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Nigeria's Same-Sex Marriage Bill Threatens the Rights of Everyone – ICJ

Geneva, Switzerland – The International Commission of Jurists (ICJ) today called on the Nigerian House of Representatives and President Goodluck Jonathan to reject the draconian anti-gay legislation adopted by the Senate of Nigeria.

The bill, entitled *An Act to Prohibit Marriage Between Persons of the Same Gender*, would prohibit all same-sex relationships and punish any person who witnesses or assists in the formation of a same-sex relationship. It would also effectively ban all Lesbian, Gay, Bisexual or Transgender (LGBT)-associated organisations and criminalize any assistance in the establishment of such organizations.

“This legislation is a vicious assault on human rights and human dignity,” said Alli Jernow, Senior Legal Advisor for the Sexual Orientation & Gender Identity Project. “It is clearly intended to punish individuals on the basis of their identity.”

The bill adopted by the Senate would impose a 14-year prison term on any person who enters into a same-sex marriage or civil union. A person who registers, operates or participates in a “gay club, society or organization” would be liable to a prison term of 10 years.

Anyone who witnesses, abets or aids in the solemnisation of a marriage or civil union or supports the registration or operation of a gay organization, procession or meeting would also be subject to that punishment. Indeed, the mere public display of a “same sex amorous relationship” would be subject to similar sanction.

The ICJ stresses that under the bill same-sex marriage is broadly defined as “the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship.”

“This is not a bill about gay sex, nor about marriage. It is a bill to punish people for who they are, and to punish their friends, families, colleagues and neighbours as well,” added Jernow. “It makes all advocacy on behalf of LGBT individuals illegal and criminal.”

Consensual adult sexual activity between men is already criminalized in Nigeria and subject to 14 years’ imprisonment under the country’s Criminal Code. Twelve Northern states in Nigeria have adopted the death penalty as punishment for consensual same-sex sexual conduct.

The ICJ emphasizes that this bill, if enacted into law, would constitute a repudiation of Nigeria’s international human rights obligations. International law, including the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria is a party, guarantees the rights to privacy, equality and non-discrimination, including on the grounds of sexual orientation. Laws that criminalize same-sex sexual activity or public displays of affection violate these rights. The ICCPR also guarantees the rights of everyone to freedom of expression, association, and peaceful assembly. Laws prohibiting gay clubs, processions and meetings represent a severe curtailment of these rights.

The ICJ further points out that the penalty for forming gay organizations means that all advocacy by and on behalf of LGBT Nigerians would immediately cease. Simply being gay or lesbian would become effectively

illegal in Nigeria, and any attempt to change the situation through legal reform or public discussion would also be illegal.

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NOTE:

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