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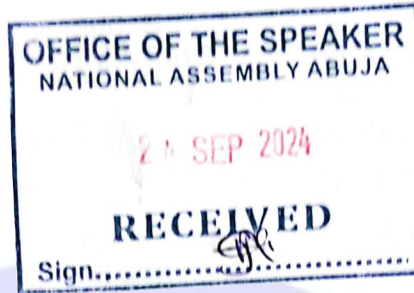
نقابة المحامين الافارقة

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FAMILY LAW COMMITTEE

September 12, 2024

**TO: The Speaker,
The National Assembly,
Nigeria House of Representatives
Abuja**
**THRU: The President
African Bar Association
Your Excellency,**



**RE: IDENTIFICATION, ANALYSIS AND IMPLICATION OF
DECEPTIVELY DRAFTED **LGBT PROVISIONS** IN THE SAMOA AGREEMENT**

May this serve to present a dossier on the deceptively drafted LGBT Provisions in the SAMOA Agreement.

CONTEXT:

Following the signing of the SAMOA AGREEMENT by Nigeria on the 28th day of June 2024, there was public outrage given that Nigeria had initially and commendably so, delayed or declined to sign it on November 15, 2023.

One of the reasons for the public outrage, was that by signing, Nigeria had committed itself to implement provisions of the SAMOA Agreement with LGBT import. In responding to a media concerns, Minister of Budget and Economic Planning, Alhaji Abubakar Atiku Bagudu, is reported to have said “nowhere in the documents were LGBT or same sex marriage mentioned even remotely, and emphatically stating that it would be wrong for anyone to imply that Nigeria had accepted those tendencies” (*LGBT: Knocks as Nigeria signs \$150 billion Samoa deal* – Thu, 4 Jul 2024 by Abbas Jimoh Balarabe Alkassim Daily Trust <http://surl.li/xnclgr>).The then president of the Nigeria Bar Association weighed in “I wish to state that there is no provision in the SAMOA agreement that requires Nigeria to accept or recognize LGBTQ or gay rights, either as a precondition for a loan of \$150 billion or at all. (Statement of the NBA President, Mr. Yakubu Chonoko Maikyau, OON, SAN, on the SAMOA Agreement- NBA BLOG, July 9, 2024 <http://surl.li/nssrh>)

On July 11, 2024, the Catholic Bishops Conference of Nigeria released a statement on the implications of the signing in which it bemoaned the fact that the Agreement would serve to grant international Law status to the the ideology of Sexual Orientation and Gender Identity (SOGI) along with the now pervasive Sexual and Reproductive Health and Rights (SRHR). The Catholic Bishops also affirmed the caution that the African Bar Association has been providing to ACP states since 2021 when the SAMOA Agreement (in draft) was first initialed.

ACTION:

The Family Committee of the African Bar Association therefore decided to analyze and research the context of the SAMOA agreement in depth. This would provide enough material for the House of Representatives to pronounce itself on whether the SAMOA Agreement contains LGBT promoting provisions. The Family Law Committee finds that LGBT affirmative language is by content, context and implication deceptively embedded in the provisions, programing and implementation of the SAMOA Agreement.

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Deceptive LGBT Provisions in the Samoa Treaty

Executive Summary

This report will expose 12 deceptive LGBT provisions which the EU inserted into the Samoa Agreement (hereafter “Samoa Treaty” to reflect the binding nature of the Agreement) and will also provide critical context and history for understanding these provisions.

This report does not provide an exhaustive list of problematic provisions as there are too many to address including the treaty’s assault on the national sovereignty of ACP countries with its supremacy clause, its requirement for ACP countries to hold joint positions and voting in international fora, and its mandated stakeholder approach for implementing the treaty, among others.

There is also a seriously overlooked problem, one of which ACP countries likely don’t have on their radar at all, and that is the fact that many of the grant recipients for implementing the treaty will be LGBT-supportive NGOs, businesses and UN agencies that are, even now, working to advance the LGBT agenda in Nigeria with EU funds (See Addendum 1).

The following is a list of the 12 Deceptive LGBT Provisions addressed in this report:

Deceptive LGBT Provision #1: UN Human Rights Bodies and Mechanisms Require Recognition of SOGI

Deceptive LGBT Provision #2: “Human Rights Defenders” are LGBT Rights Defenders

Deceptive LGBT Provision #3: “Other Status” in Non-discrimination Clause Includes Sexual Orientation and Gender Identity

Deceptive LGBT Provision #4: “Sexual and Reproductive Health and Rights” (SRHR)

Deceptive LGBT Provision #5: “Comprehensive Sexual and Reproductive Health Education” (CSRHE)

Deceptive LGBT Provision #6: The UN’s International Technical Guidance on Sexuality Education

Deceptive LGBT Provision #7: Obligation to Implement ICPD, Beijing and “Outcomes of their Review Conferences”

Deceptive LGBT Provision #8: Elevates the Maputo Protocol to Treaty Status and Requires its Full Implementation

Deceptive LGBT Provision #9: Elevates the Maputo Plan of Action to Treaty Status and Requires its Full Implementation

Deceptive LGBT Provision #10: Requires Mainstreaming “Gender Equality”

Deceptive LGBT Provision #11: “Sexual Orientation” in OECD Guidelines for Multinational Enterprises

Deceptive LGBT Provision #12: Over 100 References to “Inclusive” or “Inclusion”

The actions of the EU, foisting the deceptive provisions in this treaty with all its stealth attacks on the national sovereignty, family values and religious and cultural values of the people of Nigeria illustrate the EU's cultural imperialism at its worst.

It is our hope that Nigerian citizens, members of parliament and the Nigerian government will find this information compelling and use it as justification for either withdrawing from the treaty entirely, or, at a minimum, offer the amendment suggested by the Nigerian Conference of Catholic Bishops that would state:

“Nothing in this binding Agreement can be interpreted to include any obligations regarding sexual orientation, gender identity, comprehensive sexuality education, abortion, contraception, legalization of prostitution, same-sex marriage, or sexual ‘rights’ for children.”

Nothing short of this will protect the Nigerian people and especially their children from these harmful global agendas.

12 Deceptive LGBT Provisions in the Samoa Treaty

History & Critical Context

During the Samoa Treaty negotiations, many African, Caribbean and Pacific (hereafter ACP) states, including Nigeria, objected to the explicit inclusion of LGBT rights proposed by the EU. The EU proposals sought to create protections for people based on “*sexual orientation*” and “*gender identity*” (hereafter SOGI), but due to strong, unrelenting resistance to SOGI language, it was eventually removed from the treaty text. However, as a compromise, the parties agreed to include 1) commitments to implement existing international agreements on human rights, and 2) to go no further than the language used in UN consensus texts to which countries had already agreed in UN-negotiated documents.

Corruption of “Human Rights” by the EU

The agreed-upon compromises in lieu of not having any explicit references to SOGI may have seemed quite reasonable and safe to ACP countries. However, for years, the UN treaty bodies that monitor compliance with existing human rights instruments have been reading LGBT rights into them and then deceptively calling this “*jurisprudence*.” (See point #1 below.)

With regard to the EU agreeing not to go beyond UN consensus language in the treaty, it has violated this promise in multiple paragraphs in the treaty in very subtle yet significant ways as will be shown in more detail hereafter.

Moreover, even though the EU failed to insert explicit references to SOGI in the text, EU negotiators were still under great pressure from 1) the [EU's LGBT caucus](#), 2) an [EU parliamentary resolution](#), and 3) an [official EU Samoa Treaty negotiating directive](#), all mandating an inclusion of “*sexual orientation and gender identity*” in the final text.

In fact, the EU parliamentary resolution referred to above adopted by the European Parliament on the “*work of the ACP-EU Joint Parliamentary Assembly*,” was adopted before the Samoa

Treaty negotiations were finalized. It called for the EU to ensure that the new agreement would “include an explicit mention of non-discrimination on grounds of sexual orientation or gender identity,” and then reiterated “deep concern over the adoption and discussion of legislation further criminalising homosexuality in some ACP countries.”

When the EU negotiators failed to get SOGI directly in the text, they resorted to inserting deceptive SOGI terminology and provisions including 1) vague, elastic terms that have double meanings including those with LGBT connotations, 2) provisions requiring implementation of other documents that encompass not just SOGI rights but also abortion and comprehensive sexuality education rights for children, which are also major EU policy objectives,¹ and 3) euphemistic LGBT terms such as “gender” (61 references), “gender equality” (28 references), “inclusive” (103 references), “vulnerable” (54 references), and “marginalised” (12 references)—terms that can encompass the disabled, the poor and the disadvantaged, etc., but terms that are more often used by the EU as euphemisms to also encompass LGBT individuals.

