

<p style="text-align: center;">A BILL</p> <p style="text-align: center;">FOR</p> <p style="text-align: center;">A LAW FOR THE REHABILITATION OF WIDOWS AND THEIR PROTECTION FROM EXPLOITATIVE AND CULTURAL ACTS</p>	
<p>13th May, 2011</p>	<p>Commencement</p>
<p>BE IT ENACTED by the House of Assembly of Abia State of Nigeria as follow:</p>	
<p>1. This Bill may be cited as the Rehabilitation and Protection of Widows Law, 2011</p>	<p>Short Title</p>
<p>2. In This Bill, unless the context otherwise requires -</p> <p>“Competent Court” means a court recognized by law as possessing the right to adjudicate a controversy.</p> <p>“Deceased” means a dead person.</p> <p>“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.</p> <p>“Disinheritance” means denial of a widow the right to inherit her late husband’s property.</p> <p>“Family Property” means any immovable property which belongs to members collectively of a particular family or is held for the benefit of such</p>	<p>Interpretation</p>

<p>members and any receipts or proceeds from such property.</p> <p>“Inheritance” means the entry of living persons into the possession of a dead person’s property/properties.</p> <p>“Intestate” means a person who dies without having made a will and includes a person who lives a will but dies intestate regarding some beneficial interest in his real or personal estate.</p> <p>“Levirate marriage” means a situation where a family member inherits a married woman whose husband is dead.</p> <p>“Marriage” includes a marriage under Marriage Act, Islamic law and/or any customary law.</p> <p>“Matrimonial Home” means the place of abode of the spouse prior to the death of either, but does not include their ancestral home.</p> <p>“State” means Abia State of Nigeria.</p> <p>“Testate” means having left a will at death.</p> <p>“Testator” means a person who dies leaving a valid will.</p> <p>“Widow” means any female person married under native law and custom, or under the Marriage Act or any other law recognized in Nigeria, whose husband has died and has not remarried and was still married to him at the time of death.</p>	
<p>3. (1) This Law shall apply to widows from marriages contracted under the Marriage Act or Islamic Law, or customary law.</p> <p>(2). For the avoidance of doubt, this law shall apply to a widow who has been married under one or two of the aforementioned marriages.</p> <p>(3) This Act shall apply to situations whereby the</p>	<p>Application</p>

deceased husband died testate or intestate.	
<p>4. (1) No person for whatever purpose or reason shall compel a widow as follows:</p> <p>(a) to permit the hairs on the head or any other part of the body to be shaved;</p> <p>(b) to sleep either alone or on the same bed or be locked in a room with corpse of the husband;</p> <p>(c) not to receive condolence visits from sympathizers during the period of mourning;</p> <p>(d) to be re-married by a relative of the late husband;</p> <p>(e) to sit on the floor or be naked during any period of the husband's burial rites;</p> <p>(f) to drink the water used in washing the corpse of the husband;</p> <p>(g) to weep and wail loudly at intervals at any time after the death of the husband except at ones own volition or involuntary action;</p> <p>(h) to remain in confinement after the death of the husband for any given period;</p> <p>(i) to vacate the matrimonial home;</p> <p>(j) to do any other thing which contravenes the fundamental rights entrenched in the Constitution or is degrading the person;</p> <p>(2) Subject to the Marriage Act, Wills Law, Administration of Estates Law, or indeed any Customary Law (not repugnant to natural justice, equity and good conscience), a widow shall not be dispossessed upon the death of the husband and</p>	<p>Prohibition</p>

