

Summer 8-1-2021

Twists & Swirls: Caregiving & Sexualization—Femininity Construct in Gendered Migration from Nigeria to Italy

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Recommended Citation

Essie Sagay, Christiana (2021) "Twists & Swirls: Caregiving & Sexualization—Femininity Construct in Gendered Migration from Nigeria to Italy," *Indiana Journal of Global Legal Studies*: Vol. 28: Iss. 2, Article 3. Available at: <https://www.repository.law.indiana.edu/ijgls/vol28/iss2/3>

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Twists & Swirls: Caregiving & Sexualization—Femininity Construct in Gendered Migration from Nigeria to Italy

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ABSTRACT

With globalization, interconnectivity, and the possibilities of increased income through wage differentials comes the desirability to migrate for labour. Contrary to early migration theories, women are increasingly migrating for labour independent of male breadwinners. Therefore, “temporary and permanent movements are globalizing,

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accelerating, diversifying and feminizing.”¹ The influence of gender on migration has become so convoluted that culturally and socially constructed roles of masculinity and femininity motivate and inspire migration trends among many women migrating from Nigeria to Italy, creating a sort of gendered social agency. This piece offers an analysis of how social contexts and gendered expectations shape the desires of many Nigerian females to migrate and remain in Italy for labour. This piece also examines the role and response of law and policy in gendering migration trends.

INTRODUCTION

Societies and communities have existed for as long as humanity has existed. Within societies, social and cultural norms have shaped and continue to shape the ideologies, thought patterns, and decision-making processes of community members creating a sense of social agency. Migration decisions are not spared the intervention of social agency.

Out-migration from Nigeria began on a large scale after the Nigerian independence in 1960.² These out-migrations were initially for educational prospects, but the 2000s saw an upsurge of many less educated youths emigrating, particularly to Europe—Italy, Ireland, Germany, Spain, France, the Netherlands, Belgium, and the Persian Gulf States.³ The choice of destination country significantly depends on socialized norms and perceived opportunities available in the destination country. In many cases, these perceived opportunities are gendered by socialization in the country of origin. Socialization in this way bolsters migrants’ perceptions, expectations, and outcomes in the country of destination.

When individuals perceive the possibility of attaining better living conditions in a community or country alien to their own, “social locations”⁴ weigh heavily on the decision to emigrate to and remain in

1. ELEONORE KOFMAN, ANNIE PHIZACKLEA, PARVATI RAGHURAM & ROSEMARY SALES, *GENDER AND INTERNATIONAL MIGRATION IN EUROPE: EMPLOYMENT, WELFARE AND POLITICS* 1 (Kum-Kum Bhavani et al. eds., 2000) (emphasis added).

2. Blessing U. Mberu & Roland Pongou, *Nigeria: Multiple Forms of Mobility in Africa’s Demographic Giant*, MIGRATION POLICY INSTITUTE (June 30, 2010), <https://www.migrationpolicy.org/article/nigeria-multiple-forms-mobility-africas-demographic-giant>.

3. *Id.*

4. Patricia R. Pessar & Sarah J. Mahler, *Transnational Migration: Bringing Gender In*, 37 INT’L MIGRATION REV. 812, 816 (2003). Social locations refer “to persons’ positions within inter-connected power hierarchies created through historical, political, economic, geographic, kinship-based and other socially stratifying factors. For the most part, people

the destination country. This is true of many females within this migrant corridor from Nigeria, especially those migrating from Edo State⁵ to Italy. In many cases, transnational gender mobility takes the form of “relay migration.”⁶

For many of the less-educated women and girls seeking to migrate, Italy is the desired country of destination for a plethora of reasons, including the perceived opportunities available in Italy and the expectation that socially and culturally-acquired norms from Nigeria can be leveraged in Italy to earn a living. Also, migrant networks built from a long history of kindred migrants within this corridor offer a boost in the decision-making process of many other women and girls seeking to migrate.

This article explores the place of socially constructed roles in the migration pattern of female migrants from Nigeria to Italy. It postulates the existence of a somewhat “culturally appropriate,” “socially constructed” gender binary of caregiving or sexualization within the feminine gender binary as a particular reality for many women and girls within this migrant corridor. This binary, this author argues, is a catalyst for the out-migration of many Nigerian women and girls to Italy.

After a précis of the migration trends and statistics of migration flow from Nigeria to Italy, the second section of this article draws on existing scholarship on gender and migration to analyze questions on gender stereotypes and migration trends within the female migrant stream from Nigeria to Italy. This article interrogates the question of “being gender”⁷ and “doing gender” for female migrants within this corridor. This section relies on references to the gendered social reality of many Nigerian females and research carried out by Action Aid in Nigeria on women’s unpaid care work.

Referencing legal structures, this piece analyzes the confluence of national and international legal structures and policies with social structures in the process of gendered migration. The article begins by analyzing the impact of Nigerian immigration laws and policies on the

are born into a social location that confers on them certain advantages and disadvantage.”
Id.

5. Edo State is one of the 36 States in the Federal Republic of Nigeria. It is located in the southern part of Nigeria and has four major ethnic groups: Edo (Bini), Esan, Owan, and Esatko.

6. This infers a concept where members of a family are obligated to take up the burden of migrating at different stages in a family’s life cycle to create economic benefits for other members of the family.

7. Being gender focuses on gender performance; it refers to acting out gender roles prescribed by society. See JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY* 25 (Linda J. Nicholson ed., 1990).

ways migrants may choose to negotiate their emigration process, and the role of the Italian immigration laws and policies in gendering migration. It then analyzes subsequent laws and policies aimed at addressing escalating migration trends and how subsequent interventions by the Nigerian and Italian governments have responded to the phenomenon of gendered migration. Referencing international standards in this article, the author offers an analysis of what the construct of *gender responsiveness* in the Global Compact for Migration offers the scholarship of gender and migration.

Overall, this paper offers a nuanced analysis of how socially constructed roles and obligations shape gendered migration of women from Nigeria to Italy by integrating pre-defined, culturally-appropriate gendered roles to delineate how institutional and legal structures in the country of origin—Nigeria—perpetuate the maintenance of gendered norms in the country of destination—Italy—and how these institutional and legal structures shape the mode of migration and the opportunities and outcomes open to women and girls within this migrant corridor in Italy.

A. Pouring Out the Facts—The Nigerian Migration Trend

Nigerians have emigrated as far back as post-independence 1960—first for education, and subsequently to Europe, where they hoped to find economic benefits,⁸ and the so-called “European dream.”⁹ In the 1990s, a wave of Nigerian women migrated to Italy for sex work¹⁰ through migrant and kinship networks. Also, “residence contracts” for domestic workers have been a conduit through which many Nigerian women have travelled to Italy to take up care work.¹¹ Altogether, trends and facts from the Italian Ministry of the Interior indicate that the rate of Nigerians out-migrating to Italy is steadily increasing.¹² According to the statistics from the Italian Ministry of the Interior, there has been a 19.8% increase in migration inflow of Nigerians to Italy in 2017 from

8. See Mberu & Pongou, *supra* note 2.

9. Maged Srour, *I Am a Nigerian Migrant, Struggling to Live the 'European Dream' – Part 1*, INTER PRESS SERVICE (Aug. 23, 2018), <http://www.ipsnews.net/2018/08/nigerian-migrant-struggling-live-european-dream-part-1/>.

10. See Francesco Carchedi, *Considerations on Foreign Prostitution in Italy. A Background Picture*, 60 PAPERS: REVISTA DE SOCIOLOGÍA 85, 87-88 (2000).

11. See Franca van Hooren, *When Families Need Immigrants: The Exceptional Position of Migrant Domestic Workers and Care Assistants in Italian Immigration Policy*, 2 BULL. ITALIAN POL. 21, 32-33 (2010).

12. Srour, *supra* note 9.

the previous year, placing Nigerians as 2.1% of the entire migrant population in Italy.¹³

The uptrend in out-migration from Nigeria to countries such as Italy evinces the worldwide trend of material migration flow in the last few years.¹⁴ Today, approximately 281 million people are currently living outside their country of origin.¹⁵ Migration at its best is an essential tool for development, the transference of skills, and human resources innovation. Accurate migration data bears considerable benefits.¹⁶ It not only aids in the process of identification and creation of incentives for migrant groups with relevant and required skills, it also assists in societal integration of migrants; development for both countries of origin and destination; identification of victims of human trafficking; and voluntary return of economic migrants—saving countries of destination resources in repatriation processes.¹⁷ The importance of migration data is, therefore, paramount¹⁸ in the formulation of migration laws and policies in countries of origin, transit, and destination.¹⁹

In sub-Saharan Africa, statistics on migration flow are sparse, though they are gradually improving. In particular, data on emigration flow from sub-Saharan Africa are likely to be more readily available in the destination countries than countries of origin.²⁰ This is also the case in Nigeria because extensive information on migration flow is constrained. The fluidity and mostly clandestine patterns of mobility among migrants within this corridor have made it exceedingly difficult to gather accurate statistics, even from the Nigerian embassy.²¹ For example, information depicting migration flow of Nigerians to Italy is more readily available in Italy through information provided by the Italian Ministry of the Interior. Also, the activities of international organizations like International Organization on Migration (IOM), United Nations International Children's Emergency Fund (UNICEF), Organization for Economic Co-operation and Development (OECD), as

13. *Id.*

14. In particular, migration flow has tripled in the last 50 years. See INT'L ORG. FOR MIGRATION'S [IOM] GLOB. MIGRATION DATA ANALYSIS CTR., IOM & MCKINSEY & CO., MORE THAN NUMBERS: HOW MIGRATION DATA CAN DELIVER REAL-LIFE BENEFITS FOR MIGRANTS AND GOVERNMENTS 24 (2018).

15. Dept't of Econ. & Soc. Affs., Population Div., *Int'l Migration 2020 Highlights*, U.N. Doc. ST/ESA/SER.A/452, at 5 (2020).

16. See IOM, GLOB. MIGRATION DATA ANALYSIS CTR., *supra* note 14, at 19.

17. See *id.* at 32.

18. See *id.* at 24.

19. See *id.* at 28.

20. ADERANTI ADEPOJU, NORDISKA AFRIKAINSTITUTET, MIGRATION IN SUB-SAHARAN AFRICA 55 (2008).

21. *Id.* at 23.

well as those of investigative journalists have in some way provided useful information in gauging the statistics of out-migration from Nigeria to Italy.²²

For example, according to the migration profile of Nigeria by UNICEF, between 1990 and 2013 there was a steady increase in out-migration of Nigerian men and women alike, with a higher trajectory in out-migration of women.²³ Also, OECD maintains an International Migration Database, with statistics documenting migration flow into OECD countries from 1950.²⁴ According to the OECD international migration outlook for 2020, Nigeria was fourth in numbers of immigrants sent to Italy.²⁵

In all respects, not only has cross-border migration been on the steady increase in Nigeria, but intra-border migration within Nigeria has also seen a constant upsurge.²⁶ The population of urban agglomerations²⁷ in cities such as Benin City and Aba in Nigeria²⁸ demonstrate the progression of intra-border migration within Nigeria.

22. See *infra* notes 23, 24, 26.

23. In 1990 the estimated number of men that out-migrated was pegged at 48,276 and 88,362 in 2013. The number of women estimated to have migrated in 1990 was estimated at 47,341 in 1990 and 85,254 in 2013. UNICEF, *Migration Profiles: Nigeria*, <https://esa.un.org/migmgprofiles/indicators/files/Nigeria.pdf> (last visited Nov. 24, 2018).

24. According to the database, “OECD countries seldom have tools specifically designed to measure the inflows and outflows of the foreign population, and national estimates are generally based either on population registers or residence permit data.” OECD, INTERNATIONAL MIGRATION OUTLOOK 2018 294 (42d ed. 2018), https://doi.org/10.1787/migr_outlook-2018-en. See generally OECD, *International Migration Database*, OECD.STAT, <https://stats.oecd.org/Index.aspx?DataSetCode=MIG#> (last visited Nov. 24, 2018) (documenting migration flow into OECD countries) [hereinafter OECD Stats].

25. OECD, INTERNATIONAL MIGRATION OUTLOOK 2020 (2020), https://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2020_ec98f531-en (last visited Apr. 20, 2020).

26. See NILIM BARUAH & RYSZARD CHOLEWINSKI, IOM, HANDBOOK ON ESTABLISHING EFFECTIVE LABOUR MIGRATION POLICIES IN COUNTRIES OF ORIGIN AND DESTINATION 18 (2006), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_203851.pdf. See generally U.N. DEPT’ OF ECON. & SOC. AFFAIRS, POPULATION DIV., *Trends in International Migrant Stock: The 2015 Revision*, U.N. Doc. POP/DB/MIG/Stock/Rev.2015 (Dec. 2015) (providing estimates of the international migrant stock taking into consideration various factors across several years).

27. Urban agglomerations have been generally defined from six perspectives: ecological, statistical/quantitative, functional interconnectivity, accessibility-focused, population-focused, and a perspective highlighting distance from core cities. See Chuanglin Fang & Danlin Yu, *Urban Agglomeration: An Evolving Concept of an Emerging Phenomenon*. 162 LANDSCAPE & URB. PLAN. 126, 127-32 (2017).

28. These cities have been relatively small cities; especially Benin City, referred to as the “ancient city” of Benin because of its rich cultural heritage. But with urbanization, functional interconnectivity, and accessibility in these cities, they have rapid transformed into a major hub for people migrating from rural areas. Christiana E.E. Okojie, *Female*

On cross-border migration, Europe, North America, and Oceania have been cited as “net receivers” of international migrants, with Africa—along with Asia, Latin America, and the Caribbean—cited as “net senders.”²⁹ For many Nigerians seeking to migrate, Europe is the continent of destination,³⁰ and Italy—which is rated the fifth most popular destination in Europe³¹ and the most popular destination for Nigerians out-migrating to European nations³²—is often a preferred country.³³ Beyond the perceived benefits available in Italy, the existence of a strong migrant network (a “social bridge” with which immigrants may begin their journey in the destination country) serves as an endearing force for this migrant stream.³⁴ Nigerians are notably credited with having a strong foothold in coastal Italy—with some connection in the underworld—facilitating the mobility of irregular migrants into Italy.³⁵ This is particularly evident in the irregular and often hazardous transit route used by many of the migrants within this stream. A migrant follows a journey by road from northern Nigeria to

Migrants in the Urban Labour Market: Benin City, Nigeria, 18 CAN. J. AFR. STUD. 547, 547-62 (1984) (discussing the rural-urban migration of Nigerian females to Benin City, Nigeria). According to OECD Statistics Dataset on Aficapolis List and Population of West African urban agglomerations from 1950-2010. The population in 2010 Benin City has been listed as 1,120,000 in 2010 (placing it in first position with Abuja) from 730,000 in 1990 and 906,000 in 2000, as with and Aba at 1,010,000 in 2010 from 464,000 in 1990 and 685,000 in 2000. See OECD Stats, *supra* note 24.

29. U.N. Dep’t of Econ. & Soc. Affs., Population Div., *World Population Prospects: The 2015 Revision, Key Findings and Advance Tables 6* (U.N., Working Paper. ESA/P/WP.241, 2015).

30. According to the National Migration Policy 2015, in all emigration 62.3% of Nigerians emigrate to other African Countries with 18% emigrating to Europe. IOM, NATIONAL MIGRATION POLICY 2015, at 12 (2015) [hereinafter NMP], https://publications.iom.int/system/files/pdf/national_migration_policy_2015.pdf.

31. IOM, WORLD MIGRATION REPORT 2018, at 69 (Marie McAuliffe & Martin Ruhs eds., 2018).

32. IOM, ENABLING A BETTER UNDERSTANDING OF MIGRATION FLOWS AND (ITS ROOT-CAUSES) FROM NIGERIA TOWARDS EUROPE 17, 22, 24, (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/Desk%20Review%20Report%20-%20NIGERIA%20-%20DP.1635%20-%20MinBuZa%20%2803%29.pdf>.

33. Alessandro Lanni, *5 Things You Should Know About (Second-Class) Nigerian Migrants*, OPEN MIGRATION (Mar. 7, 2016), <https://openmigration.org/en/analyses/5-things-you-should-know-about-second-class-nigerian-migrants/>; see also *Migration to Europe in Charts*, BBC NEWS (Sept. 11, 2018), <https://www.bbc.com/news/world-europe-44660699> (explaining that “[i]n Italy, the most common country of origin is Tunisia, followed by Eritrea, Sudan, Nigeria and Pakistan”).

34. Joris Schapendonk, *Turbulent Trajectories: African Migrants on Their Way to the European Union*, 2 SOCIETIES 27, 27, 36 (2012).

35. Rasheed O. Olaniyi, *Global Sex Trade and Women Trafficking in Nigeria*, 6 J. GLOB. INITIATIVES: POL’Y, PEDAGOGY, PERSP. 111, 116 (2011).

Niger, through the desert to Libya, and finally across the Mediterranean Sea to Italy.³⁶

Mobility statistics have rigorously documented the fact that many Nigerians prefer to emigrate to Italy.³⁷ For example, between 1991 and 2001, researchers recorded that Nigeria had the fifth highest percentage of variation immigration to Italy.³⁸ By November of 2016, reports indicated that 36,000 migrants reached Italy by crossing the Mediterranean.³⁹ This indicates an average of 109 Nigerians arriving via this route daily.⁴⁰ Reports estimate that Nigerians account for 21% of immigrants who travel to Italy through the Mediterranean.⁴¹ Another report puts the number of Nigerians who reached Italy through Libya in 2016 at 27,000, a 48% increase from 2015.⁴² Reports state that during the first half of 2017, more than 12,000 Nigerians reached Italy through Libya—an overwhelming majority of whom are women and girls.⁴³

Details of women and girls migrating from Nigeria to Italy are abundant.⁴⁴ The push and pull factors that contribute to migration are

36. ADEPOJU, *supra* note 20, at 24-27.

37. BRIDGET ANDERSON & JULIA O'CONNELL DAVIDSON, IS TRAFFICKING IN HUMAN BEINGS DEMAND DRIVEN? A MULTI-COUNTRY PILOT STUDY (2003).

38. FRANCO PRINA, TRAFFICKING OF NIGERIAN GIRLS TO ITALY: TRADE AND EXPLOITATION OF MINORS AND YOUNG NIGERIAN WOMEN FOR PROSTITUTION IN ITALY (2003).

