to gender, sexuality, and power, disrupting the hierarchies upheld by patriarchal systems (Butler, 1990). Queer theory looks at how society creates gender and sexuality and shows how different identities and experiences can be pushed to the edges of society by exposing how patriarchal systems treat people who do not follow standard gender and sexual norms (Butler, 1990). Queer theory also explores how patriarchal ideologies uphold and maintain heteronormativity and cisnormativity, which restrict the possibilities for other forms of gender expression and sexual attraction (Sedgwick, 1990). Ultimately, the connection between patriarchy and queer theory shows how important revolutionary social change is for getting rid of unfair and unjust systems and building communities where everyone feels welcome and free from bias.

4.2 Theoretical Framework

This thesis aims to integrate Queer Theory with the Five Faces of Oppression as its overall theoretical foundation. This section provides a comprehensive analysis of each theory, examining its historical roots and illustrating its effectiveness in evaluating the consequences of same-sex legalisation in Nigeria and South Africa. This theoretical framework functions as a perspective that facilitates data analysis, providing a more comprehensive understanding of the research topic and analytical approach without limiting the emergence of themes from the data.

4.2.1 Queer Theory

Since Queer Theory is meant to be open to different interpretations, it covers a wide range of sexuality, gender, and romantic connections that are hard to put into one category. Queer Theory, which emerged in the late twentieth century, critically examines and deconstructs deeply ingrained beliefs about gender, sexuality, and identity (Halperin, 1995). Grounded in post-structuralism, feminism, and queer activism, this approach looks at how gender norms are formed by society's systems and how power works in different groups (Sullivan, 2003).

It has been argued that Gloria Anzaldúa and Michel Foucault pioneered some of the most important ideas that form the base of Queer Theory. They viewed sexuality as a result of cultural norms and questioned the concept of identity politics (Anzaldúa, 1991; Foucault,

1978). In addition to them, Teresa de Lauretis popularised the notion of Queer Theory by combining the activist use of "queer" with academic theory during a conference in 1990 (de Lauretis, 1991). It is argued the field's importance within and outside of academia was strengthened by the initial contributions of scholars such as Eve Kosofsky Sedgwick (1990), Michael Warner (1993), Lauren Berlant (1998), Judith Butler (1990), and Adrienne Rich (1980).

Judith Butler's (1990) introduced the concept of performativity within Queer Theory, which emphasises that gender and sexuality are not innate characteristics, but rather shaped by societal and cultural conventions. People consciously express and communicate their gender and sexuality, either by defying or adhering to cultural expectations (Butler, 1990). It is important to note that Queer Theory places significant importance on the notion of intersectionality, understanding that multiple traits, such as race, class, and ethnicity, at the same time affects one's identity (Anzaldúa, 1987). This acknowledgment enhances the complexity of comprehending the lived experiences of oppression and prejudice. In her work, Crenshaw (1989) delves into the notion of intersectionality, providing a nuanced perspective on how interrelated social identities, such as race, gender, and sexual orientation, interact to create distinct types of discrimination and privilege.

The activist origins of Queer Theory illustrate its dedication to dismantling oppressive systems and addressing prejudice related to sexual orientation, gender identity, and expression. Queer Theory acknowledges the wide spectrum of experiences within the LGBTQIA+ community through the examination and deconstruction of terms such as "gay" and "lesbian." It promotes flexible and comprehensive identities (Halperin, 1995). This theory looks at how LGBTQIA+ people fight back against oppression and come forward with their identities, showing how they try to attain equality and fight prejudice even though society creates hurdles (Cole, 2000).

By employing Queer Theory, one can analyse how cultural norms impact power distribution, particularly in the context of laws concerning same-sex relationships. This theory questions the prevailing notion that heterosexuality is the standard, and that gender and sexuality can only be comprehended within the confines of two separate categories. Instead, Queer Theory promotes taking on more comprehensive and diverse points of view on these issues (Sedgwick, 1990). Heteronormativity is an ideology that regards heterosexuality as the norm and

marginalises non-heterosexual identities. Additionally, Cisnormativity rigidly upholds a binary perspective on gender (Morgenroth et al., 2021).

As Butler (1990) argues, Queer Theory ultimately critiques and resists the fundamental assumptions that govern society standards, emphasising that identities are not static but rather adaptable and susceptible to ongoing transformation. Queer Theory's emphasis on adaptable and evolving identities is especially relevant for analysing laws related to same-sex relationships. It enables a nuanced understanding of how these laws affect the experiences of LGBTQIA+ individuals. Queer Theory is used in this study to show how important it is to give everyone the same chances, which will help close more gaps and biases. Queer Theory also gives us a chance to think critically about the systems of power that keep the law and social norms in place. It is essential to comprehend the wider implications of same-sex legislation, particularly in culturally diverse settings like South Africa and Nigeria. Unique social norms and legal systems exist in these countries, which were shaped by a mix of colonial traditions and local beliefs. Queer Theory can thus be used to highlight the influence of colonial and post-colonial pressures on the present-day attitudes towards LGBTQIA+ individuals in Nigeria and South Africa. The British colonial laws that banned sodomy and same-sex unions have had a lasting impact on the legal systems and popular opinions in the countries they affected (Chenoweth, 2022). Queer Theory provides a critical lens to scrutinise and dismantle the historical factors that have shaped society, and to explore the possibilities for legal and social change.

Lastly, Queer Theory also emphasises the importance of personal agency and resistance (Revista, 2023). This statement calls for a study of how LGBTQIA+ people and groups deal with and get around the problems that society creates, as well as how they affirm their identities and fight against unfairness. Highlighting the concept of agency is crucial for understanding the real-life encounters of LGBTQIA+ individuals in settings where homosexual relationships are prohibited or strongly condemned. Queer Theory improves our understanding of the strategies employed by LGBTQIA+ individuals to achieve equality and non-discrimination by highlighting stories of resistance and perseverance.

4.2.2 Five Faces of Oppression

In addition to Queer Theory, this research utilises Iris Marion Young's (1990) notion of the "Five Faces of Oppression" to examine structural disparities. Young (1990) categorises

oppression into five distinct groups or faces, namely; (1) exploitation, (2) marginalisation, (3) powerlessness, (4) cultural imperialism, and lastly (5) violence. These categories, which frequently intersect, is argued to provide a complete framework for comprehending the complex nature of oppression faced by marginalised communities.

According to Young (1990) the first face of oppression, exploitation, refers to the act of extracting labour or resources from one group for the advantage of another. This is argued to result in economic inequalities and limited access to resources based on social classifications such as race, class, gender, or sexuality. With reference to same-sex legislature, exploitation occurs as a result of the economic marginalisation and deliberate denial of equal chances as experienced by LGBTQIA+ individuals in the realm of employment and other areas of life (Keuroghlian, 2023). As previously demonstrated in the literature review, in nations where same-sex partnerships are deemed illegal, individuals who identify as LGBTQIA+ can frequently encounter workplace discrimination, resulting in potential reduced earnings, restricted employment prospects, and not enough people getting social welfare. This economic exploitation is exacerbated by the incapacity to openly articulate their identities without jeopardising employment termination or persecution.

According to Young (1990) the second face of oppression, marginalisation, refers to the deliberate exclusion of specific individuals from engaging in social, economic, or political endeavours, thus relegating them to the edges of society. Young (1990) argues that this can lead to unfair treatment, being left out of social groups, not having access to resources, and not being able to have a say in how decisions are made. Individuals who identify as LGBTQIA+ often face marginalisation in nations that have stringent rules regarding same-sex relationships. For example, in numerous African countries, individuals who identify as LGBTQIA+ are deprived of fundamental services such as healthcare, education, and legal safeguards (Epprecht, 2013). This marginalisation not only impacts their overall well-being but also hinders their active involvement and valuable contributions to society.

According to Young (1990) the third face of oppression, powerlessness, refers to the state of lacking authority or control over one's own life and opportunities. Young (1990) further characterises it as a lack of social or economic power. The implementation of legislation that criminalises or stigmatises LGBTQIA+ identities exacerbates their powerlessness, impeding their capacity to fight for their rights and actively participate in society (Currier, 2018). In

Nigeria, where same-sex partnerships are illegal, LGBTQIA+ individuals frequently face a lack of representation in political and legal institutions, hence impeding their ability to shape policy or obtain justice (Grossman, 2019). This powerlessness perpetuates their ongoing exclusion and oppression.

