

A BILL

FOR

AN ACT TO AMEND THE VIOLENCE AGAINST PERSONS (PROHIBITION) ACT,
NO. 19, 2015, TO PROHIBIT THE DISCRIMINATION AGAINST WIDOWS AND
ALL FORMS OF REPRESSIVE AND DEGRADING WIDOWHOOD PRACTICES; AND
FOR RELATED MATTERS

Sponsored by Hon. Adejero Adeogun

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

1 1. The Violence Against Persons (Prohibition) Act, No. 19, 2015
2 (in this Bill referred to as "the Principal Act") is amended as set out in this
3 Bill.

Amendment of
Act No. 19, 2015

4 2. Substitute for section 15 of the Principal Act a new section "15"-
5 15. (1) A person who subjects a widow to harmful widowhood
6 practices commits an offence and is liable on conviction -

Substitution for
section 15

7 (a) to imprisonment for a term of seven years without any option of
8 fine; and

Harmful widowhood
practices

9 (b) any other compensation to the widow as the court may deem
10 necessary in the circumstance.

11 (2) A person who attempts to inflict any harmful widowhood
12 practice provided under subsection (1), commits an offence and is liable on
13 conviction to imprisonment for a term of three years or a fine of N1000,000
14 or both.

15 (3) A person who incite, aids, abets or counsels another to commit
16 an offence under subsection (1), commits an offence and is liable on
17 conviction to imprisonment for a term of three years or a fine of N1000,000
18 or both.

19 (4) A person who receives or assists another who, to his or her

1 knowledge has committed an offence under subsection (1), is an accessory
2 after the fact and is liable on conviction to imprisonment for a term not more
3 than two years or a fine not more than N1000,000 or both.

Insertion of
section "38A"
and "38B"

4 3. Insert after section 38 of the Principal Act, new sections "38A" and
5 "38B"-

Rights of a
widow

6 "38A (1) In addition to the rights guaranteed under the Constitution or
7 any other international human rights instrument to which Nigeria is a signatory,
8 a widow shall have the right to -

9 (a) continue to live in the matrimonial home after the death of her
10 husband and where she remarries, she shall retain the matrimonial home if it
11 belongs to her or she inherited it and shall not be forcefully evicted;

12 (b) inherit from the property of her late husband or in-laws where the
13 property is jointly owned;

14 (c) enter a marriage of her own choice; and

15 (d) own and administer property including the right to enter into
16 contract and access credit without being accountable to her in-laws.

17 (2) A widow shall be vested with the guardianship of a child if she is
18 the mother of the child.

19 (3) A person shall not, under any custom, practice or testator to a will
20 transfer guardianship of a child of a widow to another person other than the
21 widow.

22 (4) The provisions of subsections (2) and (3) shall not apply where it is
23 proved that -

24 (a) the widow is of unsound mind and body; or

25 (b) vesting guardianship of a child with the widow would be
26 detrimental to the interests and welfare of the child.

27 (5) Where a widow gets a gainful employment or remarries, any
28 facility provided for her under this Bill shall be withdrawn from the date the
29 widow gets employed or remarried.

30 (6) A widow residing with her in-laws or parents according to custom,

1 tradition or due to other circumstances shall not be denied access to the
2 facilities under this Bill on that ground.

3 38B The 23rd day of May every year is reserved as a National Day
4 for the Prohibition of discrimination against widows, women and girls."

National day
for widows, women
and girls

5 4. Substitute for section 44 of the Principal Act a new section "44"-

Substitution for
section 44

6 "44. (1) The National Agency for the Prohibition of Trafficking in
7 Persons and Other Related Matters (NAPTIP) shall -

8 (a) administer the provisions of this Bill;

9 (b) collaborate with relevant stakeholders including faith based
10 organisations; and

11 (c) liaise with the Federal Ministry responsible for gender and
12 children issues.