<p>property acquired by the deceased husband's life time) without her consent.</p>	
<p>5. (1) It shall be an offence for anyone to;</p> <p>(a) Evict a widow from the family home/ property.</p> <p>(b) Seize not merely household items of the deceased person but also intellectual assets such as pension, share certificates, wills, and life insurance, benefits and entitlements with the aim of disinheriting that widow.</p> <p>(c) (i) Forcefully take away from the widow her children under any guise. (ii) Where the children are taken from the widow, it must be with her consent.</p> <p>(d) (i) Accuse a widow for the death of her husband and punish her arbitrarily without establishing and proving her guilt in a competent court. (ii) Where the guilt of the widow has been proved beyond reasonable doubt, she can only be punished in accordance with the prescribed punishment stipulated by law for the offence for which she was found guilty of.</p>	<p>Offences</p>
<p>6. Anybody who contravenes, conspires, aids, counsels, procures, or assists another person to contravene the provisions of sections 4 and 5 of this Law shall be guilty of an offence and liable on conviction to a fine of N200,000.00, minimum of ten years imprisonment or both.</p>	<p>Penalty</p>
<p>7. (1) (a) This Act protects widows from monogamous marriages as well as widows from polygamous marriages.</p> <p>(b) In situations where there are multiple widows and all married to the deceased person at the time of his death, all such widows shall be entitled to the protection under this law.</p> <p>(2) A widow shall not be prevented from inheriting</p>	<p>Protection</p>

her matrimonial home and her husband's properties by reason of not having male children or for not having any child for her late husband.

(3) A widow shall not be forced into a levirate marriage just to secure a share in her husband's property for herself and her children.

(4) A widow shall not be considered as one of her husband's properties to be inherited by members of her husband's family.

(5) Where a widow has been excluded from a share in her husband's estate by his will, the widow may still seek maintenance from the deceased's estate.

(6) (a) Where in the exercise of a testator's to bequeath his properties as he pleases, there are no maintenance provisions for the widow, the court shall make an order for the maintenance of the widow, notwithstanding the provisions of the will.

(b) The court shall determine the amount and nature of maintenance payable to the widow under this section having regard to;

- i. The nature and quantity of the property representing the deceased's estate;
- ii. The responsibilities and needs of the widow and her children from the marriage to the deceased has and is likely to have in the foreseeable future;
- iii. The lifestyle, income, earning capacity, property, and resources which the widow and her children from the marriage to the deceased has and is likely to have in the foreseeable future,
- iv. The deceased's reason, as far as is

ascertainable for not making adequate provisions for his widow.	
<p>8. (1) A widow is guaranteed of her right to life as enshrined in Chapter IV of the 1999 constitution.</p> <p>(2)(a) Notwithstanding the customary laws recognising the rights of first sons to inherit, a widow shall be entitled to user rights of the properties and shall not be prevented from such use.</p> <p>(b)Where the first son is still a minor, the widow shall act as guardian of her husband’s properties until the first son has grown into adulthood.</p> <p>(c) Where the first son is the deceased’s son but not the widow’s son, he must take adequate care of the widow providing for her from his father’s estate.</p> <p>(3) A widow shall inherit all of the joint marital property.</p> <p>(4) Where the deceased husband leaves behind a large matrimonial home, and he is survived by only one widow, the widow shall be allowed to sell off the matrimonial home, buy a smaller home and invest the balance in business.</p>	Rights
9. The State High Court shall have jurisdiction to try summarily any offence under this law.	Jurisdiction
10. There shall be a right of Appeal from the judgment of the State High Court up to the highest Court in Nigeria.	Appeal
<p>11.(a) There shall be for the purposes of the rehabilitation of widows established a Widows’ Commission in Abia State.</p> <p>(b) This Widows’ Commission shall be aimed at their empowerment and shall be in the forefront in the</p>	Establishment

<p>campaign for the protection and promotion of widow's rights.</p> <p>(c) The Commission shall supervise the implementation of any care programme for widows in Abia State.</p> <p>(d) The Commission shall collect relevant information on the challenges of widows and concerted issues that need to be addressed for the improvement of a widow's welfare.</p> <p>(e) The commission shall assist widows to obtain legal redress or protection when they have been dispossessed of their belongings and inheritance.</p>	
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