

FOR IMMEDIATE PRESS RELEASE

**NIGERIA HUMAN RIGHTS DEFENDERS, GROUPS, INDIVIDUALS AND CSOs
CONDEMN THE PASSAGE OF THE SAME SEX MARRIAGE PROHIBITION BILL IN
THE HOUSE OF REPRESENTATIVES AND CALL FOR ITS IMMEDIATE
WITHDRAWAL**

We, the undersigned human rights defenders, groups, individuals and civil society organizations hereby demand that the recent passage of the **‘Same Sex Marriage Prohibition Bill and other Related Matters’** by the House of Representatives of the Federal Republic of Nigeria be rescinded. The provisions of the propose bill infringe upon the fundamental rights provisions of the Constitution.

On the 30th May 2013, the Nigeria House of Representatives passed the bill titled “Same Sex Marriage Prohibition Bill”. The Bill prohibits marriage between persons of same sex, criminalize organizations and persons who directly or indirectly aid or abate such a union. This Bill will deprive Nigerians of their fundamental human rights as guaranteed in Chapter IV of the 1999 Constitution. This includes the right to peaceful assembly and association, right to life, right to privacy and security of the person, right to private and family life, right to freedom from discrimination, right to freedom of expression and press, right to fair hearing, right to dignity of the human person and right to personal liberty.

This draconian legislation contravenes the provision of the constitution of the Federal Republic of Nigeria, which protects fundamental human rights of individual with no reference to their sexuality, their choice of spouses, private life, sex, creed or religion.

We are concerned that the Same Sex Marriage prohibition bill defines marriage not as an act between a man and a woman, but includes any two people of the same sex living together. This renders all Nigerian of the same sex living together as potential target of this law.

Many **people share housing for economic reasons**. Two roommates of the same sex could be accused by anybody with whom they have a personal or public dispute of “living together as husband and wife” and be prosecuted under this law.

Their relatives, friends or visitors could be accused of indirectly supporting in private a same sex amorous relationship just by visiting them.

In a tactile society like Nigeria where people of same sex frequently and freely hold each other’s hands, wrap their arms around each other’s waist, can be seen in warm embrace, such innocuous gesture is likely to be misconstrued, invested with sexual meaning and misused for malicious purpose. With the passage of this bill we are likely to see increased rate of harassment, witch-hunt and vindictive accusations which will impact on every Nigerian.

In the hands of unscrupulous politicians and aspirants, the legislation could be used as a powerful tool to undermine and discredit opponents thus subjecting prospective candidates to political blackmail or defamation of character and integrity.

Under the proposed legislation, it will be an offense to **advocate** against the law without being found guilty of indirectly supporting same sex marriage or relationships. This would be an **inherent contradiction for a democratic system**.

Under this legislation lawyers will be unable to **offer legal representation**. In fact such lawyers would be criminalized for representation and defense of perceived same sex related cases.

The Bill passed by House of Representatives defined marriage to be a legal union between persons of opposite sex in accordance with the marriage act, Islamic law or customary law. We believe that by virtue of the Constitution, powers enabling the National House of Assembly to make laws over matters that are under the exclusive lists. Marriage by law is under the residuary list, which is the exclusive prerogative of each state of the Federation.

We are concerned that the passage of this bill would further encourage security agents such as the police to arbitrarily accuse, harass and arrest citizens on spurious grounds creating fear, suspicion and anxiety among the populace.

We are further concerned that before the passage of the bill, the principle of fair hearing was not put into consideration. The Bill contravenes the spirit of the 1999 constitution Chapter II section 17 (1), (2) (a-c) which states that social order is founded on ideals of freedom and equality and that every citizen shall have equal rights, obligations and opportunities before the law and shall uphold the sanctity of every person and enhance human dignity and ensure that all governmental actions shall be humane.

Democracy is about the rule of law, and as a secular state the evocation of religion and morality to police citizens' private lives does not reconcile with democratic principles. Democracy gives all citizens freedom of expression, association and equality before the law. The passage of the Bill not only directly conflicts with and violates the principles of democracy; it also returns Nigeria to the autocracy of the military era.

In the light of the above concerns, we call on the Senate, the House of Representatives and the Office of the President of the Federal Republic of Nigeria to;

1. To immediately consult with the National Human Rights Commission, Civil Society Organizations and other stakeholders on the human rights implications of this Bill;
2. To immediately withdraw the Bill and uphold the mandate as available in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria which stipulates the protection and promotion of fundamental human rights of all citizens.

STATEMENT SIGNED BY:

Organizations

AL- Centre for Human Development
Alliance for Africa and Nigeria Feminist forum
Changing Attitude Nigeria
Coalition for the Defence of Sexual Rights

International Centre for Advocacy on Rights to Health
International Centre for Reproductive Health and Sexual Rights
Improved Youth Health Initiative
Legal Defence and Assistance Project
Queer Alliance
The Initiative for Equal Rights
The Initiative for Improved Male Health
Women's Health and Equal Rights Initiative

Aken'Ova Dorothy
Alimi Bisi
Ayo Obe
Akoro Joseph Sewedo
Ayesha Imam
Akudo Oguaghamba
Abayomi Aka
Akin Ayo
Anyaegbunam Onyinye
Bibi Bakare Yusuf
Chino Obiagwu
Chris Kwaja
Davis Mac- Iyalla
Dumebi Chukwuka
Emmanuella D. David-ette
Emmanuella Ndunofit
Ifeyi Kelly Orazulike
Iyayi Osazeme Odgie Oyegun
John Adeniyi
Kole Shettima
Kemi Williams
Michael Akanji
Otibho Obianwu
Owen Ibukun
Olumide Makanjuola
Rashidi Williams
Stephen Chukwumah
Shola Ajibola
Tope Oke
Uche Sam
Victor Ogbodo
Yemi Candide Johnson
Zaharadeen Gambo