39. Agency Report, *36,000 Nigerians Crossed Mediterranean to Italy in 2016*, PREMIUM TIMES (Jan. 11, 2017), <https://www.premiumtimesng.com/news/top-news/220197-36000-nigerians-crossed-mediterranean-italy-2016.html>.

40. *Id.*

41. *Id.*

42. Lorenzo Bagnolie & Matteo Civillini, *Why Nigerians Top the List of Ethnicities Most Often Deported from Italy*, OPEN MIGRATION (Nov. 3, 2017), <https://openmigration.org/en/analyses/why-nigerians-top-the-list-of-ethnicities-most-often-deported-from-italy-and-how-much-does-it-cost/>.

43. *Id.*; see also Tom Kingston, *Italy Says Thousands of Nigerian Women Who Arrive as Migrants are Forced to Work as Prostitutes*, L.A. TIMES (Dec. 08, 2016), <http://www.latimes.com/world/europe/la-fg-italy-nigerian-prostitutes-20161208-story.html> (“[T]he number of Nigerian women sailing to the country from Libya has risen from 1,454 in 2014 to 10,624 between January and the end of November.”).

44. See Baher Kamal, *To Be a Nigerian Migrant in Italy*, RELIEFWEB (Aug. 31, 2017) (citing article from Inter Press Service referred to as IPS), <https://reliefweb.int/report/italy/be-nigerian-migrant-italy>; see also Sine Plambech, *Sex, Deportation, and Rescue: Economies of Migration Among Nigerian Sex Workers*, 23 FEMINIST ECON. 134 (2017) (discussing the economic link to the migration of Nigerian women to Europe and how Italian is among the three language lessons for prospective migrants). See generally Hope Eghagha, *What are Edo Girls Doing in Italy?*, THE GUARDIAN (Sept. 18, 2017, 3:30 AM), <https://guardian.ng/opinion/what-are-edo-girls-doing-in-italy/> (discussing the route to Italy for women and girls from Edo State in Nigeria and the reasons for their making the trip).

complicated and interrelated.⁴⁵ For this migrant stream, as with other migrant streams from Nigeria, the push factors include economic hardship, conflict in the northeastern part of Nigeria ravaged by the Boko Haram insurgency,⁴⁶ lack of the rule of law, corruption, and political instability.⁴⁷ On the other hand, experts have identified the following as pull factors for this migrant stream towards Italy: the possibility of obtaining asylum⁴⁸ and citizenship in Italy, intergenerational ties,⁴⁹ a better standard of living for family members back home in Nigeria through the wage differential (primarily due to the present currency devaluation in Nigeria),⁵⁰ and migrant networks built from a long history of mobility within this migrant corridor.⁵¹ The pull factors identified have set Italy apart from other European countries.⁵²

People migrate for a host of reasons: economic, social, political, and environmental. Ultimately, one could argue that migration is the movement of people to acquire a new lease on life. On this premise, this article argues that gender roles and stereotypes are prominent considerations in both the country of origin and country of destination when one is accessing opportunities and possible outcomes available to migrants at the country of destination. However, the focus of this article is on analyzing how gender roles within the country of origin (Nigeria)

45. See generally AFRICAN UNION, THE REVISED MIGRATION POLICY FRAMEWORK FOR AFRICA AND PLAN OF ACTION (2018-2027): DRAFT 5, https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf (last visited Aug. 25, 2018).

46. See *id.*

47. See *id.*

48. Open Migration documented that between December 2015 and November 2016, 40% of women seeking Asylum in Italy came from Nigeria. See Francesca Romana Genoviva, *The Number of Women Seeking Asylum in Italy and Who They Are*, OPEN MIGRATION (Mar. 8, 2017), <https://openmigration.org/en/analyses/the-number-of-women-seeking-asylum-in-italy-and-who-they-are/>.

49. Eleonora Castagnone, Ester Salis & Viviana Premazzi, *Promoting Integration for Migrant Domestic Workers in Italy* 34 (Int'l & Eur. Forum of Rsch. on Immigration, Int'l Migration Papers No. 115, 2013).

50. See Ben Taub, *The Desperate Journey of a Trafficked Girl*, THE NEW YORKER (Apr. 3, 2017), <https://www.newyorker.com/magazine/2017/04/10/the-desperate-journey-of-a-trafficked-girl>.

51. See Barbie Latza Nadeau, *'Migrants are More Profitable than Drugs': How the Mafia Infiltrated Italy's Asylum System*, THE GUARDIAN (Feb. 1, 2018, 1:00 EST), <https://www.theguardian.com/news/2018/feb/01/migrants-more-profitable-than-drugs-how-mafia-infiltrated-italy-asylum-system>.

52. Jorgen Carling, *Trafficking in Women from Nigeria to Europe*, MIGRATION POL'Y INST. (Jul. 1, 2015) <https://www.migrationpolicy.org/article/trafficking-women-nigeria-europe> (discussing other potential destination countries for these migrants including the Netherlands, Spain, Germany, Belgium, Austrai and the United Kingdom, though to a lesser degree).

perpetuate the decision to travel and to remain in the destination country (Italy), and how laws and policies aid and / or react to gendered migration.

B. Structural Component

In 2016, IOM Nigeria presented a National Migration Policy (NMP)⁵³ to Nigeria's federal government.⁵⁴ Before the National Migration Policy, despite Nigeria's commitment to addressing migration trends and its adoption of several substantive regional and international treaties, Nigeria had no strategic framework addressing internal and cross-border migration trends of Nigerians.⁵⁵

The NMP was poised to address this lacuna by focusing on protecting migrants' rights⁵⁶ through its guiding principles, particularly the adoption and ratification of national, sub-regional,⁵⁷ regional,⁵⁸ and international standards and treaties⁵⁹ that focus on migrant groups and their protection. Though the NMP set a standard in acknowledging the scale of out-migration from Nigeria, Nigeria still has no formal structure to aid nationals migrating to other countries; people are left to facilitate their own decisions to emigrate to escape economic hardship.⁶⁰

53. NMP, *supra* note 30.

54. Press Release, IOM Nigeria, IOM Nigeria Presents National Migration Policy to Government (Mar. 3, 2016), <https://www.iom.int/news/iom-nigeria-presents-national-migration-policy-government>.

55. NMP, *supra* note 30, at 17.

56. *Id.* at 2.

57. Migration Dialogue for West Africa (MIDWA) was inaugurated in 2017 by the Economic Community of West African States [hereinafter ECOWAS] to address migration challenges in the West African Sub-Region. *See also* Protocol Economic Community of West African States Revised Treaty Art. 59, May 28, 1975; ECOWAS Protocol Relating to Free Movement of Persons Residence and Establishment, January 5, 1979 [hereinafter FMPRE]; Protocol on the Code of Conduct for Implementation of the Protocol on FMPRE, July 1, 1985; Protocol on the Second Phase (Right of Residence) of the Protocol on FMPRE, July 1, 1986; Protocol Amending and Complementing the Provisions of Article 7 of the Protocol FMPRE, June 1, 1989; Protocol on the Implementation of the Third Phase (Right of Establishment) of the Protocol FMPRE, May 2, 1990.

58. African Union Strategic Framework on Migration and Development and African Union Common Position on Migration and Development.

59. *See* G.A. Res. 45/158 (Dec. 18, 1990), and Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, *opened for signature* December 12, 2000, 2241 U.N.T.S. 507 (entered into force Jan. 4, 2004), for examples of international instruments focused on the protection of migrants' rights against exploitative labour, human trafficking and smuggling, discrimination, and other malpractices that could arise from migration.

60. FED. MINISTRY OF LAB. & PRODUCTIVITY, LABOR MIGRATION POLICY FOR NIGERIA, UN HIGH COMMISSION FOR HUMAN RIGHTS [OHCHR] 8 (2010), <https://www.ohchr.org/>

The immigration laws⁶¹ and policies⁶² in Nigeria mainly concern attracting Foreign Direct Investment (FDI)⁶³ and regulating migration flow into the country,⁶⁴ especially following the Aliens Expulsion Order of 1983.⁶⁵ Section 1(2)(a) of the Nigerian Immigration Act 201 (NIA), which repealed the 1963 Immigration Act,⁶⁶ places a general responsibility on the Nigerian Immigration Service to control “persons

Documents/Issues/SRMigrants/submissions/Nigeria_NHRI_Annex3_Submission_GA-Report.pdf.

61. See Immigration Act No. (8) (2015) 102:73 O.G., (Nigeria); Immigration Regulations No. (6) (1963) 50:57 S.O.G., B372-B394 (Nigeria); Immigration Regulations No. (3) (2017) 104:25 O.G., (Nigeria).

62. With the most current being the Nigerian Visa Policy 2020 launched by the Nigerian Immigration Services on February 4, 2020.

63. On June 6, 2012, the Federal Executive Counsel of Nigeria approved a new visa regime in Nigeria. This regime comprises a number of visa categories aimed at increasing the inflow of foreign direct investments (FDI); encouraging rapid industrialization; employment generation; boosting tourism; and attracting innovators and highly skilled professionals. One class of visa allows for the grant of up to ten-year visas for strategic investors; it also offers strategic visitors and government officials’ access to visas at point of entry. See generally *FG Approves New Visa Regime to Attract Tourists, Investors* VANGUARD (June 13, 2012, 6:50 PM). <https://www.vanguardngr.com/2012/06/fg-approves-new-visa-regime-to-attract-tourists-investors/>. The 2015 Immigration Act and the 2017 Immigration Regulations cumulatively provide for the extension of Visa on Arrivals to business travelers to Nigeria who may have been unable to obtain visas because they lack Nigerian consulates in their home countries or as a result of “exigencies of urgent business travels.” And so “[t]he operational mechanism of the dynamic paradigm so far rests on three basic principles: those of trade augmentation through FDI, of increasing factor incongruity and of localized (but increasingly trans-nationalized, at least in part) learning and technological accumulation.” Eric Chi Nnadozie, *Economic Theory of Foreign Direct Investments and the Nigerian Immigration Regulations 2017*, 74 J.L. POLICY & GLOBALIZATION 11, 20, 22 (2018). The new visa regime also entitles investors who import and invest a minimum amount of capital into a verifiable new business a minimum five-year visa, as well as the possibility of receiving a permanent residency status as part of the automatic expatriate quota allocation. In response to this, the capital importation into Nigeria has continued to see an upward trend in the last few years. The third quarter of 2017 specifically recorded a substantial increase in comparison with the previous quarters: a total of \$4,145. One million capital imported was recorded in the third quarter of 2017, which more than doubled the inflow in the second quarter of 2017. This boom is due to major foreign investments in the country from a more receptive immigration regime. NAT’L BUREAU OF STAT. & CENT. BANK OF NIGERIA, NIGERIAN CAPITAL IMPORTATION (Q3 2017), NAT’L BUREAU OF STATISTICS 1(2017) <http://www.nigerianstat.gov.ng/>.

64. *Safe Landing: An Overview of the Nigerian Immigration Act, 2015*, ADVOCAT LAW PRACTICE (Sept. 2015). <http://www.advocat-law.com/assets/resources/79b82998b93439484faa12458edf0404.pdf>.

65. The Nigerian government expelled over two million illegal aliens from the country on January 17, 1983 with this order. A majority of the expelled aliens were Africans from Ghana.

66. Immigration Act (1963) Cap. (I1), (Nigeria).

entering or leaving Nigeria.”⁶⁷ As a follow-up mechanism, the 2017 Immigration Regulation came into force on February 27, 2017.⁶⁸ The Nigerian government enacted the 2017 Immigration Regulation to provide implementation support to the 2015 Immigration Act.⁶⁹ Coupled with its objective of implementing the 2015 Immigration Act, a paramount objective of the 2017 Immigration Regulation is to consolidate existing immigration regulations in Nigeria.⁷⁰ The 2017 Immigration Regulation and the 2015 Immigration Act focus primarily on attracting foreign direct investment,⁷¹ managing the migration flow into the country through controlling immigration,⁷² controlling ship crews and stowaways,⁷³ issuing travel documents,⁷⁴ and controlling foreign nationals’ residency and employment within Nigeria.⁷⁵ The control mechanisms of the 2015 Immigration Act and the 2017 Immigration Regulation have yielded only minimal changes in the policies and laws that address gendered transnational mobility, especially in regard to women and girls going from Nigeria to Italy. It can be inferred therefrom that the mandate and control mechanism of the Nigerian Immigration Service is regulation of irregular migration into Nigeria.

Perhaps Nigeria’s inadequate legal and policy attention to out-migration trends from Nigeria has dramatically propelled the growth of irregular migration and migrant smuggling from Nigeria to Italy. This trail of irregularity and migrant smuggling has expanded its breadth, perpetuating exploitation of vulnerable populations, particularly women and children, and giving rise to a plethora of cases with a *migrant-human trafficking nexus* within this migrant corridor. Media outlets, international organizations (including IOM,⁷⁶ UNICEF,⁷⁷ and UNODC),⁷⁸ and institutions within Nigeria such as the National Agency

67. Immigration Act 2015, *supra* note 61, at § 15.

68. See Immigration Regulation 2017, *supra* note 61.

69. *Id.* at § 1 ¶a; see also *Nigeria-Immigration Regulations, 2017*, KPMG (Mar. 2017) <https://assets.kpmg/content/dam/kpmg/ng/pdf/tax/ng-nigeria-immigration-regulations-2017.pdf>.

70. Nnadozie, *supra* note 63, at 21.

71. Immigration Regulation (2017), *supra* note 61, at pt. II & III.

72. See *id.* at pt. V.

73. See *id.* at pt. IV.

74. See *id.* at pt. VI.

75. See *id.* at pt. III.

76. See Press Release, IOM Nigeria, *supra* note 54.

77. UNICEF in Nigeria, UNICEF NIGERIA, <https://www.unicef.org/nigeria/> (last visited Apr. 27, 2018).

78. *Preventing and Combatting Trafficking in Minors and Young Women from Nigeria to Italy (project NGA/T18)*, UNODC, <https://www.unodc.org/nigeria/en/t18-traffickingip.html> (last visited Apr. 27, 2018).

for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP)⁷⁹ have all made this analogy.

The continuous situational emphasis on the *migrant-human trafficking nexus* for over two decades led to the establishment of the Directorate of Migration and Division for regular / irregular migration encapsulated by section 61 of the 2015 Immigration Act. The directorate is saddled with several functions, one of which is “researching into external and internal factors responsible for smuggling . . . and . . . addressing the problems, to enhance the prevention and elimination of the root causes of smuggling of migrants.”⁸⁰ For a migration trend so well-documented and established for a considerable length of time, no known and tangible research on the “external and internal factors,”⁸¹ responsible for transnational mobility of individuals within the Nigeria-Italy corridor exists from this directorate. The powers and functions of the directorate are extensive. The members of the directorate have crucial significance to the formulation of laws and policy that address factors that stimulate out-migration, particularly gendered migration trends among females within the migrant corridor under examination.

I. GENDER AND MIGRATION

*“Gender is central to any discussion of the causes and consequences of migration, whether forced, voluntary or somewhere in between.”*⁸²

Gender transcends the simple male versus female dichotomy implicit in the definition of sex.⁸³ Though gender is frequently and interchangeably used in place of female or femininity,⁸⁴ gender connotes all the complex ways that culture infuses biological differences with meaning through associated codes of conduct of the different sexes,⁸⁵ masculinity, and femininity.

79. *Nigeria, Finland Collaborate Against Human Trafficking*, NAPTIP (Aug. 4, 2017), <https://www.naptip.gov.ng/?p=1154>.

80. Immigration Act (2015), *supra* note 61, § 62(q), at A216.

81. Directorate of Migration has, among others, a responsibility to research internal and external factors responsible for migrant smuggling according to Immigration Act 2015, *supra* note 61, at § 62 ¶ q, with no evident yields.

82. *Gender and Migration*, IOM, <https://www.iom.int/gender-and-migration> (last visited Oct. 16, 2018).

83. Pessar & Mahler, *supra* note 4, at 813.

84. See Kitty Calavita, *Gender, Migration, and Law: Crossing Borders and Bridging Disciplines*, 40 INT’L MIGRATION REV. 104, 105 (2006).

85. See Pessar & Mahler, *supra* note 4, at 813.

The discourses of sex and gender are articulated by language and meaning that illustrate that both sex and gender are expressions of sexual difference within cultural, historical, and social contexts.⁸⁶ Sex is primarily based on “biological determinism” (anatomical and biological makeup), while gender is an abstract idea. Gender is conceived as an effect of sex—“one’s self image, and the deep psychological or emotional sense of sexual identity and character.”⁸⁷ The dominant discourse and articulation of sex notwithstanding, queer theorists argue that the notion of sex, as with gender, is fluid⁸⁸ and very much a question of social construction.

Summarily, gender is the “socialized aspects of femininity and masculinity.”⁸⁹ Femininity, one aspect of the differentiated gender⁹⁰ binary, according to feminist legal theorists, is a socially constructed phenomenon.⁹¹ Society and culture create and prescribe roles deemed ideal or appropriate behaviour for a person of the female sex. These roles exist because societies tacitly agree to these acts as though these subtle distinctions exist.⁹²

Theories of migration began on the premise that females previously played a passive role in migration, asserting that women migrated as dependents, solely for family unification, or participated in “invisible” aspects of the labour market (for example, providing unpaid work in a family business or unpaid care work within the family unit).⁹³ The assumption, therefore, was that females rarely, if ever, migrated independently of a male breadwinner.⁹⁴ But today, “temporary and permanent movements are globalizing, accelerating, diversifying and

86. See Laura Grenfell, *Making Sex: Law's Narratives of Sex, Gender and Identity*, 23 LEGAL STUD. 66, 68 (2003).

87. *Id.* at 68, 90.

88. See Ratna Kapur, *Gender, Sovereignty and the Rise of a Sexual Security Regime in International Law and Postcolonial India*, 14 MELBOURNE J. INT'L L. 317, 328 (2013). The focus here, however, is the conceptualization of gender as socially constructed.

89. Jeanne Mareck, Mary Crawford & Danielle Popp, *On the Construction of Gender, Sex and Sexualities*, in THE PSYCHOLOGY OF GENDER 192, 200 (Alice H. Eagly, Anne E. Beall & Robert J. Sternberg eds., 2d ed., 2004).