Trade and Development Treaty or Human Rights Treaty?

In the preamble, the Samoa Treaty confirms the parties’ “commitment to democratic principles and human rights” Further, Article 9.7 establishes that “respect for human rights” is an “essential element of this Agreement.” And since “human rights” is not defined anywhere in the treaty, a fundamental question arises—whose understanding of “human rights” will govern the interpretation of the treaty and its 100+ references to “human rights”—Africa’s, the EU’s, or the UN’s? With an entire new chapter detailing the parties’ “human rights” obligations, the EU has perpetrated a literal “bait and switch” as this was supposed to be an economic and development trade treaty, a continuation of its predecessor, the Cotonou Agreement, which had reached its 20-year expiration date. But now, the binding, 20-year Samoa Treaty has become in large part also a “human rights” treaty by stealth.

Moreover, the Samoa Treaty was negotiated, not by the human rights experts of ACP states who negotiate at the UN, but instead, by their trade ministers who had little experience with the nuances of UN language and the hidden LGBT agenda relentlessly pushed by the EU in UN-negotiated documents.

Deceptive LGBT Provision #1: UN Human Rights Bodies & Mechanisms Require Recognition of SOGI

The Samoa Treaty requires in Article 80.3 that the parties “shall cooperate with the UN’s human rights bodies and mechanisms.”

Alarmingly, the UN’s human rights treaty body monitoring the International Covenant on Civil and Political Rights in paragraph 18 of their 2019 Concluding Observations told Nigeria it must advance LGBT rights as follows:

“The Committee is concerned that the Criminal Code criminalizes consensual same-sex sexual activity and that the Same-Sex Marriage (Prohibition) Act provides for 14 years’ imprisonment for a person who enters into a same-sex union and 10 years’ imprisonment for anyone who supports, meets with or forms a group advocating for the human rights of lesbian, gay, bisexual and transgender persons. The Committee is further concerned about reports that, since the adoption of the Act, harassment and violence against such

persons has increased, as well as the number of arrests and the detention of young people based on their actual or perceived sexual orientation and gender identity (arts. 2, 6, 7 and 26).”

The Committee therefore called upon Nigeria to:

“...decriminalize consensual same-sex relationships between consenting adults and ensure that arrest, prosecution and punishment based on actual or perceived sexual orientation or gender identity or advocacy of the rights of lesbian, gay, bisexual and transgender persons are prohibited.”

“...consider repealing the Same-Sex Marriage (Prohibition) Act and reviewing all other relevant legislation. Pending such revisions, those measures should not be employed”

“...provide effective protection to lesbian, gay, bisexual and transgender persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim’s sexual orientation or gender identity.”

“...take efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by launching a sensitization campaign aimed at the general public and providing appropriate training to public officials so as to put an end to the social stigmatization of such persons.”

Another UN “*human rights mechanism*” with which Nigeria would be required to “*cooperate*” under Article 80.5 of the Samoa Treaty is the UN’s Universal Periodic Review (UPR). Nigeria already comes under examination every four years regarding its human rights record at the UN Human Rights Council, at which time Council Members give specific recommendations to Nigeria on what it must do to clear up any human rights violations or to advance human rights. The concern here is that in Article 80.5, the term “*cooperate with*” might be construed to mean “*comply with*” the UN’s human rights mechanism. Consider the following “*human rights*” [recommendations](#) given to Nigeria by other UN Member States during the UN’s UPR 2022-2027 cycle for Nigeria:

LGBT UPR Recommendations to Nigeria:

“Decriminalize same-sex relations and protect the LGBTQIA+ community with specific policies to combat violence and discrimination against them.” (152.317)

“Repeal the Same-Sex Marriage (Prohibition) Act of 2013 along with other criminalizing provisions against LGBTI persons and enact comprehensive anti-discrimination legislation barring discrimination on grounds of sexual orientation and gender identity and expression.” (152.320)

“Release all individuals held in detention because of their real or perceived sexual orientation or gender identity.” (152.325)

“Ban conversion therapies.” (152.329)

“Include LGBTIQ+ specific training for all State security services and the police to ensure that LGBTIQ+ persons are protected and not discriminated against.” (152.331)

“Take measures to ensure a safe and enabling environment for human rights defenders, particularly those promoting the rights of LGBT+ persons.” (152.332)

This evidence shows that Samoa Treaty Article 80.3 requiring the parties to “*cooperate with the UN's human rights bodies and mechanisms,*” if fully implemented and if interpreted to mean “*comply with,*” could require Nigeria to legalize same-sex marriage, decriminalize sodomy, ban therapy and more.

Deceptive LGBT Provision #2: “Human Rights Defenders” are LGBT Rights Defenders

Article 65.5 of the Samoa Treaty requires that “*the Parties shall ... protect human rights defenders acting at national, regional and continental levels.*”

The EU has long used the term “*human rights defenders*” as a euphemism for abortion rights and LGBT rights defenders as it considers abortion and LGBT rights to be some of the most important fundamental human rights under attack, especially in Africa and particularly in Nigeria. Toward this end, the EU already funds LGBT “*human rights defenders*” in Nigeria in several ways, including through initiatives and organizations that receive support aimed at promoting and protecting LGBT rights. These efforts are part of the EU's broader commitment to promoting “*human rights*” and “*equality*” globally.

The EU’s Instrument for Pre-Accession Assistance (IPA) and their Thematic Programme on Human Rights and Democracy of the Neighbourhood, Development and International Cooperation Instrument (NDICI) are two funds that the EU uses to support LGBT civil society organizations and LGBT human rights defenders.

For example, the European Instrument for Democracy and Human Rights (EIDHR) provides grants directly to civil society organizations working on LGBT issues in Nigeria. The [EIDHR website](#) even boasts that:

“The EU is among the top donors worldwide to support LGBTIQ+ civil society organisations and Human Rights Defenders in emergency situations. Since the launch of the EU Human Rights Defenders mechanism, more than 1,500 different LGBTIQ+ rights defenders and 95 grassroots LGBTIQ+ rights communities have received direct, comprehensive support through emergency grants, funding to local initiatives.

The EU supports civil society organisations and human rights defenders in their efforts to protect and advance the human rights of LGBTIQ+ persons through funding under the Instrument for Pre-Accession Assistance (IPA) and the Thematic Programme on Human Rights and Democracy of the Neighbourhood, Development and International Cooperation Instrument (NDICI).

In particular, EUR 15 million have been earmarked for the promotion of equality, inclusion and diversity under the [Thematic Programme on Human Rights and Democracy 2021-2027 of the NDICI instrument.](#)”

Several Nigerian entities that have already received EIDHR funding to promote the LGBT agenda in Nigeria include:

- **Initiative for Equal Rights (TIER):** [TIER](#) is a prominent Nigerian LGBT rights organization and has received funding from international bodies, including those supported by the EU. TIER engages in advocacy, provides legal support and conducts public education campaigns to promote LGBT rights in Nigeria.
- **National Endowment for Democracy (NED):** The NED, which receives funding from various sources including the EU, supports several organizations that defend LGBT rights in Nigeria. These organizations work on providing legal aid, documenting human rights abuses and promoting dialogue with authorities to improve the legal and social environment for LGBT individuals.
- **Bisi Alimi Foundation:** This [foundation](#) works on changing the perception of LGBT people in Nigeria through research, advocacy and community engagement. It aims to increase the visibility of LGBT individuals and address issues of discrimination and violence. For example, Bisi Alimi, in partnership with the Elton John AIDS Foundation, organized a Gay Pride event in Nigeria in 2019.
- **Women's Health and Equal Rights (WHER) Initiative:** WHER focuses on the sexual and reproductive health and rights of lesbian and bisexual women in Nigeria. It was established to address the specific health issues and rights of LGBT individuals.

The EIDHR directly funds civil society organizations without requiring the consent of the government. While specific funding amounts provided by EIDHR to LGBT-supportive programs in Nigeria are not readily detailed in publicly available documents, it is clear that EIDHR has been instrumental in supporting civil society organizations working on LGBT rights in Nigeria.

