



The Equal Rights Trust

Dimitrina Petrova
Executive Director

314-320 Gray's Inn Road
London WC1X 8DP
United Kingdom

Tel.: +44 (0) 20 7610 2786
Fax: +44 (0) 20 3441 7436
info@equalrightstrust.org
www.equalrightstrust.org

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5559173. Charity number
1113288.

President Goodluck Jonathan
State House
Abuja
Nigeria

9 January 2014

Dear Mr. President,

RE: Same Sex Marriage (Prohibition) Bill

I write on behalf of The Equal Rights Trust, an independent international human rights organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice, to express our serious concern about the Same Sex Marriage (Prohibition) Bill. It is our understanding that the Bill has been passed by both the House of Representatives and the Senate, and that a harmonised version agreed by both houses is being, or has been, sent to you for your approval. We understand that, under Article 58(4) of the Constitution of Nigeria, you have the power to sign or decline to sign the Bill into law.

As you will be aware, human rights defenders and civil society organisations, both inside and outside Nigeria, have expressed concern with the contents of the Same Sex Marriage (Prohibition) Bill (the Bill). In light of this, in this letter we draw your attention to issues arising from this Bill primarily from the point of view of the rights to equality and non-discrimination, which are our focus and area of expertise, offering an objective independent opinion on whether the Bill is compatible with international law in respect to these rights. On the basis of our analysis, we conclude that if adopted, the Bill would put Nigeria in conflict with its international legal obligations. If passed, the Bill would legitimise, institutionalise, increase and perpetuate the profound discrimination and gross inequality suffered by lesbian, gay, bisexual and transgender (LGBT) people in Nigeria today. **We therefore urge you to refuse to sign the Same Sex Marriage (Prohibition) Bill into law.**

We also take this opportunity to express our serious concern about the continued existence in force of legal provisions which discriminate against LGBT persons in Nigeria, including in particular those provisions which criminalise same sex intimacy and those which prohibit cross-dressing by men. These laws, in addition to explicitly criminalising the activities of gay and bisexual men and transgender persons, directly contribute to the situation of gross inequality experienced by all LGBT people in Nigeria. Moreover, these laws clearly contravene international law. **We therefore urge you to take steps to expeditiously amend or abolish such provisions.**

ERT is aware that the government of Nigeria faces a number of serious challenges which have contribute to the “deeply entrenched human rights problems”¹ in the country. We echo the concerns expressed by both Human Rights Watch² and Amnesty International³ about the human rights situation in Nigeria, and the role of the police and security forces in perpetuating this situation, and urge you to take immediate action to implement their recommendations. Moreover, we note the report produced by your government for the recent universal periodic review of Nigeria, which states that the country is experiencing “the impact of externally-induced internal security challenges manifesting in the activities of militant insurgents and organized crime groups which has led to the violation of the human rights of many Nigerians”.⁴ However, while acknowledging the scale of such internal security challenges, we reject any suggestion that these excuse or diminish the seriousness of moves to enact a Bill which directly discriminates against a group of persons which is already exposed to severe discrimination. Indeed, we are alarmed that legislators in Nigeria should think that legislating to criminalise any person who attempts to marry or conclude a civil partnership with someone of the same sex is a priority, given the gravity of the human rights challenges which the country faces at this time.

The Same Sex Marriage (Prohibition) Bill

Sections 1 to 3, 5(1) and 5(3): Prohibition of Same Sex Marriage

Sections 1 to 3 of the Bill prohibit same sex marriage and civil unions between two persons of the same sex. Such marriages are prohibited from taking place in Nigeria and such marriages or civil unions which take place abroad will not be recognised in Nigeria. Section 5(1) creates an offence of entering into a same sex marriage or civil union punishable by up to fourteen years’ imprisonment. Section 5(3) creates an offence of witnessing, abetting or aiding the solemnisation of a same sex marriage or civil union punishable by up to ten years’ imprisonment.

