GENDER, ENVIRONMENT AND MOBILITY: EXAMINING MIGRATION GOVERNANCE THROUGH WOMEN AND MINORITY RIGHTS*

Abstract
The disproportionate effect of life incidences on Women and children knows no bounds. It is a hydra-headed issue that transcends the bounds of human processes and Migration is no exception. Women and Children are the most vulnerable in the push factors of Migration and are also disproportionately affected in the process of escaping from these factors. While appreciating the inter connectivity of gender, Environment and Mobility, this paper focuses on Migration governance and its effect on women and minorities. This is achieved by the doctrinal methodology using Conventions Statutes, case Laws, Journal Articles and Internet Services. This paper finds that despite the laws and policies guiding Migration, women and children continue to be disproportionately affected and in recommendation, review of some laws and strict enforcement and human right approach to Policies should be the watchword to all stake holders.

Keywords: Gender, Environment and Mobility, Migration Governance, Women and Minority Rights

1. Introduction

Inequality and discrimination have molded women's experiences through the ages in all areas of life. Migration process and Governances is not an exception in this conspiracy. The 2030 Agenda for Sustainable Development has acknowledged that Migration is a major driver of sustainable development for both migrants and their communities, as it ensures transfer of skills and financial resources and other visible benefits.[1] These are embedded in globalization which has occupied a prominent place in world agenda for long. Gender inequality is also a major cause of delay in world development processes. It therefore plays a vital role in migration process as one's gender determines how the person is affected in the Migration process as well as other processes in the world development agenda. Women migrate for various reasons and under various circumstances vis a vis; Some move voluntarily others are forced migrants as a result of conflict, natural disasters, persecution, insecurity, livelihood as i) dependant family member to marry someone in another country; and ii) as principal wage earner for their families

Demographics[2] show that total migrants in 2024 was 304 million up from 281 million in 2020 and this population is split evenly as women make up 48% of international migrants. If gender Inequality drives under development and women make up half the migrant population, then laws, policies governing migration should be gender friendly, if migration is to remain a pivotal point in World Development. This still seeks to examine Migration Governance and its effect on Women and Minorities (5pecifically women and children).

2. Conceptual Issues

Gender

The word gender is amenable to many connotations in social sciences; it could refer to social differences. Many Languages also have a system of grammatical gender, where nouns for example are classified as masculine or feminine, but these are basically conventional as they have no relationship to the actual meaning of the word. Gender is usually used inter changeably with sex to denote the condition of being male or female. Globally, communities interpret biological differences between men and women to create a set of social expectations that define behaviours that are appropriate for them respectively, and determine men's and women's different access to rights, resources and power in society.[3] This is gender profiling. The degree of these differences varies from one society and its circumstances, to another. They however typically favour the male gender. Within the ambit of this paper, gender is considered both the condition of being male or female and also the societal expectations and social construct for male and female.

Women and Minority

This concept refers to female adults and other vulnerable groups. The ordinary dictionary meaning of a woman is 'An adult female human being,[4] while a female is the sex which conceives and gives birth to the young Adult is said to be

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[1] UN 10m Migration, sustainable Development and the 2030 Agenda https://www.10m.int/migration-sustainable-development-and-2030-genda accessed 23/5/2026

[2] Migration Data Portal
https://www.migration data ortal.org accessed on 23/5/2026
https:/www.un.org accessed on 23/5/2026
https://world migration Report 2024 – 10m accessed on 25/5/2026

[3]Felicia Anyogu (2013) Access to Justice in Nigeria: A Gender Perspective 2nd edition Ebenezer Production Ltd, Enugu p.15,

[4]As Hornby, Oxford Advanced Learners Dictionary of current English, 6th edition, Oxford University Press London 2004 p.B73 20 Bolander, The New Lexicon Webster's Dictionary of the English Language Delux Encyclopaedie edition New York Lexicon Publication Inc 1991 p. 1130

grown to full size or strength and this does not always express chronological age. Various Laws in Nigeria define age of maturity within various concepts. Under the common Law, it is 21 when he or she is capable of running his or her own life. For the purposes of Franchise, and citizenship, the 1999 Constitution[5] of the Federal Republic of Nigeria stipulated 18. Under the infant Laws of the various States in Nigeria,[6] It is 21. In matters concerning marriage, 21 is the age where parental consent is not required,[7] which can be construed to be the age of maturity for that purpose. Customary rules adopt lower ages of 12 and 14 as age of maturity for girls and boys respectively. The child rights Act[8] has also stipulated age 18 as the age of majority. There is also the need to align with international standards on this as the conventions, all adopt 18. Other minorities exist aside, women and children. These could all be classified as people living with disabilities.

