UNITED NATIONS

Press Release

INDEPENDENT UN EXPERTS EXPRESS SERIOUS CONCERN OVER DRAFT NIGERIAN BILL OUTLAWING SAME-SEX RELATIONSHIPS

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The Special Representative of the Secretary-General on Human Rights Defenders, Hina Jilani; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt issued the following statement today:

"We express our deep concern about the draft "Bill for an Act to Make Provisions for the Prohibition of Relationship between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith" which was heard before the Judiciary Committee of the Nigerian House of Representatives on Wednesday 14 February 2007. Provisions of the draft Bill discriminate against a section of society, are an absolutely unjustified intrusion of an individual's right to privacy and contravene Article 1 of the Universal Declaration of Human Rights that '(a)ll human beings are born equal in dignity and rights'.

The Bill, as currently drafted, heightens the potential for stigmatization, discrimination and intolerance against individuals for their actual and imputed sexual orientation or their gender identity, raising serious concerns regarding their protection. We are apprehensive that, if adopted, the proposed law will make persons engaging in, or perceived to be engaging in, same sex relationships in Nigeria more susceptible to arbitrary arrests, detention, torture and ill-treatment and expose them even more to violence and attacks on their dignity. The proposed law may lead to the denial of opportunities and conditions necessary for the enjoyment of economic, social and cultural rights. In particular, the Bill is likely to undermine HIV/AIDS education and prevention efforts by driving stigmatized communities underground, posing a threat to the right to the highest attainable standard of physical and mental health.

In this context, we note with concern that same-sex relationships are already prohibited and criminalized in Nigeria and carry the death penalty. During the last session of the Human Rights Council in Geneva, the Government of Nigeria expressed its view that the death penalty by stoning for "unnatural sexual acts" such as lesbianism and homosexuality may be considered "appropriate and just punishment".

In addition to clear elements of discrimination and persecution on the basis of sexual orientation, the Bill contains provisions that infringe freedoms of assembly and association and imply serious consequences for the exercise of the freedom of expression and opinion. The introduction of criminal penalties of imprisonment in the Bill, if enacted, would in particular have a chilling effect for local human rights defenders who undertake peaceful advocacy on the adverse human rights implications of the law for lesbian, gay, bisexual and transgender persons. Such provisions are contrary to the principle recognized in the Declaration on Human Rights Defenders that "everyone has the right, individually and in association with others to develop and discuss new human rights ideas and principles and to advocate their acceptance".

Whilst the significance of regional and national particularities are acknowledged, we nevertheless remind the Government that such particularities or historical, cultural or religious practices, though significant in many aspects, do not absolve governments from their duty to promote and protect all human rights and fundamental freedoms and to ensure that such protection is universally applied and respected.

We therefore urge the Government to reconsider the Bill and to ensure that any law that is adopted conforms to international human rights norms and to Nigeria's obligations under international law. Nigeria's recent progress in institutionalizing democratic processes and practices strengthens the hope that the Government will give due consideration to our serious concerns and will take immediate steps to withdraw the Bill".

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