

Same sex marriage (Prohibition) Act 2013 in Nigeria: An Appraisal

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Abstract

This study evaluates the Same Sex Marriage (Prohibition) Act 2013 with the view to finding out its justifiability or unjustifiability. Also, it interrogates the sustainability of this Act. Using scholarly publications and oral interview this paper analyses this Act and reviews the varying perspectives on it. Appraised are the legal, religious, cultural, gender and medical perspectives on this Act. Scholars' views on this Act conveniently divide into two distinct categories – those for and those against the Act. This Act was well commended by the majority of Nigerians perhaps because of their religious and cultural orientation. It was also vehemently criticised by the minority, however. Apparently, it is too equivocal and could give room for criminal harassment of citizens as a result of its ambiguity. While some scholars believe this act to be rather draconian and unconstitutional, others are of a contrary view. A reasoned review of this Act could, however, bridge the lacuna between the 'yes' and the 'nays'. However, judging from the international

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uproar and pressures on the Nigerian government following the enactment of this Act, its sustainability is in doubt with the prospect of an amendment or even repeal not ruled out in the future.

Introduction

Homosexuality, which means sexual relations with somebody of the same sex, is a phenomenon that has a long history. It has however been practiced clandestinely because of its apparent unnaturalness and societal disapproval. In recent times, however, the postmodern culture that valorizes comprehensive views of all facets of the narrative of culture no matter how queer it is, opened the discourse option once again since it is a cultural practice. For the above reason, homosexuals began to creep out of their shells gradually and consequently began to assert their rights to sexual freedom. This group which is a conglomeration of lesbians, gays, bisexuals and transgender (LGBT) began to get the attention they demanded again.

About a decade ago, homosexuality became an issue of heated debate and strong deliberations whether to legalize it or not in some western countries. Many arguments were put forth for and against its legalization. It was consequently legalized in some countries like Argentina, Canada, France and some states in the United States of America like New York, Oregon, and Washington. Following its legalization in these states, their activities in Nigeria became more overt, perhaps as a gimmick to pass a message across to the Nigerian government as regards their presence in Nigeria too.

The same-sex relationship is far-fetched in most African cultures, traditional religion, and other faiths practiced in Nigeria like Christianity and Islam. Therefore, the Nigerian National Assembly, in December 2013, issued the Same Sex Marriage (Prohibition) Act which prohibits same-sex marriage/union, the solemnization of same either in the church, mosque or any other place of worship and any form of amorous displays by same-sex partners. Convicts are liable to serve jail terms.

Expectedly, this Act, which was well applauded by the majority of Nigerians aroused much outcry from the International Community, Human Rights Activists and persons who refer to themselves as gay rights activists. They see this Act as an affront to

the constitutional right to liberty of homosexuals. The Act presently is interpreted by different groups in different ways, as it also is tremendously commended as well as criticized.

It is against this backdrop that this paper intends to evaluate this Act as a reasoned discourse. With the aid of extant literature, this study will summarize the content of the Act, study varying perspectives on it also. These will include; human rights medical, gender, religious/cultural perspectives and legal point of view. Furthermore, the ethical implications and consequences of this Act will be explicated. Importantly, this study will keenly inquire the feasibility of this Act remaining as the ultimate ruling in the case of homosexual relationships amidst the threats, pressure on the government and outcry from different quarters for a repeal of the Act. At this point, the standpoint of this study will be crystallized and conclusions drawn.

Be that as it may, delicate matters of this sort require serious discretion and in fact, one would want to wish it away. However, merely pretending there are no issues regarding same-sex relationships and the Act prohibiting their marriage/union in Nigeria will not varnish the stark reality of homosexuality (same-sex unions) and its nuances in Nigeria. Hence, there is a need to face the reality and address the issue squarely and as objectively as possible.

Summary of the Same Sex Marriage (Prohibition) Act 2013

Same-Sex Marriage (Prohibition) Act, enacted by the Nigerian National Assembly regards as criminal any 'marriage' contract or civil union between persons of the same sex either as husband and wife or for the purpose of the sexual relationship. It also prohibits the solemnization of such 'marriages' in places of worship with penalties for culprits, witnesses and those that aided and abetted such union. While the punishment for culprits is 14 years incarceration, a person convicted of any other offense spelled out in the Act is liable to 10 years in prison.