90. The first and only international treaty to define gender is the Rome Statute of the International Criminal Court [hereinafter Rome Statute] article 7, paragraph 3, July 17, 1998, Article 7(3), which states, “For the purpose of this Statute, it is understood that the term “gender” refers to the two sexes, male and female, within the context of society. The term “gender” does not indicate any meaning different from the above.”

91. See Calavita, *supra* note 84, at 105.

92. STEVEN PINKER, THE BLANK SLATE: THE MODERN DENIAL OF HUMAN NATURE 202 (2002).

93. See KOFMAN ET AL., *supra* note 1, at 1-2.

94. See *id.* at 3.

feminizing.”⁹⁵ Also, early migration theorists assumed migration decisions of net economic returns relied on individual decisions⁹⁶ alone absent influence from the broader social unit. But in reality, social constraints, or lack thereof, influence gender-specific patterns of migration.⁹⁷

With the progression of time and a shift into the “age of migration,” data shows that large numbers of females are migrating independently of male breadwinners.⁹⁸ Though the pace of out-migration of women for economic reasons has increased, it can be deduced that reasons for gender migration in many contexts are reliant on more comprehensive social units and patterns.⁹⁹ The reliance on more comprehensive social units and patterns creates a domino effect by which the opportunities and outcomes available to these females are, in many cases, bolstered by assumed gender roles and stereotypes. In this way, these social constructs offer women a limited opportunity to transgress gender roles. In many cases, these females are obliged to perform gender in the way they have been socialized because transgressing social roles creates an opportunity cost much more significant for females than males.¹⁰⁰ Intersectionalities and situational circumstances like poverty also make it much more challenging to break free from prescribed gender roles.¹⁰¹ In this way, gender shapes migration in one of two ways: “out of relative deprivation”¹⁰² or out of “networks of obligation.”¹⁰³

95. *Id.* at 1.

96. *See id.* at 21.

97. *See id.* at 1.

98. *See id.*; *see also* Anjali Fleury, *Understanding Women and Migration: A Literature Review* (KNOMAD, KNOMAD Working Paper No. 8, 2016), <http://atina.org.rs/sites/default/files/KNOMAD%20Understaning%20Women%20and%20Migration.pdf> (“Data indicate that the rate of female migration is growing faster than male migrants in many countries that receive high levels of migrants.”).

99. BARUAH & CHOLEWINSKI, *supra* note 26, at 18. The influence of wider social units like family, culture history, and gendered roles therefore help migrants forge the decision to migrate, where to migrate, how to migrate, and what job roles they are expected to fill in their country of destination. *See* IOM, GLOB. MIGRATION DATA ANALYSIS CTR., *supra* note 15, at 18.

100. *See* KOFMAN, ET AL., *supra* note 1, at 21-22.

101. DEBORAH BUDLENDER & RACHEL MOUSSIE, MAKING CARE VISIBLE: WOMEN’S UNPAID CARE WORK IN NEPAL, NIGERIA, UGANDA AND KENYA 4 (2013), <https://actionaid.ie/wp-content/uploads/2016/10/Making-Care-Visible.pdf>.

102. Relative deprivation is a social science term used to describe a change in human movement or association occasioned by lack of basic social amenities or social inequalities. In labor migration scholarship, it has been asserted that relative deprivation, plays a key role in the decision for people to migrate. *See generally* Oded Stark & J. Edward Taylor, *Migration Incentives, Migration Types: The Role of Relative Deprivation*, 101 ECON. J. 1163 (1991) (outlining the relative deprivation model of migration). *See also* Michael A.

For the last twenty-eight years in Nigeria, the female migrant stock as a percentage of the international migrant stock has continuously been on the increase from 43.9% in 1990 to 45.1% in 2017.¹⁰⁴ The influence of societal and cultural constructs of gender has become so pervasive that it influences individuals and their reasons for migration: who migrates, preferred locations, modes of migration, opportunities, and perceived outcomes in the countries of destination.¹⁰⁵ The reality is that culturally and socially constructed roles contribute in no small measure to migration patterns and trends; in this way, gender “shapes every stage of the migration experience.”¹⁰⁶

The concept of gender in defining individuals creates a sense of “being,” with all its stereotypes and particular assumptions even in migration trends. In Nigerian society and culture, these implicit stereotypical and categorical assumptions feed the transnational mobility trends of women and girls within this migrant corridor.

A. Gender Stereotyping and Migration Trends: The Nigerian Question

“[S]tereotypes . . . infringe unduly on the capacity of individuals to construct and make decisions about their own life plans.”¹⁰⁷

In many respects, Nigerian women migrate differently than their male counterparts; women are fueled by stereotypes and categorical assumptions, deprivations, and obligations. Stereotypes are “generalized views or preconceptions of attributes or characteristics posed by or the roles that are or should be performed by members of a particular group.”¹⁰⁸ These preconceptions function as “scripted identities,” defining gender, sex, and sex roles in combination with other

Quinn, *Relative Deprivation, Wage Differentials and Mexican Migration*, 10 REV. DEV. ECON. 135, 136 (2006).

103. Sara R. Curran & Abigail C. Saguy, *Migration and Cultural Change: A Role for Gender Social Networks?*, 2 J. INT'L WOMEN'S STUD. 54, 59 (2001).

104. U.N. DEP'T OF ECON. & SOC. AFFS., POPULATION DIV., *Trends in the International Migrant Stock: The 2017 Revision*, U.N. Doc. POP/DB/MIG/Stock/Rev.2017, (Dec. 2017), https://www.un.org/en/development/desa/population/migration/data/estimates2/docs/MigrationStockDocumentation_2017.pdf.

105. IOM, *supra* note 82.

106. *Id.*

107. REBECCA J. COOK & SIMONE CUSACK, GENDER STEREOTYPING: TRANSNATIONAL LEGAL PERSPECTIVES 11 (Bert B. Lockwood, Jr. ed., 2010).

108. *Id.* at 9; see also Sophia R. Moreau, *The Wrongs of Unequal Treatment*, 54 U. TORONTO L.J. 291 (2004).

compound human traits, such as age, race, ability, disability, class, group status, and national or immigration status.¹⁰⁹

Gender stereotypes, on the other hand, are the “conventions that underwrite the social practice of gender.”¹¹⁰ When these conventions become “socially persuasive”¹¹¹ or “socially persistent,”¹¹² they potentially create substantial social stratification through conditions that disadvantage women under the aegis of prescriptive contents¹¹³—contents that may be inherently unresponsive to change.

In Nigeria, gendered roles persist that mainly prescribe acceptable norms of social conventions. From early times, labour in Nigeria has been divided along gendered lines, with women’s roles in society primarily those of homemakers and wives.¹¹⁴ The lack of priority given to the education of the girl-child in Nigeria perhaps intensifies the preconceived notion that culturally and socially appropriate roles for women are in the private sphere—as wives, mothers, and daughters performing domestic service. For instance, of the 10.5 million children out of school, 6.3 million are girls.¹¹⁵ Also, 39% of Nigerian girls are married off before the age of fifteen.¹¹⁶ These prescriptions work hand-in-hand with society’s appropriation of fitting roles for males and females.¹¹⁷ These stereotypes amplify the justification for discrimination and bias against women and girls, influencing the choices women and girls have to make and obliging them to make choices on the strength of networks of familial obligations or by relative deprivation.

Leaders of feminist movements have worked tirelessly in deconstructing the differentiated gender binary that continues to keep

109. See COOK & CUSACK, *supra* note 107, at 10-31.

110. *Id.* at 20; see also Robert Post, *Prejudicial Appearances: The Logic of American Antidiscrimination Law*, 88 CALIF. 1, 18 (2000) (analysing how the law may impact stereotypical assumptions and discrimination).

111. In this way gendered norms are enunciated across diverse social sectors and cultures. COOK & CUSACK, *supra* note 107, at 22; see also Post, *supra* note 110, at 2; Reva B. Siegel, *Discrimination in the Eyes of the Law: How “Color Blindness” Discourse Disrupts and Rationalizes Social Stratification*, 88 CALIF. 77, 82 (2000).

112. In this way, gendered norms are enunciated incessantly. See COOK & CUSACK, *supra* note 107, at 22; see also Siegel, *supra* note 111, at 82; Post, *supra* note 110, at 2.

113. The substance of the conventions consists of complex strings of *to dos* in specific form and manner.

114. Toyin O. Falola, *The Role of Nigerian Women*, ENCYCLOPEDIA BRITANNICA (Nov. 20, 2007), <https://www.britannica.com/topic/role-of-Nigerian-women-1360615>.

115. Elaine Furniss, *Perspectives on Practices and Policy: A Quality Framework for OOSC*, EDUCATE A CHILD 36 (2014), https://educateachild.org/sites/default/files/attachments/Quality_paper_Book_Online_Version.pdf.

116. THE GIRL EFFECT TEAM, GIRL EFFECT: STATE OF THE GIRL REPORT 14 (2016).

117. HAZEL REEVES & SALLY BADEN, BRIDGE INST. OF DEV. STUD, GENDER AND DEVELOPMENT: CONCEPTS AND DEFINITIONS 2 (2000).

women sheltered in the private domain.¹¹⁸ These movements have largely influenced and may, in some way, be linked to the concept of *feminization of flows*. Today, women and girls have continued to maintain relative visibility in the public sphere with the advent of industrialization and the unrelenting commitment of women's rights advocates.¹¹⁹ Advocacy efforts creating a public versus private sphere dichotomy have fostered women's transition from the predominantly private sphere to the public sphere, discerning the public sphere as characterized by paid labour outside the home, and the private sphere as characterized by unpaid labour including domestic work and care work within the home, family, or community, or expected marital obligations.¹²⁰

Nigerian women are, therefore, seemingly permitted by changing social norms to take up paid labour outside the home, as women and girls are now regarded as crucial economic agents for the well-being of the family.¹²¹ Notwithstanding this transition, one can argue that many women and girls, particularly within this migrant corridor, covertly acquiesce to the continued performance of expected gender roles even while outside the home by undertaking paid labour as domestic workers, care workers, and sex workers. Despite the advent of industrialization and advocacy around women's rights, which now acknowledge a woman's right to actively engage in labour outside the home, labour continues to be gendered by many women and girls, who are continually and predominantly being boxed into roles of domestic service (e.g., care work or sex work). This implicates social locations:

118. See Jacquie Smyth, *Transcending Traditional Gender Boundaries: Defining Gender Roles Through Public and Private Spheres*, 4 ELEMENTS 27, 28 (2008), <https://doi.org/10.6017/eurj.v4i1.9010>. For third-world feminists, this dichotomy fails to encapsulate the lived realities of women of color with multiple intersectionalities. For the third-world feminist, paid labor is domestic work. The feminist critique of the public/private dichotomy has been an important contribution to feminist research. Exposing gendered and sexualized dimensions and inherent hierarchies, feminists have revealed the public/private distinction as an influential liberal power mechanism of modernity. See generally Brigitte Bargetz, *The Politics of the Everyday: A Feminist Revision of the Public/Private Frame*, as reprinted in RECONCILING THE IRRECONCILABLE (2009) (discussing the controversy that public/private frame has provoked and why it has been criticized).

119. According to feminist legal theorists, a domain demarcated the sanctity of the home and family, which is subject to state regulations and constitutional limits (or is simply a domain outside the home). Tracy E. Higgins, *Reviving the Public/Private Distinction in Feminist Theorizing*, 75 CHI.-KENT L. REV. 847, 847-48 (2000).

120. According to feminist legal theorists, a domain of home and family. *Id.*

121. See Plambech, *supra* note 44, at 149; see also Osezua O. Clementina, *Cross-Border Sex Trade, Transnational Remittances and Changing Family Structures among Benin People of Southern Nigeria*, 9 GENDER & BEHAV. 4276, 4276, 4279 (2011).

where women and girls within this migrant corridor are expected to carry on the burden of care out of familial obligations and continue to provide through income derived from the sale of sex, iterating beliefs about gender roles, body esteem, and self-objectification.

In Italy, migration data exists to show that women make up half the foreign population in Italy,¹²² giving rise to the increased “feminization of . . . flow.”¹²³ Stereotypes associating migrant women with the willingness to undertake care work for low wages and a reluctance to protest conditions of employment,¹²⁴ coupled with stereotypes of social displacement and isolation of migrant sex workers in Italy,¹²⁵ bolster the demand for female migrants as care workers and sex workers.¹²⁶ Thus, feminization of flow infers that the push and pull factors for migration to Italy are gender-differentiated and stereotypical. This inference does not assume all women have the same personalities, goals, and dispositions. However, perhaps the influx of women into Italy, or the “feminization” of women into Italy, highlights the existence of gender-differentiated opportunities and outcomes for this particular stream in the country of destination.

While there is limited aggregated data on the migration flow of women from Nigeria to Italy, the rate at which Nigerian women migrate to Italy has filled the media.¹²⁷ The infographic below details women’s general reasons to migrate to Italy. Though not explicitly tailored to the women and girls within this migrant corridor, it does provide an analysis that could be used in understanding how the societal and

122. Calavita, *supra* note 84, at 118. Because of the paucity of data in Nigeria, the percentage of Nigerian female foreign migrants is at best an estimate.

123. GABRIELLA LAZARIDIS, GENDER AND MIGRATION IN SOUTHERN EUROPE: WOMEN ON THE MOVE 7 (Floya Anthias & Gabriella Lazaridis eds., 2000).

124. Dawn Lyon, *The Organization of Care Work in Italy: Gender and Migrant Labor in the New Economy*, 13 IND. J. GLOB. LEGAL STUD. 207, 207 (2006).

125. See Olaniyi, *supra* note 35, at 123.

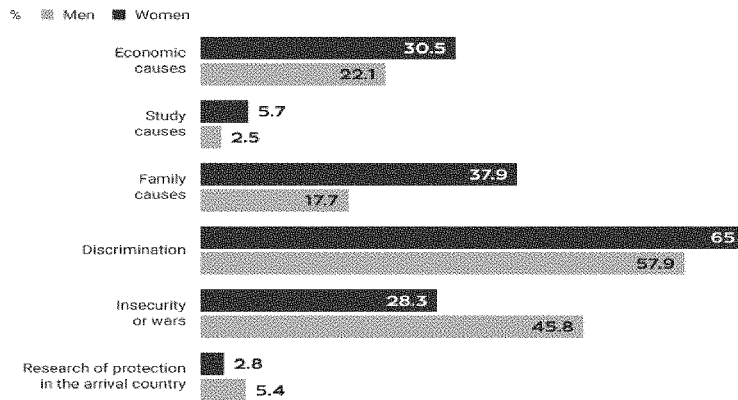
126. See generally BRIDGET ANDERSON & JULIA O’CONNELL DAVIDSON, IS TRAFFICKING IN HUMAN BEINGS DEMAND DRIVEN?: A MULTI-COUNTRY PILOT STUDY 10 (Frank Lackzo & Heikki Mattila eds., IOM Migration Rsch. Ser. No. 15, 2003), https://publications.iom.int/system/files/pdf/mrs_15_2003.pdf.

127. Ottavia Spaggiari, *Escape: The Woman Who Brought Her Trafficker to Justice*, THE GUARDIAN (Thu 27 Aug. 2020, 01.00 EDT), <https://www.theguardian.com/world/2020/aug/27/nigeria-italy-human-trafficking-sex-workers-exploitation-justice> (reporting that between 2015 and 2020, about 21,000 women and girls arrived in Italy); see also Eric Reguly, *In Sicily, Sex Slavery Takes Hold on the Edges of an African Exodus*, THE GLOBE & MAIL (May 7, 2017) <https://www.theglobeandmail.com/news/world/sex-slavery-african-women-in-italy/article34895329/> (illustrating that Nigeria is identified as the country of origin for most migrants arriving in Italy, making up just over 20% of the entire migrant population. Within this number, female migrants have greatly increased from a registered 1,450 female migrants in 2014 to 11,000 in 2015).

cultural gendered realities of many women within this stream serve as push factors for migration to Italy.

Reasons to leave, a comparison between genders

Research on socioeconomic profiles of migrants arriving in Italy based on a thousands of interviews realized between April and July 2016 in Cara, Cas and Sprar in different Italian regions



Source: OIM


openmigration.org

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Despite the perceived visibility of migrant women in the public sphere, the pervasive burden of care coupled with gendered expectations and familial relations weigh on women's decisions to migrate for labour.¹²⁹ The implication is, therefore, that although women have more independently migrated, much of their perceived autonomy is greatly influenced by familial relations and acceptable conducts of behaviour.¹³⁰ The infographic above places family causes for women to migrate to Italy at 37.9%, second only to discrimination.

Discrimination may also be rooted in gender stereotypes.¹³¹ Gender stereotypes form when practices create a distinction between males and females. The distinction creates differentiated opportunities and entitlements within communities that ultimately render unfavourable restrictions.¹³² For example, gender stereotyping occurs when society creates assumptions about women's roles as primary caregivers and objects of sexual pleasure without a more iterate "impermissible sex-

128. Francesca Romana Genoviva, *The Number of Women Seeking Asylum in Italy and Who They Are*, Open Migration (Mar. 8, 2017) <https://openmigration.org/en/analyses/the-number-of-women-seeking-asylum-in-italy-and-who-they-are/>.

129. *Id.*

130. *Id.*

131. See COOK & CUSACK, *supra* note 107, at 114.

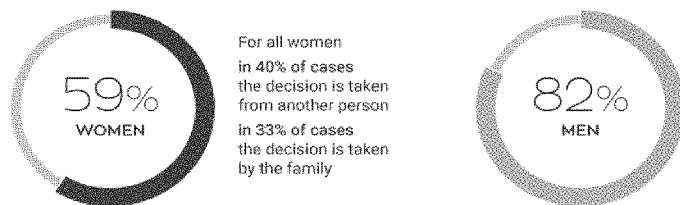
132. See *id.* at 107-08.

based motive.”¹³³ Gender-based discrimination can also be expressed in the unjust and prejudicial treatment of family members on the basis of social status or societal and cultural reactions to women’s acts of transgressing gender roles by omission or commission.

