

Statement by Indian groups and individuals on Nigeria's Same Sex Marriage (Prohibition) Act

March 10, 2014

To,

President, Members of Parliament and the People of Nigeria

Through,

H.E. Ndubuisi Vitus Amaku

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We register here our strong condemnation of the Same Sex Marriage (Prohibition) Act, 2013. The act, signed by President Goodluck Ebele Jonathan on January 7, 2014, violates the basic human rights of same-sex desiring individuals, their families, friends, loved ones and their supporters, by impeding their right to live and love without harm to others, in enjoyment of the rights of freedom and equality guaranteed by the Nigerian Constitution and the African Charter on Human and People's Rights. In the face of this severe blow to the struggle for universal human rights, we reassert our solidarity with the lesbian, gay, bisexual, trans*, and queer people of Nigeria, and of all 36 of Africa's 55 countries where same-sex relations are illegal.

The Act not only prohibits and criminalises the institutionalisation of same sex relationships, but also prevents the registration of organisations, clubs or societies that pertain to multiple queer genders and sexualities. Public display of amorous relations between persons of the same gender invites a jail term of up to 10 years, and anyone – irrespective of their sexuality - who witnesses and/or aids a same sex civil union, meeting, registration of organisation is also liable to be punished under this draconian law. It is clear that the law is meant to clamp down on any form of love and affection that is non-heteronormative. We are astonished by the Nigerian government's blind and misguided belief that a law can serve as an effective deterrent to love.

We write as citizens and groups of India, also a former British colony grappling with the multiple legacies of colonialism, of which the inheritance of homophobic laws is only one. Section 377 of the Indian Penal Code, 1861, recently reinstated by the Supreme Court represents the most aggressive institutionalisation of the criminalisation of homosexuality

in the Indian subcontinent. In both cases, the State has acted against its people, failing not only to recognise their fundamental human rights, including the right to dignity, equality, non-discrimination and personal liberty, but also effectively condemning millions of its citizens to compromised health. This is particularly egregious in countries like India and Nigeria with some of the world's largest populations of persons affected by HIV/AIDS. The threat of violence, harassment, and abuse against queer persons in both countries will continue unabated, having now received a particularly insidious form of State sanction.

We believe that it is homophobia, rather than homosexuality that is a colonial legacy. Today, we are engaged, along with our counterparts in other ex-British colonies, in an on-going struggle against this legacy of colonialism, a struggle in which we have relied primarily on the activist labours of our people and on the moral and legal commitments of laws and Constitutions that we have given unto ourselves. As a postcolonial state that is proud of its hard-won independence, we understand, share and support Nigeria's commitment to realising and maintaining democratic decision making processes, in line with your Constitution and in the exercise of your sovereignty, unimpeded by the external world.

It is important to emphasise that the Act disregards and devalues the lives of Nigeria's own people. We urge you to listen to those brave Nigerian voices in every walk of life, who have stood up for basic human rights and fundamental freedoms of all people in Nigeria without regard to considerations of tribe, region, religion, sex, nationality, disability, or sexuality.

We reach out in solidarity against attempts at imperialist control over our political, moral, ethical and cultural lives. The irony of history is that the Same Sex Marriage (Prohibition) Act, 2013, which is an instance of such attempts at control, is being hailed as evidence of the expression of sovereignty but is in fact criminalizing long, established and documented cultural practices of same sex desire and relationships in Nigeria. To recognise the rights of all Nigerians to lives of dignity, equality and freedom of expression and assembly, by immediately repealing the Same Sex Marriage (Prohibition) Act, 2013, would be the true assertion of sovereignty.

Signed:

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