We believe that the rights to equality and non-discrimination mean that same-sex couples should not be discriminated against by the state when it comes to legal recognition of the relationship. However, ERT is mindful of the fact that international human rights law does not currently require states to recognise same-sex relationships in law through marriage, civil unions or otherwise. Notwithstanding this, ERT is concerned that the introduction of a Bill which actively criminalises any attempt by same-sex couples to marry, to express their commitment to one another in other ways, or to live together as partners, violates a number of other human rights legal norms which Nigeria is obliged to respect, protect and fulfil.

First, ERT is of the view that the imposition of a penal sanction for an act which is directly associated with the expression of an aspect of a person’s identity would constitute **degrading treatment**, which Nigeria is obliged to prevent under both the International Covenant on Civil

¹ See, for example, Human Rights Watch, *World Report 2012: Nigeria*, 2012, available at: <http://www.hrw.org/world-report-2012/world-report-2012-nigeria>.

² Human Rights Watch, *World Report 2013: Nigeria*, 2013, available at: <http://www.hrw.org/world-report/2013/country-chapters/nigeria>.

³ Amnesty International, *Annual Report 2013: Nigeria*, 2013, available at: <http://amnesty.org/en/region/nigeria/report-2013>.

⁴ Human Rights Council, *Working Group on the Universal Periodic Review, Seventeenth Session: National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Nigeria*, UN Doc. A/HRC/WG.6/17/NGA/1, 2013, p. 5.

and Political Rights (ICCPR) and the Convention Against Torture⁵, acceded to by Nigeria in 1993 and 2001 respectively. Although in a different context (the imprisonment of minors), the UN Human Rights Committee has recognised the principle that imposition of a penal sanction alone, where it is clearly a disproportionate response to a particular prohibited act, can constitute degrading treatment within the meaning of Article 7 of the ICCPR.⁶ The imposition of a penalty of 14 years imprisonment for an act of personal self-expression is manifestly disproportionate and by analogy, should be considered a violation of the right to be free from torture and other cruel, inhuman or degrading treatment.

Were the heavy penal sanction to be removed from the Bill, and replaced with much lighter sanctions, the Bill would, in our view, still remain contrary to international human rights law, raising issues of possible violation of the right to **freedom of expression**. The active prohibition of all activities associated with an attempt to conduct a same sex marriage limits the right to freedom of expression in a way that is highly problematic. Article 19 of the ICCPR provides that:

(2) Everyone shall have the right to freedom of expression; (...) (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

The Human Rights Committee has stated that Article 19(2) includes “the expression... of every form of idea and opinion capable of transmission to others” and that it “protects all forms of expression and the means of their dissemination”.⁷ The Committee has explicitly recognised that the right to freedom of expression protects forms of expression which might be regarded as deeply offensive.⁸ For the celebrants, a same sex marriage or civil partnership ceremony is a form of expression which clearly falls within the scope of Article 19(2) of the ICCPR. Section 5(1) of the Bill, which criminalises any attempt to enter into a same-sex marriage or civil partnership, in effect criminalises all forms of expression – spoken or written – connected with such an attempt, and thus constitutes a violation of Article 19(2).

Article 19(3) of the ICCPR provides that the rights contained within Article 19(2) can only be restricted where necessary (a) for respect of the rights or reputations of others or (b) for the protection of national security or of public order, or of public health or morals. The Human Rights Committee has said that any restrictions under Article 19(3) must also be “compatible

⁵ See Article 7 of the International Covenant on Civil and Political Rights, which reads: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...”; see also Article 16(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which reads: “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...”.

⁶ Human Rights Committee, *Concluding Observations on the Second and Third Reports of the United States of America*, CCPR/C/USA/CO/3, Para 34.

⁷ Human Rights Committee, *General Comment No. 34: Article 19: Freedoms of opinion and expression*, UN Doc. CCPR/C/GC/34, 2011, Paras 11-12.

