

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON NIGERIA^[1]

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References in the National Report are *in Italics*.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women –as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC not ratified. The Committee on the Rights of the Child (CRC) recommended that Nigeria immediately ratify and implement OP-CRC-SC (Para 1, Compilation).

Issue	National Report	Compilation	Summary
HIV/AIDS	National Agency (22), Rights of PLWHVAs (17), Existing Programmes (60)	Largest HIV epidemic in West Africa (61). Highest number of AIDS orphans worldwide (51). Work with UNESCO on preventive education (20).	Irregular supply of AIDS drugs to inmates (30)
Sexual Orientation	GLrelationships/marriage not a HR issue (76)	Deep concerns about Prohibition of Same-Sex Marriage Bill (39)	Concerns about Prohibition of Same-Sex Marriage Bill (37)
Trafficking/sexual exploitation of children	Child Rights Act (12)	Measures taken, remains a serious problem (29). Increase of sexual	Daily occurrence in spite of laws (27)

		exploitation (31)	
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HIV / AIDS

Bill on **National Agency for the Control of HIV and AIDS** is receiving due consideration for passage by the National Assembly and necessary assent of the President (Para 22, NR). The Human Rights of Persons Living with HIV-AIDS are **protected in chapter 4 of the Constitution**, under the rights to freedom from discrimination, to human dignity, to personal liberty, to life, to private and family life, to freedom of expression, to peaceful assembly and association, and to freedom of movement (Para 17, NR). Government's strategy for protecting the rights of persons living with HIV/AIDS revolves around the following **programmes**: National Strategic Framework on HIV/AIDS in Nigeria (2005-2009); Setting up of the National Agency for the Control of Aids (NACA) and its equivalent in the States and Local Government Areas; Public awareness campaign in the media on the rights of people living with HIV/AIDS; Creation of state associations of HIV-positive persons known as Network of People Living with HIV/AIDS in Nigeria (NEPWA); Expansion of HIV/AIDS clinics and provision of free drugs throughout the country; and the special effort by government to enlist the assistance of religious and traditional leaders in all matters relating to the treatment and welfare of persons living with HIV/AIDS in Nigeria (Para 60, NR)

A 2008 UNAIDS report noted that Nigeria has the **largest HIV epidemic in West Africa** with 2.6 million people living with HIV. (Para 61, Compilation)

CRC was particularly concerned that according to UNAIDS estimates, there are over 1 million AIDS orphans, making Nigeria the country with the **highest number of AIDS orphans worldwide**. **CRC recommended that Nigeria continue its efforts in preventing the spread of HIV/AIDS and providing treatment and urgently increase alternative care opportunities for children** (Para 51, Compilation)

A 2004 UNDP report noted Nigeria's work with UNESCO which relies on **preventive education** to counter ignorance and misconceptions associated with HIV and AIDS and to provide adequate knowledge on all aspects of HIV and AIDS, in order to defeat prejudice and discrimination (Para 20, Compilation)

Commonwealth Human Rights Initiative (CHRI) reports that the **supply of drugs for HIV/AIDS inmates** is not regular (Para 30, Summary)

Sexual orientation

*Sexual minorities are not visible in Nigeria, and there is no officially registered association of gay and lesbians. No sexual minority or their representatives attended the Forum. However, in spite of this the issue was brought up at the Forum, and the views of more than 90 per cent of the participants was that **Gay-Lesbian relationship or same-sex marriage was not a human rights issue in Nigeria**. The laws of Nigeria recognize marriage as a relationship between a man and a woman. However, like every democracy, those who want a change in the existing laws have to come out and lobby for the change they desire* (Para 76, NR)

In 2007, the Special Representative of the Secretary-General on Human Rights Defenders, the Special Rapporteur on racism, the Special Rapporteur on violence against women, and the Special Rapporteur on the right to health expressed **deep concern about the draft "Bill for an Act to Make**

Provisions for the Prohibition of Relationship between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith". According to their statement, provisions of the draft Bill discriminate against a section of society, and are an absolutely unjustified intrusion of an individual's right to privacy. In addition to clear elements of discrimination and persecution on the basis of sexual orientation, the Bill contains provisions that infringe freedoms of assembly and association and imply serious consequences for the exercise of the freedom of expression and opinion (Para 39, Compilation). CHRI highlighted the Same-Sex Marriage (Prohibition) Bill 2006, which got fast-tracked through the National Assembly in February 2007, and would be scheduled for a third reading before turning into law. According to CHRI, the Bill proposes five years imprisonment inter alia for anyone who undergoes, "performs, witnesses, aids, or abets" a same-sex marriage (Para 37 Summary).

Trafficking/sexual exploitation of children

The *Child Rights Act, 2003*, domesticates the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child. It gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition of child trafficking; all forms of child labour; sexual and economic exploitation of children (Para 12, NR)

While CEDAW Committee, the Committee on the Elimination of Racial Discrimination (CERD) and CRC acknowledged the measures taken to combat trafficking in children, CEDAW and CERD were concerned that trafficking remains a serious problem (Para 29, Compilation). CRC was deeply concerned that the number of children who fall victim to sexual exploitation was on the increase (Para 31, Compilation).

National Human Rights Commission (NHRC) indicated that children are trafficked and exploited daily regardless of the laws against these practices. (Para 27, Summary).

[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org