[SB. 294]

A BILL

[EXECUTIVE]

FOR

AN ACT TO MAKE PROVISIONS FOR THE PROHIBITION OF SEXUAL RELATIONSHIP BETWEEN PERSONS OF THE SAME SEX; CELEBRATION OF MARRIAGE BY THEM AND FOR OTHER MATTERS CONNECTED THEREWITH

[ ] Commencement.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

1. This Act may be cited as Same Sex Marriage (Prohibition) Bill, 2006. Short Title.

2. In this Act, unless the context otherwise requires — Interpretation.

"Marriage" means a legally binding union between a man and a woman be it performed under the authority of the State, Islamic Law or Customary Law;

"Minister" means the Minister responsible for Internal Affairs;

"Same Sex Marriage" means the coming together of two persons of the same gender or sex in a civil union, marriage, domestic partnership or other form of same sex relationship for the purposes of cohabitation as husband and wife.

3. For the avoidance of doubt only marriage entered into between a man and a woman under the marriage Act or under the Islamic and Customary Laws are valid and recognized in Nigeria. Validity and Recognition of Marriage.

4.—(1) Marriage between persons of the same sex and adoption of children by them in or out of a same sex marriage or relationship is prohibited in the Federal Republic of Nigeria. Prohibition of Same Sex Marriage, etc.

(2) Any marriage entered into by persons of same sex pursuant to a license issued by another State, country, foreign jurisdiction or otherwise shall be void in the Federal Republic of Nigeria.

(3) Marriages between persons of the same sex are invalid and shall not be recognized as entitled to the benefits of a valid marriage.

(4) Any contractual or other rights granted to persons involved in same sex

marriage or accruing to such persons by virtue of a license shall be unenforceable in any Court of law in Nigeria.

(5) The Courts in Nigeria shall have no jurisdiction to grant a divorce, separation and maintenance orders with regard to such same sex marriage, consider or rule on any of their rights arising from or in connection with such marriage.

Non-Recognition of Same Sex Marriage.

5.—(1) Marriage between persons of same sex entered into in any jurisdiction whether within or outside Nigeria, any other state or country or otherwise or any other location or relationships between persons of the same sex which are treated as marriage in any jurisdiction, whether within or out side Nigeria are not recognized in Nigeria.

(2) All arms of government and agencies in the Federal Republic of Nigeria shall not give effect to any public act, record or judicial proceeding within or outside Nigeria, with regard to same sex marriage or relationship or a claim arising from such marriage or relationship.

Prohibition of celebration of same sex marriage in a place of worship.

6.—(1) Same sex marriage shall not be celebrated in any place of worship by any recognized cleric of a Mosque, Church, denomination or body to which such place of worship belongs.

(2) No marriage license shall be issued to parties of the same sex in the Federal Republic of Nigeria.

Prohibition of Registration of Gay Clubs and Societies and Publicity of same sex sexual relationship.

7.—(1) Registration of Gay Clubs, Societies and organizations by whatever name they are called in institutions from Secondary to the tertiary level or other institutions in particular and, in Nigeria generally, by government agencies is hereby prohibited.

(2) Publicity, procession and public show of same sex amorous relationship through the electronic or print media physically, directly, indirectly or otherwise are prohibited in Nigeria.

(3) Any person who is involved in the registration of gay clubs, societies and organizations, sustenance, procession or meetings, publicity and public show of same sex amorous relationship directly or indirectly in public and in private is guilty of an offence and liable on conviction to a term of 5 years imprisonment.

Offences and Penalties.

8.—(1) Any person goes through the ceremony of marriage with a person of the same sex is guilty of an offence and liable on conviction to a term of 5 years imprisonment.

(2) Any person performs, witnesses, aids or abets the ceremony of same sex marriage is guilty of an offence and liable on conviction to a term of 5 years imprisonment.

Jurisdiction.

9. The High Court in the States and the Federal Capital Territory shall have jurisdiction to entertain all matters, causes and proceedings arising from same sex marriages and relationships.

EXPLANATORY MEMORANDUM

This Act shall prohibit in the Federal Republic of Nigeria the relationship between persons of the same sex, celebration of marriage by them and other matters connected therewith.