It states unequivocally that in Nigeria, marriage is valid only when contracted between a man and a woman. Furthermore, the Act prohibits the registration of gay clubs, organizations, processions,

and meetings as well as the explicit or implicit public show of amorous relationship between people of the same sex. This Act, signed by the then Clerk of the National Assembly, Salisu Abubakar Maikasuwa, OON on December 30, 2013, got ascent by the President of the Federal Republic of Nigeria, Dr. Goodluck Ebele Jonathan on January 7, 2014.

Perspectives on the Act

The Same Sex Marriage (Prohibition) Act in Nigeria has been received and interpreted by diverse groups differently. This section will be looking at some of these viewpoints on the Act.

Religious/Cultural Perspective: Religion is a powerful phenomenon which controls and influences the lives of its adherents. It is an enigma that usually holds its tenets and teachings as infallible. It works in symbiosis with culture as it usually develops within and borrows from particular cultures. It, therefore, means that whatever a particular religion/culture frowns at are upheld by the adherents of that religion/culture. Since same-sex relationships come under prohibition in African culture and religions, the majority of Nigerians welcomed the Act. Many arguments have been put forward from the Bible, Quran and by people with Indigenous Religious persuasion against same-sex marriage. In Christianity for instance, a same-sex union is seen as a deviation from the divine standards of wedding. In their hermeneutical study of Genesis 2:18-24, Uzoma and Okoye (2010) argue that during the creation, God was not just interested in providing a companion for man but one that was matching, compatible and sexually complementary. So God made a suitable companion – woman for man which is opposed to same-sex marriage. To further buttress this stance; they cite Jesus' words in the New Testament where he states in Matthew 19:4ff "have you not read that he who made them from the beginning made them male and female. It is for this reason that a man should leave his father and mother and cleave to his wife and they both become one flesh." Harvey (2007), on the other hand, is of the opinion that the biblical norm of marriage is heterosexual and procreative for the sake of perpetuity of humankind. He cites specific texts from

the Bible that condemn same-sex marriage. They include Genesis 19:4-11 (where God destroyed Sodom and Gomorrah because of homosexuality) and Romans 1:26 (where female same-sex acts are condemned). He insists that same-sex union is a distortion and intrinsically immoral. In Harvey's (2007, p. 93) words, "same-sex marriage threatens freedom of religion because it is a direct attack on our culture, marriage, and our faith". For Peschke (1999, p. 492), contraction of marriage by homosexuals is declined in Christianity because it is unequivocally unbiblical and is "detrimental to society and depreciates the institution of marriage and the family."

More so, in Islam, the question of homosexuality has always been clearly articulated in the Shariah Penal Code as abominable and therefore grossly unacceptable. Also, culturally, marriage is seen as a sacred institution with sanctity. Therefore, anything outside heterosexual marriage is an anomaly and seriously disapproved. Naturally, opposites complement each other. The natural law is, therefore, interested in the actual communion of bodies and fruitfulness (reproductive character). The Igbo culture, for instance, refers to any homosexuality as *aru* (abomination). Onuoha, as cited by Uzoma and Okoye (2010, p. 79) concludes that "same-sex union in whatever guise it may manifest homosexuality, lesbianism, sodomy, bisexuality, gay, civil partnership is unnatural, unbiblical, unreasonable, unethical, ungodly and unAfrican." Suffice to say that it is mostly on religious/cultural grounds that most Nigerians dismiss homosexuality as merely an inverted means of gratifying sexual concupiscence and therefore unscrupulous and grossly unacceptable.

Human Rights Perspective: Soon after former President Goodluck Jonathan signed the Same Sex Marriage (Prohibition) Act into law on January 13, 2014, there was from some Western Countries outcry anchored on the polemic of human rights infringement. The United States of America particularly, and other countries of the West saw it as a violation of the rights of homosexuals. They cite articles from the United Nations' Universal Declaration of Human Rights, African Charter on Human and Peoples' Rights and other human rights instruments which, from

their point of view, have been undermined in the Act . Protagonists of homosexual marriage, as Uzoma and Okoye (2010, p. 75) have also pointed out, argue that defining marriage as an exclusively heterosexual union and prohibiting same sex relationships and associations “infringes on individual’s fundamental right to privacy, free associations and expression.”