For the purpose of this paper, women and minorities is limited to adult females irrespective of marital status. It also includes children below 18 years, even though the female children are usually disproportionally affected. The females in issue here are also natural female, as sex is determined at birth.

Environment

One's environment is the totality of the physical surroundings and conditions that inter play to determine the person's, development and survival. This includes the air, water, land and all that may be in them including other human beings. The environment is made up of living and non-living things otherwise known as the Biotic and Abiotic components.

Mobility

In ordinary parlance mobility is the act of moving or being moved from one point to another easily and freely. Mobility is something that can be experienced in every aspect of life. Generally, it is expressed in terms of health, where your joints and muscles are free for one to move about easily. It is the potential for movement and the ability to get from place to place using one or more modes of transport to meet daily needs.[9] Mobility can be vertical or horizontal. Vertical Mobility is moving from one status to a higher one or to a lower one. Horizontal is moving from one place to another on the same level. In all these, the movement embraces health economic, geographical and social mobility.

Human Rights

Everyone, by virtue of his or humanity is entitled to some rights. This belief began during the era of renaissance in the early modern period. The idea of human rights laid the foundation for the American and French revolutions, which in turn heralded the birth of the adult suffrage. Along the line came the Paris Peace Conference, and the League of nations which gave rise to the 'Universal Declaration of Human Rights[10] in 1948. The Preamble of this Declaration sees these as inalienable rights of all members of the human family and hence states *inter alia* that; All human beings are born free and equal in dignity and rights[11]. The UDHR even though not binding, gave rise to other instruments protective of Human Rights, where state parties are to make laws, and policies in compliance to these International Instruments. The hall mark of the UDHR is that 'Everyone is entitled to all rights and freedoms set forth in the Declarations without distinction of any kind, such as race, colour, sex, Language religion….[12] Nigeria in its obligation, to the UDHR, has enshrined the human Rights provisions right from Independence. Presently they are to be found in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria 1999 (as amended). These include the right to life[13], right to dignity of human person[14], right to personal liberty[15], rights to fair hearing[16], private and family life[17], freedom of thought conscience and religion[18], and freedom of expression are the press[19]. They also include right to peaceful assembly and association[20], freedom of movement[21], freedom from discrimination[22] right to acquire and own non immovable property anywhere.[23] Nigeria[24] and the right not to have such property compulsorily acquired save in the manner and for the purposes prescribed by a law

[5]S. 77 (2) and S. 117 (2)
[6]See eg. Laws of Anambra State 1986 applicable to Enugu State
[7]S.18m, Laws of the Federation of Nigeria 2004
[8]Interpretation section of the Child Rights Act 2003
[9] https://www.baloise.com, accessed on 23/5/2026
[10]G.A Res.217 (III) adopted on 10th December 1948 by United Nations General Assembly.
[11]Article I
[12]Article 12
[13]s.33
[14]s.34
[15] s.35
[16]s.36
[17]s.37
[18]s.38
[19]s.39
[20]s.40
[21]s.41
[22]s.42
[23]s.43
[24]s.44

that among other things requires the conditions stipulated under this section[25]. The Chapter also grants the High Court special Jurisdiction on matters relating to the violation of these rights[26], and this implies another right of the citizen to enforce the rights in Court.