The decision to leave, a comparison between genders

Research on socioeconomic profiles of migrants arriving in Italy based on a thousands of interviews realized between April and July 2016 in Cara, Cas and Sprar in different Italian regions

■ ■ Women and men who decide to leave autonomously



Source: OIM

openmigration.org

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In the same context of familial ties, of the 59% of women who decide to migrate to Italy, family members make the decision to migrate for 33% of these women.¹³⁵ Thus, where family members make decisions to migrate, the choices are not isolated from the extended context of economic necessities and how “expected” roles can, in turn, be transformed into net economic returns by women and girls to fulfill familial obligations. In this way, gender engenders opportunities and outcomes. Perhaps a more significant analysis is how this social construct influences the job opportunities and outcomes available in Italy.

Moreover, though women and girls are seemingly permitted by socialization to break ranks and engage in paid labour outside the home, such labour often remains in the private domain—in the form of domestic work or sex work.¹³⁶ Stereotypes largely confine migrant women’s employment choices to a narrow band of domestic service and care work, and these stereotypes are bolstered by socialization and patterns of behavior that are deeply embedded in migrant women’s subconscious reasoning processes,¹³⁷ thus creating a cauldron of gendered socialization, gendered opportunities, and gendered outcomes.

133. See *id.* at 113.

134. Genoviva, *supra* note 129.

135. *Id.*

136. See KOFMAN ET AL., *supra* note 1, at 25.

137. See COOK & CUSACK, *supra* note 107, at 117.

In this way, migrant women make their mark upon their new location by providing care, providing services, and bringing new and diverse cultural perspectives to communities.¹³⁸

B. Social Construct of Gender in Nigeria: Being Gender

"If you are suffering, you see your mother, your father suffering, you have to make money! You have to go to Europe and survive your people."¹³⁹

Being gender requires the *performance* of socially constructed roles. Performance in this way involves acting out ascribed roles created by society in interactions with people, objects, social worlds, networks, and institutions.¹⁴⁰ For Judith Butler, the performance is what produces the individual: "there is no 'being' behind doing, as 'the doer' is merely a fiction added to the deed – the deed is everything."¹⁴¹ If performance brings a subject into being, it does so only in terms of the social and material coordinates and relations that make it possible or that form its scene of intervention.¹⁴²

The corollary, therefore, is that in every society, it is the performance of the roles that society constructs for each gender that determines who a person is—"their being." Through a process of socialization, women and men learn to conform to societal expectations.¹⁴³ Furthermore, this process of socialization creates a sense of self.¹⁴⁴ According to radical feminists, these socially-ascribed roles are bolstered by intersectionalities such as ethnicity and poverty.¹⁴⁵ In many ways, social factors like poverty compound and

138. JENNY BIRCHALL, BRIDGE INST. OF DEV. STUD, GENDER, AGE AND MIGRATION: AN EXTENDED BRIEFING 3 (2016).

139. Kristin Kastner, *Moving Relationships: Family Ties of Nigerian Migrants on Their Way to Europe*, 3 AFR. & BLACK DIASPORA: AN INT'L J. 17, 21 (2010).

140. Judith Butler, *Performativity, in* IN TERMS OF PERFORMANCE (Shannon Jackson & Paula Marincola eds., 2016), <http://intermsofperformance.site/keywords/performativity/judith-butler>.

141. BUTLER, *supra* note 7, at 33.

142. Butler, *supra* note 140.

143. JENNIFER K. WESELY, BEING FEMALE: THE CONTINUUM OF SEXUALIZATION 7-8 (2012).

144. *See id.* at 7; *see also* DAVID M. NEWMAN, SOCIOLOGY: EXPLORING THE ARCHITECTURE OF EVERYDAY LIFE 134 (Stephanie Prescott, 1997).

145. Intersectionality is an interaction of multiple identities such as class, race, age, gender, sexual orientation, migrant status, and disability and experiences. Kathy Davis, *Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful*, 9 FEMINIST THEORY 67, 68 (2008).

heighten prescribed socially-constructed identities, or as Rebecca Cook puts it, create “scripted identities.”¹⁴⁶

Over time, gender stereotypes of women have prescribed the role of women as mothers, homemakers, and caregivers—both socially pervasive and persistent stereotypes in many cultural and social communities.¹⁴⁷ Gender stereotyping has also been persistent in the objectification of women.¹⁴⁸ The components of gender stereotyping are, however, constantly evolving and vary in several different contexts and in the expression or “doing” of gender roles.¹⁴⁹ These different contexts, including in the relative transition of women from a predominately private sphere to the public sphere, continue to echo gender stereotypes.¹⁵⁰

Patricia Pessar and Sarah Mahler have referred to the concept of “social location” as a force to be reckoned with in addressing the discussion of gender in transnational migration.¹⁵¹ Social locations bestow people with the pros and cons of kinship and ethnicity.¹⁵² For Pessar and Mahler, the “social locations” of individuals determine drawbacks and distribute privileges and define ascribed roles and the pecking order within societies and sub-groups.¹⁵³ In this way, power hierarchies are not built at the national or supra-national level, but at levels of ethnic, cultural, or social stratification.¹⁵⁴

There are over 250 ethnic groups in Nigeria¹⁵⁵ as well as diverse cultural and social groups. The nuances of the social norms of all the ethnic, cultural, and social groups in Nigeria are, therefore, beyond the scope of this paper. But for female migrants within the migrant corridor

146. See COOK & CUSACK, *supra* note 107, at 18.

147. See *id.* at 22.

148. Objectification is a notion central to feminist theory. It can be roughly defined as the seeing and/or treating a person, usually a woman, as an object. In this article, the focus is primarily on sexual objectification; objectification occurring in the sexual realm. See Dawn M. Szymanski, Lauren B. Moffitt & Erika R. Carr, *Sexual Objectification of Women: Advances to Theory and Research*, 39 COUNSELING PSYCH. 6, 7-8 (2011).

149. See COOK & CUSACK, *supra* note 107, at 20.

150. See *id.* at 31.

151. Social locations “refer to person inter-connected power hierarchies created through historical, political, economic, geographic, kinship-based and other socially stratifying factors.” Pessar & Mahler, *supra* note 4, at 816 (emphasis added).

152. See *id.*

153. *Id.*

154. For example, social stratification as seen in citizenship, and rights ascribed by virtue of place of birth. See *id.*

155. C. C. Aguolu, *The Role of Ethnicity in Nigerian Education*, 48 J. NEGRO EDUC. 513, 516 (1979). The implication of this is that I am unable to fully account for the nuance of all the ethnic groups, so I limit my analysis to the Edo ethnic group, which accounts for about 80% of the migrant stream from Nigeria to Italy.

under view, this article argues the existence of a somewhat covert stereotypical female gender binary of caregiving / sexualization when examined in the context of transnational mobility from Nigeria to Italy. This binary influences the core of the decision to migrate, but most importantly, when gender intersects broadly with different features, it creates a social location of these women through “intersectionality” or compounded stereotypes.¹⁵⁶ These interactions work to keep the choices of women and girls within this migrant corridor within pre-defined, limited, and gendered categories. Therefore, one can deduce that the intersection of poverty, ethnicity, and gender roles that society expects this socially constructed binary to shape the lived experiences of these women and girls in their choices, opportunities, and outcomes—not only in the countries of origin but, more importantly, in the destination country, Italy.

This article argues for the existence of a pre-defined feminine binary of caregiving / sexualization interacting with multiple identities of gender, class, and migrant status of females within this migrant corridor. The “being” correlated to pre-defined gendered roles leverages this construction in its interaction with the social world as a catalyst for transnational mobility, while intensifying migration trends and patterns as a reaction to the lived experiences for these women and girls within this migrant stream.

As women and girls in Nigeria are made to fulfill familial expectations, obligations to undertake precise economic roles for the family build up. Women and girls in Nigeria play an essential role in the search for means of sustenance for themselves and the family.¹⁵⁷ This section unpacks how these expectations are gendered.

1. Caregiving

“Care is around us everywhere – from the mother who takes care of her children, to the wife who cooks her family’s meals, the eldest daughter who helps with the housework, and the widow who works in the community kitchen.”¹⁵⁸

156. See COOK & CUSACK, *supra* note 107, at 29. According to Cook, when “[g]ender intersects with other traits in a wide variety of ways to create compounded stereotypes that impede the elimination of all forms of discrimination against women and the realization of substantive equality.” *Id.*

157. PRINA, *supra* note 38, at ch. VII, § 7.1(5).

158. BUDLENDER & MOUSSIE, *supra* note 101, at 4.

Caregiving has garnered varied interpretations. It connotes a *being* imputed with a duty—a chore which must be undertaken.¹⁵⁹ Other ways to characterize this duty include a charge of performing acts of affection and devotion¹⁶⁰ or a task of caring for another individual by tending to their domestic chores and emotional needs.¹⁶¹ These duties are usually performed within the confines of a home or community. “Feminist research has shown care work to be gendered, badly rewarded and a socially constructed domain for women.”¹⁶² The assertion is that women and girls possess an inclination to care, and are therefore expected to obligatorily undertake the different care activities essential to maintaining our society the world over.¹⁶³ Nigeria is no exception.

Care work can be paid or unpaid and is predominantly feminized.¹⁶⁴ The realm of unpaid care work ranges from home-based care for the sick¹⁶⁵ to domestic work,¹⁶⁶ and is mostly considered obligatory and done within the family (extended or nuclear). There is often no compensation for this form of care work.¹⁶⁷ Paid care work, on the other hand, includes domestic work and care work done for mostly monetary compensation outside of the auspices of the worker’s extended or nuclear family.¹⁶⁸ Women account for 83% of paid domestic workers worldwide.¹⁶⁹ This unequal distribution of care responsibilities is linked to discriminatory

159. See Lyon, *supra* note 124, at 209-10; see also Hazel Quereshi, *Obligations and Support Within Families*, in *THE NEW GENERATIONAL CONTRACT: INTERNATIONAL RELATIONS, OLD AGE AND WELFARE* 100 (Alan Walker ed., 1996) (discussing familial and other associated obligations that contribute to feeling a sense of duty being imputed for caregiving of certain people).

160. See Lyon, *supra* note 124, at 210; see also Mary Daly, *Care as a Good for Social Policy*, 31 *J. SOC. POL’Y* 251, 252 (2002).

161. See Lyon, *supra* note 124, at 209; see also Scott Coltrane & Justin Galt, *The History of Men’s Caring*, in *CARE WORK: GENDER, CLASS AND WELFARE STATE* 15, 16 (Madonna Harrington Meyer ed., 2000).

162. Nompumelelo Thabethe & Lucy Chioma Usen, *Women’s Rights Are Older Women’s Rights Too: Narratives of Grandmothers in Home-Based Care*, 26 *AGENDA* 114, 115 (2012).

163. *Id.*

164. BUDLENDER & MOUSSIE, *supra* note 101, at 4.

165. See *id.* at 116.

166. ACTION AID, *supra* note 158, at 6.

167. BUDLENDER & MOUSSIE, *supra* note 101, at 23, 26 (In describing their perception towards care work, some women described it as “God-given role” or by saying “Housework is not real work; it is what we must do everyday.” Some men have also alluded to the fact that women are obligated to do care work. One man stated, “Women are meant to do housework,” and another noted, “I used to carry my child for pleasure not because I saw it as my responsibility to do so.”).

168. YAMILA SIMONOVSKY & MALTE LUEBKER, *GLOBAL AND REGIONAL ESTIMATES ON DOMESTIC WORKERS* 8 (ILO Domestic Work Pol’y Brief No. 4, May 24, 2011), http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_155951.pdf.

169. *Id.*

institutions and gender stereotypes that reinforce care work as the exclusive preserve of women and girls.¹⁷⁰

The construction of the *being* as a predominant caregiver is also entrenched in legislation. The gender-differentiated response to parental leave entitlements for parents of a newborn expresses this stereotype. The Nigerian Labour Act entitles a pregnant female worker to twelve weeks of maternity leave—six weeks before delivery and six weeks after delivery.¹⁷¹ On the other hand, there is no statutory entitlement to paternity leave or for leave for men to care for sick family members. This legislation reflects society's understanding that care work is a woman's exclusive preserve.

Following research conducted by Action Aid¹⁷² in Nigeria, women were quoted as saying, "Housework is not real work; it is what we must do every day,"¹⁷³ and that it is a "God-given role" to provide care for the children and the entire family.¹⁷⁴ So women and girls are expected to work tirelessly and carry out domestic work within the home.¹⁷⁵ This reflects the social construct of caregiving in Nigeria—subsumed under the feminine gender binary.

The expectations on women to provide care result in either a double day¹⁷⁶ or quitting the formal labour economy. According to a 2016 report by UN Women, 39% of principal female caregivers in Nigeria with long-

170. Gaëlle Ferrant, Luca Maria Pesando & Keiko Nowacka, *Unpaid Care Work: The Missing Link in the Analysis of Gender Gaps in Labor Outcomes*, (Dec. 2014) https://www.oecd.org/dev/development-gender/Unpaid_care_work.pdf.

171. Labour Act (2004) Cap. (L1), § 54(1)(a)-(b) (Nigeria).

172. Action Aid is an international organization, working with over fifteen million people in forty-five countries to help create a world free from poverty and injustice. See ACTION AID, www.actionaid.org/ (last visited Mar. 19, 2021). Action Aid utilized national time use surveys in reflect circles in Jiwa and Gaube, both in Northern Nigeria, to determine women's attitudes and time spent on unpaid care work.

173. BUDLENDER & MOUSSIE, *supra* note 158, at 23.

174. *Id.*

175. Editorial, *As Lagos Plan to Regulate Domestic Work*, THE GUARDIAN (Apr. 19, 2018, 3:05 AM), <https://guardian.ng/opinion/as-lagos-plans-to-regulate-domestic-workers/>.

176. The term "double day" describes the situation where a person who has a paid job is also responsible for a large amount of unpaid domestic work within the home. Women often spend a lot more time on unpaid labor, carrying out domestic child rearing roles, and caring for other members of the family. This obligation is largely culturally and socially defined, which has, over time, become an accepted norm and definition of expectations from women and girls alike. This phenomenon is also referred to as "double burden," "double duty," and "second shift". See also PHYLLIS MOEN, WORKING PARENTS: TRANSFORMATIONS IN GENDER ROLES AND PUBLIC POLICIES IN SWEDEN 4 (David L. Featherman et al. eds., 1989); ARLIE HOCHSCHILD & ANNE MACHUNG, THE SECOND SHIFT (1990) (discussing the "second shift," as being the role women take in the home); Susan Himmelweit, *Making Visible the Hidden Economy: The Case for Gender-Impact Analysis of Economic Policy*, 8 FEMINIST ECON. 49, 53 (2002).

term care arrangements for care-dependent older people with dementia, mostly women—daughters or daughters-in-law—had to cut back on paid work to provide unpaid care and domestic work.¹⁷⁷

2. Sexualization

*“Major areas of life, including sexuality, are organized according to gender principles and shot through with conflicting interests and hierarchies of power and privileges.”*¹⁷⁸

Sexualization of women is a crucial aspect of gender socialization,¹⁷⁹ and it contributes to harmful stereotypes. Closely linked to sexualization is sexual objectification, which is vigorously critiqued by radical feminists.¹⁸⁰ Sexualization occurs “when a woman’s sexual parts or sexual functions are separated out from her person.”¹⁸¹ In other words, when a women’s sexual parts are detached from her person and reduced to trifling instruments.¹⁸² Sexualization is indicative of gender stereotypes in several ways.¹⁸³

177. U.N. WOMEN, *PROGRESS OF THE WORLD’S WOMEN REPORT 2015-2016: TRANSFORMING ECONOMIES, REALIZING RIGHTS* 175 (Sally Baden ed., 2015).

178. Pessar & Mahler, *supra* note 4, at 813; accord Evelyn Nakano Glenn, *The Social Construction and Institutionalization of Gender and Race: An Integrative Framework*, in *REVISIONING GENDER*, 3, 5 (Myra M. Ferree, Judith Lorber & Bess B. Hess eds., 1999).

179. WESELY, *supra* note 143, at 14.

180. Ann Ferguson, *Sex War: The Debate Between Radical and Libertarian Feminists*, 10 *SIGNS* 106, 108 (1984).

181. Barbara L. Fredrickson & Tomi-Ann Roberts, *Objectification Theory: Toward Understanding Women’s Lived Experiences and Mental Health Risks*, 21 *PSYCHOL. WOMEN Q.* 173, 175 (1997); *see also* WESELY, *supra* note 143, at 14; BARKTY SANDRA, *FEMININITY AND DOMINATION: STUDIES IN THE PHENOMENOLOGY OF OPPRESSION* (1990) (discussing femininity in a patriarchal society).

182. WESELY, *supra* note 143, at 14; *see also* BARKTY, *supra* note 181, at 26, 35 (1990) (“Sexual objectification occurs when a woman’s sexual parts or sexual functions are separated out from her person, reduced to the status of mere instruments, or else regarded as if they were capable of representing her.”).

183. *See generally* Olufunke Florentina Aluko-Daniels, *Locating the Place of Consent in the Movement of Nigerian Women for Prostitution in Italy* (Sept. 14, 2014) (unpublished Ph.D. dissertation, Coventry University) (on file with CURVE) (discussing the trafficking of woman in Nigeria); *see also* AM. PSYCHOLOGICAL ASS’N TASK FORCE ON THE SEXUALIZATION OF GIRLS, *REPORT OF THE APA TASK FORCE ON THE SEXUALIZATION OF GIRLS 1* (2007), <http://www.apa.org/pi/women/programs/girls/reprt-full.pdf>.

A person’s value comes only from his/her sexual appeal or behavior, to the exclusion of other characteristics.

A person is held to a standard that equates physical attractiveness (narrowly defined) with being sexy.

Being female in Nigeria broadly implicates the objectification and commodification of women and their sexuality. Objectification and commodification are exemplified in several social norms, cultural practices, and harmful stereotypes, including: giving women out as gifts in marriage without their consent, using them as objects of sexual entertainment through concubinage and polygamy,¹⁸⁴ deserting them, and enforcing contracts where women are exchanged for economic resources.¹⁸⁵ One historical survey on the practice of prostitution in Edo history asserts that prostitution exists “as part of Edo history.”¹⁸⁶

As women advance and grow in society, the cultural emphasis on their sexualized bodies becomes increasingly integrated into their feminine identity. This creates a situation in which women, saddled with economic responsibilities and burdens, enter the market in one of the few ways they have access: by using their sexualized body as a commodity or item of exchange.¹⁸⁷ In this way, being female becomes internalized, reinforcing dominant constructions of perceived roles.