According to Young (1990) the fourth face of oppression, cultural imperialism, refers to the act of forcing prevailing cultural norms and values on marginalised individuals, thus, eliminating or reducing their cultural identities and traditions. Cultural imperialism is apparent in same-sex legislation when it enforces heteronormative and cis-normative norms, thereby neglecting and suppressing LGBTQIA+ identities and experiences (Tamale, 2011). For instance, in numerous nations, societal norms and legal frameworks are greatly shaped by religious and cultural convictions that regard heterosexuality as the sole permissible manifestation of sexual orientation (Gross, 2016). Cultural hegemony not only diminishes the experiences of LGBTQIA+ individuals but also forces them to conform to oppressive standards, often at the expense of their psychological and emotional well-being.

According to Young (1990) the fifth and final face of oppression, violence, encompasses the act of causing physical, psychological, or symbolic damage to individuals or groups in order to establish and assert power and dominance. This includes violence authorised by the state, crimes motivated by hate, and symbolic acts of violence, all of which sustain systems of power and oppression. LGBTQIA+ individuals residing in nations with repressive legislation regarding same-sex relationships may encounter recurring episodes of violence and harassment perpetrated by both state officials and members of their communities. For example, in numerous regions across the globe, individuals who identify as LGBTQIA+ face instances of police violence, hate crimes, and public shaming (Ball, 2016). These actions not only put their physical health at risk but also continue to keep them socially excluded and marginalised.

The use of Young's theory in this research is significant as it clarifies how law regarding same-sex relationships either continues or reduces different types of oppression experienced by those who identify as LGBTQIA+. With the use of this framework, we can analyse the interconnected forms of exploitation, marginalisation, powerlessness, cultural domination, and violence that LGBTQIA+ individuals in South Africa and Nigeria may have to endure.

4.3 Theory Rationale

Firstly, Queer Theory provides a critical perspective for examining the intricacies of gender, sexuality, and identity. It questions conventional views and power dynamics in connection to legislation concerning same-sex relationships (Jagose, 1996). Queer Theory allows for a more detailed analysis of how legal institutions affect the realities of LGBTQIA+ individuals by challenging preconceived notions of gender and sexuality and embracing the concept of fluidity. Queer Theory in relation to South Africa and Nigeria can assist in examining how laws can both mirror and strengthen societal norms, while simultaneously acknowledging the potential for opposition and empowerment.

Secondly, Young's (1990) concept of the "Five Faces of Oppression" offers a complete depiction of the various ways in which oppression is manifested. These explicitly include exploitation, marginalisation, powerlessness, cultural domination, and violence. By employing this approach to analyse the legislation regarding same-sex relationships in South Africa and Nigeria, it becomes evident that LGBTQIA+ individuals face systematic disparities and structural injustices. By examining each form of oppression, we may observe how legal systems either worsen or alleviate the problems faced by LGBTQIA+ people.

By integrating Queer Theory with the "Five Faces of Oppression", a comprehensive evaluation may be conducted to analyse the impact of same-sex laws on the equality and non-discrimination of LGBTQIA+ individuals. Queer Theory explains how culture and laws influence and control gender and sexuality, while the "Five Faces of Oppression" framework outlines the different types of discrimination that people suffer. By adopting this dual approach, one can get a thorough comprehension of LGBTQIA+ rights in Africa, which can subsequently contribute to advocacy endeavours, legislative revisions, and overall societal advancement.

The choice of these specific theories is grounded in their capacity to accurately depict the complex and nuanced facets of LGBTQIA+ lives. Although other theoretical frameworks like feminist theory or critical racial theory are valuable, they do not offer the same focused perspective on the interaction of gender, sexuality, and legal systems as Queer Theory offers for example. In addition, although frameworks like human rights theory offer essential perspectives on the legal and moral obligations of equality, they may not adequately consider the cultural and performative aspects of identity that are explored with the use of Queer Theory.

Ultimately, the integration of Queer Theory and the "Five Faces of Oppression" as theoretical frameworks enables a comprehensive analysis of the effects of same-sex laws on LGBTQIA+ individuals in South Africa and Nigeria. This approach deepens our understanding of the connections between gender, sexuality, and power, clarifying the complexities of LGBTQIA+ rights and leading efforts to achieve equality and justice for all.

Chapter 5: Research Methodology

The key research question driving this thesis is: "To what extent does the enactment of same-sex legislation affect the equality and non-discrimination of LGBTQIA+ individuals in Africa?" To tackle this multifaceted subject, a thorough and well-supported methodological approach is required. This chapter provides a clear and logical explanation for the study design decisions used for this investigation. The methodology for this study, utilises a qualitative approach, adopting a comparative study design and gathering desktop-based secondary data for thematic analysis. This methodological approach is well-suited for analysing the subtle and context-specific effects of same-sex laws in two separate African nations, specifically South Africa and Nigeria. The purpose of this chapter is to demonstrate the robustness and precision of the study design in effectively addressing the research problem by explaining the reasoning behind each methodological choice.

5.1 Qualitative Approach

The study utilises a qualitative methodology to successfully captures the diverse experiences, viewpoints, and socio-cultural circumstances of LGBTQIA+ individuals within the framework of their distinct legal contexts. Qualitative research possesses inherent adaptability, allowing for comprehensive investigation of phenomena that are difficult to quantify (Patton, 2015). Bryman (2016) suggests that qualitative methodologies are highly suitable for research that aims to comprehend the significance and interpretations individuals attribute to their experiences. This is especially crucial when investigating sensitive and intricate subjects such as same-sex laws and experience of LGBTQIA+. Qualitative research approach entails the comprehensive investigation of subjective experiences, beliefs, and behaviours of individuals or groups in order to gain a deeper knowledge of events. It places great importance on the context, significance, and interpretation of information, frequently employing techniques such as interviews, focus groups, and participant observation to collect detailed and descriptive data that enables a sophisticated comprehension and the formulation of theories (Bryman, 2016).

The decision to utilise a qualitative methodology is further supported by the study's aim to develop hypotheses by analysing the effects of same-sex legislation. This methodology enables the researcher to thoroughly examine the socio-legal contexts of South Africa and Nigeria, capturing the subtle and complex aspects that quantitative methods may overlook. The

expansive nature of qualitative data allows for a thorough understanding of the real-life experiences of LGBTQIA+ individuals, providing valuable insights into the effectiveness and repercussions of laws related to same-sex relationships. (Denzin & Lincoln, 2018).

5.2 Comparative Study

The utilisation of a comparative study design is an essential element of this research methodology, providing a strong basis for evaluating and comparing the impacts of same-sex legislation in South Africa and Nigeria. According to Bukhari (2011), comparative research is the process of analysing, comparing, and contrasting subjects or ideas in order to uncover similarities, differences, patterns, and linkages. This technique is particularly efficient in illustrating the impact of different socio-cultural and legal environments on the lives of LGBTQIA+ individuals.

Comparative studies enable researchers to uncover concealed patterns and correlations by analysing the similarities and differences among subjects (Coccia and Benati, 2018). Goodrick (2014) asserts that conducting such research is of great use in comprehending the impact of context on the effectiveness of interventions and in tailoring interventions to specific circumstances to obtain desired results. This study aims to enhance the generalizability of its findings by examining and comparing the legislative frameworks, societal perspectives, and lived experiences of LGBTQIA+ individuals in South Africa and Nigeria. By identifying trends and principles that can be extrapolated beyond these two countries, this research seeks to provide insights that may be utilised in a broader context.

Moreover, the comparative method can assist in providing useful insights for policymakers, practitioners, and decision-makers. This study aims to promote the progress of same-sex laws and improve the lives of minority communities who experience violence and prejudice by highlighting effective strategies and identifying areas for improvement. The inclusion of a comparative study design not only enhances the analysis, but also enhances the validity and relevance of the research findings (Goodrick, 2014).

