

Voices from Nigeria

**Gays, Lesbians,
Bisexuals,
and Transgenders
Speak Out
About the
Same-Sex Bill**

**A publication of the International
Gay and Lesbian Human Rights Commission**



November 2006 I G L H R C



Dear Reader:

In January 2006, the Nigerian Minister for Justice presented to the Nigerian Federal Council a bill that would create criminal penalties for anyone engaging in same-sex marriages and relationships and which launches a vigorous attack on freedom of expression, assembly, and association in Africa's most populous nation. Article 7 of the proposed Bill goes well beyond any intention to prevent same-sex marriages. If this Bill becomes law, anyone who publicly advocates for the rights of lesbians, gays, bisexuals and people of transgender status (LGBT) would be a criminal. Anyone forming or taking part in a gay or lesbian club or support group would face arrest. Critical HIV prevention efforts that target same-sex practicing men would be jeopardized as a result of the silencing effect of this legislation.

Consensual homosexual acts between adults are already illegal in Nigeria. Chapter 42, Section 214 of the Nigerian Federal Code penalizes consensual same-sex acts by 14 years imprisonment and in the Shari'a states the punishment for "sodomy" can be death. Meanwhile, there's been virtually no public advocacy for same-sex marriage in Nigeria. Why then, is the Nigerian government considering this legislation at this time?

Clearly, the introduction of the curiously named "Same Sex Marriage (Prohibition) Act" is designed to silence the increasingly vocal and visible local LGBT community and its supporters. Indeed, the future looks quite frightening for LGBT Nigerians and anyone who chooses to stand with them for equal access to HIV/AIDS prevention, treatment and care, and against legal and social discrimination.

The criminalization of same sex conduct between consenting adults violates the International Covenant on Civil and Political Rights (ICCPR) that guarantees freedom from unfair discrimination and the right to privacy respectively. It is also inconsistent with the principle of non-discrimination found in the African Charter on Human and People's Rights and the Nigerian Constitution. Perhaps even more disturbing, the Bill attacks the freedom to discuss, argue, and change, a right for which countless Nigerians have fought and died during decades of colonial rule and successive dictatorships.

IGLHRC has gathered together here the testimonies of eight LGBT Nigerians who, for fear of reprisals, have chosen to remain anonymous. This document provides these individuals with the opportunity to speak out on the effects of discrimination and homophobia on their lives and the likely effects of the Same Sex Bill.

The legislation is currently under debate by the Nigerian Parliament. IGLHRC joins with Nigerian and international leaders and organizations in respectfully requesting the Nigerian government to uphold its commitments to equal rights for all citizens by rejecting the Bill and amending existing legal codes to remove all criminal penalties for consensual same-sex conduct.

Yours sincerely,

Paula Ettelbrick
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MISSION

The mission of the International Gay and Lesbian Human Rights Commission (IGLHRC) is to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based non-profit, non-governmental organization (NGO), IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

IGLHRC acknowledges the participation of Global Rights, the International Center for Reproductive health and Sexual Rights (INCRESE), Alliance Rights Nigeria, Black Gold Pride, Support Project in Nigeria (SPIN) and the Gays and Lesbians of African Descent Toronto for their assistance with this document. This document was compiled by Cary Alan Johnson and Joanna L. Shulman.

Testimonies

I am a 37 year old gay male living in Lagos. I have seen a lot of prejudice towards gays in Nigeria.

I have also seen the effect this prejudice has on gays in Nigeria in the form of social isolation, poverty and unemployment. Violence against gays is popular in Lagos. The public is very homophobic. When they hear that someone is LGBT they will come around and beat you up.

I have been targeted myself because I am gay. Two months ago I was arrested and detained by the police in Lagos. This happened when I was carrying out research for the study on the prevalence and risk factors of HIV/AIDS, STI infections and social risk behavior among men that have sex with men in Nigeria. A team of policemen in Lagos came to my apartment and took me away to an unknown place for 2 days. I was beaten beyond recognition, and I am still receiving treatment for the head injury I received. I was dehumanized and paraded naked to the press. My money, ID card and shoes were taken. Eventually I was released without being charged or tried. My only offense was that I am gay.

On another occasion, when I was at a gay bar, police came and arrested everyone there. Twenty-three people, including myself, were kept in detention for two days without a trial.

I am concerned that the same sex bill proposed by the Nigerian government will further force gays underground. Hate campaigns against GLBT people will increase and fundamental freedoms will be challenged. The laws will also affect Nigerians more broadly. HIV/AIDS will increase because visible support for GLBT organizations will vanish. Unemployment will increase. GLBT-friendly lawyers will refuse to defend gays for fear of persecution.