For many Nigerian women, the intersectionality of poverty, ethnicity, and gender plays a role in driving economically deprived girls and women into the sale of sex.¹⁸⁸ This intersection also acts as a factor that complicates their exit.¹⁸⁹ Information in a survey carried out on commercial sex workers in Nigeria indicated that a majority of the sex workers interviewed came from households within the lowest income

A person is sexually objectified – that is made into a thing for other’s sexual use, rather than as seen as a person with the capacity for independent action and decision-making.

Sexuality is inappropriately imposed on a person (i.e. on a child).

184. See Aluko-Daniels, *supra* note 183, at 170. Polygamy is recognized and accepted in Nigeria as part of Nigerian Customary Law and Islamic Law, which are two of the main sources of law in Nigeria. Statistics point to 33% of Nigerian women being in Polygamous relationships. See Wisdom Okereke Anyim, *Research Under Nigerian Legal System: Understanding the Sources of Law for Effective Research Activities in Law Libraries*, LIBR. PHIL & PRAC. 1, 7 (2019), <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=5939&context=libphilprac>; SAHEL AND WEST AFRICA CLUB, POLYGAMY REMAINS COMMON AND MOSTLY LEGAL IN WEST AFRICA, W. AFR. BRIEF (2019), <http://www.west-africa-brief.org/content/en/polygamy-remains-common-and-mostly-legal-west-africa>.

185. Olaniyi, *supra* note 35, at 112.

186. O. A. Adesina, *Between Culture and Poverty: The Queen Mother Phenomenon and the Edo International Sex Trade*, 5 HUMAN. REV. J. 28, 33 (2005).

187. WESELY, *supra* note 143, at 18.

188. I understand the debate between liberal and radical feminists on women’s agency to sell sex. However, the nuances of those arguments are beyond the scope of this article. My analysis is focused on how structural and cultural factors shape those “choices” for women in deciding to sell sex or otherwise.

189. Wesely, *supra* note 143, at 39; see also JODY RAPHAEL, LISTENING TO OLIVIA: VIOLENCE, POVERTY, AND PROSTITUTION (2004) (documenting the biography of Olivia, her struggle with poverty, and how she was ‘trapped in a web prostitution’).

bracket.¹⁹⁰ The identity of women in terms of their sexuality may be the reason why Nigeria is ranked fifth on the top ten list of countries with highest number of sex workers.¹⁹¹

The thrust of the analysis here is not the conceptualization of sex work as an autonomous business transaction or as violence against women, but in how society shapes these choices for women by keeping females defined as predominantly sexualized beings through gender stereotypes.¹⁹²

C. Constructing Gender Across Border: Doing Gender

*Enduring poverty and marginalization rework gender and generational dynamics and sometimes this can cause new practices to develop. In West Africa, for example, senior women increasingly bear responsibility for food security. This has led to a gradual diminution of male power that allows many more women to migrate than in previous times. In turn, it has created a follow-on dynamic in which younger women and adolescent girls travel to support their mothers and to some extent, also their fathers.*¹⁹³

190. Bernadette Nnabugwu-Otensanya, *A Comparative Study of Prostitutes in Nigeria and Botswana* 1, 16 (2005) (unpublished Ph.D. dissertation, University of South Africa), <http://uir.unisa.ac.za/bitstream/handle/10500/1588/03chapter6toend.pdf?sequence=1&isAllowed=y>.

191. *Top 10 List of Countries with Highest Sex Workers: Guess Where Malaysia is Ranked?*, MALAYSIAN DIGEST, (Dec. 16, 2014), <http://www.malaysiandigest.com/features/533048-top-10-list-of-countries-with-highest-sex-workers-guess-where-malaysia-is-ranked.html> (last visited Apr. 25, 2018).

192. The question of whether sex work exists as a choice outside gendered sexualization for this migrant stream is entangled in a complex web of the social locations of many of these women and girls. Undoubtedly, the social context in which individuals—more specifically, individuals within this this migrant stream—live invokes propositions for defining life choices and the agency exerted in making these choices. As Amartya Sen puts it “nothing can be more elementary and universal than the fact that choices of all kinds in every area are always made within particular limits.” See AMARTYA SEN, *IDENTITY AND VIOLENCE: THE ILLUSION OF DESTINY* 5 (1st ed. 2007).

193. See generally L. Buchbinder, *After Trafficking: Togolese Girls’ Orientations to Life in a West African City*, 25 *CULTURAL DYNAMICS* 141-64 (2013); Akosua K. Darkwah, Mariama Awumbila & Joseph Kofi Teye, *Of Local Places and Local People: Understanding Migration in Peripheral Capitalist Outposts* (Migrating out of Poverty Research Programme Consortium, Working Paper No. 43, 2016); see also Dorte Thorsen, *Is the Global Compact on Migration Doing Justice to Gender?*, OPEN DEMOCRACY (Jun. 14, 2018), <https://www.opendemocracy.net/beyondslavery/dorte-thorsen/is-global-compact-for-migration-truly-doing-justice-to-gender#fn2> (last visited Dec 5, 2018).

“Doing gender” produces an effect; in this way, each gender acts out expected gender roles. As Judith Butler states, gender is performative—a stylized repetition of acts, an imitation or miming of the dominant conventions of gender.¹⁹⁴ Butler argues that “the act that one does, the act that one performs is, in a sense, an act that’s been going on before one arrived on the scene.”¹⁹⁵ Society, therefore, assumes that individuals will act within the boundaries of the precepts of their social locations, ensuring that individuals are situated within power hierarchies they may not always have constructed themselves.¹⁹⁶ Thus, the process of gendering and its outcomes are legitimized by religion, law, science, and society’s entire set of values through repetition of prescribed gendered components—components targeted at social control.¹⁹⁷

Performativity of gender is also expected to transcend borders through “transnational connectivities.”¹⁹⁸ Pessar and Mahler, adopting Doreen Massey’s concept of “power geometry,”¹⁹⁹ elucidate the importance of power geometry in understanding the influence individuals wield in the determination of their social location.²⁰⁰ Power geometry accentuates the deflation of time and space and stresses the effect of forces and processes on individuals irrespective of distance and space.²⁰¹ As Massey states, some individuals are “effectively imprisoned” by the power geometry, adding that “there are . . . groups who are . . . doing a lot of physical moving, but who are not ‘in charge’ of the process”²⁰² So, power geometry helps us analyze the correlation between individual social locations, access to resources, migration, transnational movements, and “agency as initiators, refiners and

194. Judith Butler, *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*, 40 THEATRE J. 519, 526 (1988); see also VICTOR TURNER, *DRAMAS, FIELDS, AND METAPHORS: SYMBOLIC ACTION IN HUMAN SOCIETY* (1974).

195. BUTLER, *supra* note 7, at 526.

196. Pessar & Mahler, *supra* note 4, at 816.

197. JUDITH LORBER, *PARADOXES OF GENDER* 15, 30 (1994).

198. This concept suggests a capture of “the ways in which seemingly unconnected phenomena might be related, and how movement of labor, economies and discourses, although uneven and complex are linked with a multiplicity of other elements across national boundaries.” See generally Plambech, *supra* note 44, at 141 (exploring the connection between disparate economies and women’s mobility using mobility between Benin City, Nigeria and Europe as a case study).

199. “The particular conditions of modernity that have produced time-space compression place people in very distinct locations regarding access to and power overflows and interconnections between places.” Pessar & Mahler, *supra* note 4, at 816.

200. See *id.*

201. See *id.*; see also DOREEN MASSEY, *SPACE, PLACE, AND GENDER* 149 (1994).

202. MASSEY, *supra* note 201, at 149.

transformers of these locations.”²⁰³ Power geometry as a concept, therefore, requires an analysis of both migration flow within and across borders and the influences and elements that dictate the trajectory of migration flows.²⁰⁴

This section focuses on highlighting the ways women and girls within the Nigeria-Italy migrant corridor continue to “do gender” across the shores of Nigeria and Italy. The reality is that in Italy, “opportunities for migrant women – who might have high levels of education and aspirations for other kinds of work – mean that care work (along with domestic work and sex work) in more affluent countries becomes an option that is sometimes difficult to refuse when it promises to offer financial support for many family members.”²⁰⁵

This section will situate the ways multiple social and legal scales, including Italian laws, serve as a conduit for members of this migrant stream to “do gender,” as prescribed by the Nigerian social construct in Italy. The social construct in Italy prescribes roles for migrant women primarily through a gendered sexual script as sex workers²⁰⁶ and through gendered division of labour as care providers.²⁰⁷ This makes visible women’s efforts to negotiate and remain loyal to a set of social positions.

1. Care Work

With increasing demand to multiply household financial resources, especially in low-income households, women and girls are under pressure to contribute to the financial pool. However, sometimes women have minimal training and educational background to leverage. One very feasible source of income for many women and girls, particularly for females within this migrant corridor, comes from “doing care work.”

Domestic work has been repeatedly tagged as feminine. According to the International Labour Organization (ILO), the global distribution of domestic workers by sex indicates that women dominate the domestic

203. Pessar & Mahler, *supra* note 4, at 817.

204. *See id.*

205. *See* Lyon, *supra* note 124, at 224.

206. Gendered sexual scripts are “the normative patterns of sexual desire and sexual behavior, as prescribed for the different gender statuses. Members of the dominant gender have more sexual prerogatives, members of a subordinate gender may be sexually exploited.” LORBER, *supra* note 197, at 30.

207. Gendered division of labor—“the assignment of productive and domestic work to members of different gender statuses strengthen the society’s evaluation of those statuses – the higher the status, the more prestigious and valued the work and the greater its reward.” *See id.*

work sector.²⁰⁸ According to the ILO, the domestic work sector is comprised of 81.5% non-migrant female workers and 18.5% non-immigrant male workers.²⁰⁹ On the other hand, the global distribution of female migrant domestic workers was estimated to be 73.4% in comparison to 26.6% for males.²¹⁰ Migrants, predominantly women, fall into roles of domestic service more than any other role.²¹¹ However, more importantly, ILO identifies a transition to roles outside of domestic work as being much more attainable for men than for women,²¹² reinforcing previously identified gender patterns.

Statistics demonstrate that many young girls in Nigeria are made to drop out of school to fulfill the familial duties of unpaid care and domestic work;²¹³ many of the women and girls within the Nigeria-Italy migrant corridor have been socialized into gendered roles to perform these domestic obligations of care work. In many cases, the impact of this is that many females within this migrant corridor generally take up the assumption that migrating for “care work” in Italy would enable them to fully assume their socially constructed role as caregivers for the benefit of other members of the family.²¹⁴ This creates burdens of relay migration to undertake paid caregiving and domestic roles in Italy. In this way, the “caregiving” socialization narrative is double-pronged. First, many women and girls leverage their socially ascribed roles as caregivers in seeking out employment that offers more significant income because of the wage differential in Italy.²¹⁵ Second, through

208. MARIA GALLOTI, INT’L LABOR ORG., *MIGRANT WORKERS ACROSS THE WORLD: GLOBAL AND REGIONAL ESTIMATES 2* (2015), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf

209. *Id.*

210. *Id.*

211. *See id.*

212. *See id.*

213. UNICEF, UNICEF COUNTRY OFFICE NIGERIA, *EVALUABILITY ASSESSMENT REPORT 2* (2016); Frank Kuwonu, *Millions of Girls Remain Out of School*, AFR. RENEWAL (Apr. 2015), <https://www.un.org/africarenewal/magazine/april-2015/millions-girls-remain-out-school>; Ijeoma Nudkwe, *Nigerian Girls Often Still Dropout of School to Work, Despite the Country’s Increasing Wealth*, THE WORLD (13 Jul. 2017, 1:15 pm EDT), <https://www.pri.org/stories/2017-07-13/nigerian-girls-often-still-drop-out-school-work-despite-countrys-increasing>.

214. Taub, *supra* note 50 (the impression of having the opportunity to among others, gain employment as nannies, maids, and housekeepers propel many migrants within this corridor to embark on the trip to Europe); Nadeau, *supra* note 51 (discussing the narrative of of a migrant within this corridor who travelled to Italy under the impression of ultimately working as a hairdresser, but was perfectly content with the idea of performing domestic chores to work her way up, so that she could fend for family back home).

215. Zahrah Nesbitt-Ahmed, *Gender, Paid Domestic Work and Social Protection. Exploring Opportunities and Challenges to Extending Social Protection Coverage Among Oaid Domestic Workers in Nigeria*, UNICEF OFFICE OF RESEARCH—INNOCENTI,

income earned, women and girls within this corridor can fulfill familial obligations of care by providing for their families back home.

It is no misgiving, therefore, that woman and girls are seemingly nudged by social constructs to leverage acceptable societal norms to generate revenue in ways they are expected to act. In one way, women and girls are made to do gender by providing care work. Eventually, this gendering permeates their decisions about whether to leave, where to go, and what opportunities and outcomes to pursue in the destination country.

The domestic sector in Italy has flourished significantly, mostly because of the massive inflow of migrant domestic workers—workers who are predominantly women.²¹⁶ Migration to Italy for care work has a history that spans back to the 1970s.²¹⁷ Since then, immigrant women were distributed mainly over Southern Italy as domestic workers.²¹⁸ Though Italian immigration policies have been very restrictive, they have been relatively relaxed for migrant caregivers, with large quotas and amnesties for caregivers.²¹⁹ This relaxation is especially important because of the role that caregivers play in the family care system.²²⁰ For example, non-European Union (EU) workers have received large immigration quotas to work as domestic and care workers over the years.²²¹ Also, in 2009, a measure by the Italian government to regularize irregular domestic workers and caregivers was created.²²²

The National Social Security Institute,²²³ in its official data, illustrates a compelling rise in quota allocation for foreigners employed as domestic workers.²²⁴ Reports indicate that the registered number of

<https://www.unicef-irc.org/article/1961-gender-paid-domestic-work-and-social-protection.html> (last visited Mar. 18, 2021) Not only is domestic work mainly unpaid work for many women and girls in Nigeria, when domestic workers receive any wages, they are often below or slightly above the national minimum wage. The average salaries range between N1,500 or \$5 USD to N13,000 or \$38 USD. *Id.*

216. Castagnone, Salis & Premazzi, *supra* note 49, at 19.

217. Van Hooren, *supra* note 11, at 23.

218. Alessandro Lanni, *Immigration to Italy: How It Has Changed over the Last Half Century*, OPEN MIGRATION (May 30, 2016), <https://openmigration.org/en/analyses/immigration-to-italy-how-it-has-changed-over-the-last-half-century/>.

219. Van Hooren, *supra* note 11, at 22.

220. *See id.* at 23.

221. *See id.* at 22.

222. The Italian government adopted a scheme regularizing the immigration status of many immigrants living and working in Italy who possessed no regular status. In the years leading up to 2009, this regularization process was done on the basis of a predefined quota. In 2009, there was no quota for regularization of the immigration status of non-seasonal workers such as domestic workers. *See* Castagnone, Salis & Premazzi, *supra* note 49, at 12; *see also* Van Hooren, *supra* note 11, at 22.

223. Istituto Nazionale della Previdenza Sociale, INPS.

224. *See* Van Hooren, *supra* note 11, at 23.

domestic workers has increased from 5,000 immigrants in the 1970s to 136,000 in 2000 and 464,000 in 2007.²²⁵ The rapid increase in the registration of domestic workers in Italy has been attributed to the large-scale regularization of domestic workers provided for by Law No. 189, also known as the Bossi-Fini Act.²²⁶ It specifically resulted in the regularization of 316,000 domestic workers.²²⁷

The Bossi-Fini Act supplemented the efforts of the Turco-Napolitano Act, which already existed in Italy.²²⁸ Bossi-Fini revised the Immigration Act of 1998 and added a few new provisions.²²⁹ Many of the more essential reforms include immigrant quotas, mandatory contracts between employers and immigrants, amnesty for illegal immigrants who have been working and residing in the country for more than three months, and additional regional immigration officers to help handle immigrant workers and family reunification cases.²³⁰ The Act also allows for two categories of irregular immigrants to be legalized: those working either as domestic workers and home-helpers or as dependent employees.²³¹ These citizens can be candidates for regularization, provided they have not been issued a deportation order.²³² Many men have become attracted to domestic work following the increase in migration quotas that allowed migrants to enter Italy with a residence permit for domestic work.²³³ The increased quota proved attractive not because of the job in and of itself, but because of the prospects of gaining entry into Italy. Stereotypes associated with domestic and caregiving work create situations in which gaining entry into Italy outside the domestic work sector was more attainable for men than for women—reinforcing stereotypes innate in domestic work as predominantly “women’s work.”²³⁴

The extended aging population in Italy and the decrease in average family size (which created a phenomenon where the number of female children in Italian families was significantly reduced),²³⁵ coupled with

225. *See id.*

226. Van Hooren, *supra* note 11; Legge 13 novembre 2002, n.189. G.U. Nov. 13, 2002 (It.).

227. *See* Van Hooren, *supra* note 11.

228. *See id.* at 25.

229. *See* Castagnone, Salis & Premazzi, *supra* note 49, at 11.

230. Kimberly Hamilton & Maia Jachimowicz, *Italy's Southern Exposure*, MIGRATION POLICY INST. (May 1, 2012), <https://www.migrationpolicy.org/article/italys-southern-exposure>.

231. *Id.*

232. *Id.*

233. INTERNATIONAL LABOR ORGANIZATION, *supra* note 208, at 2; Castagnone, Salis & Premazzi, *supra* note 49, at 12.

234. *See* INTERNATIONAL LABOR ORGANIZATION, *supra* note 208, at 2; Castagnone, Salis & Premazzi, *supra* note 49, at 19.