⁸ Human Rights Committee, Communication No. 736/97, UN Doc. CCPR/C/70/D/736/97, 2000.

with the provisions, aims and objectives of the Covenant”,⁹ including the non-discrimination provisions of the Covenant.¹⁰ ERT is not aware that the legislature, in passing this Bill, has indicated how it believes that the limitation of freedom of expression can be justified in line with one of the six conditions set out in Article 19(3). We note however, that at the universal periodic review of Nigeria, representatives of the government stated that “[t]he overwhelming majority of Nigerians objected to same sex relationship based on their deep religious, cultural and moral orientations (...)”,¹¹ and therefore assume that it is on this basis that an attempt to justify the restriction would be made. Moreover, we find it difficult to envisage on what other basis the state could attempt to justify the limitation. The Human Rights Committee, in considering the scope of restrictions based on public morality in the context of the right to freedom of religion, has stated that:

*The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.*¹²

The Committee explicitly reiterated this observation in its General Comment on freedom of expression,¹³ indicating that the same understanding would apply in interpreting Article 19(3). Furthermore, in *Irina Fedotova v Russian Federation* when considering Russian legislation which prohibited “homosexual propaganda” the Committee dismissed claims that such legislation sought to protect public morals and the interests of minors.¹⁴ Reaffirming its established position on public morality, the Committee stated that limitations to the right to freedom of expression must be “understood in the light of universality of human rights and the principle of non-discrimination”. The Committee went on to observe that:

*While noting that the State party invokes the aim to protect the morals, health, rights and legitimate interests of minors, the Committee considers that the State party has not shown that a restriction on the right to freedom of expression in relation to “propaganda of homosexuality” – as opposed to propaganda of heterosexuality or sexuality generally – among minors is based on reasonable and objective criteria.*¹⁵

It is our belief that, given the strong parallels between the restriction on freedom of expression in this case and the restriction which would be caused by this Bill – and in particular the

⁹ Human Rights Committee, *General Comment No. 34: On Article 19: Freedoms of Opinion and Expression*, UN Doc. CCPR/C/GC/34, 2011, Para 26.

¹⁰ *Ibid.*

¹¹ Human Rights Council, *Working Group on the Universal Periodic Review, Seventeenth Session: Draft report of the Working Group on the Universal Periodic Review: Nigeria*, UN Doc. A/HRC/WG.6/17/L.4, 2013, Para 16.

¹² Human Rights Committee, *General Comment No. 18: Non-discrimination*, UN. Doc. HRI/GEN/1/Rev.1 at 26, 1989, Para 12.

¹³ Human Rights Committee, *General Comment No. 22: Article 18*, UN Doc. CCPR/C/21/Rev.1/Add.4, 1993, Para 8.

¹⁴ Human Rights Committee, *Communication No. 1932/2010*, UN Doc. CCPR/C/106/D/1932/2010, 19 November 2012.

¹⁵ *Ibid.*, Para 10.6.

targeting of a similar class of persons – mean that Nigeria could not show that the restriction is reasonable and objective.

ERT also believes that these sections of the Bill would deny **freedom of assembly** – protected by Article 21 of the ICCPR – to potential celebrants of same sex marriages or civil partnerships, together with their friends, family and associates. As with Article 19, Article 21 states that the right to peaceful assembly can only be restricted in conformity with the law and in the interest “of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. For the reasons given above in respect of Article 19(3), we do not believe that the restriction on freedom of assembly brought about by section 5(3) could be reasonable or objective.

