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## **Nigeria: President must veto discriminatory anti-LGBTI bill**

President Goodluck Jonathan of Nigeria should not sign into law a draconian new bill that would formalize discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people and have wide-ranging effects on civil liberties in the country, 10 Nigerian and international human rights groups said today.

On May 30, 2013, Nigeria's House of Representatives passed the Same Sex Marriage (Prohibition) Bill, which would impose a prison sentence of up to 14 years for anyone found guilty of engaging in same-sex relationships. The Senate had already passed a similar bill.

If signed into law, the bill would also criminalize freedom of speech, association, and assembly.

"The bill is a throwback to past decades under military rule when these civil rights were treated with contempt," said Lucy Freeman, deputy director of the Africa Programme at Amnesty International.

"It would provide for prison sentences for anyone who speaks out in support of, meets with, or forms a group advocating for the rights of LGBTI people. It criminalizes the lives of LGBTI people, but the damage it would cause extends to every single Nigerian.

"It undermines basic freedoms that Nigeria's civil society has long fought to defend. The civil rights of Nigerians cannot simply be legislated away."

"Same-sex marriages" or "civil unions" – which could lead to imprisonment of up to 14 years – are so broadly defined in the bill that they include virtually any form of same-sex cohabitation. In addition, the bill seeks to impose prison sentences on a range of people who associate with or assist LGBTI people.

Individuals or groups, including priests or other clerics, who "witness, abet and aid the solemnization of a same sex marriage or union" would face a 10-year prison sentence. So would those who "directly or indirectly make public show of same sex amorous relationship," or anyone who "registers, operates or participates in gay clubs, societies and organizations."

In addition, anyone who "supports" LGBTI groups, "processions or meetings" could also face a decade behind bars.

The Criminal Code, in effect in southern Nigeria, and the Penal Code, in northern Nigeria, already impose up to a 14-year prison term for anyone who has "carnal knowledge" or "carnal intercourse" with another person "against the order of nature." The human rights groups said that these laws are Victorian-era provisions that remained after the end of British colonial rule.

Shari'a penal codes, introduced in northern Nigeria since 1999, criminalize "sodomy" with caning, imprisonment, or death by stoning.

Same-sex marriages or civil unions are not currently recognized in Nigeria, Africa's most populous nation, and there is no move to legalize them.

"The loosely defined terms of the law mean that a large number of people will be under suspicion of cohabiting as same-sex couples or supporting same-sex relationships," said Adebisi Alimi, a Nigerian gay and civil rights activist.

The proposed law would also interfere with public health outreach efforts in Nigeria.

Nigeria has the world's third-largest number of people living with HIV/AIDS, and its National Agency for the Control of AIDS has recognized the need to target vulnerable groups in HIV/AIDS outreach efforts, including people who engage in same-sex conduct. The proposed law would hinder such efforts by criminalizing those who conduct outreach to LGBTI groups. It would drive some groups affected by the epidemic further underground for fear of imprisonment, the rights groups said.

"The Nigerian government knows that its criminal laws already hinder access to services, and has acknowledged the need to target services to at-risk populations," said Graeme Reid, director of the Lesbian, Gay, Bisexual and Transgender Rights Program at Human Rights Watch.

"But if the bill passes, just seeking to provide information to LGBTI people could land service providers in jail – something that is likely to have a chilling effect on their work."

The groups issuing the appeal to President Jonathan are:

- Amnesty International
- Centre for Environment Human Rights and Development (CEHRD)
- Collaborative Media and Advocacy Platform (CMAP)
- Human Rights Watch
- Civil Society Legislative Advocacy Centre (CISLAC)
- Projekt Hope/Nigeria HIV INFO
- Queer Alliance Nigeria
- Stakeholders Democracy Network (SDN)
- The Initiative for Equal Rights (TIER)
- Women Advocates' Research and Documentation Center (WARDC)