And lest there be any doubt that the EU intends the term “*human rights defenders*” in the treaty to refer to LGBT rights defenders, consider the EU’s [progress report](#) of their LGBTIQ Equality Strategy 2020-2025, where it points out as a “*key achievement*” the launch of the EEAS Agenda for Diversity and Inclusion encompassing “*financial support for LGBTIQ human rights defenders under the Instrument for Pre-Accession Assistance (IPA) and the Neighbourhood, Development and International Cooperation Instrument (NDICI)*.” It should be noted that NDICI is the EU’s funding mechanism for the Samoa Treaty. This EU progress report further explains:

“The EU supports civil society organisations and human rights defenders in their efforts to protect and advance the rights of LGBTIQ persons. It does this through funding under the IPA and the thematic programme on human rights and democracy associated with the NDICI instrument.

In particular, EUR 15 million has been earmarked for the promotion of equality, inclusion and diversity under the 2022-2024 thematic programme on human rights and democracy. Furthermore, the Commission provided EUR 1.5 million in support for civil society organisations protecting the rights of LGBTIQ persons in Djibouti, Pakistan, and Timor-Leste under the European Instrument for Democracy and Human Rights (EIDHR) – Country Based Support Scheme.

The EU continues to offer a rapid response mechanism to protect individual LGBTIQ rights defenders at risk. Between January 2020 and December 2022, approximately 850 LGBTIQ rights defenders received support from the EU Human Rights Defenders Mechanism managed by the Protect Defenders Facility via the EIDHR (e.g. emergency

grants, temporary relocation, capacity building and training). Moreover, in 2022, the EU allocated small emergency grants to LGBTIQ rights defenders under the EU Emergency Fund for Human Rights Defenders at Risk.”

Finally, consider the excerpts from this “NDICI-Global Europe Thematic Programme on Human Rights and Democracy - 2023 Global Call for Proposals” stating:

“The European Commission – DG INTPA published a global call for CSO projects under the thematic programme on human rights and democracy (EUR36 million)”

The purposes for which funds can be applied for are described as follows:

“Contributing to policy-making in the area of non-discrimination;”

“Equality and inclusion of LGBTIQ persons”

“Support the efforts of civil society and community leaders to advocate for antidiscrimination laws focusing on the decriminalisation of same-sex relationships, including through alliance building.”

“Social inclusion: Support measures to increase the human rights of LGBTIQ persons in all spheres of life (family, work, social services including health care, education, politics, faith) both in urban and rural settings; Support organisations that address the specific needs of LGBTIQ migrants, youth, people experiencing poverty, social isolation, abuse, and economic exclusion.”

“Empowerment of civil society: Protect CSOs, human rights defenders, local movements, advocacy coalitions and communities working on LGBTIQ rights with a focus on those at risk of violence, including hate crimes and sexual violence;”

“Empower local LGBTIQ organisations in strategic, financial and organisational management, resource mobilisation, alliance building, campaign planning, communication, and responses to threats posed by anti-LGBTIQ and anti-gender actors.”²

Deceptive LGBT Provision #3: “Other Status” in Non-discrimination Clause Includes Sexual Orientation and Gender Identity

Several slides in a [PowerPoint presentation](#) created by the EU on the Samoa Treaty highlight new elements that were not in the previous Cotonou Agreement which the Samoa Treaty replaced.

For example, slide #23 states,

“The Agreement goes beyond its predecessor [the Cotonou Agreement] in making it clear that human rights and fundamental freedoms need to be respected for all, without discrimination on any grounds including sex, ethnic or social origin, religion or belief, political or any other opinion, disability, age or other status.”

In what ways does the non-discrimination clause in the Samoa Treaty go beyond Cotonou?

The Cotonou Agreement non-discrimination clause in Article 13 states:

“The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion.”

Whereas the Samoa Treaty Article 9.2 adds the following underlined terms:

“The Parties shall commit to the promotion of universal respect for, and observance of human rights and fundamental freedoms for all, without discrimination based on any ground including sex, or ethnic or social origin, religion or belief, political or any other opinion, disability, age, or other status.”

While much could be said about each of the new elements, the addition of “*or other status*” is the most significant when it comes to bringing in the LGBT agenda. This is because, as the EU is acutely aware, the seemingly innocuous term, “*or other status*” is often defined to encompass protection rights based on “*sexual orientation and gender identity*” including by UN treaty bodies.

For example, General Comment #20 issued by the UN committee monitoring the International Covenant on Economic, Social and Cultural Rights (ICESCR) declares their ultra vires opinion that “*other status*” in the non-discrimination section of this treaty, to which Nigeria is a party, now encompasses “*sexual orientation and gender identity*”—even though this interpretation has never been agreed to by State parties to this treaty.

General Comment #4 on “*Adolescent Health and Development in the Context of the Convention on the Rights of the Child (CRC)*” issued by the UN CRC Committee makes a similar claim—that States cannot discriminate based on the following categories listed in article 2 of the CRC: “*race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*” The treaty body’s Comment #4 then adds this ultra vires statement: “*These grounds also cover adolescents’ sexual orientation and health status...*” Again, the CRC says nothing about sexual orientation.

And since, as explained above, the Samoa Treaty commits Nigeria to cooperate with these UN human rights treaty bodies, Nigeria must recognize that the Samoa Treaty encompasses protections for SOGI.

It should also be noted that the EU’s Charter of Fundamental Human Rights Article 21(1) states:

“Any discrimination based on any ground such as sex, race, colour, disability, ethnic or social origin, genetic features, religion or belief, language, membership of a national minority, property, birth, age or sexual orientation shall be prohibited.”

Deceptive LGBT Provision #4: “Sexual and Reproductive Health and Rights” (SRHR)

Article 36.2 of the Samoa Treaty requires Nigeria to implement “*sexual and reproductive health and rights*” (SRHR), yet, ironically, Nigeria has been at the forefront at the United Nations in leading the African voting bloc to reject this term each time the EU proposes it in UN documents. So it appears the EU did a run around the Nigerian UN diplomats trained in the dangers of SRHR language as the EU snuck SRHR in the treaty despite the agreement to not go beyond UN consensus language. This creates a very serious situation.

“*Sexual and Reproductive Health and Rights*” is a compound term that encompasses “*sexual rights*,” which in turn encompasses LGBT rights and much more. International consensus on the definition of SRHR can be found in the report of the [Guttmacher-Lancet Commission on Sexual and Reproductive Health and Rights](#) endorsed by the heads of the World Health Organization and UNFPA. This *Lancet* report defines SRHR to encompass the following “*rights*” for individuals to:

- have their bodily integrity, privacy and personal autonomy respected (right to abortion)
- freely define their own sexuality, including sexual orientation and gender identity and expression (LGBT rights)
- decide whether and when to be sexually active (right to have sex)
- choose their sexual partners (right to same-sex marriage)
- have safe and pleasurable sexual experiences (including for children)

It should be noted that since “*age*” was added to the non-discrimination clause in Article 9 of the Samoa Treaty, all SRHR rights will also apply to children. In fact, according to the publication “*IPPF: A Declaration on Sexual Rights*” to which the World Health Organization refers children to learn about their “*sexual rights*,” sexual rights apply to everyone “*no matter what age*.”³

Since Nigeria willingly signed the Samoa Treaty, which binds Nigeria to implement SRHR for the next 20 years, what possible rationale could Nigeria provide for continuing to oppose SRHR in UN negotiations?

And what of the compromises agreed to by the ACP and EU countries that the Samoa treaty text would not go beyond UN consensus language? This was blatantly violated with Article 36.2 because the term “*sexual and reproductive health and rights*” (SRHR) has always been strongly rejected at the UN and has NEVER been adopted in any binding UN human rights instrument, nor in any UN consensus document or resolution. This is because it connotes “*sexual rights*,” which the UN has defined to encompass highly controversial and contested “*rights*” to transgender hormones and surgeries, sexual orientation and prostitution rights, abortion rights, rights to CSE for children and more (see “[Sexual Health, Human Rights, and the Law](#)”).

By allowing “*sexual and reproductive health and rights*” to remain in the treaty, Nigeria will now be bound to recognize such by the force of law. Moreover, any reservation parties might put on SRHR can easily be rejected by the EU based on Article 19(c) of the Vienna Convention on the Law of Treaties. This article mandates that reservations which are “*incompatible with the object and purpose*” of a treaty can be prohibited. And since “*human rights*” are an “*essential*” element of the treaty and “*sexual and reproductive health and rights*” under the Samoa Treaty are considered to be derivatives of the broader category of “*human rights*,” any reservations on SRHR will likely be considered to be invalid.