CHUMA



EMMA

I no longer live in Nigeria. I cannot go back there.

When I lived in Nigeria, I lived with my boyfriend. Our neighbors never accepted us. They looked at us like there was something wrong with us. On January 15, 2005, a group of police came to our house very early in the morning. The police asked us if we were gay, and my boyfriend admitted that we were. They then arrested us. We resisted and they became violent with us. They handcuffed us and took us to the police station.

They kept us locked up in a cell. I had one friend only who would come to see us. He tried to find a lawyer to represent us, but no lawyer would represent us because they did not want to be associated with gay men. We were never tried. We were just held in detention indefinitely.

My friend decided that he would help us. He bribed a policeman so that we could escape. The policeman 'forgot' to put shackles on us one morning so when we went to empty the toilet bucket we were able to escape. We had been in detention for one month. We both escaped to another part of Nigeria. We separated along the way because the police were looking for us and we were scared that we would be identified if we were together. I hid in a church from February to October 2005. Eventually, I got a contact from an offshore worker and I escaped to Europe in a ship. I am applying for asylum in Europe.

I have heard stories of other gay men who have been held for months or years for being gay. It is difficult to find out information about them because nobody will talk about them once they are apprehended.

I am scared that if my asylum application is denied I will have to go back to Nigeria where I fear for my life.



I have been a LGBT activist in Nigeria for many years. I formed an organization, which argues that GLBT's should be included in the church. Our organization takes a religious angle.

I have experienced much discrimination in Nigeria because I am gay. I have been excluded from the Church. I have also experienced a lot of homosexual hatred and violence.

Most of the members in my group have been attacked. Recently, I was attacked by a group of boys who saw me on the street. I am scared to go out by myself in public.

In October 2005, after my organization's first publication criticizing an archbishop of the church for his stance on homosexuality, eight of our members were apprehended by police while we were on our way back from a meeting. We were locked in a police station without food and water for three days. Eventually we were released. I am sure that we were apprehended because of my organization's publication.

The treatment of GLBTs in Nigeria makes it difficult to address issues like HIV because people are too scared to speak of their sexuality. People won't go for treatment or speak to their doctors because they are scared to be labeled as gay.

I feel that GLBTs no longer have a voice. This new law will wipe out our entire existence. It will force people to be dishonest. All the advocacy about HIV/AIDS will come to nothing, as the issue will be pushed further underground.

DAVIS



BOLANIE

I am a lawyer who works with young people and trade unions. I am bisexual. My family doesn't know I am gay but my gay-friendly friends do.

I am too scared to 'come out' because of what I have seen happen to people who do. For example, I went to university with a law student who was transgender, who was asked to leave the faculty. I also know of people who are beaten up often to teach them a lesson. The police will do nothing about this.

In Nigerian society it's very important to get married. If you are gay, you are denied the right to be with a partner—you can't get married. However, if you are not married, you are treated as an outcast. We get discriminated against twice!

The laws make gays and lesbians go into hiding. They are too scared to accept medical help when they need it.

The Same-sex Bill is not necessary. Politicians are using the bill for political reasons, to show that they are "the good ones" in society.

If the Bill is passed, life would be horrible. I am scared about what will happen. So many employees will be victimized and thrown out of their jobs—and people will be forced to go even further undercover. Discrimination and violence will increase.



I am a 21-year old gay man. In June this year I found out I was HIV positive.

My parents don't know that I am gay. I had a nice childhood. I went to an all boy's school and received a good education. I first confessed to a clergyman at Church that I was gay and he told me that I was demonic.

Since then I have learnt that I am not allowed me to express myself at all. I do not tell my family or my work. Being gay, I have to be as discreet as I can. I have to keep it away from the community. They will treat me like a leper if they knew.

I am also scared about what would happen to me if I came out. I know of a man in a college boarding school who was beaten to death in 2001.

These issues in society force gay life underground and contribute to the spread of HIV/AIDS. I have to sneak around to have sex with other gay men. It is like hide and seek. We need to be quick and there is no time to make adequate provision about when and how to have sex.

I have heard about the gay marriage bill on public TV. I think it is ridiculous. I am a gay and I know I am normal. Whom I chose to have sex with is no one's business. Parliament should make laws to protect us as a minority, rather than outlaw us.

This Bill will force people to have sex in secret rather than stopping gays having sex. Condoms will be used less and less often because there will be no time to develop relationships because of fear of being caught.