ERT is also deeply concerned that this Bill, if brought into force, would violate the **right to non-discrimination**, as provided in the ICCPR. Significantly, ERT believes that sections 5(1) and 5(3) also violate Article 2(1) of the ICCPR, which requires states parties:

[T]o respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Human Rights Committee has recognised sexual orientation as a protected characteristic since 1994,¹⁶ and confirmed that sexual orientation is a form of “other status” in 2003.¹⁷ Section 5(1) clearly makes a distinction on the ground of sexual orientation, in that it directly prohibits and criminalises acts which would only be performed by lesbian, gay or bisexual persons. As illustrated above, the effect of section 5(1) is to deny the freedom of expression of these persons solely on the basis of their sexual orientation. Section 5(3), while not applying explicitly or exclusively to lesbian, gay or bisexual persons, discriminates against others on the basis of their association with lesbian, gay or bisexual persons.¹⁸

Finally, ERT believes that these sections of the Bill contravene Article 26 of the ICCPR, which states:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

As previously noted, international law does not currently provide an obligation to recognise same sex marriages or civil partnerships. However, this absence of an obligation does not extend to provide a justification for the introduction of directly discriminatory laws. Section 5(1) – indeed the Bill as a whole – directly discriminates against lesbian, gay and bisexual people, in that it treats them less favourably on the basis of their sexual orientation. The Human Rights Committee has stated that Article 26 requires that “when legislation is adopted by a State

¹⁶ Human Rights Committee, Communication No. 488/1992, UN Doc. CCPR/C/50/D/488/1992, 1994.

¹⁷ Human Rights Committee, Communication No. 941/2000, UN Doc. CCPR/C/78/D/941/2000, 2003.

¹⁸ Discrimination by association is a form of discrimination and this is well established in international law. See, for example: Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2009, Para 16.

party, it must comply with the requirement of article 26 that its content should not be discriminatory”.¹⁹ Thus, irrespective of whether the state is required to provide for same-sex marriage, Nigeria clearly has an obligation to refrain from adopting laws which discriminate, either directly or indirectly, on a range of grounds including sexual orientation.

Section 4(1), 5(2) and 5(3): Gay Clubs, Societies and Organisations

Section 4(1) of the Bill prohibits gay clubs, societies and organisations as well as their sustenance, processions and meetings. Section 5(2) creates an offence of registering, operating or participating in gay clubs, societies and organisations, which is punishable by up to fourteen years’ imprisonment. Section 5(3) creates an offence of supporting the registration, operation or sustenance of gay clubs, societies, organisations, processions and meetings by up to ten years’ imprisonment. These provisions of the Bill clearly contravene Nigeria’s obligations to respect the rights to peaceful assembly and freedom of association, and the obligation to ensure the enjoyment of these rights without discrimination, all of which are protected under the ICCPR.

Article 21 of the ICCPR provides that “the right of peaceful assembly shall be recognized”. Article 22 of the ICCPR provides that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”. Sections 4(1), 5(2) and 5(3) constitute a significant interference with the **rights to freedom of assembly and association**. By prohibiting clubs, societies and organisations, as well as any processions or meetings that take place, and criminalising those who register, operate, or even simply support, the law interferes with the right of LGBT people, as well as their friends, families, and other who support them, to protect their interests. Further, the term “gay clubs, societies and organisations” in the Bill is not defined. This term could be interpreted broadly so as to include any club, society or organisation which provides information on sexual health, human rights, or which simply fights violence or discrimination against LGBT people.

The permitted exceptions to both Articles 21 and 22 of the ICCPR are limited to those restrictions that are “necessary in a democratic society” and “in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”. Clubs, societies and organisations which would fall within the scope of the Bill exist in the vast majority of states in the world. No evidence has been put forward by the proponents of the Bill that the existence of such clubs, societies and organisations threaten national security, national safety, etc. Further, not only must the prohibition have one of the exhaustively listed legitimate aims, but it must be “necessary in a democratic society”. No evidence has been put forward by the proponents of the Bill that the criminalisation of registering, operating or participating in a particular club, society or organisation is “necessary” in a democratic society.

As with sections 5(1) and 5(3) discussed above, these provisions of the Bill also constitute a violation of Article 2(1) of the Covenant, in that they **discriminate against persons based on their sexual orientation in the enjoyment of the rights to freedom of assembly and association**. Article 2(1) requires that states ensure the rights in the Covenant without distinction of any kind, including on the basis of “other status”. As noted above, the Human Rights Committee has stated that sexual orientation is a form of “other status” within the meaning of Article 2(1). Sections 4(1), 5(2) and 5(3) undoubtedly make a distinction based on sexual orientation in that they apply explicitly and exclusively to gay clubs, societies and organisations.

