

GAY HOMELAND FOUNDATION

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Statement on conspiracy to commit genocide on Gay people in Nigeria

The Senate and the House of Representatives of the Federal Republic of Nigeria are preparing the passage of a Bill on „Presentation of same sex marriage (prohibition) Act 2006“ (SB. 260). Despite its name, the Bill will not only prohibit same-sex marriages, but it will also impose a number of draconic measures suitable to destroy lives of many Gay people in Nigeria. As representatives of Gay people, we have serious concerns regarding the proposed legislation, which we regard as part of conspiracy to commit genocide on Gay People in Nigeria.

Homosexuality is a personality token deeply inherent to the individual, in the same degree as skin colour is. Most scientific research suggests that a person is born homosexual, which makes this token far more essential than any religious or national affiliation can be, them being based merely on tradition and socialization. Being Gay is equivalent to belonging to an ethnic group, which distinguishes one group of people from others.

The right not to be discriminated against on the grounds of race, sex, sexual orientation, gender expression and identity, ethnic origin, or religion, is the basis of all human rights and is valid for every human being, whether heterosexual or homosexual.

We claim therefore for Gay people residents of Nigeria the same protection against genocide as any other national, ethnical, racial or religious group can claim under the UN **“Convention on the Prevention and Punishment of the Crime of Genocide.”**

The UN “Convention on the Prevention and Punishment of the Crime of Genocide,” characterizes genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

The proposed legislation, if implemented, will undoubtedly have catastrophic effects on Gay people in Nigeria. Gay people would be denied counselling, appropriate education on AIDS prevention, legal assistance and the right to associate with other Gay people. All these measures will unavoidably lead to increased HIV infection, isolation, depression and suicide, as well as widespread attacks on Gay people. As such, the Bill clearly violate the provisions outlined in Article II, sections (b) and (c) of the Convention.

The Convention prescribes that “persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.” We want the influential supporters of the Bill (among them Anglican Bishop Peter Akinola and Nigeria’s President Olusegun Obasanjo) to understand that they can not forever rely on their perceived immunity from punishment for the crime of genocide.

The article III of the Convention also makes clear, that not only the accomplished genocide shall be punishable, but also conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide. According to the article VIII of the Convention, any contracting party may call upon the competent organs of the United Nations to take such action as they consider appropriate for the prevention and suppression of acts of genocide.

We expect that United States, along with member states of the European Union and other signatories to the Convention, to take their obligations seriously and undertake efforts to effectively prevent genocide on our people in Nigeria. By signing the Convention, the governments agreed that genocide, whether committed in time of peace or in time of war, is a crime under international law. Should the pending Nigerian bill pass, we expect that those who conspire to commit genocide on Gay people will be captured, arrested and put on trial, instead of courting them in presidential palaces and cathedrals, politely smiling and shaking hands with the world’s leaders.

The Gay Homeland Foundation appeals to the international community not to turn a blind eye on the ongoing preparations to exterminate Gay people in the most populated country in Africa.

The proposed **Bill on „Presentation of same sex marriage (prohibition) Act 2006“** grossly violates Nigerian Constitution and various international treaties endorsed by the country. The Bill singles out a particular group of Nigerian population, namely Gay people, and makes them targets of oppressive legislation tailored *specifically* for them. Through this Bill, same-sex marital unions, which are already not recognized by the Nigerian legislation, shall be declared a crime, and any attempts of Gay people to participate in the democratic political process shall be punished with 5 years of imprisonment. Not only are these citizens outlawed because of belonging to the Gay people, but also they are threatened with jail if they dare to seek justice for themselves.

We urge the House of Representatives of the Federal Republic of Nigeria to **refuse** the proposed legislation entirely, or at least shall the **articles 6, 7 and 8** be withdrawn as incompatible with the Constitution of Nigeria and with various international treaties to which Nigeria is a state party.

We also urge the House to repeal all legislative acts criminalizing consensual sexuality between same-sex individuals.

For the Executive Committee:

Ron Bila

Viktor Zimmermann

Appendix:

List of national and international laws which will be violated by Nigeria if the proposed homophobic Bill will be implemented as valid law:

The **International Covenant on Civil and Political Rights** provides that *"All persons shall be equal before the courts and tribunals"* (Article 14(1)).

The **African Charter on Human and Peoples' Rights**, ratified and domesticated by Nigeria, imposes over states parties the obligation to *"recognize the rights, duties and freedoms enshrined in the Charter and...to adopt legislative or other measures to give effect to them"* (Article 1). Every individual shall enjoy the rights under the Charter *"without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status"* (Article 2).

The **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** declares that states parties are obliged to take a number of appropriate legislative, institutional and other measures to combat all forms of discrimination against women and men: *"through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men."* (Article 2)

Finally, the **Constitution of Nigeria** guarantees equal rights for **all** citizens: *"Every citizen shall have equality of rights, obligations and opportunities before the law"* (Article 17(2)(a)). It also guarantees the right to be free from discrimination *"either expressly by, or in the practical application of, any law"* on grounds of *"community, ethnic group, place of origin, sex, religion or political opinion"* (Article 42(1)). In Article 38(1), citizens are *„entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate [their] religion or belief in worship, teaching, practice and observance.“* Article 39 states: *„(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. (2).. every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions.“* Article 40 further declares: *„Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests..“*