13 (2) The Regulator shall -

14 (a) make rules and regulations concerning the implementation of
15 the provisions of this Bill;

16 (b) promote and provide, by such measures as it deems fit, for the
17 protection, maintenance and welfare of neglected, abandoned and destitute
18 widows and their dependent children;

19 (c) maintain a register of widows with such particulars and in such
20 manner as may be prescribed by rules or regulations;

21 (d) collate and verify the antecedents of every widow covered
22 under this Bill to assess her need for assistance in such manner as may be
23 prescribed by rules or regulations;

24 (e) provide for the abandoned or destitute widows, on an
25 application prescribed for the purpose, the following facilities -

26 (i) subsistence, financial allowances per month where the widow is
27 infirm, destitute, or has dependent child or children, or other monthly
28 allowances where she has no dependent child or children,

29 (ii) residential accommodation, free of cost, where necessary,

30 (iii) free education including technical education to the dependent

- 1 children of the widows,
2 (iv) gainful employment,
3 (v) vocational training where required, and
4 (vi) such other facilities as may be prescribed by rules or regulations;
5 (f) organise events to commemorate the National Day for the
6 Prohibition of discrimination against widows, women and girls as established
7 under section 12 of this Bill; and
8 (g) perform such other functions as may be assigned to it from time to
9 time."

Amendment of
section 46

- 10 5. Section 46 of the Principal Act is amended by inserting in
11 alphabetical order the definitions of -
12 "consent" means free, full, mutual, voluntary and informed decision not
13 extracted under pressure or vitiated by external factors, such as constraint and
14 "consent" is absent when coercive methods are used such as pressure of various
15 kinds, emotional blackmail, physical duress, violence, abduction, confinement
16 and confiscation of official papers to deny a person the option of refusal;
17 "harmful widowhood practices" means all traditional behavior, attitude, or
18 practices which negatively affect the rights of a widow and includes -
19 (a) compelling a widow to -
20 (i) express her sorrow of losing a husband by wearing black, white or
21 any other colour of clothes, not taking her bath or having a change of clothes or
22 wailing and falling against her will,
23 (ii) go into seclusion for any length of time,
24 (iii) sleep in the same space with the body of her deceased husband,
25 (iv) unweave her hair, keep a low cut, shave or scrape her hairs,
26 (v) sit or sleep on a bare floor or mat,
27 (vi) cook or eat from broken plates,
28 (vii) swear to an oath or drink the bath water of her deceased husband
29 in order to prove her innocence of any allegation or as part of cultural practice,
30 (viii) under any guise, whether levirate or sororate, enter any form of

1 marriage without her consent, or

2 (ix) undergo any other repressive, degrading widowhood
3 practices;

4 (b) maltreatment of a widow;

5 (c) property grabbing against a widow;

6 (d) willing of the matrimonial home to another person when the
7 late husband is survived by a widow who has not remarried;

8 (e) transfer of the legal guardianship of a child of a widow to
9 another person unless it is proven that -

10 (i) she is of unsound mind and body, or

11 (ii) vesting guardianship of the child with her would be detrimental
12 to the interests and welfare of the child; or

13 (f) disinheriting a widow from a property jointly owed by her late
14 husband and in-laws;

15 "discrimination against widow includes any distinction, exclusion or
16 restriction made on the basis of her being widowed;

17 "levirate marriage" means the marriage of a widow to the brother of her
18 deceased husband;

19 "maltreatment of widows" includes domestic violence, sexual assault,
20 forced marriage, trafficking, property grabbing, conversion of property,
21 forced evictions, repressive widowhood practices as well as discrimination
22 against widows;

23 "property grabbing" includes taking of property of a deceased person from
24 his widow or children and such property may include the marital home, land,
25 or any other moveable or non-moveable property;

26 "sororate marriage" means a husband engaging in marriage or sexual
27 relations with the sister of his wife, usually after the death of his wife or if his
28 wife is proven to be barren; and

29 "Widow" is a woman who has lost her husband by death and not married
30 again.

Citation

1 6. This Bill may be cited as the Violence Against Persons
2 (Prohibition) (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Violence Against Persons (Prohibition) Act, No. 19, 2015, to prohibit all forms of repressive and degrading widowhood practices, provide for remedies for victims and penalise offenders.