Again, by signing the treaty, Nigeria has lost any legitimate basis on which to continue to lead the African voting bloc at the UN to oppose SRHR when it is pushed next by the EU in new UN documents as Article 79 of the Samoa Treaty obligates Nigeria to:

“strive to adopt joint resolutions, declarations and statements, to coordinate positions and, where appropriate, voting, and to take joint actions ... in international and regional organisations and forums.”

Certainly, aggressively opposing the EU’s pro-LGBT positions could violate this provision as well, and this is very serious indeed.

Finally, additional evidence that the EU will interpret Article 36.2 to encompass LGBT rights is the fact that just two months after the Samoa Treaty text had been finalized, EU Parliament adopted a [resolution](#) “*On the situation of sexual and reproductive health and rights in the EU,*” which defines SRHR to encompass, abortion, sexuality education and SOGI.

Deceptive LGBT Provision #5: “Comprehensive Sexual and Reproductive Health Education” (CSRHE)

Article 40 of the African Protocol of the Samoa Treaty stresses the need for:

“universal access to quality and affordable comprehensive sexual and reproductive health information and education taking into consideration the UNESCO international technical guidance on sexuality education.”

It should be noted that the EU’s official negotiating directive referred to in the history section above included instructions to ensure:

“The Agreement will further stress the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services.”

The EU got exactly what it wanted in Article 40, minus the explicit reference to “*comprehensive sexuality education.*” But the fact that CSE is not explicitly mentioned, does not mean the EU considers CSE to be excluded from the definition of “*comprehensive sexual and reproductive health information and education*” (CSRHE). Indeed, according to an [EU regulation](#) which governs disbursements of EU funding under the Samoa Treaty, no funds can be legally allocated by the EU to ACP countries unless:

“implemented in full accordance with the Union commitment to the promotion, protection and fulfilment of all human rights ... including ... universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services.”

So by regulation, the EU must fund the implementation of the Samoa Treaty through their NDICI funding mechanism, but it must be done with support for comprehensive SRH information and education which must encompass “*comprehensive sexuality education.*”

Comprehensive sexuality education, required to be implemented in Article 40 of the Samoa Treaty, is designed to indoctrinate children into LGBT ideology, lifestyles and advocacy to change the sexual attitudes, values and beliefs of children and turn them into sexual rights activists. (See “[War on Children: The Comprehensive Sexuality Education Agenda](#)” and the [15 Harmful CSE Elements Analysis Tool](#) at [StopCSE.org](#).)

Deceptive LGBT Provision #6: The UN's International Technical Guidance on Sexuality Education

To further ensure the reference to CSRHE in Article 40 of the African Protocol encompasses CSE, the EU insisted on including a reference establishing the UN's "*International Technical Guidance on Sexuality Education*" (ITGSE) as the guidance for "*comprehensive sexual and reproductive health information and education.*"

The [highly controversial ITGSE](#), promoted by the UN and EU countries as the "*international standards*" for sexuality education worldwide, claims that children have a right to sex and should be taught about "*sexual pleasure,*" "*respect for diverse practices related to sexuality,*" "*homophobia,*" "*transphobia,*" "*sexual orientation,*" "*gender identity,*" "*masturbation*" and more.

It should also be noted that UN agencies have begun to rename "*comprehensive sexuality education*" programs as "*sexual and reproductive health education*" programs to make them sound less controversial, yet without removing the controversial content.

Deceptive LGBT Provision #7: Obligation to Implement ICPD, Beijing and "Outcomes of their Review Conferences"

Article 36.2 in the general section of the Samoa Treaty which applies to all ACP and EU countries states:

"The Parties commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences and commit to sexual and reproductive health and rights, in that context."

This wording, as noted before, is a very deceptive departure from UN consensus language, which has slightly different wording, but a vastly different meaning. And this was done intentionally by the EU.

Moreover, Article 40.7 of the African Protocol of the Samoa Treaty repeats this exactly in Article 36.2 but leaves off the reference at the end to SRH.

The original UN consensus language related to this was very carefully and painstakingly negotiated word by word by all UN Member States, agreed to, and then enshrined in the UN 2030 Agenda Target 5.6 as follows:

"Target 5.6. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences."

In other words, the references to ICPD and Beijing were used in the SDGs as caveats for limiting the meaning of the terms "*sexual and reproductive health*" and "*reproductive rights*" in an attempt to ensure these terms could not promote abortion. This is because ICPD says abortion cannot be used as a method of family planning and that abortion legality is up to national legislatures, among other provisions that also limit abortion.

However, in the Samoa Treaty, by just a few slight changes to this wording, the EU has drastically altered the meaning to create a binding obligation on ACP states to implement not only Beijing and ICPD, but also to “*fully and effectively*” implement the outcome documents of their review conferences.

In other words, fully implementing the outcomes of review conferences of ICPD and Beijing is now a binding obligation under the Samoa Treaty, where previously, under UN agreements, there was no obligation, binding or nonbinding, to implement them whatsoever.

A good indication that something is very important to the EU is if it is duplicated word for word in both the general part of the treaty and also in the regional Protocols. Consider that Article 40.6 in the African Protocol of the Treaty mirrors exactly the wording in Article 36.2 in the general part of the treaty word for word wherein it states,

“The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences.”

This brings up two serious questions that need to be asked:

1. Why was this so important to the EU that it ensured it was in both the main part of the treaty and in the African protocol with identical wording?
2. What are the “*outcomes*” that are required to be implemented under Article 36.2 and the African Protocol Article 40.6?

Surely, if a provision is important enough that it needs to be repeated verbatim twice, the EU would provide a list of the documents that are required to be implemented under that provision. This would only make sense. The EU has listed by name documents to be implemented elsewhere in the treaty text, so why not here?

The answer is quite obvious. It is because if the EU had provided the list transparently during negotiations, many ACP states would never have agreed to it. This is because beyond the traditional outcome documents of the +5, +10 and +15 reviews of Beijing and ICPD that were negotiated transparently by all UN Member States, the EU began pushing UNFPA to conduct regional and thematic reviews of ICPD and Beijing for their +20, +25 and +30 reviews so it could control the outcomes more tightly to ensure that LGBT rights would be enshrined in them.

The most radical of all the reviews was the “*human rights*” review of ICPD hosted by UNFPA, the OHCHR and the Netherlands with the participation of over 136 countries. This review came out with the most extreme outcome document of all, which encompasses the full LGBT agenda and more. It also is quite interesting that it was a “*human rights*” ICPD review, and “*human rights*” is one of only three “*essential elements*” in the Samoa Treaty.

Not only that, under the Samoa Treaty, the ICPD and Beijing documents, which were previously non-binding documents, have now become binding documents due to the subtle changes in wording from the UN-agreed language, yet again, violating the agreement of the EU to not go beyond UN language.

And why did the EU want to elevate the Beijing and ICPD documents into binding treaty obligations under the Samoa Treaty? Likely because both ICPD and Beijing have identical provisions creating a right for women to “control” their “sexuality” and “sexual and reproductive health.” See the Beijing Platform for Action wherein it states,

“The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.” (Beijing, 96)

This provision, which also appears in ICPD with identical language, has now taken on an entirely new and expanded LGBT meaning since the World Health Organization (WHO) published their definition for “sexuality,” which is used by all UN agencies and which now encompasses SOGI as follows:

Sexuality: “...a central aspect of being human throughout life encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships.” (WHO website).⁴

Thus, in the context of the WHO’s definition for “sexuality,” the provisions in ICPD and Beijing calling for governments to recognize a “right” for women to “control” their “sexuality” would mean they would have a right to control their sexual orientation and gender identity.

This is precisely why the EU wants to obligate ACP states to implement Beijing and ICPD as well as the outcome documents of the review conferences of Beijing and ICPD. Both equate to obligating Samoa Treaty parties to recognize and implement LGBT rights.

In 2019, the European Parliament passed a resolution on fundamental rights in the European Union reiterating that “*women and girls must have control over their bodies and sexualities.*” This is alarming because granting young girls a “*fundamental right*” to exercise control over their “*sexualities*” opens the door to a plethora of possible harmful sexual “*rights*,” including everything from unfettered access to abortion to complete autonomy regarding sexual and sexuality medical decisions which can encompass consenting to receive life-altering transgender surgeries and hormones without parental knowledge or consent.