The situation, further compounded in Nigeria, is as a result of the stipulations of certain sections of this Act. For instance, African Commission on Human and Peoples’ Rights (2014, p. 1), in its press release on the implication of Same Sex Marriage (Prohibition) Act 2013 on human rights defenders in Nigeria, lament the apparent consequences of this Act on “sexual minorities who are already vulnerable as a result of social prejudice.” The African Commission on Human and Peoples’ Rights’ special rapporteur, Reine Alapini-Gansou is particularly concerned about the Act’s provisions in sections 4(1) and 5(2). 4(1) which states; “the registration of gay clubs, societies, and organizations, their sustenance, processions, and meetings is prohibited.” While 5(2) of the Act reads; “a person who registers, operates or participates in gay clubs, societies and organization, or directly or indirectly makes public show of same-sex amorous relationship in Nigeria commits an offense and is liable on conviction to a term of 10 years imprisonment.” Alapini-Gansou thinks that these sections undermine the work of lesbians, gays, bisexuals and transgender (LGBT) rights’ defenders. She condemns any act that will violate the right to life, freedom of expression, freedom of assembly and physical integrity of human rights activists in Nigeria. Alapini-Gansou, however, called on the Nigerian government to create an enabling environment for human rights defenders to do their work. Indeed, the stipulations of the Same-Sex Marriage (Prohibition) Act like the African Commission on Human and Peoples’ Rights (2014) worries, and gives room for loopholes in the execution of the Act.

Legal Perspective: The Same-Sex Marriage (Prohibition) Act is subject to judicial interpretation since it defines what constitutes infringements in human relationships and the penalties such

infringements attract. From the legal point of view, arguments for and against this Act abound. This apparent legal lacuna needs proper redress.

Be that as it may, Lawyers Alert (2014) published a clause by clause critical analysis of this Act. In this publication, virtually all the clauses were flawed using the instrumentality of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and other human rights instruments. A few examples require our attention. For example, clause 1(1) which states that “a marriage contract or civil union entered into between persons of the same sex is prohibited in Nigeria” is tautological. Their ground of argument is that same-sex marriage has always been void and has never had a legal backing or reckoned with in the Marriage Act in Nigeria. Hence, it does not need any further prohibition. Lawyers Alert (2014) therefore holds the view that this clause is unnecessary. For Okoroma (2014) however, ‘marriage’ in section 1 is out of place because a same-sex relationship cannot be referred to as marriage as defined in the Marriage Act.

Clause 2(1) states that “a marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria.” Lawyers Alert has also criticized this clause. They cite section 10 of the 1999 Constitution which unequivocally states that no religion shall be adopted as the state religion. They claim that Nigeria’s legislators will be acting *ultra vires* and infringe on Nigerians’ right to worship if they dictate doctrines to religious bodies and impose the sort of marriage to celebrate on them. This interpretation by Lawyers Alert seems wrong. The provision for freedom of worship remains intact and doctrines have not been forced on religious organizations. However, a constitutionally unlawful or criminal act remains so whether perpetrated by a religious body or otherwise. For instance, we have had an example in the past where a religious leader allegedly set some church members on fire claiming he did that at God’s behest. Whether or not it was religiously motivated or backed up, he committed a crime known as murder and was prosecuted for it.

Again, Lawyers Alert (2014) refutes Clause 4(1) which has

already been cited in the previous section of this study because it, for them, contradicts section 40 of the Constitution which stipulates: “every person shall be entitled to assemble freely and associate with other persons, ... trade union or any other association for the protection of his interests.” For Lawyers Alert, the clause is equally undemocratic and sinister to Nigeria’s democracy. It argues that the section can be twisted by unscrupulous law enforcement agents to harass and arbitrarily arrest innocent citizens as a result of its inherent ambiguities. Also, clause 4(2) which states that “the public show of same sex amorous relationship directly or indirectly is at this moment prohibited” has also been criticized because of its equivocality. There are no real yardsticks for measuring the distinctive definition of ‘same sex amorous relationship’. ‘Direct’ and ‘Indirect’ here are also vague and not precise. We recall that Article 20(1) of the Universal Declaration of Human Rights also states that “everyone has the right to freedom of peaceful assembly and association” and in its ninth article, it states that “no one shall be subjected to arbitrary arrest, detention or exile.” The Universal Declaration of Human Rights therefore apparently supports the claim of Lawyers Alert (2014). But would prosecution under this article amount to arbitrariness when there is a law?

