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A BILL

FOR AN

ACT TO PROHIBIT MARRIAGE OR CIVIL UNION ENTERED INTO BETWEEN PERSONS OF SAME SEX, SOLEMNIZATION OF SAME AND FOR OTHER MATTERS RELATED THEREWITH, 2011

Commencement

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

Prohibition of Marriage or Civil Union by persons of same sex

1. (1) Marriage contract or Civil union entered into between persons of same sex is hereby prohibited in Nigeria.

(2) A marriage Contract or civil union entered into between persons of same sex is invalid and illegal and shall not be recognized as entitled to the benefits of a valid marriage.

(3) A Marriage contract or civil union entered into between persons of same sex by virtue a certificate issued by a foreign country shall be void in Nigeria, and any benefits accruing there from by virtue of the certificate shall not be enforced by any court of law in Nigeria.

Solemnization of Same Sex Marriage in Places of Worship

2. (1) Marriage or civil union entered into between persons of same sex shall not be solemnized in any place of worship either Church or Mosque or any other place or whatsoever called in Nigeria.

(2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.

Recognized Marriage in Nigeria

3. Only marriage contracted between a man and a woman either under Islamic Law, Customary Law or the Marriage Act is recognized as valid in Nigeria.

Registration of homosexual clubs and societies

4. (1) The Registration of gay clubs, societies and organizations, their sustenance, processions and meetings are hereby prohibited.

(2) The public show of same sex amorous relationship directly or indirectly is hereby prohibited.

Offences and Penalties

5. (1) Persons that entered into a same sex marriage or civil union contract commit an offence and are jointly liable on conviction to a term of 14 years imprisonment each.

(2) Any person who registers, operates or participates in gay clubs, societies and organizations, or directly or indirectly make a public show of same sex amorous relationship commits an offence and shall each be liable on conviction to a term of 10 years imprisonment,

(3) Any persons or group of persons that administers, witnesses, screens, abet and aids the solemnization of a same sex marriage contract or civil union or supports the registration, operation of gay

clubs, societies and organizations, processions or meetings in Nigeria commits an offence and liable on conviction to a term of 10 years imprisonment.

6. The High Court of a State or of the Federal Capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Bill. *Jurisdiction*

7. In this Bill, unless the context otherwise requires - *Interpretation*

"Marriage" here relates to a legal union entered between persons of opposite sex in accordance with the Marriage Act, Islamic and Customary Law;
"Court" means High Court of a State or of the Federal Capital Territory;

"Same Sex Marriage" means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship;

"Witness" means those who sign, witness to the solemnization of the marriage;

"Civil Union" means any arrangement between persons of the same sex to live together as sex partners, and shall include such descriptions as adult independent relationships, caring partnership, civil solidarity pacts, domestic partnerships, reciprocal beneficiary relationships, registered partnership, significant relationship, stable unions, etc.

8. This Bill may be cited as Same Sex Marriage (Prohibition) Bill, 2013 *Citation*

EXPLANATORY NOTE

This Bill seeks to prohibit marriage or civil union entered into between persons of same sex, and to provide penalties for the solemnization and witnessing of same thereof.

REPORT OF THE CONFERENCE COMMITTEE ON A BILL FOR AN ACT TO PROHIBIT MARRIAGE OR CIVIL UNION ENTERED INTO BETWEEN PERSONS OF SAME SEX, SOLEMNIZATION OF SAME AND FOR OTHER MATTERS RELATED THEREWITH, 2011

1.0 Introduction

The Same Sex Marriage Bill, 2011 was passed by the Senate on Tuesday 29th November, 2011 and in the House of Representatives on Tuesday 2nd July, 2013. However, some differences were noticed in the two versions of the Bill, as passed by the two Chambers. Consequently, a Conference Committee was constituted in the Senate on Tuesday 9th July, 2013 and in the House of Representatives on Tuesday 9th July, 2013 to reconcile the areas of differences, which appeared essentially in Five (5) clauses of the Bill.

The purpose of the Conference Committee was to harmonise the areas of differences that were observed in the two versions of the Bill.