The text of the EU regulation that established the funding mechanism for the ACP-EU treaty, the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe, further illustrates the EU’s obsession with “*control of sexuality*,” and thus, their obsession with requiring implementation of ICPD and Beijing. The text requires that the “*Instrument shall be implemented in full accordance with the Union*”:

- “*commitment to the promotion, protection and fulfilment of all human rights*”
- “*and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the ICPD*”
- “*and the outcomes of their review conferences*”
- “*and remains committed to sexual and reproductive health and rights, in this context*”

- *“the Instrument shall support the Union commitment to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health.”*
- *“It shall also support the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services.”* Regulation (EU) 2021/947, Article 8.4)

In other words, funding from NDICI must be used in support of the ends listed above, which makes this Samoa Treaty all the more dangerous.

Finally, an EU advocacy manual funded by the Netherlands government (remember the Netherlands was the host of the +20 “human rights” review of ICPD mentioned above), reveals the strategy behind the ICPD and Beijing review conference outcome documents obligations in the Samoa Treaty wherein it states:

“Both the International Conference for Population and Development (ICPD) Programme of Action and the Beijing Platform for Action have had regional review conferences where progress on implementing these agreements at the regional level was discussed. Importantly, the outcome documents of these review conferences are usually more progressive than those that come out of New York and Geneva, and have even included references to human rights, sexual rights, LGBTI rights, safe abortion, and other ‘sensitive’ SRHR issues. Including a reference to the outcomes of these review conferences (or any other more progressive process) means that member states accept these outcomes, and therefore also the progressive language within them. For this reason it is often difficult to keep these references in an outcome document.”⁵

Yet these references were included in the Samoa Treaty text.

Deceptive LGBT Provision #8: Elevates the Maputo Protocol to Treaty Status and Requires its Full Implementation

Important Background for the Maputo Protocol

The Maputo Protocol was NOT an African-initiated document but rather was the brainchild of the EU, their allied NGOs, and UN agencies. Together they manipulated the African Union into co-sponsoring a largely EU-funded conference to address the serious issue of Female Genital Mutilation, which was what the Maputo Protocol was ostensibly supposed to address. Yet the underlying goal was really to enshrine “*sexual and reproductive health*” as a right for women and to legalize abortion across Africa, both of which were largely achieved.

This is because the AU’s adoption of the Maputo Protocol is one of the EU’s prized policy successes in Africa for two primary reasons. First, the Maputo Protocol legalizes abortion across Africa by using the popular “*health of the mother*” loophole, which can be used to justify abortion at any time for almost any reason as follows:

Maputo Protocol Article 14(2)(c): *“States Parties shall take all appropriate measures to ... protect the reproductive rights of women by **authorizing medical abortion in cases of***

sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.”

Second, the Maputo Protocol establishes a right to “*sexual and reproductive health*” for women as follows:

Maputo Protocol Article 14(1)(a): “*States Parties shall ensure that the right to health of women, including **sexual and reproductive health** is respected and promoted.*”

And it is this Article 14 “*sexual and reproductive health*” provision that is being used to advance the LGBT agenda in Africa. Even the World Health Organization is now defining “*sexual and reproductive health*” to encompass LGBT rights in their publication [“Sexual Health, Human Rights and the Law”](#) co-published with multiple UN agencies and IPPF.

The Samoa Treaty African Protocol Article 40.6 states:

“They shall promote and encourage the ratification and the effective implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, done at Banjul, 26 June 1981 (the ‘Maputo Protocol’), and support the effective implementation of the Maputo Plan of Action 2016-2030, as appropriate.”

There are three important questions to ask here are:

Question 1: Why is the EU inserting African Union (AU) documents, agreements between African states, in the Samoa Treaty?

Question 2: Out of all the AU documents the EU could have elevated to treaty status, why did the EU select the Maputo Protocol and the Maputo Plan of Action?

Question 3: What is the EU’s special interest in each of these two documents?

First, it is because the EU and its well-funded NGOs and UN partner agencies were the impetus behind the scenes of the creation of both these documents which advance its “*sexual and reproductive health and rights*” (SRHR) abortion, CSE and LGBT agendas. It then got the African heads of state and ministers to rubber stamp them without fully understanding the deceptive terminology.

Second, this was the EU’s way of circumventing Africa’s UN diplomats that usually block or at least caveat to limit the scope of any SRH, CSE or SOGI terminology.

Third, these two documents were the most radical AU documents the EU could find on SRH and CSE issues.

Fourth, these documents contain multiple provisions the EU has been unable to get Nigeria to agree to at the UN. By elevating them to treaty status, it hopes to neutralize Nigeria’s lead role at the UN in opposing SRHR, CSE and more. This is why the treaty also calls for ACP countries to form the same positions as the EU at the UN, in international forums and in voting. See Article 79.1 below:

ARTICLE 79.1 - *Cooperation in international organisations and forums*

“The Parties shall strive to adopt joint resolutions, declarations and statements, to coordinate positions and, where appropriate, voting, and to take joint actions based on a commonality of interests, mutual respect and equality, so as to ensure enhanced presence and a stronger voice in international and regional organisations and forums.”

The EU plans to use the Samoa Treaty’s Ambassadorial Level Senior Officials Committee to try to lock in all the ACP countries’ positions before UN negotiations start so their agenda at the UN will go unopposed. A devious plan indeed.

Anyone who follows UN negotiations has likely seen the EU’s coercive and strong-arm tactics each time new documents are negotiated. They will have seen how the EU will pressure, bully, bribe and even sometimes blackmail countries to adopt their priority provisions, which all revolve around SRHR, including sex, sexuality, sexual rights, CSE and SRH services for children without parental consent, and, of course, abortion. This is what the EU cares about and fights for most at the UN and everywhere else it can insert this agenda.

Again, it is therefore not surprising that the EU would select these two documents to insert in the Samoa Treaty as an end run around the African countries and especially Nigeria, which has been blocking or caveating references to “*sexual and reproductive health,*” abortion and especially rights to such for children.

Fifth, the EU has heavily invested over the years in the creation of the Maputo Protocol, its promotion and its operationalization. There are multiple NGOs and organizations that have received substantial EU funding to operationalize the Maputo Protocol and thus abortion, SRH and CSE across the continent.⁶

Maputo Protocol and the EU’s Spotlight Initiative Advancing CSE

EU Spotlight Initiative

Using the Maputo Protocol as its justification and binding Framework, the EU has committed €500 million to their NGO and UN partners to implement their “*Spotlight Initiative*” to eliminate gender-based violence against women and to promote gender equality. Alarming, however, the EU and their partners are promoting comprehensive sexuality education (CSE) as one of four critical pillars.⁷ The EU’s [2021 Spotlight Global Annual Report](#) reveals that the EU’s Spotlight programs “*contributed to strengthening comprehensive sexuality education curricula by ensuring these are in line with international standards*” (i.e., the “*International Technical Guidance on Sexuality Education*” which is referred to in Article 40 of the African Protocol of the Samoa Treaty).

And since Nigerians began to protest against CSE when they realized it was integrating LGBT indoctrination, the EU became more careful when reporting on its implementation of CSE so in their reports they use euphemisms to refer to CSE such as “*SRHR education*” and “*increasing knowledge,*” “*peer-to-peer*” programs, and referring to the boys and girls after-school clubs, which is where they talk to the children more freely about abortion, LGBT sex and more. In their [Nigeria Spotlight Initiative reports](#), they also use terms such as “*marginalized,*” or “*underserved,*” or those “*left behind*” when referring to LGBT groups without specifically naming them.

The EU's Spotlight Initiative is already being implemented in six states in Nigeria including Adamawa, Cross River, Ebonyi, Lagos, Sokoto and the FCT. And while preventing gender-based violence (GBV) is certainly a worthy endeavor that merits strong support, unfortunately, as has been shown, the GBV banner is also used to smuggle in CSE to impose the EU's wider LGBT agenda there as it knows Nigerians would never accept such openly.

Unfortunately, as has been shown, EU-funded programs and development support most often look like an appetizing bowl of ice cream. But if you look very closely, you can usually find that it has carefully hidden one or more of their three favorite cockroaches into that bowl of ice cream: 1) promotion of abortion, 2) promotion of the LGBT agenda, and 3) promotion of comprehensive sexuality education to ensure the advancement of 1 and 2.