Migration

Migration is an age long phenomenon. All over the world, people have been said to have migrated from some place to their present homesteads. This is well known among the people and not debatable. Even among natives in the villages in Nigeria, many migrated from elsewhere to settle where they are now. Many reasons informed these migrations such as wars, family disputes and hostilities, search for arable land etc. Today, Migration is still an ongoing phenomenon and seems to be a normal, popular, human activity. It is the movement of a person or people from one country, locality, place of residence to settle in another[27]. It involves movement over a distance and settling in another defined place. Generally, migration is the movement of people or animals from one place to another in search of greener pastures, (better conditions of life and economic opportunities). For animals, it is usually on account of seasonal changes. Within this Migration are emigration (to leave one's country to live in another) and immigration (to come to another country to live permanently). Migration could also be internal or external. For the purposes of this paper, migration is the international movement of people from one country to another.

Migration Governance

Migration governance refers to the modalities states employ to see that the migration process is done in safety. It operates to protect national security and facilitate safe, and dignified migration. It does so through systems, laws, policies and institutional framework used by nations to regulate the movement of people across the borders. It refers also to different categories of migration with different policies, frameworks: labour migration (high skill, law skill, temporary), family migration, migration for studies, refugee and international protection status and irregular migration[28]. It encompasses these as well as incidences of decision-making dynamics and implementation of these laws, policies and institutional frameworks discussed hereunder.

3. Laws and Policies Governing Migration

These are encompassed in international law (Treaties etc) National Laws and or domestic legislations, and Institutional framework. These laws and policies are structured to protect migrants from the adverse effects of Migration. While also upholding the Sovereignty of States.

International Legal Framework

The United Nations General Assembly in 1990 came up with a particular Instrument, the ICRMW. This is the International Convention on the Protection of the Rights of all Migrant Workers and Members of their families[29]. It established an international definition of migrant worker as 'a person who is to be engaged or has been engaged in a remunerated activity in a state of which he/she is not a national[30]. The Migrant Workers (supplementary Provisions) convention[31] defines a migrant worker as 'a person who migrates or has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker[32]. It further makes a classification of Migrant workers in an irregular situation, as those who are not 'authorized to enter, to stay and to engage in a remunerated activity in the state of employment pursuant to the law of that state and to International agreements to which that state is a party'[33]. They are entitled to all the human rights except Social Security, and this may jeopardise their access to social protection including health care. This may also create issues in response systems such as seeking support during abuse, exploitation and trafficking all of which women and children are disproportionately affected. The ICRMW enumerated the collective rights of migrants as the basic human rights known today.

Refugee Convention[34] and its Protocol:[35] These are the foundational Refugee Laws. They both outline the refugee status, and mandate all nations to protect in all ramifications, all persons fleeing from adverse effects and persecution. The protocol entered into force on 4th October 1967 and had 146 state signatories.

[25]s. 45
[26]s. 46
[27]What is Migration; https://www.our migration story.org.uk/about/what-is-migration.html accessed 28/5/2026
[28]Migration Research Hub https://www.migrationresearch.com
[29]It came into force in 2003.
[30]Article 2(I).
[31]1975(No 143, part II)
[32]Article II(I)
[33]ICRMW Article 5
[34]1951
[35]1967

CEDAW[36] and its Optional Protocol:[37] Perhaps this is the best fall out of the United Nations effort to better the lot of Women. Among all the United Nations documents, it addresses specifically the interest of women and can be referred to as a 'handbook' on women[38]. It recognizes and protects three categories of women migrant workers: i) Those who join their spouses or other members of their families; ii) Those who migrate independently; iii) Undocumented women migrant workers who may also be in any of the above.

International Human Right, International Labour Law, International Consular Law and International Maritime law: International Human Rights Laws (IHRL) particularly has a stronger bearing on migrations; it applies to all people at all times. It provides the obligations for states to be bound by, while the orders may point to special groups. For example, states must respect and abide by the human rights expectations of all migrants by avoiding the violations; preventing the violations, and taking important measures to realize these rights: and this of necessity means having salient human rights principles like; equality and non-discrimination on issues like sex, race, ethnic group, age, gender and religious indignations. This also includes identifying and attending to the peculiar needs of migrants in vulnerable situations. Migrants should have free access to participation and be included in matters concerning the exercise of their rights; and states should show transparency in implementation of their policies. These are all to make room for the rule of law. All this is achieved through the OCHR (Office of the United Nations High Commissioner for Human Rights)