2.0 Membership

2.1 Senate

(i)	Senator Umaru Dahiru, OON	-	Chairman
(ii)	Senator Ifeanyi A. Okowa	-	Member
(iii)	Senator Olubunmi A. Adetumbi	-	Member
(iv)	Senator Dahiru Awaisu Kuta	-	Member
(v)	Senator Chris N. Ngige	-	Member
(vi)	Senator Aisha J. Alhassan	-	Member

2.2 House of Representatives

(i)	Hon. Uzoma Nkem-Abonta	-	Chairman
(ii)	Hon. Murtala kayode Busari	-	Member
(iii)	Hon. Aishatu Dahiru Ahmed	-	Member
(iv)	Hon. Nkoyo Toyo	-	Member
(v)	Hon. Gambo Musa Dan-Musa	-	Member
(vi)	Hon. Davematics E. Omgugadu	-	Member

3.0 Meeting of Conference Committee

The Conference Committee met on Tuesday 10th December, 2013, whereof the two versions of the Bill as passed by the two Chambers were deliberated upon and areas of disagreement resolved accordingly.

Below, are the highlights of the provisions that were considered and adopted by the Conference Committee:

Clause 1

Clause 1 deals with prohibition of same sex marriage or civil union entered between persons of same sex. Whereas Section 1 of the Senate version has the phrase ***"entered into between..."*** the House version used the phrase ***"entered between..."*** The rationale behind the Senate version is that since it is a contract between two persons that for clarity and elegance as well as for the purposes of emphasis ***"entered into"*** as recommended by the Senate should be adopted.

Also, in the Senate version, the words "same sex" was used, while the words "same gender" was used in the House version. After extensive deliberations, the Conference Committee adopted the Senate version for the reason that in law, same sex (also known as gay marriage) is a marriage between two persons of the same biological sex. Therefore, whereas, sex refers to biological and physiological characteristics that define men and women, gender is a sexual identity and refers to a state of being male or female.

Clause 2

Clause 2 deals with solemnization of same sex marriage in places of worship. The Conference Committee deliberated and adopted the Senate version that amends section 2 subsections (1) and (2) for reason(s) stated above.

Clause 3

Clause 3 deals with recognised marriage in Nigeria. The Conference Committee deliberated and adopted the Senate version for reason(s) stated above.

Clause 4

Clause 4 amends section 5 of the Bill. It deals with offences and penalties. The Conference Committee deliberated and adopted the House version of section 5 (1) and (3) because it make more drafting sense and for elegance.

Clause 5

Clause 5 deals with interpretation. Whereas the Senate version defined the word "witness" to mean "those who sign **as** witnesses to the solemnization of the marriage", in the House version, it was defined as *"those who **sign,** witness to the solemnization of the marriage"*. After extensive deliberations, the House version was adopted.

4.0 Recommendation

The Conference Committee hereby recommends for passage into law, the harmonised version of the Bill as adopted and recommends as follows:

i) *That the House do consider and adopt the Conference report on a Bill for an Act to Prohibit Marriage or Civil Union Entered into Between Persons of Same Sex, Solemnization of Same and for Other Matters Related Therewith, 2013, as recommended.*

5.0 Conclusion

On behalf of Members of the Conference Committee, we wish to thank the National Assembly for the opportunity provided to resolve areas of differences in this Bill.

ENDORSEMENT PAGE

Conference Committee on Same Sex Marriage (Prohibition) Bill 2013

Membership

Senate

1. Senator Umaru Dahiru, OON - Chairman.....
2. Senator Ifeanyi A. Okowa - Member.....
3. Senator Olubunmi A. Adetumbi - Member.....
4. Senator Dahiru Awaisu Kuta - Member.....
5. Senator Chris N. Ngige - Member.....
6. Senator Aisha J. Alhassan - Member.....

Charles Luri Bala Esq. - Committee Clerk.....

House of Representatives

1. Hon. Uzoma Nkem-Abonta - Chairman.....
2. Hon. Murtala kayode Busari - Member.....
3. Hon. Aishatu Dahiru Ahmed - Member.....
4 Hon. Nkoyo Toyo - Member.....
5. Hon. Gambo Musa Dan-Musa - Member.....
6 Hon. Davematics E. Omgugadu - Member.....

Barr. Chinedu Akubueze. - Committee Clerk.....