Here is just one more example. The following quote describes how the EU plans to go about preventing gender-based violence. Note the solutions being offered. Notice how it tries to hide the LGBT agenda by burying it within lists of marginalized groups:

*“The Spotlight Initiative's ‘Leave No One Behind’ (LNOB) principle is a commitment to addressing the underlying causes of violence against women and girls (VAWG) and harmful practices. The principle is based on the 2030 Agenda for Sustainable Development's goal of **ensuring progress for all population groups**, rather than just average progress.*

*The **LNOB principle requires the Spotlight Initiative to combat discrimination and inequalities, such as gender discrimination, social norms, stereotypes, and unequal power relations**. The initiative's outcomes are intended to benefit the most marginalized women and girls, including those who are:*

- *Disabled*
- *Elderly*
- *From ethnic minority or indigenous groups*
- *Living in poverty*
- *With HIV/AIDS*
- *Living in rural areas*
- **From underrepresented LGBTQAI+ groups**
- *Survivors of violence or harmful practices”*

The EU has also been funding the efforts of multiple African-based and African-focused entities to develop an African Union's Regional Action Plan (RAP) and Harmful Practices Accountability Framework.

The EU has mobilized its regional partners, the African Union Commission, and civil society organizations to support high-level advocacy missions in ten countries to promote the ratification, domestication and enforcement of the Maputo Protocol, and advanced the implementation of regional initiatives such as the Spotlight Program mentioned above.

These frameworks also emphasize the importance of CSE as part of broader efforts to eliminate harmful practices like female genital mutilation and child marriage as a way to change the “gender norms” and to end “harmful practices” establishing CSE as an antidote to these problems, many of which are highlighted in the Maputo Protocol.

Deceptive LGBT Provision #9: Elevates the Maputo Plan of Action to Treaty Status and Requires its Full Implementation

Samoa Treaty African Protocol Article 40.6 requires African countries to “*support effective implementation of the Maputo Plan of Action 2016-2030, as appropriate.*”⁸

The reference in the Samoa Treaty to the “*Maputo Plan of Action*” is deceptive in two ways. First, it omits the full, highly controversial title of the Maputo Plan of Action, likely because of its explicit reference to SRHR, and only uses only its subtitle “*the Maputo Plan of Action 2016-2030.*”

The full title to the [Maputo Plan of Action](#) is:

“Universal Access to Comprehensive Sexual and Reproductive Health Services In Africa: Maputo Plan of Action 2016-2030 for the Operationalisation of the Continental Policy Framework for Sexual and Reproductive Health and Rights.”

This full title was conveniently omitted by the EU, which also leads to the second problem with it. By omitting the full title and inserting it right after the reference to the Maputo Protocol (which is an entirely different document), it makes it look like it is a plan to implement the Maputo Protocol and not an entirely new Continental Policy SRHR Framework that most Africans aren’t even aware exists since it was an EU initiative.

Remember, since the term “*sexual and reproductive health and rights*” (SRHR) is one of the most controversial phrases often proposed by the EU in UN negotiations, and to date, most aggressively opposed by the African voting bloc each and every time, and has always been rejected, if they had used the full title in the treaty, it likely would have been rejected. (See [here](#).)

IPPF’s regional African entity, which is funded by the EU, declares on its website that “***Sexual and Reproductive Health and Rights (SRHR) is a human rights obligation for Africa,***” and in their “About Us” section, they boast that IPPFAR (International Planned Parenthood Federation for the African Region) “*led advocacy for the creation for the first continental framework for sexual and reproductive health, the Maputo Plan of Action.*”

IPPF and its partners are the largest providers of CSE and SRH services for children and youth worldwide.

Consider some of the following quotes from the Maputo Plan of Action which Nigeria is now required to implement under the Samoa Treaty. Please note how it ties the definition of SRHR to the ICPD +20 conference review outcome documents, and thus, to the radical Netherlands-sponsored ICPD +20 review outcome document as described in “Deceptive LGBT Provision #7” above.

Maputo Plan of Action:

“The plan is premised on SRHR in its fullest context as defined at ICPD ... and ICPD +20, taking into account the life cycle approach. These elements of SRHR include Adolescent Sexual and Reproductive Health (ASRH);”

The Maputo Plan of Action further requires African states to:

*“Develop and/or implement coordination and supervisory structure and mechanism for implementation of **SRHR** at regional and national levels.”* (provision 9.3.7)

*“Ensuring gender equality ... and respect of human rights by: protecting **the rights of ... adolescents and youth to have control over and decide freely and responsibly on matters related to sexual and reproductive health.**”* (provision IV)

*“Provide **sexuality education** for young people in and out of school”* (Provision 4.3.4)

*“removal of **legal, regulatory and policy barriers limiting adolescent** and young people’s access to SRH commodities, programmes and services”* (provision ii)

NOTE: Parental consent laws, age of sexual consent laws are considered “*barriers*” by the EU in the above context.

“promoting universal access to abortion where possible” (provision ii)

“enforcing laws ... ensure access to safe abortions to the full extent of national laws and policies” (provision ii)

NOTE: There is no such thing as “*safe*” abortion. Regardless of the circumstances, abortion always carries mental and physical health risks for the mother, and of course it is never safe for the child who is killed.

In sum, this Maputo Plan of Action is a dream policy for the EU to advance their LGBT, abortion and CSE agendas in Africa.

Deceptive LGBT Provision #10: Requires Mainstreaming “Gender Equality”

Article 1.5 of the Samoa Treaty requires Parties to “*systematically promote a gender perspective and ensure that gender equality is mainstreamed across all policies.*”

Article 66.1 further requires the parties to:

*“**ensure equality before the law** and equal access to justice, protection and benefit the law for all. They shall take measures aimed at ensuring, improving and expanding equal participation and opportunities in all spheres of political, economic, social and cultural life. **They shall ensure that the gender perspective is systematically mainstreamed across all policies and programmes.**”*

Increasingly, the term “*gender equality*” (which appears in the Samoa Treaty text 28 times) is being used as a euphemism for LGBT equality. For example, the EU's [2021-2025 Action Plan on gender equality and women’s empowerment in external relations](#) (GAP III) shows that the EU considers the term “*gender equality*” to encompass LGBT equality, largely by applying the controversial concept of “*intersectionality*.” This gender equality action plan states that it “*will be built, among others, on the principle of intersectionality and promote equality for women and men in all their diversity.*” It should be noted here that the term “*in all their diversity*” is used as a euphemism to refer to people who have adopted transgender identities but who do not want to be referred to as transgender. The text continues,

“Reliable and comparable equality data will be crucial for assessing the situation of LGBTIQ people and to effectively tackling [sic] inequalities. The Commission will continue to support national, regional, and global programs in favour of LGBTIQ human rights defenders and their organisations. For instance, support is being provided to increase capacities to build powerful movements across the globe; strengthen local, national and regional human rights initiatives; and form regional alliances in enlargement and neighbourhood regions, Africa, Asia and the Pacific, and Latin America and the Caribbean.”

A [joint statement](#) on Combatting Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex People published by UN agencies including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) claims: *“LGBTI people’s inclusion in economic and human development and the full realization of their human rights are strong imperatives for UN Women’s engagement **within the context of its mandate on advancing gender equality and women’s empowerment.**”*

Deceptive LGBT Provision #11: “Sexual Orientation” in OECD Guidelines for Multinational Enterprises

Article 13.5 of the African Protocol section of the Samoa Treaty commits Nigeria to:

“promote corporate social responsibility (CSR) and responsible business conduct (RBC) throughout the entire value chain, by providing supportive policy frameworks that encourage businesses’ uptake of relevant practices ... such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and the ILO Tripartite Declaration of Principles concerning Multinational Enterprise and Social Policy.”

These OECD Guidelines prohibit discrimination in employment on the grounds of “*other status*” and then define “*other status*” to encompass, among other things, “*personal characteristics such as ... sexual orientation.*” It continues, “*Enterprises have an important role to play in combating these practices by taking into account overlapping forms of structural discrimination related to ... sexual orientation.*”

Thus, Article 13.5 requires Nigeria to establish sexual orientation as a category of non-discrimination.

Deceptive LGBT Provision #12: Over 100 References to “Inclusive or “Inclusion”

The EU uses the term “inclusive” throughout their own internal policies to encompass minority groups, but more often than not, it is also used as a euphemism to encompass LGBT persons and groups. Consider how the terms “*inclusive*” and “*inclusion*” are used throughout the EU’s LGBT Strategy to encompass LGBT persons [here](#).

