

CHAPTER 124

PROHIBITION OF INFRINGEMENT OF WIDOWS' AND WIDOWERS' FUNDAMENTAL RIGHTS LAW

Arrangement of section

Sections

1. Short title
2. Interpretation
3. Prohibition
4. False Complaint
5. Penalty
6. Jurisdiction
7. Appeal

CHAPTER 124

PROHIBITION OF INFRINGEMENT OF WIDOWS' AND WIDOWERS' FUNDAMENTAL RIGHTS LAW

A Law to make it unlawful to infringe the fundamental rights of widow ENSL.2001
widowers, and for other' related matters. No.3

[8th March, 2001]

1. This Law may be cited as the Prohibition of Infringement of Widows* Short title
and Widowers' Fundamental Rights Law.

2. In this Law unless the context otherwise requires— "Constitution" Interpretation
means the constitution of the Federal Republic of Nigeria,

"dehumanizing** means any degrading act or omission which does or tends to
derogate from the free and full exercise and enjoyment by a widow or a widower
of all the fundamental rights and freedom which she or he would otherwise be
entitled to under the Constitution.

"State" means Enugu State of Nigeria.

"community" means autonomous community recognized under autonomous Community Law of 1999 of Enugu State.

"widow" means any female person married under native law and custom, or under the Marriage Act or any other law recognised in Nigeria, whose husband has died and has not remarried.

"widower" means any male person married under native law and custom or under the Marriage Act or any other law recognised in Nigeria whose wife had died.

"matrimonial home" means the place of abode of the spouses prior to the death of either, but does not include their ancestral home.

Prohibition

3. (1) No person for whatever purpose or reason shall compel a widow or widower—

- (a) to permit the hairs on the head or any other part of the body to be shaved;
- (b) to sleep either alone or on the same bed or be locked in a room with corpse of the husband/ wife;
- (c) not to receive condolence visits from sympathisers during the period of mourning;
- (d) to be re-married by a relative of the late husband/wife;
- (e) to sit on the floor or be naked during any period of the husband's/wife's burial rites;
- (f) to drink the water used in washing the corpse of the husband/wife;
- (g) to weep and wail loudly at intervals at any time after the death of the husband/wife except at ones own volition or involuntary, action;
- (h) to remain in confinement after the death of the husband/ wife for any given period;
- (i) to vacate the matrimonial home;
- (j) to do any other thing which contravenes the fundamental rights entrenched in the Constitution or is degrading the person;

(2) Subject to the Marriage Act, Wills Law. Administration of Estates Law, or any Customary Law (not repugnant to natural justice, equity and good conscience), a widow or widower shall not be dispossessed upon the death of the husband or wife of any property acquired by the deceased husband or wife (during the deceased husband's or wife's life time) without his or her consent

False
Complaint

4. It shall be unlawful for any widow or widower or any person to falsely allege that the rights guaranteed under this Law have been violated.

5. Anybody who contravenes or conspires, aids, counsels, procures, or assists another person to contravene, the provisions of section 4 or 5 of this Law shall be guilty of an offence and liable on conviction to a fine of five thousand naira or imprisonment for two years.

Penalty

6. A Magistrate Court shall have jurisdiction to try summarily any offence under this Law

Jurisdiction

7. There shall be a right to appeal from the judgment of the Magistrate's Court up to the highest Court in Nigeria.

Appeal.