I need frequent treatment for my HIV, but I could not imagine telling a doctor that I am gay. If one is forced to lie to the doctor because he or she is scared of prosecution, one is not going to be given the best services the doctor has to offer.

AISHAT

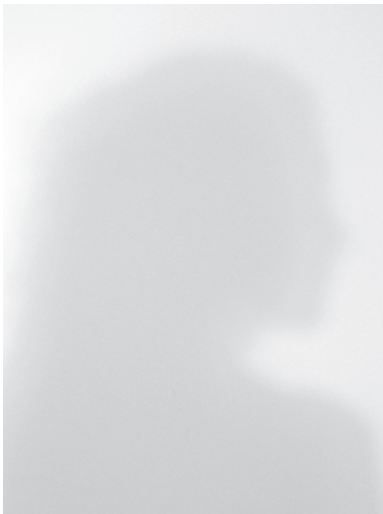


PATRICIA

I am a lesbian but because our society does not accept gays and lesbians, I am in hiding. My family does not know. Only three of my friends know about it. My family would be extremely upset if they found out about it. They see it as a taboo. To them if I should be a lesbian something is wrong with me. I am out of my mind. I am a civil servant and I am scared that if I came out at work, I would be fired.

I don't have much to do with men but society is forcing me to be who I don't want to be. My family keeps asking me to marry a man. It is hard because in Nigeria people think that a woman's place is in the husband's home. If you are not married you are not complete.

If the Bill is passed it will be terrible. I am lesbian and it is something I cannot hide. I am with somebody I love. I don't think anyone can force me to stop living the life I want to live. When you love someone and you cant have access to that person, life is not worth living. I am too afraid to think about what I will have to do if the Bill is passed.



I am a sexual rights activist living in northwest Nigeria. Under Shari'a Law, same-sex sexual activities are criminalized. This makes it challenging to do my work as many GLBTs are scared to identify themselves for fear of being identified by undercover police.

I have also witnessed prejudice, harassment and violence against GLBTs in the community. For example, my organization has provided counseling services and legal aid to GLBTs who have undergone abuse by mainly non-state actors. I have worked on a case of a transgender person who was picked up by police simply for being transgender. Although there are currently no laws dealing with transgender persons in Minna, the police locked her up for two weeks.

I also helped a girl who was perceived by the community to be gay. She was beaten, raped and left unconscious. On another occasion, I helped a girl whose family were under the perception that she was in a same sex relationship. The family organized a man for her to marry and she was so traumatized that she ran away.

I only know of four people who are brave enough to openly 'come out' in Nigeria. One of them had to go into hiding for four months because people in his neighborhood were hunting for him when he came out.

This prejudice also makes it difficult to deal with AIDS/HIV issues. HIV and STIs go undiagnosed or untreated in many GLBTs because doctors will not take a sexual history and GLBTs are too scared to come forth with their sexual history. My organization insisted that one of our clients be tested for HIV. We were the only organization which he felt comfortable telling that he had sex with other men. Even when he was diagnosed, he still did not consider himself worthy of treatment.

I am concerned that the Same Sex Bill will make my work even more difficult. Even now there are no specific services for people in same sex relationships. People in same sex relationships must use global services to get treatment. Some of these more global services try to specifically provide condoms for people in same sex relationships. Under the proposed bill, global services that try to help people in same sex relationships may be shut down. People will also be too scared to come forward for treatment for conditions like HIV for fear of being identified as gay.

Many people are acting like the Bill has already been implemented. For example, in February this year when cadets were expelled from a national military base, the Bill was cited as reason for their expulsion. More recently, at a meeting of federal and state ministers reviewing the national policy on health and young people, many of the ministers decided that they did not want the policy to even acknowledge young people who have same sex relationships because of the federal government's same sex bill.

If the Bill is passed it will also make life difficult in a broader sense. It will affect the way Nigerian life functions. In Nigeria, we share beds and rooms with friends and family. I am concerned that many people will be scared to go about their normal way of life for fear of being suspected of being in a same sex relationship. I am also fearful that there will be an increase in blackmailing and that some politicians will be accused of being gay during elections.

SARAH



MOHAMMED

I am a 26-year old male and I have been a transvestite for over seven years.

I have been outspoken about same-sex rights. However, I have been targeted because of my activities.

On December 1, 2005, I did an interview for World AIDS day. My family watched the event and saw that I was gay. A friend called me and told me not to come home because they were planning something terrible for me. My boyfriend's father also saw and threatened to arrest me if I came home. My family stopped my university education in punishment. I did not return home for some time after this.