Similarly, many of the provisions in the Samoa Treaty that have the terms “*inclusive*” or “*inclusion*” can be construed to encompass people with LGBT identities.

While most people understand the term “*inclusive*” to be positive and to advance the goal of leaving no groups out of development, this term is also a key word used to promote LGBT rights. To LGBT advocates the term “*inclusive*” generally means LGBT-sensitive or supportive.

And while LGBT people deserve to have their human rights protected on the same basis as everyone else, sometimes incorporating “*inclusive*” terms in policies can lead to much more than inclusion but also LGBT advocacy and alleged special rights that can infringe on religious freedom or parental rights.

Consider, for example, how the term “*inclusive*” has been used in connection with Agenda 2030. The 2017 publication “*Agenda 2030 For LGBTI Health and Well-Being*,” supported by UNAIDS as part of the “*The Global Advocacy Forum to Fastrack the HIV and Human Rights Responses with Gay and Bisexual Men*,”⁹ lists the following as LGBTI “wins”:

- “*Advocates were able to ensure that “inclusive” terms ... which embrace people marginalized because of their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) were inserted in commitments throughout SDG targets.*”
- “*SDG targets 10.2 (By 2030, empower and promote the social, economic and political “inclusion” of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.)*”

This publication also calls for the “*inclusion of LGBTI topics in comprehensive sexuality education*” and for “*SOGIESC-inclusive SRH information*” and “*implementation of comprehensive sexuality education*” to “*enhance social acceptance of sexual and gender differences.*”

In addition, comprehensive sexuality education programs generally call their programs “*inclusive*” education to indicate that they are LGBT affirming. This is why the 2018 *International Technical Guidance on Sexuality Education* (published by UNESCO, UNAIDS, UNICEF, and UN Women), as an “*example of international UN standards and agreements between Member States, in relation to CSE*” cites to SDG4 in the 2030 Agenda for Sustainable Development that calls on government to “*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all....*”

It also cites to the Committee on the Rights of the Child wherein the committee urged states to provide as support for CSE “*age-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents.*” In other words, the UN agencies that published the CSE guidelines consider “*inclusive education*” to be defined as comprehensive sexuality education because CSE promotes LGBT rights and sexual relations and claims to be LGBT-sensitive and “*inclusive.*”

According to the Human Rights Campaign,

“For LGBTQ youth to experience comparable health benefits to their non-LGBTQ peers, sex education programs must be LGBTQ-inclusive. Inclusive programs are those that help youth understand gender identity and sexual orientation with age-appropriate and medically accurate information; incorporate positive examples of LGBTQ individuals, romantic relationships and families; emphasize the need for protection during sex for

people of all identities; and dispel common myths and stereotypes about behavior and identity.”¹⁰

Finally, a 2014 report by USAID, titled “*The Relationship Between LGBT Inclusion and Economic Development*”

“Analyzes the impact of social inclusion of lesbian, gay, bisexual, and transgender (LGBT) people on economic development in 39 countries.”

Some of the headings in their report include:

- *“Linking LGBT Inclusion and Economic Development”*
- *“Micro-Level Dimensions of Economic Development and LGBT Inclusion”*
- *“Description of Data on LGBT Rights and Economic Outcomes”*
- *“Global Index on Legal Recognition of Homosexual Orientation”*
- *“Transgender Rights Index”*
- *“Statistical Relationship between LGBT Rights and Development”¹¹*

Also, on USAID’s website is a section called “*Principles For LGBTI-Inclusive Development – Promoting Lesbian, Gay, Bisexual, Transgender, and Intersex human rights at USAID.*” This section calls for the following elements to be addressed in the U.S. government’s “*inclusive*” foreign aid efforts:

- Ensure openness and safe space for dialogue
- Integrate LGBTI issues into USAID’s work
- Support and mobilize LGBTI communities
- Build partnerships and create allies and champions

It then lists USAID’s LGBT “*inclusive*” projects in countries like Nicaragua, Kosovo, and Rwanda which provide “*LGBTI civil society organizations with institutional strengthening and technical training*” and that “*increase school directors’ awareness of the challenges faced by LGBTI students and teachers, and their duty to create a safe environment for their students and staff.*”

USAID’s site also highlights, “*Purple My School,*” a USAID and United Nations’ joint initiative in eight countries that “*encourages peers, teachers and parents to become allies of LGBTI students ... Through teachers’ facilitation, students discuss issues surrounding homophobia, how to create safe spaces for LGBTI students, and are encouraged to wear, draw, or make something purple.*”

More LGBT “Inclusion” Examples

Consider the following examples from UN agencies and other institutions that illustrate how the term “*inclusive*” is largely understood:

- Since 2013, UNICEF has had an LGBTI working group focused on opening up policy and programming as part of the agency’s equity agenda. According to a UNICEF report, this has led to discussions “*on how UNICEF can address issues related to sexual orientation and gender identity as part of the commitments to equity, social inclusion and upholding the Convention on the Rights of the Child.*”
- UNDP sponsored a report called “*Surveying Nepal’s Sexual and Gender Minorities: An Inclusive Approach,*” and has set the goal to establish “*an evidence base on LGBT rights and social issues in Asia-Pacific through convening inclusive national dialogues.*”
- The World Bank’s report titled “*Inclusion Matters: The Foundation for Shared Prosperity*” states that “*lesbian, gay, bisexual, and transgender (LGBT) individuals are targeted for exclusion in many, if not most, cultures.*” Moreover, “*some identities that were not acknowledged as sources of social exclusion or inclusion some decades ago are acknowledged as such today.*”
- A European Union news release announced the launch of a major EU fund for employment and “*social inclusion*” as follows: “*Today, the European Parliament adopted a regulation defining the priorities of the European Social Fund (ESF) for the period 2014-2020. For the first time, the Fund will contribute to combating discrimination based on sex—including discrimination against transsexual persons—and sexual orientation.*”

These examples make it clear that a growing number of Member States, organizations and UN entities define “*inclusive economic development*” or “*inclusive education*” to encompass the inclusion of the LGBT agenda. With this in mind, the many references to “*inclusive*” and “*inclusion*” in the Samoa Treaty takes on added meaning.

CONCLUSION

The EU is right now engaged in a delicate balancing act. On one hand, the EU wants to advance the Samoa Treaty’s LGBT agenda in Nigeria, yet, on the other hand, it needs to maintain friendly relations to ensure that its advantageous trade relations with Nigeria continue. Therefore, it is difficult to predict to what extent the EU will enforce the 12 LGBT provisions outlined in this document that are already imbedded in the treaty.

It is more likely that the EU will continue to implement the Samoa Treaty’s covert LGBT provisions by continuing to fund all the LGBT advocacy groups the EU has registered in Nigeria and consider that as the fulfillment of its financial obligations as per the Samoa Treaty. This approach over time will slowly erode Nigerian’s resistance to LGBT rights using CSE as a main tool to indoctrinate and mainstream the LGBT agenda with the rising generation. These groups will continue to work under the radar as the EU’s goal is to make it look like all LGBT advocacy in Nigeria is organic and represents the true will of the Nigerian people, rather than the actions of EU-funded entities in Nigeria.

What we do know is that the EU will never stop pushing the LGBT agenda in Nigeria. And as long as they have access to Nigeria’s children, Nigeria’s education system, or are involved in developing Nigeria’s sex education or human rights programs, youth development programs, or

anything in Nigeria for that matter, the EU will continue to work to advance LGBT rights either directly or by stealth through comprehensive sexuality education.

Why Nigeria's Statement When Signing the Treaty Will Not Protect Nigeria

A simple statement from the Nigerian government to the EU saying that nothing in the treaty can conflict with Nigeria's laws sounds nice, but 1) won't protect Nigeria with regard to LGBT issues as the EU will claim that LGBT rights are human rights, which are a core element of the treaty and therefore cannot be reserved on; 2) it is highly problematic for Nigeria to have signed the Samoa Treaty at all when it contains so many controversial elements that Nigeria has been successfully leading the charge against for many years at the United Nations, 3) such a simple statement does not address many LGBT issues, which are not mentioned in Nigeria's law such as the implementation of comprehensive sexuality education by internationally funded NGOs and their indoctrination of Nigeria's youth through the EU's music, cultural, and study abroad programs, after school programs, boys and girls clubs, human rights training, the Spotlight Initiative, etc., little of which is currently prohibited by or even addressed by Nigerian law.

