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Senator David Mark
President of the Senate
The National Assembly Complex
3 Arms Zones
P.M.B. 141
Abuja FCT
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**AMNESTY
INTERNATIONAL**



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Dear President

'SAME-GENDER MARRIAGE (PROHIBITION) BILL, 2011' VIOLATES CONSTITUTION

I would like to express my appreciation for having had the opportunity to meet you and other members of the Senate on Wednesday 12 October in Abuja when I briefly presented you with Amnesty International's Human Rights Agenda for the National Assembly.

I am writing you with regard to the Same-Gender Marriage (Prohibition) Bill, 2011, and to ask you to use your position as President of the Nigerian Senate to reaffirm your support for the human rights of all Nigerians.

On the surface, the Bill appears to limit itself to introducing criminal penalties for marriage ceremonies between persons of the same sex, with a penalty of three years' imprisonment. However, the Bill's provisions extend far wider. The bill seeks to criminalize anyone who 'witnesses', 'aids' or 'abets' such a relationship. This means that the bill now criminalizes identities, and not merely behaviours. It could also penalize any human rights defender who would seek to stand up for the rights of lesbian, gay, bisexual or transgender people in Nigeria, as well as their friends, families and colleagues.

Amnesty International wishes to recall the statement made by the Nigerian government at the United Nations Universal Periodic Review (UPR) session on Nigeria in February 2009, in which the government stated that "as citizens, all Nigerians have their fundamental rights guaranteed by the Constitution." However, we are concerned that the Same-Gender Marriage (Prohibition) Bill, 2011 will violate human rights guaranteed by the Constitution, the African Charter on Human and Peoples' Rights (African Charter) and the International Covenant on Civil and Political Rights (ICCPR).

To further explain our concerns, please find enclosed a copy of a memorandum produced by Amnesty International, Human Rights Watch (HRW) and the International Gay and Lesbian Human Rights Commission (IGLHRC) entitled *Nigeria: 'Same-Gender Marriage (Prohibition) Bill, 2011' violates Constitution*. The document highlights the human rights violations of the bill, including the rights to freedom from discrimination, the rights to private and family life, the rights to freedom of religion or belief, the right to freedom of association, and the right to health, rights which are guaranteed under the Nigerian Constitution, the African Charter and the ICCPR.

Same sex relationships are a private matter. If passed into law, the Same-Gender Marriage (Prohibition) Bill 2011 would violate the rights of all Nigerians, including lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals in Nigeria.

Amnesty International has expressed concerns in the past about human rights violations against individuals on the basis of their real or perceived sexual orientation or gender identity in Nigeria; this Bill, if passed into law, would only increase the scope and scale of these violations.

I look forward to receiving your response on this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Erwin van der Borgh', with a long horizontal flourish extending to the right.

Erwin van der Borgh
Director, Africa Programme