235. *See* Lyon, *supra* note 124, at 212.

increased mobility of young Italian women into the labour market, translated into a “care drain.”²³⁶ This, in turn, created a compelling need for migrant care workers—defamiliarizing care and locating care work within global economics.²³⁷

In comparison to other European countries, Italy dominates the space in the employment of migrant care workers.²³⁸ According to Lyon, about 10.2% of households have domestic workers and care workers in their employ, with the percentage of homes employing care workers for the elderly rapidly increasing.²³⁹ The predisposition to employ more migrant domestic and care workers hinges predominantly on the fact that migrant domestic and care workers offer a relatively low cost of employment.²⁴⁰ Lyons alludes to the fact that non-migrant workers and completely regularized workers may charge more than \$1,000 for their services, in contrast to migrant and unregularized domestic workers who are paid less than \$800.²⁴¹ This allows even middle-class families access to the services of migrant care workers—filling “a supply gap at a low cost” and sustaining an “ideal.”²⁴² This stratification of migrant care workers and non-migrant or regularized care workers creates a state of affairs where, though still gendered, migrant women continue to fill roles of care work associated with “dirt.”²⁴³ In contrast, the regularized care workers take up more “professionalized” fields of care work, such as that of paramedics.²⁴⁴

As it stands today, the Italian immigration policy regime provides a yearly immigration quota for domestic workers within its seasonal workers framework through the Immigration Quotas Decree.²⁴⁵ The seasonal worker framework is open to members of twenty-eight countries, including Nigeria.²⁴⁶ In 2005, the immigration quota for non-

236. *See id.*; *see also* Arlie Hochschild, *Love and Gold*, in *GLOBAL WOMAN: NANNIES, MAIDS, AND SEX WORKERS IN THE NEW ECONOMY* 34, 44 (Barbara Ehrenreich & Arlie Russell Hochschild eds., 2002).

237. *See* Lyon, *supra* note 124, at 213.

238. *See id.* at 217.

239. *See id.* at 218-19.

240. *See id.* at 219.

241. *Id.*

242. *See id.* at 220.

243. *Id.* at 222.

244. *See id.*

245. Known as Decreto Flussi.

246. Veronica Maggioni, *Seasonal and Non-Seasonal Work Permits under “Decreto Flussi”*, SANTA FE RELOCATION (Oct. 20, 2020), <https://www.santaferelo.com/en/mobility-insights/news-and-blog/immigration-update-italy-seasonal-and-non-seasonal-work-permits-under-decreto-flussi/>; *see also* Ansa, *Italy ‘To Allow 18,000 Non-EU Seasonal Farmhands*, INFOMIGRANTS (Oct. 14, 2020), <https://www.infomigrants.net/en/post/27914/italy-to-allow-18-000-non-eu-seasonal-farmhands-in>.

EU domestic workers was pegged at 15,000 with a steady increase until 2008, when the quota for domestic workers was 105,400.²⁴⁷ Overall, the quota system prioritizes care and domestic workers.²⁴⁸ For example, in 2018, the immigration quota allowed 28,850 workers to come in, of which 17,000 spots were allocated for foreign seasonal workers.²⁴⁹ These workers are allowed to work in agriculture, tourism, and domestic work.²⁵⁰

Though legally available immigration quotas are limited, the vast regularization allowance for domestic workers who have lived in Italy for at least three months creates an incentive for irregularly gendered migration patterns. The possibility of being incentivized in this way attracts irregular domestic workers by the thousands from Nigeria yearly.²⁵¹ For example, between 2002 and 2011, Nigerians accounted for 2,556 domestic workers in Italy,²⁵² positioning Nigeria as the African country with the third highest number of domestic workers in Italy.²⁵³ In this way, women and girls leverage doing gender as caregivers for net economic returns.

One could, therefore, argue that the Italian government plays an active role in gendering work through their quota system:

These quota systems prioritize care and domestic workers. The result of these policies is that if migrant women wish to enter these countries legally or at all, they are largely confined to domestic work. In the context of a state that encourages the immigration of women who will do ‘women’s work,’ the concept of

247. Van Hooren, *supra* note 11, at 28.

248. *Id.* The author highlights the quota for non-seasonal immigration to Italy. In the table provided for every year from 2005–2008, domestic workers have received the highest quota. *Id.*

249. Matteo Tisato, *Italy’s Annual Quota for Non-EU Migrant Workers Tops 30,000 in 2020*, DAVIES & ASSOCIATES (Oct. 19, 2020), <https://www.blog.usimmigrationadvisor.com/italys-annual-quota-for-non-eu-migrant-workers-tops-30000-in-2020/>.

250. Umer, *Italy’s ‘Decreto Flussi 2020’ Opening Dates for Seasonal and Work Visa*, VISA GURU (Sep. 22, 2020), <https://visa-guru.com/italys-decreto-flussi-2020-opening-dates-for-seasonal-and-work-visa/> (suggesting that official data indicate that of the 207,000 irregular migrants whose status was regularized, 176,000 are domestic workers); *Italy—2019 Quotas for Issuing Work and Residence*, KPMG (Apr. 18, 2019), <https://home.kpmg/xx/en/home/insights/2019/04/flash-alert-2019-078.html>; *Italy—2018 Quotas for Issuing Work and Residence*, KPMG (Feb. 12, 2018), <https://home.kpmg/xx/en/home/insights/2018/02/flash-alert-2018-025.html>; *Italy—2017 Quotas for Issuing Work and Residence*, KPMG (Apr. 5, 2017), <https://home.kpmg/xx/en/home/insights/2017/04/flash-alert-2017-060.html>.

251. Castagnone, Salis & Premazzi, *supra* note 49, at 2, 13.

252. *Id.* at 23.

253. *Id.*

'gender' takes on a double meaning. Not only is the state 'gendering' work, in the process it is producing gender; not only is domestic labour 'women's work,' it is 'gender work' – an activity through which gender itself gets socially constructed.²⁵⁴

In this context, production of gender is transposed from one jurisdiction to another in the transnational migration trends and pattern of women and girls within this migrant corridor.

2. Sex Work

*"They are selling a product for which there is a (global) market. It's not a stigma anymore, as long as money comes with it. If they come back with money, they are respected. If they come back poor, they are sex workers."*²⁵⁵

Sexualization of females is rooted in socially constructed expressions given currency by society.²⁵⁶ Doing sex work becomes one manner through which women and girls express their feminine gender in transnational spaces. The sale of sex embodies an economic dimension—a choice to pursue economic certainty by engaging in sex work in Italy, where there is a high demand for migrant sex workers.²⁵⁷ Undoubtedly, the massive demand for foreign sex workers has attracted an influx of Nigerian women into Italy. In 2006, the estimated number of Nigerian sex workers in Italy was about 10,000.²⁵⁸

Along with the pull factor of demand, poverty is a significant push factor for women and girls within the Italian-Nigerian migrant corridor. According to the IOM, poverty²⁵⁹ and demand are the most recounted

254. Calavita, *supra* note 84, at 120.

255. See Olaniyi *supra* note 35, at 111; G. Osakue, *Director Girls Power Initiative, Benin City Interviewed: From Nigeria to Italy, a Sex Trade Gamble*, COMET NEWSPAPER, Nov. 12, 2004, at 16.

256. See Olaniyi, *supra* note 35, at 111.

257. See *id.*

258. See Sola Akinrinade & Olukoya Ogen, *Historicising the Nigerian Diaspora: Nigerian Migrants and Homeland Relations*, 2 *TURKISH J. POL.* 71, 74 (2011); Hein de Haas, *International Migration and National Development: Viewpoints and Policy Initiatives in Countries of Origin. The Case of Nigeria* 5 (Radboud Univ. & Ministry of Foreign Affairs the Neth., Working Paper No. 6, 2006).

259. See Plambech, *supra* note 44, at 10.

push and pull factors for migration.²⁶⁰ Poverty is a core driver of the mobility of migrants²⁶¹ within this migrant corridor. Many of the Nigerian government's attempts to combat poverty, such as the National Poverty Eradication Programme, surface within this migrant corridor.²⁶² Also, the trends in the global sex trade began to blossom rapidly because the demand for sex workers was continually filled with migrant women.²⁶³ In particular, there was a demand for African women in Europe, who were presumably envisioned as wild and oversexed.²⁶⁴ African migrant women were also perceived as sexually lascivious foreign aliens.²⁶⁵ These factors undoubtedly provoked and attracted the growth of a sex industry populated by African migrant women.

The mobility of Nigerian women for sex work has gained notoriety in academic works, non-academic works, and international reports.²⁶⁶ The link between female transnational mobility and the sale of sex has been attributed to "the growth of the sex industry as a transnational enterprise."²⁶⁷ Overall, the socialization of the sexualization of women in Nigeria, though hitherto constrained to familial settings such as polygamy and concubinage, has expanded to include objectifying women for the purpose of generating net economic benefits for individual families.²⁶⁸ An expectation that the female should do her gender through sex work has gravely contributed to the growth of trafficking and exploitation of Nigerian women and girls in the sex industry.

260. See Jonathan Martens et al., COUNTER-TRAFFICKING AND ASSISTANCE TO VULNERABLE MIGRANTS: ANNUAL REPORT OF ACTIVITIES 10 (2011).

261. See Aluko-Daniels, *supra* note 183, at 52; Lynnelyn D. Long, *Anthropological Perspectives on the Trafficking of Women for Sexual Exploitation*, 42 INT'L MIGRATION 5, 13–14 (2004).

262. See also Olaniyi *supra* note 35, at 112. The National Poverty Eradication Programme (NAPEP) was introduced in 2001 to replace the Poverty Alleviation Program. The aim of NAPEP is to address poverty and related issues in Nigeria.

263. See *id.*

264. See *id.* at 114, 116; V. SPIKE PETERSON & ANNE SISSON RUNYAN, GLOBAL GENDER ISSUES 138 (1999).

265. See Olaniyi, *supra* note 35, at 114; Jacqueline Berman, *Media Constructions and Migration Projects: Trafficking in Women in an International Migration (Management) Frame*, in WOMEN AND TRAFFICKING 41, 42 n.3 (Simona Zavratnik Zimic ed., 2004).

266. See Aluko-Daniels, *supra* note 183, at 132.

267. Eneze Modupe-Oluwa Baye, *Experiences of Nigerian Trafficked Women: Voices and Perspectives from Italy 1* (Dec. 2012) (unpublished research paper) (on file with the Institute of Social Studies); Giovanna Campani, *Trafficking for Sexual Exploitation and the Sex Business in the New Context of International Migration: The Case of Italy*, 3 S. EUROPEAN SOC'Y & POL. 230, 230 (1998).

268. PRINA, *supra* note 38, at 38, 105 (discussing the culture of polygamy and concubinage, and stresses that these among other factors play into the reason and desire to migrate to Italy).

Through financial necessity and economic needs, societies have heightened expectations that women and girls should provide “care” through financial recompense from the sale of sex. As is commonly expressed in Nigeria, “use what you have to get what you want.” Between 2000 and 2009, no fewer than 8,000 to 10,000 Nigerian women of Nigerian descent practiced sex work on the streets of Italy.²⁶⁹

Sex work is illegal in the northern part of Nigeria under the Penal Code.²⁷⁰ In the south, however, pimping, ownership, and operation of brothels are criminalized under sections 223-225 of the Nigerian Criminal Code.²⁷¹ In this sense, prostitution in and of itself is not entirely illegal. However, the lack of clarity surrounding the legal regime of sex work in Nigeria and the tacit agreement to remain silent about prostitution²⁷² leaves many sex workers conducting their business in clandestine ways.

The validity of doing gender through the sale of sex can be defined as two-sided. First, there is the presumption that the transnational dimension of prostitution is a result of rotational geographical and territorial mobility.²⁷³ Second, society’s²⁷⁴ association of the means of conduction, size, and articulation of the business with particular groups and ethnicities, for example, Nigerians.²⁷⁵

Familial obligations and the apparent demand for sex workers are all factors that have influenced many Nigerians’ decisions to migrate to Italy.²⁷⁶ One could argue that the demand within the Italian sex industry, which has been boosted by the legalization of sex work in the whole of Italy, grafts onto the Nigerian socialization of sexualization. Perhaps even more attractive for migrants is the propensity for higher financial yields.

Since the *Regolamentazione*, prostitution has been regulated in Italy.²⁷⁷ However, Legge Merlin 1958 revoked the *Regolamentazione*, repealing, among other things, the system regulating prostitution.²⁷⁸

269. Olufunke Aluko-Daniels, *At the Margins of Consent: Sex Trafficking from Nigeria to Italy*, in EURAFRICAN MIGRATION; LEGAL, ECONOMIC AND SOCIAL RESPONSES TO IRREGULAR MIGRATION 74, 75 (Simon Massey & Rino Coluccello eds., 2015).

270. Penal Code (Northern States) Federal Provisions Act (1960) Cap. (P3) (Nigeria).

271. Criminal Code Act (1916) Cap. (C38), §§ 223–225 (Nigeria).

272. See Taub, *supra* note 50.

273. Carchedi, *supra* note 10, at 95.

274. Baye, *supra* note 267, at 32.

275. See *id.*

276. Among the pull factors for Nigerian women in the 1980s was the realization “that Italian men liked black women.” Aluko-Daniels, *supra* note 183, at 180.

277. Nicoletta Policek & Michela Turno, *Prostitution in Genoa, Naples, Palermo and Rome*, in 2 TRAFFICKING IN WOMEN 1924-26: THE PAUL KINSIE REP. FOR THE LEAGUE OF NATIONS 96 (2017).

278. See *id.*

This regulation created better working conditions for sex workers.²⁷⁹ The Merlin Law legalized street prostitution and independent prostitution done by prostitutes in their own homes.²⁸⁰ This law gave impetus to the transnational mobility of Nigerians to Italy for sex work.²⁸¹ Furthermore, in the late 1980s, the Italian press began to report a significant number of Nigerian sex workers.²⁸² From the 1980s until now, women and girls have continually been sent by families and husbands to Italy into the sex trade as “sacrificial lambs”²⁸³ because the sale of sex by Nigerians in Italy has been reiterated as principally a woman’s affair.²⁸⁴

Nigerian sex workers have been found in medium, medium-large, and urban centres, especially Turin and Verona.²⁸⁵ Researchers have connected the women’s presence in these cities to the existence of Nigerian community roots, a strong presence of other Nigerian sex workers within these regions, and the ease with which regularization has favoured other migrant women who have been sex workers within these areas.²⁸⁶ This situation can be inferred to “represent the nucleus of self-reproduction and perpetuation of the phenomenon of trafficking and exploitation.”²⁸⁷

Beyond the shackles of bonded labour, debt, and human trafficking that have trailed sex work, the motivation of integration through regularization, gendered expectations, and economic emancipation acts as an enticement to keep these women and girls confined mainly to sex work.²⁸⁸ The socialization of sexualization crafts an image that women can only meet their needs or those of their families by leveraging their bodies to obtain jobs or by using their bodies as instruments for material and financial recompense for their survival. Often, this leads to

279. Also known as Law No. 75 of 1985 on “The Abolition of the Regulation of Prostitution and Combating Exploitation of the Prostitution of Others”; MOLLY TAMBOR, *THE LOST WAVE: WOMEN AND DEMOCRACY IN POSTWAR ITALY* (2014) (Chapter 4 titled The Merlin Law Against the Case Chuisse discusses former Lina Merlin’s intention to put an end to state regulation of prostitution).

280. *See id.*

281. Esohe Aghatise, *Trafficking for Prostitution in Italy: Possible Effects of Government Proposals for Legalization of Brothels*, 10 *VIOLENCE AGAINST WOMEN* 1126, 1145 (2004).

282. I Irene Peano, *Escaping the Exception: Migrant Sex Workers Between Subjectification and Excess*, 140-141 Β΄- Γ΄ ΕΠΙΘΕΩΡΗΣΗ ΚΟΙΝΩΝΙΚΩΝ ΕΡΕΥΝΩΝ 119, 124 (2013).

283. Baye, *supra* note 267, at 2; *see also* Campani, *supra* note 267.

284. PRINA, *supra* note 38, at 116.

285. *Id.* at 2.

286. *Id.*

287. PRINA, *supra* note 38, at Introduction, § 2.

288. RUTVICA ANDRIJASEVIC, *MIGRATION, AGENCY AND CITIZENSHIP IN SEX TRAFFICKING* 75 (Zig Layton-Henry & Danièle Joly eds., 2010).

cases of sex trafficking.²⁸⁹ The reality is that the objectification within the communities of origin is so intense that the woman's sexuality is regarded as separate and distinct from the woman.

For example, during research carried out in Nigeria, some community leaders publicly declared that "it does not matter what their daughters do in Italy so long as they send euros home."²⁹⁰ In an analysis of the research conducted, another participant mentioned that "[s]ome families in Edo state see the migration of their daughters, even to work as prostitutes, as a thing of pride because of the dollars and euros that goes to them. At some point in Edo, families who do not have their daughters abroad are not considered to have 'arrived,'²⁹¹ and others will look down on them."²⁹²

This article argues that this is indicative of a somewhat nuanced exploitation of women's sexuality by societal norms for net economic returns, acceptability, and family prestige. They are viewed as able to contribute to the family upkeep by using their sexualized bodies as commodities or items of exchange for the benefit of the family—again living out their socially ascribed roles as caregivers.²⁹³ It was also reported that many family members and parents of women and girls selling sex in Italy have opposed the anti-trafficking movement and challenged its efforts as a barrier to the economic emancipation of their families.²⁹⁴ This challenge mirrors circumstances where the sexualization of female members of society is socially accepted as corresponding to gender role.

3. Remittance

"In Benin City, Southern Nigeria, families depend upon remittance from their daughters, mothers or sisters who are selling sex in European cities to pay for food, medicine, and school tuition At the market, entrepreneurial women sell synthetic dresses and

289. Nadeau, *supra* note 51.

290. Aluko-Daniels, *supra* note 183, at 135.

291. A Nigerian colloquial term for belonging to a higher social class. See Maite Vermeulen, *Want to Make Sense of Migration? Ask the People Who Stayed Behind*, THE CORRESPONDENT (Nov. 25, 2019), <https://thecorrespondent.com/136/want-to-make-sense-of-migration-ask-the-people-who-stayed-behind/17985760232-237b9ebe> (highlighting colloquial terms such as "dollars are no taboo" and "ashawo no dey kills" (translated to "prostitution won't kill you") as reasons Nigerian mothers compete to send their daughters to Italy for sex work).