Okoroma (2014) however refutes the claim of the opponents of this Act that it violates constitutionally guaranteed rights. According to him, “the same Constitution, in its wisdom, understands that fundamental rights in themselves are not absolute.” Okoroma (2014) reveals that section 45(1) (a) of the Constitution counters the absoluteness of fundamental rights by stating thus: “Nothing in section 37, 38, 39, 40 and 41 of the Constitution shall invalidate any law that is REASONABLY JUSTIFIED in a democratic society – in the interest of defense, public safety, public order, PUBLIC MORALITY or public health” (emphasis Okoroma’s). In other words, appropriation of fundamental rights is overridden by public interest and considerations that are reasonably justified. Okoroma, therefore, answers a resounding yes to the justifiability of the Same-Sex Marriage (Prohibition) Act in the light of section 45(1) (a) of the Constitution. He, however, makes it clear that homosexuality in itself is an essentially private issue which the Act has not criminalized or

prohibited.

According to Okoroma (2014), homosexual acts have brought about conflicts because most Nigerians get offended at it. Therefore, it needs to be addressed. He insists, in contrast to Lawyers Alert (2014) that it is democratic for the majority's right or will to overrule the minority's will. The view above perfectly played out in this Act. Homosexual relationship offends the majority of the Nigerian population even though it is victimless. Hence, this prohibition is democratically justified.

Gender Perspective: The binary concept of gender groups all human beings into the masculine, and feminine sex and it is historical. As such, any gender characteristic that did not fall within any of the categories was considered abnormal. Recently, gender researchers and scholars tend to have discovered a third gender. It is a known fact that to a great extent, biological sex is a component of gender. Therefore, some scholars recognize androgyny (hermaphroditism) as a third gender. To lay credence to this, Haralambos and Holborn (2008, p. 99), analyzing Fausto-Sterling (2000)'s view on gender, asserts that "when society insists on assigning individuals to one of two sexes it can do great harm. From her (Fausto-Sterling's) viewpoint, transgendered people who have male and female characteristics need to have their rights to equality, and their right to be different, recognized."

Transgender is used to refer to someone whose gender identity does not match his birth-assigned sex. It describes one who steps out of his or her gender roles assigned by society. They usually present as gays, lesbians or bisexual. Borrowing a leaf from recent gender studies and Fausto-Sterling's submission on transgendered persons that have strong inclination for homosexuality, it will seem that the Same-Sex Marriage (Prohibition) Act is somewhat harsh and unfair to transgendered persons. Peschke (1999, p. 482) however posits that "the theory that homosexuality is an innate propensity is not supported by biological evidence." He, therefore, resorts to searching for the cause of homosexuality among psychological factors. Ilo (2014, p. 6) believes the contrary. For him, "homosexuality is a human reality." On his own, Harvey (2007, p. 73) thinks that

homosexual inclination and homosexual acts are two separable things. Hence, the inclination is an objective disorder which one can choose to yield to or not while the act "is immoral by its very nature." As a disorder, it is not set clear how it could be remediated.

According to Harvey (2007), same-sex attraction or predilection is not innate like some gender scholars will have one believe, but an inversion caused by a deficit in their relationship with their same sex parent perhaps during childhood. Bisi Alimi, one of the foremost gay rights activists in Nigeria, himself a gay, confessed in an interview that he grew up in childhood rivalry and always fell out with his parents, especially his father. The situation, perhaps, accounts for his predilection for homosexuality.

Medical Perspective: Medicine is scientific and as such, does not work with sentiments or beliefs but with facts that are proven empirically. In medicine, many illnesses associated with same-sex relationships have been identified. Longmore, Wilkinson, Davidson, Foulkes and Mafi (2010) state that *Kaposi's sarcoma*, a cancer of connective tissues of the body mostly affects homosexual or bisexual men. Also, Baliga (2012) has observed that *Herpes Zoster Syndrome* (Shingles), a painful blistering skin eruption occurs at least seven times more frequently with homosexual men. According to Davidson (2006), *Hepatitis C*, a virus that causes severe liver damage is higher among homosexuals compared to their heterosexual counterparts. Furthermore, Peschke (1999, p. 486) affirms that "homosexuals also are a high-risk group for AIDS. *Contagion* is caused primarily by anal intercourse." The medical conditions associated with queer culture has at least a victim in Bisi Alimi, a Nigerian homosexual who is also a leading gay rights activist in Nigeria. He is HIV infected, which perhaps he contacted homosexually. More so, Sexually Transmitted Infections (STIs) are more easily transmitted homosexually than heterosexually.