On another occasion, I wanted to go out for a party and I thought it would be better if I dressed up at home so that I would not be seen changing so as to protect myself. My stepfather and brothers came in because they saw lipstick on the shower top. I was tied down and beaten all night long. Another time my stepfather poured hot cooking oil on my foot as a punishment for being gay.

On the day the Same-Sex Bill came out, I decided to go to an Internet café to send emails to people about the Bill. When we came of the café, we heard some boys say "Oh, homosexuals." The next thing I knew, these boys stepped in front of us and asked us if we were gay. They started beating us up. They stole our shoes, watches and cell phones. Nobody helped us. People just stood around and watched.

Homophobic boys have beaten me up on more than eight occasions. I have been hurt badly. I have been beaten with an iron and sticks. I am too scared to go to hospital because of the way I look. I self-medicate and many of my injuries have not healed because I have not received proper treatment for them.

I am concerned about what will happen if the Bill is passed. HIV/AIDS will spread more quickly and more Nigerians will die.



I am a gay Nigerian. I am also HIV positive. I run an organization that seeks to defend the human rights and well-being of LGBT persons in Nigeria. We do a lot of work in HIV/AIDS prevention. A few months ago my organization, in partnership with other organizations, completed research on HIV/AIDS prevalence among men who have sex with men. We carried out HIV tests on 1,300 men who have sex with men. The results of this study are not finalized but the problem is very great. The worst thing is that many of the people who tested have not come back to get their results.

I started this organization with a group of friends who used to go out together in Lagos. A friend of mine, H.O. was our first treasurer. He was a manager of a company and was very generous to his family. However, his siblings were abusive because he was homosexual. He discovered his HIV status in 2000. At that point there wasn't any knowledge at all around HIV/AIDS, so when he found out, he was scared to death. When his family found out he was positive they kicked him out of the house onto the street. H.O. died by himself because no one was there to care for him.

This was one of the reasons we started the HIV work in our organization—if someone who was well-respected in the community still could not find help, we felt there must be many more who needed our help.

My major concern about the Same Sex Bill is that it is an outright violation of our rights, not only does it violate our rights as human beings but is also a violation of Nigeria's obligations to international instruments. It makes nonsense of Nigeria's position on human rights. I don't see how anyone can tell me what not to do in private.

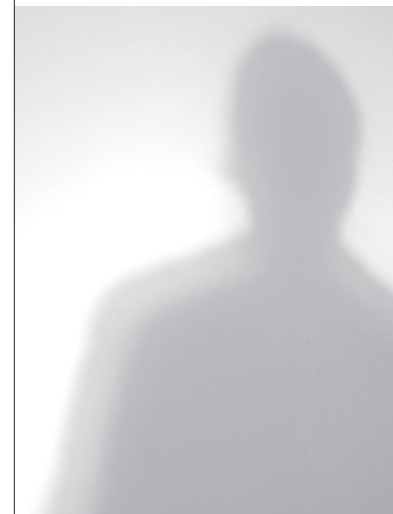
It is also politically reckless. Homosexuality is already illegal under Nigerian and Shari'a law.

If the Bill is passed it will affect my work in HIV rights and sexual rights. We will not be able to do anything publicly. We will not be able to give interviews or conduct public information sessions about HIV prevention.

Initially when the Bill came out there was a great backlash against GLBTs. In Abuja, they wanted to burn gays alive. People did not even want to wait to see if the Bill would be passed. If the Bill is passed, life will only get worse for GLBTs

My organization will not stop its HIV/AIDS work. It needs to be done.

OLUDARE



**A BILL FOR AN ACT TO MAKE PROVISIONS FOR THE PROHIBITION OF SEXUAL
RELATIONSHIP BETWEEN PERSONS OF THE SAME SEX, CELEBRATION OF MARRIAGE
BY THEM AND FOR OTHER MATTERS CONNECTED THEREWITH**

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1. Short Title

This Act may be cited as Same Sex Marriage (Prohibition) Act 2006.

2. Interpretation

In this Act, unless the context otherwise requires-

“Marriage” means a legally binding union between a man and a woman be it performed under the authority of the State, Islamic Law or Customary Law;

“Minister” means the Minister responsible for Internal Affairs”

“Same Sex Marriage” means the coming together of two persons of the same gender or sex in a civil union, marriage, domestic partnership or other form of same sex relationship for the purposes of cohabitation as husband and wife.

3. Validity and Recognition of Marriage.

For the avoidance of doubt only marriage entered into between a man and a woman under the marriage Act or under the Islamic and Customary Laws are valid and recognized in Nigeria.