Section 4(2): Public Show of Amorous Same Sex Relationships

¹⁹ Human Rights Committee, *General Comment No: 18: Non-discrimination*, UN. Doc. HRI/GEN/1/Rev.1 at 26, 1989, Para 12.

Section 4(2) prohibits public shows of amorous same-sex relationships directly or indirectly and section 5(2) punishes such public shows by up to ten years' imprisonment. Whilst there is no separate legal "right" to public shows of amorous relationships, the expression of affection of a sexual nature in public falls within an area of life regulated by law. Therefore, the right to equality and non-discrimination apply in this area. As noted above, the Human Rights Committee has stated that Article 26 of the ICCPR "provides in itself an autonomous right", which requires that when legislation is adopted "it must comply with the requirement of article 26 that its content should not be discriminatory".²⁰ This includes on grounds of sexual orientation which has been recognised as a protected ground by various UN Treat Bodies.²¹ Sections 4(2) and 5(2) are clearly directly discriminatory on grounds of sexual orientation in that they apply only to same-sex relationships and not opposite-sex relationships and thus constitute a violation of Article 26 of the ICCPR.

Criminalisation of Same-Sex Sexual Activity

While this letter focuses on the Same Sex Marriage (Prohibition) Bill, ERT believes that the significant discrimination experienced by those groups which are the targets of the Bill – lesbian, gay, bisexual and transgender people – cannot be ignored. In particular, we are seriously concerned that the ongoing prohibition of same-sex sexual activity between men and the criminalisation of cross-dressing by men, aside from directly criminalising and discriminating against gay and bisexual men and transgender persons, legitimises discrimination on grounds of sexual orientation and gender identity which affects all LGBT persons in Nigeria.

Same-sex sexual activity can be construed as a criminal offence in the Southern States of Nigeria by way of section 214 of the Criminal Code, which prohibits "carnal knowledge (...) against the order of nature", punishable by up to fourteen years' imprisonment, and section 217 which prohibits acts of "gross indecency" between men, punishable by up to three years' imprisonment. Likewise, section 284 of the Penal Code (Northern States) Federal Provisions Act, which applies in the Northern States of Nigeria, prohibits "carnal intercourse against the order of nature" and punishes this with up to fourteen years' imprisonment. Section 407 punishes "vagabonds" (defined in section 405(2)(e) as including men who dress as women in public or practice sodomy as a means of livelihood or profession) with up to one year's imprisonment or a fine or both.

The United Nations Human Rights Committee has examined the compatibility of legislation which criminalises private same-sex sexual activity with the right to privacy as contained within Article 17 of the ICCPR in its Communication in *Toonen v Australia*.²² The Committee stated that: "[i]nasmuch as Article 17 [of the ICCPR] is concerned, it is undisputed that adult consensual sexual activity in private is covered by the concept of 'privacy'"²³ and that legislation which criminalises adult sexual activity in private constituted an "interference" with the right to

²⁰ *Ibid.*

²¹ See, for example, *Young v. Australia*, (Communication No. 941/2000), UN Doc. CCPR/C/78/D/941/2000, 2003; and Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2009, Para 32.

²² Human Rights Committee, Communication No. 488/1992, UN Doc. CCPR/C/50/D/488/1992, 4 April 1994. Article 17 states: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."