5.3 Data Collection

Considering the qualitative and comparative nature of this study, the most suitable approach for data gathering was determined to be secondary data collecting through a desktop study. Secondary research, also referred to as desk research, involves consolidating and organising existing material to improve the overall effectiveness of study. Data re-analysis, an essential point in several research efforts, entails the examination and reinterpretation of data already gathered by other individuals. Desk research involves several actions, such as doing literature studies and analysing current data sets to gain new perspectives. It is a highly effective method for comprehending the present situation and addressing areas of limited knowledge, ultimately directing subsequent primary research endeavours (Moore, 2018; Qualtrics, 2024).

According to Hox and Boeije (2005), secondary data enables researchers to use material collected for different objectives to address new research inquiries or explore different viewpoints on previously investigated topics. In conducting this desktop study, an extensive array of sources was gathered, encompassing legal texts, government policies, court judgements, and official papers pertaining to LGBTQIA+ rights and same-sex laws in South Africa and Nigeria. In addition, this study integrated scholarly articles, novels, NGO reports, and qualitative research that offer valuable insights into the real-life experiences of LGBTQIA+ individuals. This methodology facilitated a thorough examination of the frameworks, historical settings, and public views about LGBTQIA+ rights in the two countries, without requiring lengthy on-site research.

5.4 Data Analysis

The method of thematic analysis was utilised to systematically uncover, assess, and present patterns within the data for this study. According to Braun and Clarke (2006), thematic analysis is a method that involves coding and categorising data. The process starts with becoming familiar with the data, creating initial codes, identifying themes, reviewing them, and ultimately defining and naming them. This strategy is especially suitable for qualitative research that aims to reveal recurring themes and patterns within intricate datasets (Braun and Clarke, 2006; Caulfield, 2019).

Thematic analysis is well-suited for this study due to its ability to effectively organise and evaluate qualitative data in a flexible and rigorous manner. This methodology enables the

researcher to beyond mere depiction and instead discern and comprehend the fundamental patterns and themes that arise from the data. Braun and Clarke (2006) highlight that thematic analysis is well-suited for investigating intricate social phenomena, because it allows for a thorough understanding of the surrounding context and subtle complexities.

The study aimed to use thematic analysis to comprehensively investigate the influence of same-sex legislation on the equality and non-discrimination of LGBTQIA+ individuals in South Africa and Nigeria. This methodology enables the researcher to identify trends related to legal frameworks, societal viewpoints, and individual experiences, therefore providing a comprehensive understanding of the socio-legal environment in each country.

When used as a methodology, thematic analysis is to be employed using a multi-step procedure to guarantee a comprehensive and methodical study of the data. Firstly, data familiarisation - the researcher thoroughly acquaints themselves with the data by extensively reviewing the collected papers, including legal texts, policies, court judgements, and reports. Undertaking this initial stage is crucial in acquiring a thorough comprehension of the subject and discerning preliminary patterns (Braun & Clarke, 2006).

The researcher must then employ a systematic approach to code the data by identifying and marking noteworthy phrases, sentences, or portions that were pertinent to the research issue (Braun & Clarke, 2006). For this study, the original codes indicated significant data segments related to the effects of same-sex legislation on LGBTQIA+ individuals. The next step would be theme identification, which involves analysing the initial codes to uncover possible themes (Braun & Clarke, 2006). Themes are overarching patterns that encompass important features of the data in connection to the study issue (Braun and Clarke, 2006; Nowell et al., 2017). The researcher must categorise similar codes and proceeded to investigate how these clusters of codes developed overarching themes. The identified themes would then require reviewing. The identified themes need to be assessed to verify their accuracy in representing the data (Braun & Clarke, 2006). This process entails verifying the coherence and consistency of the themes by comparing them with the coded data and the complete dataset. Themes that are not compatible need to be reassessed, improved, or eliminated (Braun & Clarke, 2006).

After a thorough study and careful refinement, the themes need to be precisely defined and assigned appropriate names. This step involves providing thorough explanations of each

subject and clarifying their significance to the study problem. The researcher must make sure that each theme accurately conveyed the fundamental nature of the data it represented (Braun & Clarke, 2006). A report is then produced by organising the ideas into a cohesive narrative that directly answers the research question. The report must incorporate illustrative quotations and instances from the data to substantiate the conclusions (Braun & Clarke, 2006). For this study, the employment of thematic analysis is to derive conclusions regarding the effects of same-sex laws on the equality and non-discrimination of LGBTQIA+ individuals in South Africa and Nigeria.

The utilisation of thematic analysis enables the researcher to methodically uncover and examine recurring patterns within the data, so for this study, facilitating a deeper comprehension of the effects of same-sex laws. This approach ensured that the analysis was firmly based on the facts, enabling a thorough and situation-specific investigation of the research issue.

5.5 Justification of Methodological Choices

The selected methodology employs a qualitative approach and a comparative study design, utilising desktop-based data collecting. This methodology is well-suited to address the research question: "What is the effect of same-sex legislation on the equality and non-discrimination of LGBTQIA+ individuals in Africa?"

The use of a qualitative method is acceptable since it has the capacity to capture the intricate and subtle experiences of LGBTQIA+ individuals. Understanding the profound social and cultural factors that shape the effects of same-sex legislation is crucial, and this method is important for achieving that understanding. Denzin and Lincoln (2018) emphasise the efficacy of qualitative research in investigating matters that encompass complex societal dynamics and individual experiences.

The use of a comparative study design is justified as it allows for the detection of patterns, similarities, and differences between the two countries. This method offers a more profound comprehension of how same-sex legislation functions within diverse socio-political circumstances. Goodrick (2014) emphasises the importance of comparative research in

producing knowledge that may be used in various situations, hence improving the applicability of the findings.

The decision to collect secondary data through a desktop study is justified for this research due to the research question's focus on assessing existing legislation and its impacts. This approach offers a thorough examination of the legal and social environments without requiring considerable on-site research.

5.6 Limitations and Mitigation Strategies

Although the selected methodology presents certain benefits, it also possesses certain constraints. Nevertheless, every constraint is acknowledged and minimised by meticulous methodological selections. It can be said that the dependence on secondary data can result in the exclusion of firsthand reports and direct observations, potentially restricting the extent of understanding of personal experiences. In order to address this issue, a variety of supplementary sources such as qualitative studies, reports from non-governmental organisations, and direct testimonies recorded in prior research were utilised to ensure a comprehensive and varied dataset. Triangulation is used in sourcing to thoroughly examine several opinions and verify conclusions (Bryman, 2016).

Data availability and quality are crucial factors that determine the efficacy of an investigation (Hox & Boujee, 2005). The study's effectiveness relies on the presence and dependability of the current data. In order to tackle this issue, this study exclusively relied on trustworthy and reliable sources, such as scholarly articles, legal documents, government reports, and publications from well-established non-governmental organisations. This guarantees that the data is dependable and resilient.

It can be argued that the comparative study design may uncover patterns and insights that are unique to South Africa and Nigeria and may not be directly relevant to other situations. Although this is a constraint, it also emphasises the significance of conducting analysis that is specific to the circumstance. The objective of the research is to discover general principles and patterns that may be used to inform similar studies conducted in other places, hence increasing their relevance and usefulness (Goodrick, 2014).

It can be said that thematic analysis, being qualitative in nature, relies on subjective interpretation, which has the potential to create bias. In order to alleviate this issue, the analysis of this study employed a methodical and clear-cut approach, which involved several iterations of coding and theme evaluation. By including illustrative remarks from the data, researchers can provide a solid basis for their conclusions, thus reducing the possible impact of bias.

To conclude, the selected methodological technique, which involves a qualitative approach, a comparative study design, and desktop-based data collecting with theme analysis, is appropriate for addressing the research issue of this study. Despite the existence of constraints, the study's conclusions are made strong and reliable through meticulous methodological decisions and the use of mitigation techniques. This comprehensive methodology enables a detailed examination of the effects of same-sex legislation on the equality and non-discrimination of LGBTQIA+ individuals in Africa. It offers useful insights for policymakers, practitioners, and researchers.

Chapter 6: Findings and Discussion

This study examines the impact of legal frameworks on the rights and treatment of LGBTQIA+ individuals in Nigeria and South Africa. Although there are significant differences in the legal systems of both countries, the everyday experiences of LGBTQIA+ individuals in both places remain difficult. The study examines the interaction between legal frameworks and societal attitudes in order to assess their impact on the daily lives of LGBTQIA+ individuals. It highlights the complex interplay between law, culture, and human rights.

