

Obodo Liberty Workshop

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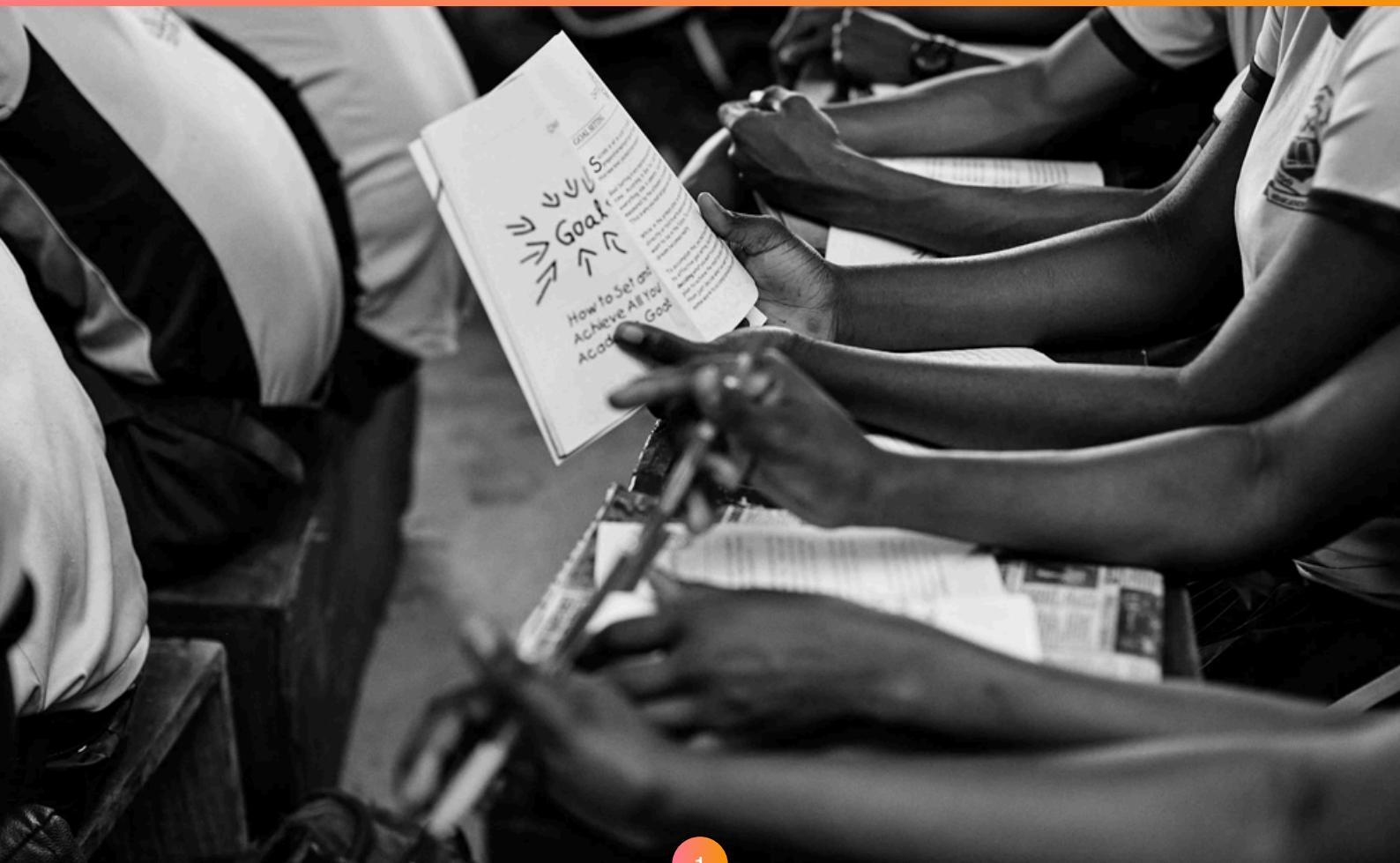
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Background



In line with our commitment to fostering vibrant discourse around the legal dimensions of LGBTQ+ existence in Nigeria and with the need to ensure that these conversations are community-driven, the Obodo Centre for Advocacy and Equal Rights is pleased to announce the launch of the Liberty series. The Liberty Series is a bi-monthly LGBTQ+ Rights Legal Blog dedicated to exploring law and law-related issues impacting LGBTQ+ existence and advocacy in Nigeria



Summary



The inaugural Obodo Liberty Workshop took place on the 29th of August 2024 from 1pm to 4pm at the Human Rights Centre. Facilitated by Ifechukwu, the Legal Officer of Obodo, the workshop diverse group of 29 participants. As the first of its kind, the workshop aimed to introduce key legal issues affecting the LGBTQ+ community, creating a foundation for more focused discussions in future sessions.