292. Aluko-Daniels, *supra* note 183, at 135.

293. See, e.g., Nadeau, *supra* note 51.

294. See Taub, *supra* note 50.

imitation Gucci bags sent to them from their women family members who migrated to Europe."²⁹⁵

All over the world, international migration has continued to play an essential role in different economies.²⁹⁶ Nigeria is no exception. In particular, the bounds of family units within Nigeria demand that sharing income with parents and, in many cases, other family members, is "culturally mandatory."²⁹⁷ Families assess adherence to these "culturally mandatory" familial obligations of sharing and providing for the family by remittance received. Remittance in this regard refers to monetary transfer sent home by family members abroad. Even though at the moment Nigeria has no established migration policy aimed at out-migration, remittances have overtaken official development assistance.²⁹⁸ In Nigeria, remittance is the second-largest foreign exchange earner.²⁹⁹ Monetary remittance was valued at \$20 billion in 2008.³⁰⁰ Between 2008 and 2012, Nigeria was among the top ten recipients of international migrant remittance in the world—valued at \$20.57 billion.³⁰¹ In 2016, Nigeria remained the country with the highest regional remittance in sub-Saharan Africa, with an estimated \$19 billion, followed by Ghana, with \$2 billion.³⁰² Financial remittance can also take the form of remittance in-kind, through goods such as clothes, shoes, bags, and cars.³⁰³

Research suggests that gender affects the volume of remittances, with women sending more than men.³⁰⁴ Research also indicates that women send a higher portion of their income and send money more

295. Plambech, *supra* note 44, at 134.

296. Samuel Antwi Darkwah & Nahanga Verter, *Determinants of International Migration: The Nigerian Experience*, 62 ACTA UNIVERSITATIS AGRICULTURAE ET SILVICULTURAE MENDELIANAE BRUNENSIS 321, 321 (2014).

297. See Kastner, *supra* note 139, at 21.

298. FED. MINISTRY OF LAB. & PRODUCTIVITY, *supra* note 60, at 3.

299. *Id.*

300. FED. MINISTRY OF LAB. & PRODUCTIVITY, *supra* note 60, at 9.

301. See Darkwah & Verter, *supra* note 296, at 324.

302. WORLD BANK GROUP, MIGRATION AND REMITTANCES: RECENT DEVELOPMENTS AND OUTLOOK 27-28 (2017), <http://pubdocs.worldbank.org/en/992371492706371662/MigrationandDevelopmentBrief27.pdf> (last visited Dec. 3, 2018).

303. The sale of which provides economic support to the family members of migrants upon return home. In some cases, these monies serve as a safety net for migrants upon return home. See Akinrinade & Ogen, *supra* note 258, at 79.

304. NICOLA PIPER, GENDER AND MIGRATION 12 (2005); see also Plambech, *supra* note 44, at 147; Pessar & Mahler, *supra* note 4, at 812-46; NINNA NYBERG SØRENSEN, MIGRANT REMITTANCES, DEVELOPMENT AND GENDER 3 (2005).

frequently than men.³⁰⁵ Perhaps the social construct of women as caregivers and mothers tends to feed this phenomenon. This research also suggests that unskilled and semi-skilled migrants tend to generate more remittances than highly skilled and professional migrants.³⁰⁶ As stated earlier, women tend to outnumber men in the temporary, unskilled, and semi-skilled migration flows because of the transnational gendered division of labor, which could partially explain the fact that women send more remittance than men.³⁰⁷ Women also appear to be more willing to help extended family members, and their remittances are more consistent over time.³⁰⁸ Families use these remittances primarily to meet the basic needs of family members, for example, by investing in education and healthcare.³⁰⁹ The assumption that women always prioritize such basic needs compels women to send remittances home.³¹⁰

Overall, migrants within this corridor shoulder a diverse array of pressures from their families, but for most families, the “most important parameter [is to obtain] the remittances of the girl.”³¹¹ Remittance from Nigerian women and girls is an expectation, as migrants within this corridor are expected to continue sending money home, irrespective of the situations and difficulties they face.³¹² As one woman put it, “my family did not understand the price I paid to send them the money.”³¹³

Though remittance traditionally connotes monetary transfer from migrants to their home countries with economic benefits, remittances can also arise in social contexts.³¹⁴ This phenomenon is known as a “social remittance.”³¹⁵ Social remittances refer to the inflow of ideas, practices, identities, and social capital from receiving to sending communities.³¹⁶ Social remittance can be transferred through interpersonal relations when migrants visit or return to their home

305. IOM, *Gender, Migration and Remittances* (2018), <https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf> (last visited Apr. 28, 2018).

306. *See id.*

307. *See* PIPER, *supra* note 304, at 2.

308. *See* BIRCHALL *supra*, note 138, at 29.

309. Plambech, *supra* note 44, at 134.

310. *See id.* at 30.

311. PRINA, *supra* note 38, at 32.

312. *See* Nadeau, *supra* note 51.

313. Plambech, *supra* note 44, at 148.

314. SØRENSEN, *supra* note 304, at 5.

315. Coined by Sociologist, Peggy Levitt, *see generally* PEGGY LEVITT, *THE TRANSNATIONAL VILLAGERS* (2001) (exploring the formation and preservation of social lives transnationally).

316. SØRENSEN, *supra* note 304, at 5. Sending communities within the migration framework are countries of origin or previous residences of migrants, while receiving communities are countries where migrants move to.

countries or through various communication mediums like letters, videos, and telephone conversations.³¹⁷

For women and girls within this migrant corridor, social remittance creates a situation in which social ideologies, values, and beliefs are transposed from the country of destination, Italy, into the country of origin, Nigeria, thereby grafting new elements onto existing ones.³¹⁸ Social remittances have the propensity to “shake up gender and generational dynamics in ways that benefit and disadvantage women as well.”³¹⁹

In doing gender, “social remittances can also contribute to a ‘culture of migration’ that makes the choice of moving nearly inevitable.”³²⁰ A person’s choice to migrate is usually propelled by their dissatisfaction with the social and economic opportunities their homelands offer.³²¹ The normative structures³²² and system of practices³²³ adopted from Italy by women and girls who have previously migrated in search of a job in the sex and caregiving industries create a shift—facilitating the rapid development of transnational mobility trends of women and girls within this migrant corridor from Nigeria to Italy.

In a way, social remittance “encourage[s] sexual permissiveness,”³²⁴ as *ashawo*,³²⁵ not only within local confines but within transnational spaces accustoming many migrants to living by the principle of exchanging sex for money.³²⁶ These ideas transposed from experiences in Italy beyond forging a “migration culture” equally scale up economic remittances sent home³²⁷ to Nigeria from Italy. As more women and girls within this migrant corridor explore transnational mobility, they can perform their gender for family and economic benefits.

317. Peggy Levitt & Deepak Lamba-Nieves, “*It’s Not Just About Economy, Stupid*” – *Social Remittances Revisited*, MIGRATION POLICY INST. (May 21, 2010), <https://www.migrationpolicy.org/article/its-not-just-about-economy-stupid-social-remittances-revisited>.

318. LEVITT, *supra* note 315, at 56.

319. LEVITT & LAMBA-NIEVES, *supra* note 317.

320. *Id.*

321. *See id.*

322. *See* LEVITT, *supra* note 315, at 59 (discussing how normative structures include ideas, values, and beliefs).

323. *See id.* at 61 (“[A]ctions shaped by normative structures.”).

324. *See* Levitt & Lamba-Nieves, *supra* note 317.

325. Pidgin English—a Nigerian colloquial term for sex workers / prostitutes.

326. *See* Kastner, *supra* note 139, at 24.

327. *See* Levitt & Lamba-Nieves, *supra* note 317.

II. RESPONSE TO TRANSNATIONAL GENDER MOBILITY

Gender is not simply a variable to be measured, but a set of social relations that organize immigration patterns. The task, then, is not simply to document or highlight the presence of undocumented women...or to ask the same questions of immigrant women that are asked of immigrant men, but to begin with an examination of how gender relations [which are exercised in relational and dynamic ways] facilitate or constrain both women's and men's immigration and settlement.³²⁸

Gendered labour mobility occurs within scales of different dimensional and social constructs.³²⁹ The social constructs of the being, family, community, state individuality, and the world at large, jointly and severally interact to reaffirm or reconfigure gender ideologies or both.³³⁰ Because states are saddled with the responsibility of promoting the welfare of their citizens, they often do this by safeguarding those interests most common to all. By interpreting common interests in this way, states may perpetuate gender stereotypes in their laws and policies. One way is by assuming gender critical roles in the gendered lives of migrants and in the production of cultural genres³³¹ that emulate or challenge the everyday lives³³² of migrants—in countries of origin, transit, and destination or in international fora.

Understandably, trajectories of migration are complex and extremely diverse,³³³ to a degree beyond the scope of this article. Nevertheless, society believes that legal structures and institutions should aid in dismantling pervasive and persistent social norms that disproportionately burden a group of members of society. Society has an expectation that laws and policies should not just be gender sensitive

328. PIERRETTE HONDAGNEU-SOTELO, *GENDERED TRANSITIONS* 3 (1994).

329. See Pessar & Mahler, *supra* note 4, at 815; see also Plambech, *supra* note 44, at 143.

330. See Pessar & Mahler, *supra* note 4, at 815.

331. See *id.* at 819.

332. See *id.*

333. See also G.A. Res. 69/207 ¶ 2 (July 30, 2014) (recognizing that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit, and destination, and in this regard international migration is a cross-cutting phenomenon that should be addressed in a coherent, comprehensive, and balanced manner, integrating development with due regard for social, economic, and environmental dimensions and respecting human rights).

but also gender responsive.³³⁴ This expectation has surfaced the analysis of the gender-differentiated impacts in transnational mobility, especially of low-skilled women and girls by feminist movements, civil society, academia, media, NGOs, and international organizations.³³⁵

Feminist legal theorists have opined that the way to dismantle cultural and social barriers to women's ability to make free-range choices is to use state laws and policies to address socio-cultural barriers to women's decision-making processes or by providing legal structures that work to protect women and girls from piercing spaces that perpetuate and reinforce positions of predefined choices and vulnerabilities or both.³³⁶ For many women and girls within this migrant corridor, "gambling and risk-taking" in transnational mobility emerge as "robust descriptors for their quests, hope in the future and trust in destiny and the strength of the impact of socialization despite its unpredictability and the wretchedness of the present."

The economic crisis in Nigeria, which has created a massive divide between the upper and lower classes,³³⁷ has pushed many Nigerians into out-migration out of relative deprivation. The Nigerian government, in response, has developed several initiatives aimed at poverty alleviation.³³⁸ Before the era of structural adjustment programs in Nigeria, the initiatives designed by the Nigerian government to reduce poverty were indirectly framed.³³⁹ These ad hoc programs and operations³⁴⁰ were directed to, among other things, stem the tide of rural-urban mobility.³⁴¹ Though more robust policies and programs

334. For an explanation of the liberal feminist theory of law, see HILARY CHARLESWORTH & CHRISTINE CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST ANALYSIS* 38 (2000).

335. *Making Gender Responsive Migration Laws* (Policy Brief No. 4), UN WOMEN (2017), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/policy-brief-making-gender-responsive-migration-laws-en.pdf?la=en&vs=5143>.

336. CHARLESWORTH & CHINKIN, *supra* note 334.

337. WORLD BANK GROUP, *NIGERIA IN TIMES OF COVID-19; LAYING FOUNDATIONS FOR A STRONG RECOVERY 2* (2020) (discussing the state of the economy, stressing that the Covid-19 crisis would likely exacerbate it. Adding that poverty rate is projected to increase by 2.4 percent in 2020—increasing the number of poor Nigerians to 2.3 million).

338. Mustapha Hussaini, *Poverty Alleviation Programs in Nigeria: Issues and Challenges*, 4:3 INT'L J. DEVELOPMENT RES. 717, 718 (2014); JØRGEN CARLING, *MIGRATION, HUMAN SMUGGLING AND TRAFFICKING FROM NIGERIA TO EUROPE* 21 (2006).

339. Hussaini, *supra* note 338, at 718.

340. *See id.* ("Operation Feed the Nation (OFN), Free and Compulsory Primary Education (FCPE), Green Revolution, Low Cost Housing, River Basin Development Authorities (RBDA), National Agricultural Land Development Authority (NALDA), Agricultural Development Program (ADP), Agricultural Credit Guarantee Scheme Strategic Grains Reserves Program (SGRP), Rural Electrification Scheme (RES) and Rural Banking Program (RBP).").

341. *See id.*

directly aimed at reducing economic inequalities were developed in the structural adjustment program era,³⁴² poverty has continued to increase in Nigeria.³⁴³ In assessing ways to alleviate poverty, many women and girls within the Nigerian-Italian migrant corridor have, based on socially constructed patterns of behavior, assumed transnational mobility with the ultimate aim of leveraging that socialization for presumably higher income in Italy.³⁴⁴ However, “when gender is envisioned and practised within and across different scales and transnational spaces, we often find examples of inconsistencies and contradictions.”³⁴⁵ These inconsistencies and contradictions are amplified in the experiences that many women and girls have in Italy, especially in the exploitation of the vulnerable position of many women and girls by smugglers and human traffickers. These inconsistencies are also situated within international law. The transnational mobility of women and girls for sex or domestic work is often framed within the human smuggling and trafficking paradigm, as international law has developed less consensus on issues of mobility for economic purposes.³⁴⁶ Therefore, international law on the basis of sovereignty leaves the authority to frame responses to states. This dispersed framing leads to a system that further reflects norms and practices. In response to doing gender, the framing, legal, and policy webs tend to assume that “female” and “migration” and the “doing” of gender—as care or sex workers—indisputably fit into the trafficking framework.³⁴⁷ In this context, international law interacts with females within this migrant corridor according to restrictive generalizations, oblivious to their specific circumstances, and creates a normative framework that fails to effectively address the underlying issues.

Though Nigeria developed some labour migration policies, much of Nigeria’s approach to the transnational mobility of women and girls within this corridor focused on anti-trafficking initiatives and initiatives

342. *See id.* (discussing the introduction of several government programs such as the Directorate for Foods, Roads and Rural Infrastructure (DFRRI); the Better Life Program (BLP); the People’s Bank of Nigeria (PBN); the Family Support programs (FSP); and the Family Economic Advancement Program (FEAP)).

343. *See id.* at 719.

344. Nadeau, *supra* note 51; Carling, *supra* note 338, at 17-26.

345. Pessar & Mahler, *supra* note 4, at 822.

346. *See generally* Susan Martin, *The Legal and Normative Framework of International Migration*, GLOBAL COMMISSION ON INT’L MIGRATION (2004), https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP9.pdf.

347. *See* Kapur, *supra* note 88, at 334.

to stem the tide of irregular migration.³⁴⁸ Nigeria, in response to the looming crisis of massive transnational mobility of women and girls into Italy, entered into a bilateral agreement with Italy to combat irregular migration.³⁴⁹ In line with the obligations agreed upon in 2002, Italy donated equipment and goods valued at over \$2.5 million to the Nigerian government.³⁵⁰ In 2004, Italy provided goods worth €786,000, and in 2005-2006 it provided goods valued at about €4 million for distribution among Nigerian government agencies involved in immigration control and the monitoring and investigation of human trafficking.³⁵¹

In 2003, the National Agency for the Prohibition of Trafficking in Person (NAPTIP) was created by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003,³⁵² which was subsequently amended in 2005.³⁵³ The Act empowered the Agency to prosecute traffickers while offering a range of protective, rehabilitative, and reintegrative services to victims of trafficking.³⁵⁴ Since its inception, the agency has successfully prosecuted several human traffickers and³⁵⁵ carried out rescue missions for victims of human trafficking and irregular migration.³⁵⁶

Also, Nigeria, in collaboration with other international partners, has developed several labour migration policies to address the transnational mobility of Nigerians. For example, the IOM in Nigeria has developed

348. Aderanti Adepoju, Femke van Noorloos & Annelies Zoomers, *Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review*, 48 INT'L MIGRATION 42, 50 (2010).

349. *Id.*; See also VITTORIA LUDA DI CORTEMIGLIA, PROGRAMME OF ACTION AGAINST TRAFFICKING IN MINORS AND YOUNG WOMEN FROM NIGERIA INTO ITALY FOR THE PURPOSE OF SEXUAL EXPLOITATION 9 (n.d.), http://www.unicri.eu/topics/trafficking_exploitation/archive/women/nigeria_1/research/dr_italy_eng.pdf.

350. Adepoju et al., *supra* note 348, at 50.

351. *Id.*

352. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003) Cap. (24), §1 (Nigeria).

353. Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2005) Cap. (28) (Nigeria).

354. See *id.* at § 9.

355. Nneka Anaigoh, *Court Jails Two Human Traffickers*, NAPTIP (Oct. 17, 2018), <https://www.naptip.gov.ng/?p=1838>; see also Nneka Anaigoh, *Two Men Jailed for Human Trafficking*, NAPTIP (Oct. 2, 2018), <https://www.naptip.gov.ng/?p=1816>; Vincent Adekoye, *Federal High Court Enugu Jails Two for Human Trafficking*, NAPTIP (Nov. 14, 2017), <https://www.naptip.gov.ng/?p=1587>.

356. See Adekoye Vincent, *NAPTIP To Rescue Nigerian Victims of Human Trafficking and Irregular Migration Around West African Countries—Says DG ---Kicks Off Sensitization Campaigns in Niger Delta Communities*, NAPTIP (May 4, 2018), <https://www.naptip.gov.ng/?p=1734>.

the concept of migrant resource centres.³⁵⁷ This framework stems from the joint initiative funded by the European Union and implemented by IOM on “Strengthening Migration Governance in Nigeria and Sustainable Reintegration of Returning Migrants,” which includes:

- (i) enhancing the governance of migration and migration data collection and dissemination including data on return and reintegration through the implementation of key policy activities;
- (ii) strengthening sustainable reintegration of 3 800 returning migrants by supporting the government of Nigeria to improve and scale-up the provision and support for return and reintegration, including vulnerable migrants and victims of trafficking;
- (iii) increasing awareness of 200 communities in high migration areas on the consequences and viable alternatives to irregular migration & support migrants and their communities to have access to accurate information to support informed and safe migration and community cohesion; and
- (iv) strengthening the capacities of the government in the implementation of a national labour migration policy action plan.³⁵⁸

The Migrant resource centres are positioned to serve as “one-stop-shops” providing information to individuals intending to migrate, actually migrating, or returning on an array of migration information.³⁵⁹ The migrant resource centres provide direct assistance³⁶⁰ and online services to promote safe and orderly migration and equip individuals with accurate information to foster their ability to make informed decisions.³⁶¹ In a concerted effort with the IOM, Nigeria launched

357. *UN Migration Agency Launches Migrant Resource Center in Benin City, Nigeria*, THE IOM NIGERIA NEWSL. (The UN Migration Agency) Jan.–Mar. 2018, at 1, https://www.iom.int/sites/default/files/mission_newsletter/file/iom-nigeria-1q-newsletter-29march2018.pdf.