6.1 Findings

6.1.1 Impact of Legal Frameworks

In Nigeria, the legal landscape is highly unwelcoming towards individuals who identify as LGBTQIA+. The Same-Sex Marriage (Prohibition) Act of 2014, in conjunction with articles of the Penal Code, prohibits homosexual conduct and same-sex relationships, with severe penalties of up to 14 years of imprisonment (Adebanjo, 2017; Same-Sex Marriage (Prohibition) Act, 2014). These laws not only formalise prejudice but also exacerbate cultural assumptions, thereby cultivating an environment of dread and oppression within the LGBTQIA+ community. This legislative framework strengthens and intensifies the already present societal prejudice against homosexuality, firmly establishing discrimination within the social structure (Epprecht, 2013).

The legislative frameworks in Nigeria uphold and reinforce societal prejudice and discrimination against LGBTQIA+ individuals. Both the law and popular discourse contribute to the prevailing belief that homosexuality is morally wrong or goes against the natural order. An investigation conducted by Okanlawon (2019) reveals that Nigerian university students frequently harbour unfavourable beliefs and attitudes towards LGBTQIA+ individuals, which are shaped by the legal and social environment of the country. The study highlights that legal constraints serve to strengthen societal biases, therefore establishing a climate in which discrimination becomes accepted as the norm (Okanlawon, 2019). In his study, Ewanfoh (2022) explores the impact of criminalising same-sex relationships in Nigeria. He highlights that this legal stance intensifies social marginalisation and violence against LGBTQIA+ individuals, reinforcing the notion that homosexuality is intrinsically immoral (Ewanfoh, 2022).

The legal measures and their reinforcement through societal norms highlight the substantial impact of the law in maintaining discrimination and prejudice against LGBTQIA+ individuals in Nigeria. The Same-Sex Marriage (Prohibition) Act sanctions the mistreatment of LGBT individuals, rendering them vulnerable to harassment and violence. This social stigma leads to individuals being marginalised and denied access to crucial services like as education, employment, and healthcare. Research suggests that educational institutions often expel LGBTQIA+ students when they disclose their sexual orientation. Arcelo et al. (2023) discovered that students attending sectarian institutions and colleges frequently encounter expulsion and discrimination upon the revelation of their LGBTQIA+ identify. The institutional response has a profound impact on their education and adds to a hostile learning environment (Arcelo et al., 2023).

Conversely, South Africa is often commended for its progressive stance on LGBTQIA+ rights, exemplified by its Constitution and the Civil Union Act of 2006, which allows for same-sex marriages. Although there are laws in place to protect individuals, the acceptance of these individuals by society continues to be a significant problem. Mkhize et al. (2010) discovered that LGBTQIA+ individuals still encounter substantial violence and prejudice as a result of deeply ingrained homophobic beliefs. They observed that whereas legal safeguards for LGBTQIA+ individuals are rather extensive, they are inadequate in safeguarding them against societal biases and acts of aggression. The divergence between legal safeguards and community acceptability underscores the enduring peril and prejudice experienced by LGBTQIA+ communities, notwithstanding the existence of official legal protections (Conflict and Health, 2023; Agenda Feminist Media, 2023).

The legislative progress in South Africa has undeniably resulted in heightened consciousness and embrace of LGBTQIA+ individuals. South Africa's legislation against discrimination encompasses several sectors such as employment, housing, healthcare, and education, with the goal of promoting a more inclusive society. Research has found that the efforts of both governmental and non-governmental organisations have played a crucial role in advancing LGBTQIA+ inclusivity in educational institutions and enterprises (Van Vollenhoven, 2015; Muller, 2017; Dupper, Smit and Muller, 2014). Nevertheless, despite the implementation of these legal provisions, full parity has not yet been attained, mostly due to the fact that societal perspectives frequently fail to keep pace with legislative advancements.

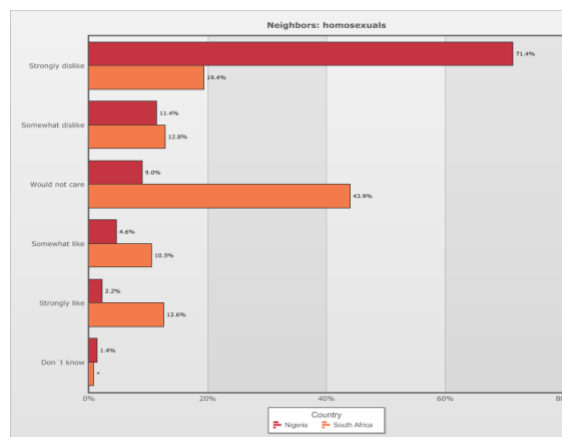
The implementation and enforcement of laws protecting LGBTQIA+ rights face significant obstacles. Enduring societal biases, especially in rural regions and among conservative populations, persistently give rise to issues. Discrimination and violence against LGBTQIA+ individuals persist, particularly targeting transgender women and those residing in non-urban areas. This disparity underscores the significance of implementing more robust protocols to ensure that legal safeguards are effectively utilized (Theron, 2023; The Other Foundation, 2023).

There is a noticeable disparity between the legislative frameworks and societal views in both countries. In Nigeria, the presence of restrictive laws exacerbates the marginalisation of certain groups, while in South Africa, the effectiveness of progressive legislation is undermined by persistent societal prejudice. According to a report by Human Rights Watch (2016b), LGBTQIA+ individuals in Nigeria have significant mental health issues due to the fear of facing legal consequences, which in turn restricts their ability to obtain necessary services. Similarly, in South Africa, the discrepancy between the legislative provisions and the actual enforcement highlights ongoing challenges in addressing societal biases and ensuring the effective application of rights.

6.1.2 Societal Attitudes & Cultural Influence: Impact on Equality and Discrimination

Societal attitudes exert a substantial influence on the experiences of those who identify as LGBTQIA+, often overshadowing the importance of legal rights. Nigeria and South Africa, despite their diverse legal systems, confront profoundly entrenched cultural norms and religious convictions that foster prejudice and violence towards LGBTQIA+ individuals.

Table 1: Neighbours opinion on homosexuals in South Africa and Nigeria (Afrobarometer, 2021)



<https://www.afrobarometer.org/publication/summary-results-afrobarometer-round-8-survey-south-africa-2021-0/>

Although South Africa has a contemporary legislative framework, public sentiments in the country remain polarised. South Africa's stance on homosexuality is distinguished by a more nuanced and inclusive approach, despite the existence of persistent issues. The Afrobarometer poll data illustrated above in Table 1, show that in South Africa approximately 32% of South Africans have either a strong or moderate aversion to having homosexuals as neighbours, while the remaining 68% maintain either a neutral or tolerant stance.

This slightly divided opinion highlights a nation that, despite being comparatively more progressive in terms of LGBTQIA+ rights than numerous other African countries, still faces significant public opposition. In comparison to other African nations, South Africa's legislative framework is highly developed. This framework guarantees that LGBTQIA+ individuals are safeguarded from discrimination and have equal rights. However, there are still pockets of strong opposition, especially in more traditional and rural areas, and there are times when what the community wants does not match up with what the law says.

LGBTQIA+ people face more discrimination when their race, socioeconomic position, and gender identity all come together.. Non-white LGBTQIA+ individuals, especially those from lower socioeconomic backgrounds, often face various forms of prejudice due to the complex socioeconomic conditions in the country. In their study, Mkhize et al. (2010) discovered that the combination of these traits increases the susceptibility of LGBTQIA+ individuals to hate crimes and social exclusion. As an illustration, African lesbian women often endure the abhorrent act of "corrective rape," which is a heinous crime aimed at attempting to "cure" their sexual orientation (Mkhize et al., 2010).

In Nigeria, the prevailing societal attitudes towards LGBTQIA+ individuals are predominantly negative, driven by stringent religious and cultural customs. The predominant societal attitudes towards homosexuality in Nigeria are predominantly unfavourable. A substantial majority of Nigerians hold negative opinions regarding homosexuality, as indicated by the Afrobarometer poll's statistics illustrated in Table 1. To be more precise, 83% of Nigerians expressed a severe or moderate aversion to having homosexuals as neighbours. This suggests a significant level of societal homophobia and a significant reluctance to accept LGBTQ+ individuals within intimate community contexts. The research suggests that this sentiment is widespread across a variety of demographics, with minimal variation among age groups and geographic regions. The prevalence of this intolerance is indicative of the broader legal and cultural context in

Nigeria, where homosexuality is considered illegal and societal standards are significantly influenced by conservative and religious beliefs.