Associated with homosexual men are other organisms causing infections of the stomach and intestines which manifests as diarrhea such as *Entamoeba histolytica*, *Shigella* species, *Campylobacter* species and *Cryptosporidium* species have all been. The Same-Sex

Marriage (Prohibition) Act is therefore to the best interest of Nigerians medically as it tends to deter same sex relationships and its consequent medical hazards.

Implications and Consequences of this Act

Having considered the 2013 Same-Sex Marriage (Prohibition) Act in Nigeria from different perspectives, it is right to deduce the effects of this Act in Nigeria. First and foremost, the Act is apparently uncalled for as victimless crimes like homosexuality, prostitution, taking of illicit drugs and gambling, even though unpopular considering societal index, have been condoned and tolerated by society for a long time. In this case, same-sex marriage has never been legal. So its prohibition seems superfluous. That notwithstanding, the moral consequences of homosexuality to the society are grievous. For Harvey (2007, p. 91), when homosexual unions are treated with kid gloves or given legal approval, it could lead to “a complete breakdown of moral standards in human sexual activity.” These maybe genuine fears of the picture of Sodom and Gomorrah is taken into account.

Homosexual marriage, though apparently not an issue in Nigeria yet, if welcomed, even in its most subtle form, will negatively impact the institution of marriage. Children tend to thrive better in a family with biological/heterosexual parents in a wedding that is intact. Citing a case in Iowa USA, Vitelli (2013) recalls that the state attorney said that the best home environment for children is that which is made up of opposite sex couples. More so, citing Regnerus (2012)’s findings, for the Family Research Institute (2015), reiterates the traditional belief that children thrive best in homes with heterosexual parents. For Family Research Institute, growing up with a single parent or step-parents is usually not ideal, but is even better than being raised by homosexuals. So the adoption of children by same-sex couples could be disastrous for the children. Also, one wonders the kind of society homosexuals will produce. An adopted child of homosexual parents will probably follow his ‘parents’ orientation and soon, homosexuality will become a norm and the society will be one of the homosexuals. This trajectory could gradually lead to human extinction. Little wonder, Mbonu (personal

communication, July 13, 2014) categorically states that those societies that have legalized same-sex marriage have reached the end of their civilization.

From the religious cum cultural point of view, same-sex marriage has always been doggedly rebutted in Nigeria. It is simply unnatural, grossly unacceptable and repugnant. As a matter of fact, homosexuality itself is prohibited by the Islamic Sharia law. In the Christian religion, it jeopardizes God's purpose for marriage, rabbishes the institution of marriage and ridicules the "nuptial meaning of the body" (John Paul II, 1980). The Act is proactive and timely, particularly in this time when same-sex marriage is a new ideological advocacy among many Western countries.

However, from a legal perspective, the Act is said to be replete with verbose wordings and equivocations. It, therefore, gives room for misinterpretations. Nigerian Law Enforcement agents can abuse some provisions in this Act and make arbitrary arrests. Also, it has been said to be a violation of the fundamental rights of citizens as contained in the Constitution and other human rights instruments and is suppressive. It is on this ground that the International Community and the United States, in particular, have pressurized the Nigerian government to review this Act. They decry and clamour against the violation of the 'rights' of homosexuals in Nigeria.

Medically, apart from the fact that homosexual relationship is a 'stress-free' form of family planning regarding population control as same-sex marriage is non-procreative, it is on the other hand associated with an avalanche of diseases and therefore not medically desirable.

However, Ilo (2014) stresses the futility of either banning or legalizing such a phenomenon that is yet to be fully understood. He describes this as a waste of time. He, however, challenges cultural and religious systems against using old answers to meet new questions. Therefore, he feared that this law would only have served as a political distraction to President Jonathan at that time and called for more dialogue on this issue now that electoral issues have been laid to rest, even though an Islamic leadership is believed to be more hardline on such issues.