Given that it was the first edition of the Liberty Workshops, the facilitator opted for a broader approach, allowing participants to guide the conversation by sharing their real-life experiences sand posing questions. This method helped to identify and explore legal concerns that directly affect the LGBTQ+ community. Discussion s covered a wide range of issues, from interactions with law enforcement, to privacy rights, to employment law, among others. Below are key points that were highlighted in the workshop.



Key Legal Issues Discussed. ↗

(i) Tenancy Rights

- Under the Lagos state tenancy law, a tenant who has been faithful with their payment of rents is entitled to a notice to quit as a condition of terminating the tenancy agreement. Such a tenant is entitled to a notice to quit period set out in the tenancy agreement. For a yearly tenancy, where no notice period is identified in the tenancy agreement, then a minimum of 6-months' notice to quit
- It is unlawful for a landlord to evict a tenant without a court order. Actions by landlord to forcibly remove a tenant from the property such as cutting off basic amenities, locking the tenant out, or removing the roof, etc. constitute trespass and self-help which is illegal.
- A tenant, has the right to exclusive possession of the premises, and a landlord has no right to access your premises without permission and prior notice, and only to inspect the premises. A tenant is entitled to bring action in trespass against a landlord who enters into the rented premises without due notice or permission.
- Before you make any repairs on the property, if you expect to be reimbursed by the landlord, make sure that there is an agreement in writing that you will be reimbursed by the landlord, or that expenses will be defrayed upon future rents to be paid. Also make sure to keep physical receipts and an itemised list of all expenses made and approved by the landlord.

(ii) Right To Medical Privacy

Every person has the right to the privacy of their health and medical information.

It is illegal and unconstitutional for an employer to require employees or job applicants to undergo medical tests as a condition of employment. To be able to do this, the tests required must be tailored to an inherent requirement of the job or nature of the job, i.e., tests required to assess fitness of the employee to perform the work for which they have been or will be employed, and the possible risk of disease transmission to other persons.

The HIV and AIDS (Anti-Discrimination) Act also prohibits any infringement on the medical and health privacy of persons living with HIV and discrimination in employment against persons living with HIV. These infringements and discrimination may include requirement of pre-employment tests, refusal to hire a person based on their HIV status, and firing a person due to their HIV status. Employers are also prohibited from creating a hostile workplace environment due to a person's HIV status. In fact, employers are legally required to make reasonable accommodations for persons living with HIV in their employ.



(iii) Engagement With The Police During A Stop And Search

A police officer has the legal authority to stop and search a person in a public place or a place to which the public has access to. But the exercise of such stop and search authority must be exercised only upon the existence reasonable suspicion that a crime has been, is being, or is about to be committed.

By virtue of Section 54 of the Police Act, the following shall not be grounds for reasonable suspicion: personal attributes, including a person's colour, age, hairstyle or manner of dress, and stereotyped images of certain persons or groups as more likely to be committing offences.

When engaging with a police officer, it is important to be courteous and respectful and obey all lawful orders given by the police officer. You are also entitled to ask the police officer to introduce themselves and to turn on your video camera in such circumstances.

A police officer has no right to search your phone, laptops, or electronic gadgets without a search warrant. Do not give them access to said devices. When they request, respectfully but firmly refuse and assert your rights to privacy.