The prohibition of same-sex partnerships has established systematic discrimination and intensified societal bias, leading to extensive marginalisation, persecution, and aggression. Based on statistics from the Pew Research Centre in 2013, a significant majority of Nigerians hold the belief that homosexuality is morally undesirable. This belief is reinforced by religious leaders and cultural institutions. Religious establishments in Nigeria exert a significant influence on the general public's perspectives and attitudes towards LGBTQIA+ individuals. Both Christianity and Islam, the predominant religions in the country, often denounce homosexuality, reinforcing unfavourable attitudes and legitimising discriminatory practices. Oluwagbemi (2015) notes that sermons and religious teachings often depict LGBTQIA+ individuals as sinful, hence exacerbating their marginalisation and endorsing discriminatory actions. As an illustration, in 2015, a Nigerian clergyman asserted that homosexuality is a malevolent force that has to be completely eliminated from our culture (Oluwagbemi, 2015).

6.1.3 The African Oppression: An Intersectional Challenge

The discrimination experienced by LGBTQIA+ individuals in Africa is exacerbated by intersecting factors like race, socioeconomic class, gender identity, and geographical location. These factors exacerbate the susceptibility and marginalisation of LGBTQIA+ individuals, resulting in increased discrimination and social isolation for certain individuals.

South Africa exemplifies the intersectionality of discrimination, since the enduring consequences of apartheid and the underlying social conservatism today contribute to the marginalisation of LGBTQIA+ individuals who are both non-white and living in rural regions. Gender-based violence, with a particular focus on transgender women, is a prominent and worrisome issue. In his analysis, Moffett (2006) explores how narratives contribute to the maintenance of societal control and patriarchy, resulting in the continuation of violence against women, including transgender women. The study emphasises the systematic character of this discrimination (Moffett, 2006). In addition, Muholi (2004) examines how the enduring effects of apartheid and prevailing biases exacerbate the exclusion of black LGBTQIA+ individuals, especially in rural regions.

The economic inequalities worsen the difficulties experienced by those who identify as LGBTQIA+. Individuals from low-income or marginalised groups have increased rates of violence, homelessness, and social exclusion. Hunter (2010) demonstrates that the interplay between socioeconomic status and sexual orientation can limit individuals' ability to get resources and opportunities, resulting in the perpetuation of cycles of poverty and marginalisation. Currier's (2012) research demonstrates that economic disparities have a substantial influence on the day-to-day realities of LGBTQIA+ individuals, resulting in restricted prospects and heightened susceptibility.

In Nigeria, the intersectional challenges are exacerbated by the combination of LGBTQIA+ discrimination and the influence of cultural, religious, and political elements. The socioeconomic conditions experienced by LGBTQIA+ individuals have a significant influence on their access to education, healthcare, and work, making them more vulnerable to maltreatment and exploitation. Afolayan (2018) highlights that economic hardships worsen the marginalisation of LGBTQIA+ individuals, making them more vulnerable to attacks and unable to seek help or support. A significant number of LGBTQIA+ individuals in Nigeria are homeless as a result of being socially excluded by their families and communities (Afolayan, 2018). Amory (1997) explores the intricate relationship between cultural, religious, and political variables in Nigeria, demonstrating how these factors together intensify the marginalisation and mistreatment of LGBTQIA+ individuals.

6.1.4 Resilience, Resistance & Advocacy

Notwithstanding significant obstacles, LGBTQIA+ individuals and communities in Nigeria and South Africa have demonstrated exceptional fortitude and initiative. They navigate challenging sociopolitical environments in order to establish their rights and achieve recognition.

LGBTQIA+ activity in Nigeria faces substantial hazards due to cultural prejudices and stringent anti-LGBTQIA+ laws. However, activists persist in increasing public knowledge, offering assistance, and questioning unfair laws, frequently working covertly due to the associated dangers. The Guardian (2019) documented the courageous endeavours of Nigerian LGBTQIA+ activists who persistently advocate for their rights and safeguard their community, even in the face of intimidation and physical aggression. A spokesperson affirmed, "We are

committed to enduring presence and will persistently advocate for our entitlements, regardless of the potential hazards." (Guardian 2019).

The LGBTQIA+ community in South Africa is supported by a strong and extensive network of advocates and support groups. Notwithstanding persistent societal obstacles, these advocates have achieved substantial advancements in promoting LGBTQIA+ rights and increasing consciousness. The Daily Maverick (2021) showcases the achievements of LGBTQIA+ organisations in South Africa in their efforts to promote legal changes and societal acceptance. However, it also underscores the ongoing presence of violence and discrimination in certain regions. The Triangle Project has significantly contributed to the provision of support services and the promotion of LGBTQIA+ rights (Daily Maverick, 2021).

6.2 Discussion

The results indicate that although legal reforms are crucial, they alone are unable to guarantee equality and non-discrimination for LGBTQIA+ individuals. Societal reform, provision of support services, and implementation of intersectional approaches are essential for effectively addressing the multiple challenges faced by these groups. By employing queer theory and Iris Marion Young's "Five Faces of Oppression," we might enhance our comprehension of the intricate mechanisms at operation.

6.2.1 Application of Queer Theory

Queer theory critiques the traditional frameworks that support society institutions, pushing for the deconstruction of established notions on gender and sexuality. Judith Butler (1990) posits that "gender is performative," implying that the identities imposed by societal standards are constricting constructs. Butler argues that the repeating of gendered behaviours is crucial for solidifying one's gender identity, but these actions are not inevitably linked to one's biological sex. This viewpoint challenges the idea of permanent gender identities, exposing them as flexible and created rather than inherent and unchangeable.

The Same-Sex Marriage (Prohibition) Act of 2014 in Nigeria exemplifies the utilisation of legal structures to impose inflexible heteronormative norms. This legislation not only makes same-sex marriage illegal, but also prohibits any type of organisation or group that advocates for the rights of LGBTQIA+ individuals. Engaging in or supporting same-sex relationships is

subject to strict legal consequences, such as imprisonment. The Act's legal requirement of heterosexuality serves to foster the notion that any departure from heterosexual norms is deemed improper and subject to punishment.

The legal position in Nigeria reinforces societal prejudices, resulting in pervasive discrimination and violence towards LGBTQIA+ individuals. Amnesty International's reports from 2014 include evidence of multiple cases where the government supported the mistreatment, unjustified arrests, and physical harm inflicted on persons due to their actual or suspected sexual orientation. State measures that legitimise and worsen societal prejudice contribute to the continual marginalisation and oppression of LGBTQIA+ individuals.

When queer theory is applied to this setting, it becomes clear that these laws serve as tools of regulation, compelling conformity to heteronormative standards and repressing the range of human sexual and gender manifestations. These regulations serve not only as punishments but also as symbolic gestures that confirm the state's dedication to upholding established gender roles and sexual standards. The imposition of legislative authority further intensifies the oppression experienced by the LGBTQIA+ community, highlighting the fact that legal changes alone are inadequate without a simultaneous transformation in cultural attitudes.

Despite South Africa's seemingly progressive legislative framework, which specifically prohibits discrimination based on sexual orientation, queer theory emphasises the discrepancy between legal safeguards and the actual experiences of LGBTQIA+ individuals. In South Africa, individuals who identify as LGBTQIA+ continue to experience repeated acts of violence and discrimination, despite the presence of legislative protections. An instance of "corrective rape" targeting lesbian women, with the aim of coercing them into adhering to heterosexual standards, continues to be a distressing and factual occurrence (Human Rights Watch, 2011). This act of murder serves as a clear and powerful warning that long-standing cultural biases can greatly weaken the efficacy of legislative safeguards.

Butler's (1990) notion of gender as performative elucidates why cultural advancement frequently falls behind legal progress. Gender norms are consistently strengthened by repetitive social behaviours and customs. These deeply rooted behaviours exhibit a strong resistance to change, especially in the face of evolving legal structures. Therefore, the ongoing existence of

homophobic violence and prejudice in South Africa emphasises the necessity for both societal transformation and legislative reforms.