The Reception of this Act So Far and Prospects of its Sustenance

Having looked at the pros and cons of the Same-Sex Marriage Act in Nigeria and its justifiability and unjustifiability from different perspectives, one wonders if this Act will be repealed in future or at least amended to shed some of its severity. It is, however, the position of this article that this Act may not be repealed shortly considering the high level of approval that greeted the enactment of the Act in Nigeria. The reason has been spelled out in this study. Same-sex marriage does not correspond with the natural law on which the Nigerian culture hinges its conclusion and conditionality.

However, the possibility of repeal cannot be totally ruled out in the remote future considering the condemnation of this Law and the possibility of sanctions by the some Western States. Again, as Nigerian democracy evolves and human rights issues begin to take centre stage, human rights defenders could appeal for repeal or an amendment of this Act. Moreso, with westernization and as more and more Nigerians are exposed to further foreign influences; they could learn this 'alien trend.' A proliferation of this trend can see the emergence of more Bisi Alimis (leading gay rights activist). They could perhaps begin to woo and enjoy sentiments by a substantial number of Nigerians. As at 2012, over 70% of Americans were said to be either directly or indirectly related to a homosexual. Hence, more and more states joined states like California and Massachusetts that legalized same-sex marriage and ultimately, a Supreme Court ruling on the 26th of June, 2015 legalized same sex union/relationship with all States in the United States of America.

In 1998, in the United States, legalization of same-sex marriage was dismissed even by the then Presidential aspirant, Barack Hussein Obama during his campaign. However, in a bid to seek re-election in 2012, he appeared to have shifted grounds from his earlier stand on this subject. Though, President Obama's initial position in 2008 could be a calculated attempt to win the votes of the evangelicals who would not welcome the legalization of same-sex marriage. His stand in 2012, on the other hand, may not be unconnected to the

fact that he could not do away with the sentiments of over 70% of Americans who were then said to be directly or indirectly affected by homosexuality.

Be that as it may, the first question that readily comes to mind as regards the enactment of this Act is, Were there demands for same-sex marriage in Nigeria? One wonders if an Act prohibiting same-sex marriage is expedient at this time when there is a plethora of tremendous social, political, economic, ethnic, security as well as moral issues ravaging the country. Ilo (2014) thinks this is a distraction amidst the “stinking and sinking political leadership” in Nigeria. One also wonders whom the act of homosexuality victimizes and why the National Assembly has not issued a law prohibiting other sexual aberrations and misdemeanors like prostitution, adultery, sexual exploitations and abuses, and so on.

Also insinuated is that the Act is merely a political intrigue to prove a point to the West that Nigeria will not always kowtow to their whims. After all, same-sex marriage has always been unlawful in Nigeria. Again, it is apparent that the ‘heart’ played more part in the promulgation of this Act than the ‘head’ because of the sensitivity of the issue of same-sex relationships in Nigeria. In other words, the Act was probably informed by sentiments other than reason; hence, in a country where culturally, homosexuality is rejected in its entirety the Act remains superfluous. Ilo (2014) strongly agrees this Act was not thoroughly thought through. He thinks that there is a need for intellectual, religious, psychological, cultural as well as moral transitions to address the reality of homosexuality in Nigeria reasonably. Aside that, even if there were to be a referendum on this issue in Nigeria, the result would still be the same because of the majority of Nigerians’ sentimental orientation on the subject. Ilo (2014, p. 1) is however of the view that this Act is “precipitate and ill-advised”.

Therefore, the Nigerian Same-Sex Marriage (Prohibition) Act in its present state may not remain the ultimate Act on same-sex issues in Nigeria. There is a possibility of repeal or an amendment. Though, this may not be feasible shortly. However, repeal could be expedited by relentless pressures from the International Community.

Conclusion

In Nigeria, same-sex marriage has always been a pseudo-marriage and considered unlawful. In its constitution, it lacks a legal framework supporting homosexuality. However, homosexuals are perverts and homosexuality an aberration. Therefore, the same-sex marriage (Prohibition) Act was warmly welcomed by the majority of Nigerian citizens. However, analyzing this Act from different points of view show different sentiments. Religiously/culturally, the Act is utterly accepted. However, looking at it from the right lens, it appears dicey and allegedly gives room for misinterpretations, while it is seen by human rights activists as an avenue for the violation of human rights. The consequences of the act are neither here nor there from the medical point of view because of the medical pros and cons of homosexuality. More so, the argument on homosexuality from the gender point of view is inconclusive as some argue it is an inherent phenomenon while others consider it a learned disorder.