Implementation of policies relies on organizations and government bodies. Internationally, the leading institutional framework for migration is the International Organization for Migration (IOM). It is also a child of United Nations which works globally to assist migrants, refugees and internally displaced group. Its aim is to ensure migration enshrined in Humanity and orderliness. It does so by essentially regulating Migration, proffering solutions in the process of migration and generally protecting lives and people. It's a global Institutional framework for Migration and therefore has an office in every state Party of the United Nations. There is also the United Nations Refugee Agency (UNHCR) which generally supervises the welfare of displaced communities and stateless persons in areas of emergency response, Human Rights Advocacy and solving problems of statelessness[39]. There is also the Global Compact for safe, Orderly and Regular Migration (GCM) serving similar purpose and ensuring effective protection.

National and Regional Laws and Polices
Migration is a Global issue so countries and regions maintain specific national and regional polices. eg. Nigeria ECOWAS and East African states have protocols promoting free movement of goods, persons and Labour across member states. Immigration Acts across board also outline visa requirements.

Nigeria's Response
Nigeria in compliance with the global mandate has provisions in the 1999 Constitution of the Federal Republic of Nigeria (as amended) has provisions on movement; Discrimination and others that form the core of safe migration. The said Constitution provides for freedom of movement[40]. The means that every Nigerian is free to move in and out of the country. The Constitution also provides for dignity of the Human person[41], so nobody should be subjected to torture or inhuman treatment. The Constitution prohibits any form of discrimination based on sex, religion, ethnic group place of origin or political opinion. It also in s.17(3) eliminates demographically derived disparities and hence promotes equal pay, equal work, as it is in 17(3) focuses on gender based disparity. The main legal source on issues of migration in Nigeria is the Nigerian Immigration Act[42]. It is guided by the various International Human Rights Treaties, regional (ECOWAS) Treaties, protocols and their Interpretation by the Nigerian Government. The basic thing it does is to protect the rights of people leaving or entering Nigeria. It prohibits the seduction of a person below thirteen years of age[43]. Subsidiary legislations following from this are: Immigration Regulations 1963, Immigration control (of Aliens) Regulation 1963, Passport (Miscellaneous Pension) Act 1990. For now the vital policies for now in Nigeria are the National Migration Policy, National Policy on Labour Migration, International Labour Migration Desk. These operate to make for effective administration and management emigration for socioeconomic benefit of Nigeria[44], promote good governance on labour migration creating opportunities for the welfare of Migrants and the families they left behind and protecting the employment and social rights of Nigerian Migrant Workers and also to oversee the national electronic labour exchange project and services such as international job searches, and all the counseling and briefing that follows the success of it.[45] For now, Nigeria seems to have struck a formal labour recruitment deal with Saudi Arabia.[46] This agreement

[36]Convention on the Elimination of All forms of Discrimination Against Women. Adopted on 18/12/79 but came into force on 3/9/81
[37]Adopted by the General Assembly on 6/10/99 and opened for signature on 10/12/79.
[38]Felicia Anyogu (2013), *Access to Justice in Nigeria: A Gender Perspective* 2nd edition Ebenezer Production Ltd, Enugu, p.55
[39]The UN Refugee Agency https://www.unher.org
[40]s.41
[41]s.34
[42]s.41
[43]s.34
[44]Tobechukwu Nneli *et al* (2022) migration relevant policies in Nigeria https://www.mignex.org/sites/default/files/2023-02/do.53f-mbp-migration-related-polities-in-nigeriav2 o.pdf accessed 1/6/2026
[45]Ibid
[46]https:// Africa.businessinsider.com accessed 1/6/2026

aligns with Saudi Arabia's vision 2030 goals to reform its work force. It also seeks to formalize Nigeria's labour contribution to Saudi Arabia while protecting workers and their welfare[47].
Nigeria also has agreements at various stages with Namibia, Qatar and Ethiopia.

4. Challenges
Migration is a global issue where laws are made globally and these laws and policies form the basis or control the incidences of national laws and policies. Whatever peculiarities one may have in their home country certainly affect them in enjoyment of the global protection. Generally, women face all manner of restriction in quest for migration, such as restriction on emigration based on sex, age, marital status, maternal status, occupation-specific restrictions or requirements, and in view of all these some women require written permissions from male relatives to obtain a passport to travel or migrate. In transit, migrant women may be abandoned by agents in the face of difficulties. In country of Destination: migrant women may encounter *de jure* and *de facto* discrimination. Appropriate work for women also conspires to limit women's choice of occupation. They therefore dominate in domestic work. They also face inequalities that affect their health as they may not be able to access health services,[48] because insurance may be unavailable to them or unaffordable[49].