Furthermore, the overlapping nature of race, gender, and sexuality adds complexity to the lives of LGBTQIA+ individuals in South Africa. The convergence of these identities frequently leads to amplified prejudice and aggression, particularly towards black lesbians and transgender men. According to a report by Human Rights Watch (2011), these individuals experience both gender-based violence and racial discrimination, which adds complexity and difficulty to their challenges.

6.2.2 Application of Five Faces of Oppression

Iris Marion Young's "Five Faces of Oppression" - exploitation, marginalisation, helplessness, cultural imperialism, and violence - provides a conceptual structure for examining the experiences of LGBTQIA+ individuals residing in Nigeria and South Africa (Young, 1990).

Exploitation

Exploitation, as defined by Young (1990), refers to the utilisation of individuals' work to generate financial gain without providing them with fair compensation. The legal exclusion of LGBTQIA+ individuals from work opportunities in Nigeria is regarded as a form of exploitation. LGBTQIA+ individuals often face prejudice, which often leads them to secure unstable employment or struggle to find work altogether. Their exclusion from legal and societal systems hinders their potential to achieve economic stability, therefore perpetuating poverty in society. Many individuals who identify as LGBTQIA+ in Nigeria have reported instances of termination or denial of work upon revealing their sexual orientation or gender identity, as documented by Amnesty International in 2015.

Despite the presence of legal protections in South Africa, the economic exploitation of LGBTQIA+ individuals persist, especially among those who face further marginalisation due to their ethnicity or socioeconomic status. The bias people face in the work market restricts their economic opportunities and reinforces institutional inequalities. Reports indicate that, despite legislative advancements, individuals who identify as LGBTQIA+, especially those from disadvantaged origins, nevertheless encounter challenges related to joblessness and inadequate work opportunities (Out LGBT Well-being, 2020).

Marginalisation

Marginalisation, as defined by Young (1990), refers to the act of excluding a specific set of individuals from significant participation in social activities. LGBTQIA+ individuals in Nigeria face severe marginalisation, including being excluded from fundamental societal institutions. By criminalising their identities, individuals are denied access to healthcare, education, and legal protections. For instance, educational institutions frequently expel LGBTQIA+ students upon revealing their sexual orientation (The Guardian, 2019b). This form of structural marginalisation hinders individuals from accessing essential support and actively participating in society.

Despite the existence of progressive legislation, marginalised LGBTQIA+ individuals in South Africa, especially those residing in rural areas or coming from low-income backgrounds, encounter challenges when it comes to obtaining justice and healthcare services. While the legal framework may acknowledge their rights, the actual implementation and societal attitudes nonetheless pose substantial obstacles. Rural LGBTQIA+ individuals in South Africa often face limited availability of healthcare services that are inclusive, which has a detrimental impact on their overall welfare (Mkhize et al., 2010).

Powerlessness

Powerlessness, as defined by Young (1990), refers to a state characterised by a deficiency in the capacity to make decisions, being subjected to disrespectful treatment, and having limited opportunities. Nigeria's legal and sociocultural systems effectively disempower LGBTQIA+ individuals, depriving them of the capacity to exert influence over policies that directly impact their lives. The act of criminalising LGBTQIA+ campaigning further strengthens this powerlessness. Authorities often employ tactics of coercion, intimidation, and closure against activists and organisations that promote LGBTQIA+ rights (Al Jazeera, 2018).

Legal rights and their enforcement in South Africa generate a feeling of powerlessness, as LGBTQIA+ individuals, especially those from marginalised communities, face challenges in effectively exercising their rights. Notwithstanding constitutional guarantees, numerous LGBTQIA+ individuals persistently encounter obstacles to achieving justice and fair treatment. Instances of hate crimes persist, and inadequate law enforcement reactions underscore the disparity between legal ideals and the actualities of society (Müller, 2017).

Cultural Imperialism

Cultural imperialism refers to the process by which the experiences and culture of a dominant group are imposed and made prevalent, resulting in the marginalisation and invisibility of other cultures. Both countries engage in cultural imperialism by enforcing heteronormative and cis-normative ideologies. In Nigeria, the criminalization of LGBTQIA+ identities are expressly enforced by laws that adhere to moral principles established during the colonial era. The enforcement of a singular cultural norm disregards and eliminates the diverse identities within the LGBTQIA+ community, hence intensifying their lack of visibility and oppression (Epprecht 2013).

Societal attitudes in South Africa perpetuate cultural imperialism by stigmatising LGBTQIA+ individuals, which demonstrates a broader societal resistance to embracing diverse sexual and gender identities. In spite of the implementation of progressive laws, LGBTQIA+ individuals are nonetheless marginalised by prevailing cultural narratives, which perpetuate bias and discrimination. The media and public discussions often reinforce negative perceptions, making it harder to achieve acceptance and equality (Mail & Guardian, 2019).

Violence

According to Young (1990), violence is characterised as being systemic and specifically targeted towards a certain group solely based on their membership. In Nigeria, there is a pervasive occurrence of violence against LGBTQIA+ individuals, which is supported by the government's discriminatory attitudes towards homosexuality. This leads to many forms of physical, emotional, and psychological attacks. Frequent reports of arbitrary arrests, detentions, and violence have been documented (Human Rights Watch, 2016b). The systematic violence generates a pervasive atmosphere of dread and uncertainty, resulting in adverse effects on the mental and physical well-being of LGBTQIA+ individuals.

Despite the presence of legal safeguards, LGBTQIA+ individuals in South Africa face significant levels of violence, including hate crimes and instances of "corrective rape" targeting lesbian women. The absence of a proficient law enforcement reaction intensifies the level of violence. Human Rights Watch (2011) reported that police officers often demonstrate entrenched homophobia and a lack of seriousness in addressing these offences, highlighting

the ineffectiveness of legal measures in altering cultural attitudes. The ongoing violence underscores the LGBTQIA+ community's ongoing fight for safety and acknowledgment.

The Same-Sex Marriage (Prohibition) Act in Nigeria imposes penalties on both same-sex couples and organisations that support LGBTQIA+ rights. Consequently, numerous non-governmental organisations (NGOs) that offer essential community services have been forced to close down. The law creates an unfriendly environment where any discussion or support for LGBTQIA+ rights is considered a criminal offence. Al Jazeera (2018) reports that individuals who identify as LGBTQIA+ have experienced unwarranted persecution and detainment purely because of their sexual orientation.

South Africa's LGBTQIA+ population faces significant societal challenges, despite the presence of legislative protections. The organisation Human Rights Watch (2011) documented instances of "corrective rape" targeting lesbian women, emphasising the harsh realities that legal reforms alone are insufficient to tackle. Media reports, such as those from the Mail & Guardian (2019), indicate that the police often do not treat these crimes with the seriousness they deserve, which underscores the persistent presence of homophobia despite the existence of progressive laws.

6.2.3 Activism and Intersectional Approaches

Advocacy and the implementation of intersectional techniques are crucial for the progression of LGBTQIA+ rights. Grassroots organisations are vital in advocating for societal transformation in both nations. The endeavours of activists, such as the Initiative for Equal Rights (TIERs) in Nigeria and OUT LGBT Well-being in South Africa, highlight the significance of community-driven projects. Amnesty International and Human Rights Watch are groups that offer assistance and engage in public education initiatives aimed at changing society perspectives (Amnesty International, 2020; Human Rights Watch, 2019).

The Initiative for Equal Rights (TIERs) in Nigeria has played a crucial role in tackling the complex and diverse obstacles encountered by LGBTQIA+ individuals. TIERs seek to deconstruct systematic homophobia and transphobia through advocacy, public education, and legal help. TIERs (2022) engage in sensitization programmes to educate the public and policymakers about LGBTQIA+ problems, with the goal of promoting a more inclusive

environment. Similarly, OUT LGBT Well-being in South Africa has made substantial progress in advancing LGBTQIA+ rights through the provision of health and mental health services, advocacy efforts, and active involvement with the community. Their all-encompassing strategy tackles both current need and long-term societal transformation, emphasising the influence of grassroots movements in moulding public opinion and regulations (OUT LGBT Well-being, 2023).