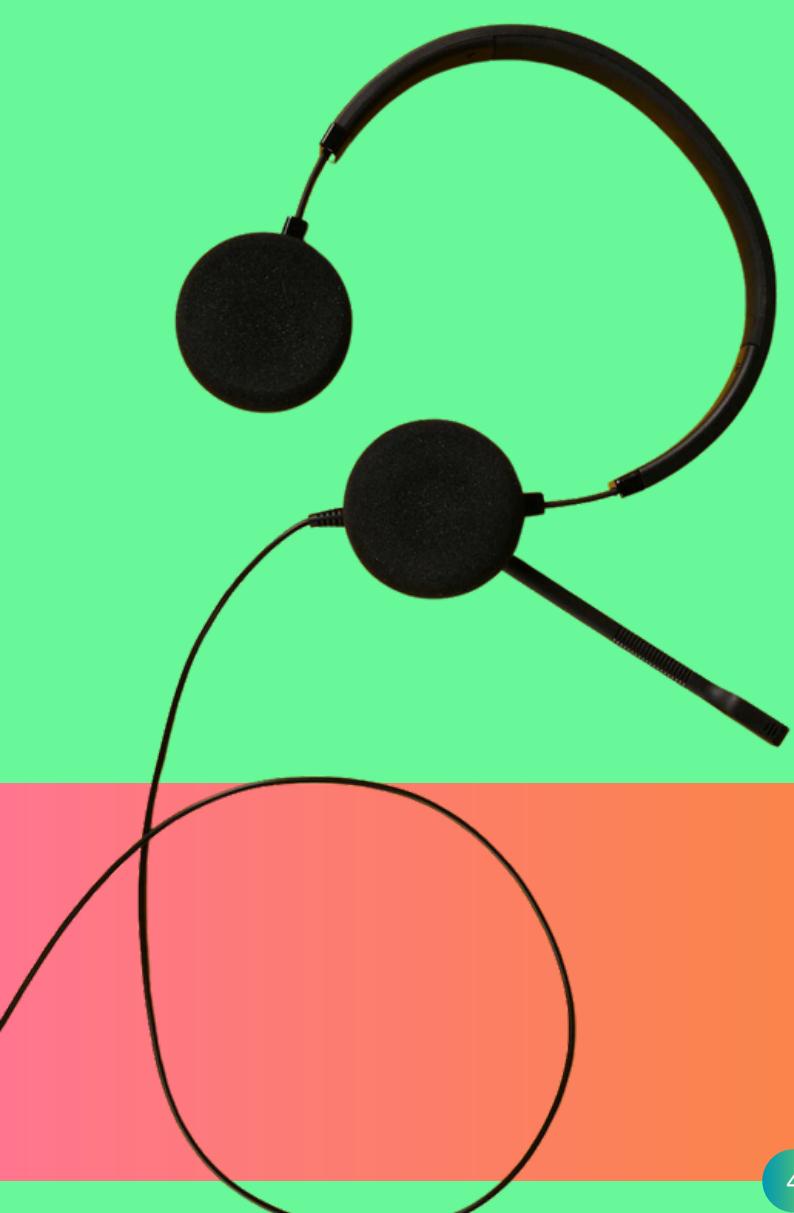
Please note: NO POLICE OFFICER HAS THE RIGHT TO ARREST YOU FOR BEING GAY, LESBIAN, BISEXUAL, TRANSGENDER, OR QUEER, or identifying as a member of the LGBTQ+ community.

NO POLICE OFFICER HAS THE POWER TO ARREST YOU FOR YOUR DRESSING (except on grounds of public indecency)

When arrested or detained by a police officer, REFUSE TO ANSWER ANY QUESTIONS and DO NOT SAY ANYTHING TO ANYONE, DO NOT SIGN ANY DOCUMENT, AND DO NOT WRITE ANYTHING until a lawyer arrives. DEMAND IMMEDIATELY TO CALL YOUR LAWYER! And if you have no lawyer, request the police to provide you a lawyer from legal aid counsel immediately.

Conclusion

The first edition of the Obodo Liberty Workshops marked a significant step toward empowering LGBTQ+ individuals through legal education. The workshop provided participants with a broad overview of their legal rights, especially in relation to tenancy, medical privacy, and interactions with law enforcement. Future workshops will delve deeper into these and other legal topics, offering a more thematic approach to ensure community members gain a comprehensive understanding of the law. By equipping participants with the tools to navigate legal challenges and combat discrimination, Obodo remains steadfast in its mission to advance LGBTQ+ rights in Nigeria.



Watch out for the Obodo legal helpline which will be launched soon to handle cases of harassment, unlawful arrests, and detention by law enforcement. We will soon also be certifying our first cohort of paralegals from across the country to provide legal first-aid in cases of assault and attack by the police.





Thank You For Your Reading

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