



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR
February 25, 2014

To: Honorable Mayor and Members of the City Council
From: Councilmember Darryl Moore, District 2
Subject: Condemning Nigerian Anti-LGBT Legislation

RECOMMENDATION

Adopt a Resolution opposing the recently signed legislation outlawing same-sex marriage, civil union or domestic partnerships and that the City Clerk send a letter to President Barack Obama, with carbon copies going to Congresswoman Barbara Lee and Secretary of State John Kerry, with a copy of the resolution.

BACKGROUND

Nigerian President Goodluck Jonathan signed a measure into law earlier this year, in January, that prohibits same-sex marriage, civil union or domestic partnership and is punishable by a prison term up to 14 years. Additionally, same-sex marriages legally performed in other countries would be considered void by the Nigerian government. The law also calls for a 10-year term for “a person or group of persons who supports the registration, operation and sustenance of gay clubs, societies, organizations, processions or meetings.” Public displays of affection by gay men and lesbians are also criminalized. Nigerian authorities have begun arresting people believed to be gay men in the laws first week and police have detained men in various states and have dozens of pending arrests based on perceived sexual orientation.

The law has triggered a wave of anti-gay violence in parts of Nigeria. According to the Associated Press, police in the northern state of Bauchi arrested 38 men beginning in late December after the law obtained final approval in Congress. Several men were allegedly tortured into naming gays they knew. The New York Times described a man who was publicly whipped for gay sex and said a mob tried to attack other gays who were brought into court. The whipping was administered by one of the Islamic sharia courts operating in northern Nigeria. The court and the new law appear to violate Nigeria’s constitution.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120

Attachments:

- 1) Resolution

RESOLUTION NO. ##,###-N.S.

CONDEMNING NIGERIAN ANTI-LGBT LEGISLATION

WHEREAS, Nigerian President Goodluck Jonathan signed a measure into law earlier in January that prohibits same-sex marriage, civil union or domestic partnership and is punishable by a prison term up to 14 years; and

WHEREAS, additionally, same-sex marriages legally performed in other countries would be considered void by the Nigerian government; and

WHEREAS, the law also calls for a 10-year term for “a person or group of persons who supports the registration, operation and sustenance of gay clubs, societies, organizations, processions or meetings” and has criminalized public displays of affection by gay men and lesbians; and

WHEREAS, Nigerian authorities have begun arresting people believed to be gay men in the laws first week and police have detained men in various states and have dozens of pending arrests based on perceived sexual orientation; and

WHEREAS, the law has triggered a wave of anti-gay violence in parts of Nigeria; and

WHEREAS, according to the Associated Press, police in the northern state of Bauchi arrested 38 men beginning in late December after the law obtained final approval in Congress; and

WHEREAS, several men were allegedly tortured into naming gays they knew; and

WHEREAS, the New York Times described a man who was publicly whipped for gay sex and said a mob tried to attack other gays who were brought into court; and

WHEREAS, the whipping was administered by one of the Islamic sharia courts operating in northern Nigeria; and

WHEREAS, the court and the new law appear to violate Nigeria’s constitution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council condemns this anti-LGBT legislation in Nigeria that has undermined the basic human rights of a segment of its population.

[Date]

President Barack Obama
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Obama,

The City of Berkeley unreservedly condemns the Same Sex Marriage Prohibition Law of Nigeria and urges your administration to do all that is in its power to work towards its immediate abolition. This new law completely undermines the basic human rights of an entire segment of its population for nothing other than their natural sexual inclination. Law enforcement agents have been given a blank check to harass innocent Nigerians in the name of upholding the law. The law impinges on Nigerians' freedom of speech and association, and expressly violates the rights of minorities in a free and democratic society and doles out absurd terms of jail time. It also justifies anti-gay violence, which is evidenced by the recent surge in violent crimes perpetrated against its LGBT citizenry. By pushing gays and lesbians underground, the law also threatens to reverse the gains made by programs aimed at fighting the HIV-AIDS epidemic in the country.

The City Council of the City of Berkeley urges you to use any and all diplomatic means at your disposal to effect this law's immediate reversal, including diplomatic sanctions (e.g., denial of visas) on all Nigerian functionaries, including journalists, the clergy, and policymakers associated with the passing of the law. If necessary, we believe that it is appropriate to divest from Nigeria and/or well as impose economic sanctions. Please help protect the basic human rights of the Nigerian people.

Sincerely,
The Berkeley City Council

cc: Congresswoman Barbara Lee
Secretary of State John Kerry