²³ *Ibid.*, Para 8.2.

privacy of the applicant.²⁴ The Committee referred to its General Comment No. 16 on Article 17 where it said that:

*[The] introduction of the concept of arbitrariness is intended to guarantee that even interference provided for by the law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the circumstances.*²⁵

The Committee interpreted the requirement of reasonableness to imply that “any interference with privacy must be proportional to the end sought and be necessary in the circumstances of any given case”.²⁶ The Committee concluded that the criminalisation of private same-sex sexual activity did not “meet the ‘reasonableness’ test” and that it constituted an arbitrary interference under Article 17.²⁷ The Committee also stated that Article 2(1) prohibited discrimination in the enjoyment of the rights contained within the Covenant on the basis of sexual orientation and concluded that the criminalisation of same-sex sexual activity constituted a violation of Articles 2(1) and 17 of the ICCPR taken together. On this basis, the legislation cited above constitutes a violation of the rights to privacy and to non-discrimination as protected under international human rights law.

ERT notes with grave concern that several states in northern Nigeria have adopted Islamic Sharia laws where the maximum punishment for same-sex sexual activity is death by stoning for men, and whipping and/or imprisonment for women. Under international human rights and criminal law it is generally accepted that the application of the death penalty must be narrowly construed and limited to only the “most serious crimes”.²⁸ Given the fact that the criminalisation of same-sex sexual activity is itself contrary to international law, application of the death penalty for such acts goes far beyond the permissible application of the death penalty under international law. Indeed, this was the firm view of the UN Commission on Human Rights²⁹; this view was echoed by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report following a visit to Nigeria in 2006.³⁰

²⁴ *Ibid.*, Para 8.2.

²⁵ Human Rights Committee, *General Comment No. 16*, U.N. Doc. HRI/GEN/1/Rev.1 at 21, 1994, Para 4.

²⁶ See above, note 23, Para 8.3.

²⁷ *Ibid.*, Para 8.6.

²⁸ See Article 6(2) of the International Covenant on Civil and Political Rights which states that “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.”

²⁹ Commission on Human Rights Resolution, E/CN.4/RES/2002/77, April 25, 2002: The question of the death penalty, Para 4(c), in which the Commission urged states that still maintain the death penalty “[t]o ensure that the notion of “most serious crimes” does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, non-violent religious practice or expression of conscience and sexual relations between consenting adults”.

³⁰ United Nations Economic and Social Council, Extrajudicial, summary or arbitrary executions, *Report of the Special Rapporteur, Mr. Philip Alston, Addendum, Mission to Nigeria*, UN Doc. E/CN.4/2006/53/Add.4, 7 January 2006, Para 37: “In relation to sodomy, the imposition of the death sentence for a private sexual practice is clearly incompatible with Nigeria’s international obligations”.

Conclusion

In conclusion, we would draw your attention to the statement made by representatives of the Government of Nigeria during the recent universal periodic review of Nigeria, that there is “no policy or practice of witch-hunting people based on their sexual orientation” in the country.³¹ We find it difficult to reconcile this statement with the introduction of a Bill which criminalises gay, lesbian and bisexual persons seeking to express their sexual orientation in a same sex marriage or civil ceremony.

As demonstrated above, the Same Sex Marriage (Prohibition) Bill conflicts with a number of fundamental human rights which Nigeria, as a party to the ICCPR and the CAT, is obliged to respect, protect and fulfil. The Bill deliberately and explicitly targets lesbian, gay and bisexual persons, and thus conflicts with the obligation to ensure the enjoyment of these treaty rights without distinction on the basis of, *inter alia*, sexual orientation, as provided in Article 2(1). Moreover, the Bill – by its very nature – conflicts with the obligation to ensure that the content of legislation “should not be discriminatory”, as required by Article 26 of the ICCPR. **We therefore urge you to refuse to sign the Same Sex Marriage (Prohibition) Bill into law.**

Furthermore, we take this opportunity to express our profound concern at the continued criminalisation of gay and bisexual men, and transgender persons under Nigerian criminal law. These offences directly contravene the rights to privacy and to non-discrimination. **We therefore urge you to take steps to expeditiously amend or abolish such provisions.**

Yours sincerely,



Dimitrina Petrova
Executive Director
The Equal Rights Trust

³¹ See above, note 11.