For all of these reasons, it is critical that Nigeria, at a minimum, propose an amendment to the treaty in line with the suggestion from the Nigerian Conference of Catholic Bishops mentioned in the Executive Summary above. And if the EU refuses to accept it, Nigeria should immediately withdraw. However, even such an amendment would not suffice as, at a minimum, the LGBT terms and provisions exposed in this report would need to be reserved on specifically as well to preserve Nigeria's moral authority to continue leading Africa at the UN to oppose them in new UN agreements.

Again, Nigeria should reserve on all the terms and provisions pointed out in this document specifically. Left without reservations, these provisions will be evidence of Nigeria accepting them as a matter of customary international law, which becomes binding over time as a nation declines to persistently object to them.

Further, whatever the Nigerian government did provide to the EU upon signing the Samoa Treaty with regard to a statement or a reservation has not shown up on the [official EU webpage](#) for the Treaty.

¹ For example, see African Protocol Article 40.6 of the Samoa Treaty which requires ACP countries to implement the Maputo Protocol and the Maputo Plan of Action on Adolescent Sexual and Reproductive Health and Rights as binding legal obligations and the International Covenant on Population and Development and the Beijing Platform for Action and all of the outcome documents of their review conferences. This elevates previously non-binding documents to binding documents with the EU. The EU selected the most radical African Union documents in existence, the Maputo Protocol and the Maputo Plan of Action, documents it manipulated into being. The EU also conveniently left off half of the full name of the Maputo Plan of Action, which is the Maputo Plan of Action of Sexual and Reproductive Health and Rights, which calls for abortion and comprehensive sexuality education to be provided to all African adolescents (children as young as 10) without parental consent. It should be

noted that International Planned Parenthood Federation boasts on their website that it was the lead organization in pushing for the Maputo Plan of Action.

² <https://ec.europa.eu/newsroom/just/items/806431/en>

³ Federal Centre for Health Education (BZgA) and the WHO Regional Office for Europe. (2010). *WHO Regional Office for Europe and BZgA Standards for Sexuality Education in Europe*. <https://www.icmec.org/wp-content/uploads/2016/06/WHOSStandards-for-Sexuality-Ed-in-Europe.pdf>. This WHO publication recommends the following for children age 9-12 years: “Give information about different types of contraception ... enable children to use condoms and contraceptives effectively in the future,” “Give information about pleasure, masturbation, orgasm,” and “Give information about sexual rights as defined by the International Planned Parenthood Federation and the World Association for Sexual Health.”

⁴ World Health Organization, https://www.who.int/health-topics/sexual-health#tab=tab_2

⁵ See Choice for Youth & Sexuality, 2017 “The Advocate’s Guide to UN Language” at <https://www.youthdoit.org/assets/Uploads/UN-Language-Tool-2017.pdf>

⁶ The following list of NGOs have each received EU funding to support their work in promoting and implementing the Maputo Protocol across Africa. Most of them also promote CSE as a vital component in achieving the goals of the Maputo Protocol and in promoting sexual and reproductive health and rights.

1. **Equality Now:** An international NGO that advocates for legal and policy changes that include sexual and reproductive health rights, which encompass Comprehensive Sexuality Education (CSE).
2. **African Women’s Development and Communication Network (FEMNET):** A pan-African network that promotes the Maputo Protocol through advocacy, capacity building, and communication strategies. It strongly supports CSE as part of its broader gender equality and women’s rights advocacy and works on integrating CSE into national curricula and advocates for policies that ensure young people receive sexual and reproductive health education.
3. **Inter-African Committee on Traditional Practices (IAC):** Focuses on eliminating harmful traditional practices in alignment with the goals of the Maputo Protocol.
4. **Solidarity for African Women’s Rights (SOAWR) Coalition:** A coalition of over 50 organizations, including Equality Now and FEMNET, that works to promote the ratification, domestication, and implementation of the Maputo Protocol in all African countries.
5. **Amnesty International:** Promotes the Maputo Protocol in Africa, particularly in advocating for the ratification and implementation. Also supports access to CSE as part of its advocacy for sexual and reproductive rights and for the right of young people to receive comprehensive, rights-based education on sexuality and reproductive health.
6. **Plan International:** Advances the Maputo Protocol and promotes CSE as a critical tool to protect children. Works to integrate CSE into school curricula and community programs across Africa under the banner of reducing harmful practices like child marriage and gender-based violence.
7. **African Women’s Development Fund (AWDF):** A grant-making foundation that supports women’s rights organizations in Africa, including those working to implement the Maputo Protocol.
8. **International Federation of Women Lawyers (FIDA):** Advocates for the legal rights of women and children, promoting the Maputo Protocol through legal reforms.

⁷ An entire website dedicated to exposing the harms of CSE and how it also promotes the LGBT agenda can be accessed at StopCSE.org. For example, sexually graphic comprehensive CSE programs pushed by the EU in Africa:

- Require children as young as age 10, for example, to learn about “sexual patterns” including “homosexuality, “bestiality,” “necrophilia” (sexual pleasure from corpses), “urophilia,” (sexual pleasure from urine), “coprophilia” (sexual pleasure from filth such as faeces, dirt or soiled underwear). See excerpts from this EU-funded CSE program in Zimbabwe [here](#).
- Teach children about anal sex and oral sex. (See [“The World Starts with Me”](#) CSE program funded by the Netherlands government in Uganda and in several other African countries.)
- Include information on sex toys for children. (This is in a UN-supported, EU-funded, after-school CSE program in Malawi for children starting at age 10.) See excerpts from this program [here](#).

CSE advocates deceptively claim and convince governments that CSE is the answer to all the ills in the world—teen pregnancy, STIs, HIV, human rights violations, gender inequality, gender-based violence, even global warming. Yet governments and parents are rarely shown the full curriculum, which sexualizes even the youngest of children and promotes homosexual sex and sexual pleasure as rights at the expense of sexual health.

Don't be fooled by all the CSE propaganda. See the research on CSE [here](#) showing the alarming failure rate for school-based CSE in Africa and data showing that CSE actually increased sexual risk-taking in African children.

⁸ “As appropriate” is one of the terms the EU likes to use because they know it has two meanings. It could mean that it must be implemented in an appropriate manner without explaining what that appropriate might be, or it could mean it can only be implemented as it is deemed appropriate by some unknown authority. What happens in reality is that the implementing bodies usually are in the position to decide what is appropriate, and those happen to be largely the EU-funded implementing entities that are covertly implementing controversial provisions, often without the knowledge or consent of the governments where they work and especially in Nigeria.

⁹ The Global Forum on MSM & HIV & OutRight Action International. (2017). *Agenda 2030 for LGBTI Health and Well-Being*. http://msmgf.org/wp-content/uploads/2017/07/Agenda-2030-for-LGBTI-Health_July-2017.pdf

¹⁰ Human Rights Campaign. (2021, May). *A Call to Action: LGBTQ Youth Need Inclusive Sex Education*. <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Call-to-Action-LGBTQ-Sex-Education-Report-2021.pdf>

¹¹ Badgett, M., V., L., et al. (2014, November). *The Relationship Between LGBT Inclusion and Economic Development*. <https://www.usaid.gov/sites/default/files/documents/15396/lgbt-inclusion-and-development-november-2014.pdf>

The committee also found that the declaratory statement that the Nigerian government claimed. To have provided to the EU upon signing the Samoa Treaty cannot be found on the official EU webpage containing ratification details of the Treaty (<http://surl.li/srfvji>) .This implies that the declaratory statement will not have the intended effect in International law.

RECOMMENDATIONS:

The Family Committee recommends that the House of Representatives resolves that the Federal Government:

1. Proposes to the Bureau of the OACPs an Amendment to the SAMOA Agreement by inserting a substantive article in the general agreement and the African Regional Protocol to this effect:
" Nothing in this binding Agreement can be interpreted to include any obligations regarding sexual orientation, gender identity, comprehensive sexuality education, abortion, contraception, legalization of prostitution, same sex marriage, or sexual "rights" for children."
2. Should immediately withdraw from the SAMOA agreement if the EU refuses to accept proposed amendment.
3. Should reserve on all the terms and provisions pointed out in the attached document specifically. Left without reservations, these provisions will be evidence of Nigeria accepting them as a matter of customary international law, which becomes binding over time as a nation declines to persistently object to them.



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