Migration can heighten the level of women's vulnerability to gender violence. This is more so when lack of family and social support conspires with their background of victims of discrimination and structural inequalities. During migration women and girls are exposed to physical and sexual violence by authorities, border control official and traffickers. They may also face discriminatory situations from actions of the native populace[50]. Bringing this home to Nigeria and how unfortunately a Nigerian woman migrant and the girl child are vulnerable to the challenges discussed above, is the fact that Nigeria is a tradition bound society where gender Inequality and patriarchy are at play in every enclave and domain. The customary law and many of our legislations put men at the helm of affairs. Under the customary law, the man is the 'Price' and accordingly many of our legislations are made using the custom as a backbone and having discriminatory colourations. The Constitution gives citizenship to women married to a Nigerian man, but not to a foreign man married to a Nigerian woman[51]. Indecent assault on a male carries a three-year jail term[52] but that on a female is two years[53].

Violence against a female spouse is tacitly approved under wife chastisement.[54] Among the several law that are discriminatory against women is where a female Police Officer is required to get a written consent of the Commissioner of Police if she is desirous of getting married. She must state his name, address and occupation. This is to ascertain that he is of good character[55]. The Immigration Act shadily prohibits the defilement of a young girl, and the seduction of a person below 13. Is thirteen the age of maturity? And who is a young person? These are the problems facing Nigerian women and children in Migration. Women from tradition bound societies where gender Inequality and patriarchy are endemic, carry it along from their place of origin, to transit country and to the place of destination. They therefore form the vulnerable among the vulnerable. Fortunately, Nigerian Courts are pronouncing on the Legality or otherwise of some of the discriminatory laws Cases like Wela v Attorney General of the Federation[56] (on Police Regulation), *Mojekwu v Ejikeme*[57] (female Inheritance), attest to this.

5. Conclusion and Recommendations
It has been shown from data that half the populations of migrants are females and migration is a human Rights issue. There is no doubt that one's gender controls to a large extent the life experiences, quality of life, and even life expectations of such person. Nigerian Female Migrants carry the burden of entrenched and endemic gender Inequality in Nigeria into International Migration. The man is considered first when there is availability of work while the woman usually remains more capable in sacrificing herself for the well-being of her family. Remittances are also controlled by the men while women stay influenced by their place in the gender system. The following recommendations are made as a fall out from the above discussions. Section 42 of the 1999 Constitution does not follow anybody home to private issues. An addendum should be made here to include all actions inimical to the dignity of women. All the Discriminatory provisions in our laws should be done away with. Harmonisation of the laws are necessary. Implementation of policies is at the whims and caprices of whoever is in authority. If an issue is not on the priority list, it may never get implemented. Political 'Will' is therefore important and this is an aspect of good governance. Gender Inequality should be erased from the Nigerian Society. This can be achieved by reviewing the customs and traditions that breed the said inequality. Adequate collection, collation, and analysis of data relating to the abuse on Migrant women and children is also very necessary. The Empowerment of women should be made a subject of active and aggressive sensitization and Advocacy. The NGO[s] have worked hard in fighting the violations of the Human Rights of women and children. The Government is therefore enjoined to create a favourable atmosphere for the operation of the NGO[s] in Nigeria.

[47]https://x.com
[48]10M Development Fund (2015) Migrant Women and gender violence: strategies and perspectives for interventions accessed 1/6/2026
[49]CEDAW General Recommendations.
[50]I0M *opcit*
[51]s. 26(a)
[52]s.300 Criminal Code Act
[53]s.353 *Ibid*
[54]s.55 (I)(d) Penal Code p3 Laws of the Federation 2004.
[55]Nigeria Police Act, Regulation 124.
[56](unreported) Suit No: FHC/CS/M128/2010 of 30th April 2012
[57](2000) 5NWLR402.