4. Prohibition of Same Sex Marriage, etc.

- (1) Marriage between persons of the same sex and adoption of children by them in or out of a same sex marriage or relationship is prohibited in the Federal Republic of Nigeria.
- (2) Any marriage entered into by persons of same sex pursuant to a license issued by another state, country, foreign jurisdiction or otherwise shall be void in the Federal Republic of Nigeria,
- (3) Marriages between persons of the same sex are invalid and shall not be recognized as entitled to the benefits of a valid marriage.
- (4) Any contractual or other rights granted to persons involved in same sex marriage or accruing to such persons by virtue of a license shall be unenforceable in any Court of law in Nigeria.
- (5) The Courts in Nigeria shall have no jurisdiction to grant a divorce, separation and maintenance orders with regard to such same sex marriage, consider or rule on any of their rights arising from or in connection with such marriage.

5. Non-Recognition of Same Sex Marriage

- (1) Marriage between persons of same sex entered into in any jurisdiction whether within or outside Nigeria, any other state or country or otherwise or any other location or relationships between persons of the same sex which are treated as marriage in any jurisdiction, whether within or out side Nigeria are not recognized in Nigeria.

- (2) All arms of government and agencies in the Federal Republic of Nigeria shall not give effect to any public act, record or judicial proceeding within or outside Nigeria, with regard to same sex marriage or relationship or a claim arising from such marriage or relationship.

6. Prohibition of celebration of same sex marriage in a place of worship

- (1) Same sex marriage shall not be celebrated in any place of worship by any recognized cleric of a Mosque, Church, denomination or body to which such place of worship belongs.
- (2) No marriage license shall be issued to parties of the same sex in the Federal Republic of Nigeria.

7. Prohibition of Registration of Gay Clubs and Societies and Publicity of same sex sexual relationship.

- (1) Registration of Gay Clubs, Societies and organizations by whatever name they are called in institutions from Secondary to the tertiary level or other institutions in particular and, in Nigeria generally, by government agencies is hereby prohibited.
- (2) Publicity, procession and public show of same sex amorous relationship through the electronic or print media physically, directly, indirectly or otherwise are prohibited in Nigeria.
- (3) Any person who is involved in the registration of gay clubs, societies and organizations, sustenance, procession or meetings, publicity and public show of same sex amorous relationship directly or indirectly in public and in private is guilty of an offence and liable on conviction to a term of 5 years imprisonment.

8. Offences and Penalties.

- (1) Any person goes through the ceremony of marriage with a person of the same sex is guilty of an offence and liable on conviction to a term of 5 years imprisonment.
- (2) Any person performs, witnesses, aids or abets the ceremony of same sex marriage is guilty of an offence and liable on conviction to a term of 5 years imprisonment.

9. Jurisdiction

The High Court in the States and the Federal Capital Territory shall have jurisdiction to entertain all matters, causes and proceedings arising from same sex marriages and relationships.

EXPLANATORY MEMORANDUM

This Act shall prohibit in the Federal Republic of Nigeria the relationship between persons of the same sex, celebration of marriage by them and other matters connected therewith.



"I have to sneak around to have sex with other gay men—it is like hide and seek. We need to be quick and there is no time to make adequate provision about when and how to have sex."

"I am lesbian and it is something I cannot hide. I am with somebody I love. I don't think anyone can force me to stop living the life I want to live. When you love someone and you cant have access to that person life is not worth living. I am too afraid to think about what I will have to do if the Bill is passed."

"The Bill will affect the way Nigerian life functions. In Nigeria, we share beds and rooms with friends and family. I am concerned that many people will be scared to go about their normal way of life for fear of being suspected of being in a same sex relationship. I am also fearful that there will be an increase in blackmailing and that some politicians will be accused of being gay during elections."

"Most gay people I know are not properly informed about HIV protection. They think they can only get HIV/AIDS from girls. The government only publicizes the spread of AIDS between man and woman."

"In October 2005, after my organization's first publication criticizing an archbishop of the church for his stance on homosexuality, eight of my members were apprehended by police while we were on our way back from a meeting. We were locked in a police station without food and water for three days. Eventually we were released. I am sure that we were apprehended because of my organization's publication."

"I need frequent treatment for my HIV, but I could not imagine telling a doctor that I am gay."

"My major concern about the Bill is that is an outright violation of our rights, not only does it violate our rights as human beings but is also a violation of Nigeria's obligations to international instruments. It makes nonsense of Nigeria's position on human rights."



I G L H R C