358. *Strengthening Migration Governance in Nigeria and Sustainable Reintegration of Returning Migrants*, T05-EUTF-SAH-NG-04, 1, 2 https://ec.europa.eu/trustfundforafrica/sites/euetafa/files/t05-eutf-sah-ng-04_-_migration.pdf. *See id.*

359. *Id.* at 4.

360. *See id.* at 12.

361. *See generally* *Strengthening Migration Governance in Nigeria and Sustainable Reintegration of Returning Migrants*, *supra* note 358 (documenting the action plan for the

Promoting Better Management of Migration in Nigeria by Combatting and Reducing Irregular Migration in 2011. It was set to last for five years—from July 2011 to February 2018.³⁶² The European Union Development Fund supported the project.³⁶³ It was also aimed at migration management through the control and reduction of irregular mobility of migrants within this corridor.³⁶⁴

Similarly, Nigeria launched the National Labour Migration Policy (NLMP) in 2016.³⁶⁵ The NLMP is aimed at optimizing the benefits of labour migration on development while simultaneously reducing the adverse effects of migration.³⁶⁶ As part of the government of Nigeria's implementation, there has been an established brochure for migrant workers, a National Electronic Labour Exchange³⁶⁷ website, and a database for migrant workers to aid in monitoring migration inflow.³⁶⁸

More recently in January 2018, the United Nations Development Programme announced the launch of a capacity development programme, Managing Migration for Development.³⁶⁹ The programme is a collaborative effort by Edo State Nigeria, the World Bank, and the European Union, as part of Edo State's strategy to "eradicate illegal migration and promote economic prosperity for the citizens of Edo State."³⁷⁰ The programme has identified four thematic pillars³⁷¹ relevant to its overall objectives, stakeholders' engagement, and

EU Trust Fund to improve migration management, specifically in Nigeria, including specific implementation strategies for Lagos State, Edo States and other areas in Northern Nigeria).

362. *Promoting Better Management of Migration in Nigeria (2011 – 2018)*, UNITED NATIONS OFFICE ON DRUGS AND CRIME NIGERIA, <https://www.unodc.org/nigeria/en/promoting-better-management-of-migration-in-nigeria-by-combating-and-reducing-irregular-migration.html> (last visited Mar. 17, 2021).

363. *Id.*

364. *Id.*

365. Press Release, Int'l Org. for Migration, Nigeria Launches National Labour Migration Policy (Aug. 19, 2016), <https://www.iom.int/news/nigeria-launches-national-labour-migration-policy>.

366. *See id.*

367. *Id.* *See generally* NAT'L ELEC. LABOUR EXCH., <http://www.nelexnigeria.com/> (last visited Mar. 17, 2021) (facilitating job exchange by surfacing labour availability and labour market needs).

368. Press Release, IOM, *supra* note 365.

369. Patrick Ochoga, *Illegal Migration: UNDP Unveils New Capacity Development*, LEADERSHIP (Jan. 29, 2018), <https://leadership.ng/illegal-migration-undp-unveils-new-capacity-development/>.

370. *Edo Holds 2nd Roundtable Dialogue on Managing Migration, as EU, World Bank Join Forces to Coordinate Campaign*, THISDAY (Dec. 2, 2018), <https://www.thisdaylive.com/index.php/2018/12/02/edo-holds-2nd-roundtable-dialogue-on-managing-migration-as-eu-world-bank-join-forces-to-coordinate-campaign/>.

371. *Id.* (quoting statement by the MMDP).

collaboration.³⁷² As early as May 2018, the programme presented data elicited from a coordination matrix aimed at reducing irregular migration.³⁷³

The aforementioned policies, as with all before them, have been fraught with inadequate socio-cultural, gender-responsive strategies. One example is in the failure of these policies to address patterns of gender migration fueled by social and cultural constructs of gender or explicitly recognize the needs of individuals within this migrant corridor. In focusing on migration trends through the narrow lens of tackling irregular migration and human trafficking, Nigeria has inadequately accounted for all the trajectories of migration and the complexities that encapsulate being and doing gender in migration.

For women and girls within this stream, many of whom are irregular migrants who endure exploitative situations, limited forms of autonomy exist. Italy, within its league of southern European countries, has been noted for its massive informal economy driven by irregular employment and constituted by a flexible labour force.³⁷⁴ A “flexibilization” has created a segmented labour force differentiated by inter alia gender and the emergence of markets within the agriculture and sex industry.³⁷⁵ In an ironic twist, Italy has been criticized for human rights violations in its quest to restrict irregular migration, which also has a gender-differentiated impact on women and girls.³⁷⁶

A bilateral agreement between Italy and Libya (a transit country) is among the many measures Italy has taken to restrict irregular migration.³⁷⁷ According to Amnesty International, Italy has committed to providing support to Libyan authorities responsible for official immigration detention centres, where migrants are arbitrarily detained in inhumane conditions.³⁷⁸ The head of France’s Information and Support Group for Immigrants called the policy “the most symbolic example of European cynicism . . . externalizing its asylum and

372. *See id.*

373. *Id.*

374. Lyon, *supra* note 124, at 218 (discussing “pendulum migration,” a practice where mostly female migrants rotate work as care or domestic workers in Italy and other EU countries, usually on a tourist visa).

375. ANDRIJASEVIC, *supra* note 288, at 6.

376. *Italy 2019*, AMNESTY INT’L, <https://www.amnesty.org/en/countries/europe-and-central-asia/italy/report-italy/> (last visited April 28, 2018).

377. Anja Palm, *The Italy-Libya Memorandum of Understanding: The Baseline of a Policy Approach Aimed at Closing All Doors to Europe?* EUMIGRATIONLAWBLOG (Oct. 1, 2017) <https://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/>.

378. AMNESTY INT’L, *supra* note 376.

immigration policy by getting third countries to take responsibility for the flow of migrants before they arrive at its borders.”³⁷⁹

Stranieri Italia, a website which identifies itself as “[t]he portal of immigration and immigrants in Italy,” intercepted a memo addressing human rights.³⁸⁰ In the memo, the Italian Ministry of the Interior was reported as ordering the Centres for Identification and Expulsion (CIE) to secure the early discharge of ninety-five Nigerians (fifty women and forty-five men) from Italy.³⁸¹ Also, Silvio Berlusconi, the former Italian Prime Minister, had vowed to deport 600,000 irregular Nigerian migrants,³⁸² an action that has been criticized as violative of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Italy is a party.³⁸³

While Italy has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,³⁸⁴ its conduct violates several human rights standards. According to UN Women, countries of the world are to ensure

that any administrative sanctions applied to irregular entry are proportionate and reasonable; taking into account all circumstances of entrance and stay . . . [e]nsure at all times that measures aimed at addressing irregular migration and combating transnational organized crime do not adversely affect the human rights and dignity of women and girls...including before departure, during transit, at borders, in destination countries and upon return³⁸⁵

379. See Adepoju et al., *supra* note 350, at 47.

380. Lorenzo Bagnoli E Matteo Civillini, *supra* note 42.

381. Ministero dell Interno, Telegramma No.400.B/2017/9/28/02/Audizioni E Charter Nigeria /1^ Div. (IISEZ) (Jan. 26, 2017), <https://www.meltingpot.org/IMG/jpg/foto-3.jpg>.

382. Wale Odunsi, *Berlusconi Vows to Deport 600,000 Nigerians, Other Immigrants in Italy*, DAILY POST, (Feb. 5, 2018), <http://dailypost.ng/2018/02/05/berlusconi-vows-deport-600000-nigerians-immigrants-italy/>.

383. See International Convention on the Elimination of All Forms of Racial Discrimination art. 3, Dec. 21, 1965, 660 U.N.T.S. 212, 218, <http://www.refworld.org/docid/3ae6b3940.html>.

384. See *generally* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Dec. 18, 1990, 2220 U.N.T.S. 3 (this international human rights treaty is a comprehensive document on the protection of migrant workers and their families).

385. UN Women, Recommendation for Addressing Women’s Human Rights in the Global Compact for Safe, Orderly and Regular Migration: Outcome of Expert Meeting in Geneva November 2016, (2017) ¶ 2.3, http://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/1_Global/INT_CMW_INF_8273_E.pdf.

Beyond its immigration policy gendering migration, Italy creates avenues for revictimization within this migrant stream, creating and supporting harsh legal sanctions within and outside its borders by collaborating with Libya (a transit country). It does this by criminalizing irregular migration and infringing on the fundamental human rights of migrants in several ways, including complicity in arbitrary detention of migrants in Libya, and detention and repatriation in Italy contrary to the Migrant Convention.³⁸⁶

Beyond international labour law treaties binding on ratifying state parties, a Global Compact for Safe, Orderly and Regular Migration³⁸⁷ was finalized on July 13, 2018, approved by 164 member states of the United Nations on December 10, 2018, in Marrakech, Morocco, and adopted by the United Nations General Assembly on December 19, 2018.³⁸⁸ The Compact is the first intergovernmental instrument on global migration.³⁸⁹ Because it is not binding, it is at best an aspirational document aimed at migration management among states that have signed into the pact.³⁹⁰ The Compact has broadly focused on the importance of data, curtailing illegal migration, and ensuring safe, orderly, and regular migration.³⁹¹

Though the Compact proposes a gender-responsive strategy to international global migration policies, it is aimed at reducing the “need” for international migration, and incentivizing legal migration does not adequately address socio-cultural gender differences and intersectionalities.³⁹² For example, a focus on data for evidence-based policies beyond statistics on migration flows and stocks would unwrap gender-specific needs and dynamics attributable to “social locations” and “power geometries.”³⁹³

Taken together, the development initiatives in Nigeria and the implication of the Global Compact for migration assume that when women are empowered, transnational mobility would be curtailed. Also,

386. AMNESTY INT’L, *supra* note 376.

387. G.A. Res. 73/195 (Jan. 11, 2019) (a comprehensive, non-binding instrument that respects the sovereignty of all states and sets aspirational goals aimed at addressing all aspects of international migration).

388. *Id.*; see also U.N. GAOR, 73rd Sess., 60 & 61 plen. mtg. GA/12113 (Dec. 19, 2018), <https://www.un.org/press/en/2018/ga12113.doc.htm> (last visited Apr. 19, 2021).

389. *Global Compact for Migration*, IOM, <https://www.iom.int/global-compact-migration> (last visited Mar. 17, 2021).

390. G.A. Res. 73/195, *supra* note 388, at ¶ 7; IOM, *supra* note 380.

391. G.A. Res. 73/195, *supra* note 388, at ¶ 16 (looking at the cooperative framework).

392. See GLOB. COMPACT FOR MIGRATION, *supra* note 387, at 4; Thorsen, *supra* note 193.

393. Thorsen, *supra* note 193.

a narrow focus on regular migration blindsides all the levels of vulnerability that regular guest workers experience.³⁹⁴

III. SOMEWHERE IN UTOPIA: RECOMMENDATION

Socio-cultural norms that sustain the gendering of migration within the Nigerian-Italian corridor are cushioned by the fractured process of the Nigerian immigration system. In a utopia, migration decisions and choices would be unrecompensed by social constructs, staggering economic necessity, stifling weight of debt, and fastened borders—an ideal world indeed.

Perhaps the embers of irregular migration would be smouldered should Nigeria institute an out-migration policy. Moreover, in a world motivated and sustained by data and information, the NIA should develop an internal department saddled with the responsibility of researching the internal and external causes of transnational mobility of women and girls within the Nigerian-Italian Corridor. The department should address nuances specific to different Nigerian ethnic groups and the objectification of women and girls. Such research should offer quantitative and qualitative information that unpacks the nuances of gender-specific dynamic transnational mobility trends within the country, focusing on causation, migration routes, and home community influences, as well as the “social location” of migrant women and girls. With the information gathered, this department should continue to administer questionnaires and carry out surveys to identify the effectiveness of the migration policies of the Nigerian government as it relates to the women and girls within this corridor.

Section 62(k) of the NIA provides that the Directorate of Migration reinforces and supplements measures in bilateral and multilateral treaties and conventions on the smuggling of migrants.³⁹⁵ While migrant smuggling may touch on modes of transit, attention to migrant smuggling alone offers only a slivering account of the various routes to transnational mobility.³⁹⁶ An all-encompassing regime of bilateral and multilateral treaties between countries of origin, transit, and destination should address not only the incidence of migrant smuggling, but also issues that touch on labour equity in transnational spaces. Such a regime could achieve these goals through a focus on human rights, labour rights, health-related concerns, and social security

394. For example, documented reports on the exploitation of au pairs and low-skilled workers such as H2A and H2B workers in America.

395. Immigration Act 2015, *supra* note 61, at § 62 ¶ k.

396. See Castagnone, Salis, & Premazzi, *supra* note 49, at 13 (illustrating that overstaying tourists have joined the labor market in Italy).

benefits—such as pensions and sick leave benefits—an emphasis on portability of such benefits, and with access to justice mechanisms in the countries of origin, transit, and destination.

The principle of portability has immense benefits, two of which are cushioning the hardship of migrants and reducing poverty—especially for irregular migrants.³⁹⁷ Irregular migrants are likely to be deprived of benefits available to individuals with legal status, therefore creating a situation where many women and girls within this corridor are denied access to the fruits of their labour or fail to seek necessary amenities for fear of arrest and deportation. A portable system allowing transposition of benefits such as health care, family allowance, pension, disability, and unemployment benefits has been affected through bilateral Social Security agreements by several countries, such as Turkey, which has a bilateral Social Security agreement with twenty-five countries, including Austria and Germany.³⁹⁸ In Africa, Morocco also has bilateral Social Security agreements with Belgium and France.³⁹⁹

Irrespective of the significant economic and political inequality innate in a possible negotiation process of a bilateral Social Security agreement between Nigeria and Italy, these agreements between Nigeria and Italy, and with transit countries such as Libya, provide a rich offering to women and girls within this migrant corridor. One such offering is the possibility of a reduced number of “re-trafficked” victims or circular migration.⁴⁰⁰

One consideration is a flipped bilateral Social Security agreement where Nigerian citizens have access to, at the bare minimum, transnational healthcare benefits in Italy. This author recognizes that this article offers recommendations that may seem unrealistic because many women and girls within this migrant corridor embark on the journey to Italy for better conditions of living, which are nearly nonexistent in Nigeria.

397. Donald Kerwin, *The Global Compact on Migration Should Support Expanded Social Security Coverage and Portability of Benefits, Including for Irregular Migrants and Deportees*, reprinted in PERSPECTIVES ON THE CONTENT AND IMPLEMENTATION OF THE GLOBAL COMPACT FOR SAFE, ORDERLY, AND REGULAR MIGRATION 119, 119 (J. Kevin Appleby & Donald Kerwin eds., 2018).

398. REPUBLIC OF TURKEY, SOCIAL SECURITY INSTITUTION, *Social Security Agreements*, http://www.sgk.gov.tr/wps/portal/sgk/en/detail/social_sec_agree (last visited Mar 17, 2020).

399. *Social Security Conventions Concluded Between Morocco and Foreign Countries*, KINGDOM OF MOROCCO, MINISTRY OF LABOUR AND PROFESSIONAL INSERTION <https://www.travail.gov.ma/mtip-espace-protection-sociale/ministere-emploi-insertion-professionnelle-convention-bilaterale/?lang=en> (last visited March 17, 2021).

400. A number of women deported often desire to return to Italy to earn money. See for example the story of Esther Plambech, *supra* note 44, at 152.

Another component of the out-migration policy is a department within the NIA saddled with conducting the documentation process for Nigerians to countries without a seasonal labour migration quota for Nigerians. This approach would create clarity and a reliable channel for many Nigerians willing to migrate, thereby significantly decreasing the risk of human trafficking or migration through clandestine routes. It would provide and improve informational and consular services to address the needs of women and girls wishing to migrate to Italy for domestic or sex work. This can be done by providing concrete, evidence-based information and knowledge about the social, cultural, and legal contexts of Italy, coupled with representation of the possible risks involved. It would also allow the NIA to keep a register of migrants in Italy and their listed employers. This would allow for the NIA to monitor the human rights compliance of employers of women and girls within this migrant corridor.

Immigration policies that create legal and transparent migration patterns would likely help in recasting gender stereotypes. That culture has a successional trajectory is not in doubt—from one generation to the next, ideas, technological advancements, and interactions modify culture, retelling and remodeling culture to suit times and codes of conducts tacitly acquiesced to by a community. Without a doubt, the place of ingrained socialized conduct in society may linger for a while too long if cultural and social norms are not integrated and referenced in articulating migration policies. Recasting gender stereotypes would perhaps be more efficient through the integration of stakeholders and communities' leaders into policy formulation. This would arguably galvanize the rapid trajectory of recasting gender stereotypes.

CONCLUSION

In the context of transnational mobility, “transformative actions must enhance equal access to mobility, employment, security and protection regardless of gender while reducing unfair and discriminatory barriers that prevent access for certain groups. This includes challenging stereotypes related to masculinity and femininity, harmful norms, and practices that nourish discrimination and marginalization”⁴⁰¹ in opportunities and outcomes.

401. Thorsen, *supra* note 193.

The cauldron of multiple regimes of gendered objectification—those of gendered social construct, gender and kinship, migration policy, lack of gender-responsive out-migration legal frameworks, and a reliance on a woman's financial exigency to do her gender—forge a thick web around transnational labour mobility for women and girls within this migrant corridor. For our survival, “I am the one who has to make that trip to Italy to work as a domestic worker or as a sex worker so I can make money for my family because I am a woman, it is my job to care for my family by any means possible because . . . *only I can.*”⁴⁰²

402. Nadeau, *supra* note 51 (discussing an example of a female Nigerian migrant (who identified as Joy) in Italy who felt her parents had no choice but to pawn her off to Italy to fend for the family. What is even more telling is her resigned fate, which she accepts as something she is destined to do for the sake of her family).