The study emphasises the importance of a comprehensive approach that combines legal, social, and educational initiatives to promote an inclusive future based on the ideals of equality and non-discrimination. Legal reforms should be implemented alongside strong enforcement mechanisms and ongoing training for law enforcement and judiciary institutions. In South Africa, the absence of efficient enforcement and awareness among law enforcement officials has hindered the achievement of genuine equality, despite the existence of progressive laws (Mkhize et al., 2010). Training programmes designed for police and judicial officers can effectively narrow this divide, guaranteeing that legislative safeguards are effectively implemented to ensure the safety and respect of LGBTQIA+ individuals in practical terms.

It is imperative to implement comprehensive public education campaigns in order to effectively address and eliminate homophobic beliefs. Educational initiatives have the ability to confront long-standing biases and encourage the embrace of diversity. Media campaigns and school-based programmes that portray LGBTQIA+ individuals in a good light have the potential to change public attitudes and decrease the stigma associated with this community (GLAAD, 2021). Successful implementation requires the coordination of efforts with the media, educational institutions, and significant individuals in the community. Engaging religious and community leaders, who frequently possess considerable influence over public sentiment, can enhance the scope and effectiveness of these endeavours (Pew Research Centre, 2013).

It is crucial to guarantee that LGBTQIA+ individuals have easily accessible support services, such as mental health treatment and safe environments. Access to mental health treatments is crucial, especially for LGBTQIA+ individuals who face a greater likelihood of experiencing mental health problems as a result of prejudice and social marginalisation (Meyer, 2003). Safe spaces, such as community centres and shelters, offer both physical security and a feeling of inclusion and assistance.

To effectively meet the specific needs of LGBTQIA+ individuals, policies and programmes must take into account the interconnected nature of their identities and experiences. Intersectionality, a concept coined by Kimberlé Crenshaw, emphasises the way different types of prejudice cross and intensify one another (Crenshaw, 1989). For instance, a black lesbian individual residing in South Africa may encounter intensified discrimination due to both their race and sexual orientation, which calls for customised strategies to provide assistance.

Creating a conducive environment for LGBTQIA+ individuals to live with dignity and respect can be achieved through the implementation of comprehensive initiatives that go beyond simple legal changes. This entails establishing a comprehensive social framework that encompasses legislation against discrimination, public dissemination of knowledge, provision of mental health assistance, and active involvement of the community. The experiences of TIERS and OUT LGBT Well-being demonstrate that by properly employing advocacy and intersectional techniques, substantial advancements may be achieved in promoting LGBTQIA+ rights and cultivating an inclusive society (Amnesty International, 2020; Human Rights Watch, 2021).

Chapter 7: Conclusion and Recommendations

7.1 Introduction

This concluding chapter condenses the significant discoveries of the study, evaluates the degree to which the research goals and objectives have been achieved, investigates the study's impact on academic literature and policy, acknowledges its limitations, and provides suggestions for future research. This technique provides a thorough summary of a study that examines the effects of same-sex legislation on LGBTQIA+ individuals in Nigeria and South Africa. It highlights the intricate relationship between legal structures and society beliefs.

This study addresses the significant disparity in the legal and societal treatment of individuals who identify as LGBTQIA+ in several African settings, with a particular emphasis on Nigeria and South Africa. In Nigeria, individuals who identify as LGBTQIA+ face significant legal penalties and widespread societal discrimination due to the enactment of the Same-Sex Marriage (Prohibition) Act of 2014. This legislation not only criminalises same-sex relationships but also fosters prejudice and violence against the LGBTQIA+ population. The hostile legal environment fosters a pervasive social disapproval, leading to the exclusion and significant psychological distress among LGBTQIA+ individuals. In contrast, South Africa stands out with its very progressive legal framework. The South African Constitution and the Civil Union Act of 2006 afford comprehensive legal protections to LGBTQIA+ individuals, encompassing the acknowledgment of same-sex marriage. Nevertheless, despite the existence of these legal safeguards, the level of societal acceptance in South Africa remains restricted, and LGBTQIA+ individuals continue to face significant discrimination and acts of violence.

This discrepancy highlights a crucial aspect: although legal changes are essential, they alone are not enough to foster equality and non-discrimination for LGBTQIA+ individuals. The contrasting legal and social contexts in Nigeria and South Africa exemplify the intricate relationship between law and society, where legal protections do not automatically result in societal approval and vice versa. This research challenge emphasises the necessity of examining the manner in which legislative frameworks and societal views intersect to influence the actual experiences of LGBTQIA+ individuals.

The primary focus of this analysis is to examine the effects of same-sex legislation on equality and non-discrimination for LGBTQIA+ individuals in Nigeria and South Africa. By exploring

this research question, the study aims to gain a comprehensive understanding of how legal systems impact the daily lives of LGBTQIA+ people in these two countries. The findings of this study will contribute to the broader discourse on LGBTQIA+ rights in Africa. The primary emphasis on Nigeria and South Africa, two nations with distinct legal landscapes regarding LGBTQIA+ rights, establishes the context for an extensive discourse aimed at elucidating the intricate interplay between legal and societal factors in shaping the everyday realities of LGBTQIA+ individuals in these countries.

This study was grounded in Queer Theory and the "Five Faces of Oppression" approach. Queer Theory, as articulated by Judith Butler (1990), had a significant impact in questioning and contesting societal expectations and norms about gender and sexuality. This theoretical framework was crucial in dismantling dualistic concepts of gender and sexuality, emphasising the adaptable and socially constructed nature of these identities. The study employed Queer Theory to critique the dominant institutions that uphold heteronormativity and marginalise LGBTQIA+ identities, leading to a more comprehensive comprehension of the systematic oppression experienced by these communities.

Iris Marion Young's (1990) "Five Faces of Oppression" paradigm, in conjunction with Queer Theory, offers a comprehensive framework for evaluating various aspects of oppression, including exploitation, marginalisation, helplessness, cultural imperialism, and violence. This paradigm was crucial in discerning the different degrees of bias experienced by LGBTQIA+ individuals in Nigeria and South Africa. For instance, it illustrated how legal systems not only exclude LGBTQIA+ individuals by depriving them of their rights, but also advance cultural domination by enforcing heteronormative beliefs.

The incorporation of these concepts was crucial for the research as it offered a holistic perspective on the interconnected forms of oppression experienced by LGBTQIA+ individuals. It also highlighted the importance of comprehending all facets of identity and power relations in the struggle for LGBTQIA+ rights. The theoretical framework not only provided guidance for the inquiry, but also emphasised the significance of comprehensive approaches to campaigning and policymaking that encompass both the legal and socio-cultural aspects of prejudice. By leveraging these theoretical discoveries, the study contributes to a more holistic comprehension of LGBTQIA+ rights and establishes a robust foundation for future research and policy development.

7.2 Summary of Research Findings

The analysis revealed substantial discrepancies in the legislative and social contexts of LGBTQIA+ rights between Nigeria and South Africa. The Same-Sex Marriage (Prohibition) Act of 2014, together with other punitive laws, creates a climate of fear and hostility against those who identify as LGBTQIA+ in Nigeria. These laws not only criminalise same-sex partnerships but also indirectly promote societal bias and aggression. The prevailing legal and societal conditions result in notable psychological health challenges and limited availability of crucial services for LGBTQIA+ individuals (Human Rights Watch 2016). The Nigerian justice system functions as a potent tool of repression, enforcing societal norms that marginalise and stigmatise LGBTQIA+ individuals.

In contrast, South Africa's legislative structure is remarkably progressive. The South African Constitution and the Civil Union Act of 2006 offer strong legal protections for LGBTQIA+ individuals. South Africa stands out among the majority of African nations as it legally allows same-sex marriage. In addition, South Africa has enacted various policies to protect the rights of LGBTQIA+ individuals (Gibson & Macleod 2014). Notwithstanding these legal measures, the level of societal tolerance remains restricted. LGBTQIA+ individuals in South Africa consistently encounter substantial societal bias and hostility, underscoring a clear discrepancy between legislative safeguards and prevailing attitudes. The contrast between forward-thinking laws and enduring cultural prejudice highlights the intricacies of attaining significant equality.

The findings indicate that the legislative architecture of both nations inadequately reflect the actual experiences of LGBTQIA+ individuals. In Nigeria, strict laws worsen social isolation and exclusion, while in South Africa, lenient laws are insufficient in adequately protecting individuals from societal prejudice and hostility. This discrepancy highlights the intricacies of attaining true equality and non-discrimination, underscoring the importance of both societal and legislative reforms. The study also demonstrated the persistence of cultural attitudes that are resistant to change, especially when faced with progressive legislation, thereby highlighting the pervasive prevalence of homophobia and transphobia.