However, it appears an approval of same-sex marriage in Nigeria could lead to a weird society. It could affect negatively the moral standard of the social structure and the institution of marriage. That notwithstanding, the act is seemingly unwarranted. The abundance of arguments for and against this Act makes it quite dicey for one to take a stance on it. Be that as it may, this study concludes that this ‘unfair’ Act appears not to have thoroughly thought through and vetted. It seems to have gotten a spontaneous and not-critically-reasoned attention and approval by Nigerian legislators and the Nigerian public. Hence, this Act may have to be amended or repealed in future.

References

- African Commission on Human and Peoples' Rights (2014). *Press Release on the Implication of the Same Sex Marriage (Prohibition) Act 2013 on Human Rights Defenders in Nigeria*. Retrieved on July 27, from <http://www.achpr.org/press/2014/02/d190/>
- Baliga, R.R. (2012). *250 Cases in Clinical Medicine*, 4th ed. Edinburgh: Saunders Elsevier.
- Davidson, S. (2006). *Davidson's Principles and Practice of Medicine* 20th ed. China: Elsevier.
- Family Research Institute (2015). *How do the kids of homosexual parents turn out? The best evidence*. Retrieved on February 8, 2016, from <http://www.familyresearchinst.org/.../>
- Haralambos and Holborn (2008). *Sociology: Themes And Perspectives* 7th ed. London: HarperCollins.
- Harvey, J.F. (2007). *Homosexuality and the Catholic Church: Clear Answers to Difficult Questions*. Pennsylvania: Ascension Press.
- Ilo, S.C. (2014). The Same-Sex Marriage Prohibition Act, 2013: A Call for Dialogue for the Sake of Those on the Margins. *Sahara Reporters*. Retrieved on July 26, 2014, from <http://www.saharareporters.com/2014/01/29>
- John Paul II (January 9, 1980). *The Nuptial Meaning of the Body*. An address delivered by the Holy Father during the general audience of January 9, 1980. Retrieved on July 27, from http://www.vatican.va/holy_father/john_paul_ii/audiences/catechesis_genesis/documents/hf_jp-ii_aud_19800109_en.html
- Lawyers Alert (2014). *Clause by Clause Analysis of Nigeria Same Sex Marriage (Prohibition) Law, 2013*. Retrieved on July 28, 2014, from <http://www.lawyersalert.wordpress.com/2014/01/22/clause-by-clause-analysis-of-nigeria-same-sex-marriage-prohibition-law-2014/>

- Longmore, M., Wilkinson, I.B., Davidson, E.H., Foulkes, A. & Mafi, A.R. (2010). *Oxford Handbook of Clinical Medicine 8th ed.* Italy: L.E.G.O.
- Okoroma, U.U. (2014). *Legal Review of the Same Sex Marriage (Prohibition) Act 2014.* Retrieved on July 24, 2014, from anabagail.wordpress.com/2014/01/21/legal-review-of-the-same-sex-marriage-prohibition-act-2014/
- Peschke, K.H. (1999). *Christian Ethics: Moral Theology in the Light of Vatican II, vol. 2.* Bangalore: Theological Publications.
- Same Sex Marriage (Prohibition) Act 2013.* Retrieved on July 22, 2014, from <http://www.omojuwa.com/2014/01/>
- Universal Declaration of Human Rights (1948).* Retrieved on July 17, 2014, from <http://www.un.org/en/documents/udhr/>
- Uzoma, E.F. and Okoye, M.K. (2010). Challenges and Implications of Genesis 2:18-24 on Same-Sex Marriage for the Contemporary Society. In A.B.C. Chiegboka (Ed.). *Journal of Religion and Human Relations 1(3)*, pp. 74-85. Enugu: Rabboni.
- Vitelli, R. (2013). *Psychology, law and same-sex parenting.* Retrieved on February 8, 2016, from <http://www.psychologytoday.com/.../>