Subsequent research has revealed that legal frameworks by themselves are inadequate in promoting equality and non-discrimination for LGBTQIA+ individuals. The divergent legal and social landscapes in Nigeria and South Africa serve as prime examples of the complex

interplay between law and society, where legislative safeguards do not inherently translate into public endorsement and vice versa. This research challenge emphasises the need of examining the intersection between legislative frameworks and societal perspectives in order to understand how they impact the lived realities of LGBTQIA+ individuals.

Furthermore, the survey emphasised occurrences of fortitude and opposition within LGBTQIA+ groups. The event exhibited a range of tactics utilised by LGBTQIA+ persons and communities to combat persecution and promote their rights, emphasising their fortitude and ability to persevere in challenging circumstances. This facet of the study enriches our comprehension of systemic inequities, structural injustices, and the adaptive tactics utilised by LGBTQIA+ populations.

Ultimately, the results underscore the significance of comprehensive strategies that extend beyond mere enhancements to legislation. The importance of societal transformation, support programmes, and inclusive measures in addressing the issues experienced by LGBTQIA+ individuals is emphasised. Policymakers can apply these observations to create more efficient interventions that take into account both the legal and socio-cultural dimensions of LGBTQIA+ rights, guaranteeing that legislative progress translates into concrete enhancements in the well-being of LGBTQIA+ individuals.

7.3 The Attainment of Research Aims and Objectives

The main objective of this study was to investigate the impact of same-sex legislation on the promotion of equality and non-discrimination for LGBTQIA+ individuals in Nigeria and South Africa. The objective was achieved by a comprehensive analysis of legal documents, secondary data, and theoretical frameworks, illustrating the intricate manner in which legal structures shape societal attitudes and the actual encounters of LGBTQIA+ individuals (Amnesty International, 2013). The study examined the impact of different legal contexts on the lived realities of LGBTQIA+ individuals, highlighting the significant variations that might arise.

The study aimed to examine the legal frameworks that govern same-sex couples in Nigeria and South Africa. This was achieved by analysing the individual laws and regulations in both countries to determine how these frameworks either support or hinder LGBTQIA+ rights. Another objective was to ascertain societal attitudes towards LGBTQIA+ individuals in both

countries. This was achieved by employing secondary data obtained from surveys, reports, and academic research. The data allowed for a comprehensive analysis of the prevailing attitudes towards LGBTQIA+ individuals in various circumstances. Moreover, the study aimed to investigate the interconnected and overlapping forms of discrimination faced by LGBTQIA+ individuals. This objective was accomplished by integrating concepts from Queer Theory with the "Five Faces of Oppression," which unveiled the intricate and diverse characteristics of discrimination experienced by LGBTQIA+ individuals, including factors such as gender, race, and socioeconomic position (Young, 1990; Butler, 1990). The study's objective was to emphasise instances of resilience and resistance among LGBTQIA+ communities. This was exemplified through the myriad strategies employed by LGBTQIA+ individuals and communities to resist oppression and advocate for their rights, highlighting their strength and resilience in the midst of adversity. The study achieved these objectives by enhancing our understanding of systemic disparities, structural injustices, and the adaptive strategies employed by LGBTQIA+ communities.

The contribution of research to literature and policy is significant, with research findings playing a crucial role in shaping both academic literature and policy decisions. This work makes a substantial contribution to the academic literature and policy debates. From an academic perspective, this study contributes to the ongoing discussion on LGBTQIA+ rights in Africa by conducting a comparative analysis of Nigeria and South Africa. It highlights the intricate relationship between legal frameworks and popular opinions. The study employs Queer Theory and the "Five Faces of Oppression" paradigm to offer a comprehensive perspective on the complex dynamics of LGBTQIA+ oppression and resilience (Butler and Young, 1990). This contribution is particularly significant due to the scarcity of comparative research on LGBTQIA+ rights in Africa.

From a policy perspective, the results emphasise the need for holistic actions that surpass mere legislative enhancements. They highlight the necessity of societal transformation, assistance programmes, and inclusive efforts to tackle the challenges faced by LGBTQIA+ individuals. For instance, in Nigeria, the act of decriminalising same-sex partnerships would serve as a crucial initial measure, although it is imperative to subsequently implement educational campaigns aimed at altering cultural perspectives and eradicating stigma. In South Africa, there are legislative measures in place to protect individuals, but it is crucial that these measures are properly put into action and enforced. Additionally, it is important to have programming that

specifically aim to promote societal acceptance (Mkhize et al., 2010). Policymakers can utilise these observations to develop more effective interventions that consider both the legal and socio-cultural aspects of LGBTQIA+ rights, guaranteeing that legislative advancements translate into tangible enhancements in the well-being of LGBTQIA+ individuals.

7.5 Limitations of the Study and Mitigation Strategies

The study had notable limitations. An important drawback was the reliance on secondary data, which may not adequately depict the current realities and nuances of LGBTQIA+ experiences. Secondary data, however valuable, may be limited by the scope and emphasis of the original data collection efforts, perhaps excluding recent advancements or subtle facets of the lived realities of LGBTQIA+ individuals (Human Rights Watch, 2016). In addition, focusing exclusively on Nigeria and South Africa may restrict the ability to apply the findings to other African countries that have unique legal and cultural systems.

In order to overcome these limitations, the study employed a triangulation method by gathering data from several sources to ensure its trustworthiness. Additionally, the analysis was strengthened by including robust theoretical frameworks. Triangulation involved the systematic comparison of information from legal documents, scholarly studies, publications by human rights organisations, and media sources. This method led to a more comprehensive and unbiased understanding of the issues at hand. Utilising primary data collection methods, such as conducting interviews and surveys with LGBTQIA+ individuals, has the potential to enhance future research by capturing the intricacies and up-to-date experiences of this population (Creswell, 2013). Collecting primary data would allow for a more thorough analysis of personal stories and the complex relationship between legal systems and people's lives.

In order to expand upon the findings of this study, further research should concentrate on several crucial domains. Commencing with primary data collection via interviews and surveys with LGBTQIA+ individuals in Nigeria, South Africa, and other African countries is vital for documenting the present and intricate experiences. This methodology would result in more comprehensive and intricate understandings of the individual and societal impacts of legislation pertaining to same-sex relationships. Longitudinal studies are also encouraged to examine the temporal evolution of public perceptions and the efficacy of legal measures, offering a dynamic portrayal of LGBTQIA+ rights and challenges. Expanding comparative research to encompass

other African nations with diverse legal frameworks would enhance our comprehension of overarching trends and distinctions, as well as the particular cultural, political, and social influences that shape LGBTQIA+ rights throughout the African continent.

Furthermore, there is a need for further exploration of intersectional analysis to gain a deeper understanding of how the overlapping aspects of race, class, and gender impact the experiences of LGBTQIA+ individuals, especially in regions that have received limited research attention. Studying the function and influence of local and international LGBTQIA+ advocacy organisations on legal reforms and societal attitudes would yield valuable knowledge about advocacy methods and efficacy. This information would then guide future activism and policy initiatives aimed at enhancing LGBTQIA+ rights (Gibson & Macleod, 2014).

7.7 Conclusion

With regard to the ways in which legislative frameworks and societal perspectives influence the experiences of LGBTQIA+ individuals in Nigeria and South Africa, this study sheds light on the intricate relationship that exists between the two. In spite of the fact that South Africa has enacted progressive legislation that lay the groundwork for rights, substantial prejudices in society continue to be a big hurdle. Individuals who identify as LGBTQIA+ in Nigeria are subjected to increased levels of marginalisation and violence as a result of harsh regulations. The findings highlight the significance of comprehensive policies that incorporate legal changes for those who identify as LGBTQIA+ and are located for the entirety of Africa. According to the findings of this investigation, the successes of the legal system in isolation are not sufficient to protect the rights and welfare of those who identify as LGBTQIA+. In order to cultivate a society that is both inclusive and equitable, it is necessary to have legislation that is both effective and efficient, as well as extensive social education and solid support networks established.

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