




CLIMATE JUSTICE ON TRIAL: Role of Nigerian Courts in Connecting the Dots between Climate Change and Violence against Women

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ABSTRACT

While growing scholarship has increasingly explored the gendered impact of climate change, the legal responses remain under-examined, particularly in Nigeria. Globally, climate change is a topical issue. The cause could be natural or man-made. While natural causes demand adaptation strategies, anthropogenic (man-made) ones require mitigation and accountability. Regardless of origin, it affects men and women but disproportionately burdens women and girls due to its intersection with gender inequality, human rights, and social justice. Consequently, it deepens existing inequalities and results in climate injustice. This worsens women's gender-driven bad situation, making it a form of violence against women (VAW). Nigeria has signed agreements on climate change and human rights, which are expected to be reflected in domestic laws. The question is whether these recognize the peculiarities of women and consider climate injustice as VAW.

This work examines the possibility of considering gender climate injustice as VAW and the role of courts in redressing it. It employs doctrinal research methodology from analytical, expository, and normative approaches, relying on primary and secondary sources of data. It found that the extant climate change laws are insufficient and neither gendered nor related to violence, leaving the courts to purposively connect the dots. To achieve substantive justice, it recommends that the courts must embrace the doctrine of 'implicitly guaranteed rights', enunciated by the African Commission on Human and Peoples' Rights in the case of *SERAC and Another v Nigeria*. Nigerian courts have a critical role in ensuring climate justice by interpreting laws to bridge the gap between environmental harm and its gendered consequences.

INTRODUCTION

Since the formation of the United Nations (UN) in 1945,¹ there have been global commitments to ensure the enjoyment of human rights. The idea that human rights are entitlements of all humans became preserved in the Universal Declaration of Human Rights (UDHR).² It set a minimum core standard for the enjoyment of human rights, and since then, the contours have consistently increased, beginning with the first generation-civil and political, to the second generation-socioeconomic to the third generation-developmental rights. Despite the different generations, there is a consensus that all rights are universal, indivisible, interdependent, and interrelated.³ A learned author illustrates it in demonstrating that one can only enjoy the right to life, a civil and political right, if there is access to the right to health goods

and services, a socioeconomic right.⁴ These standard minimums are imbibed at the regional levels, for instance, in Africa, the African Charter on Human and Peoples' Rights (African Charter) replicates them.⁵ National constitutions are not left out; for instance, the Constitution of the Federal Republic of Nigeria 1999 (CFRN) contains human rights provisions.⁶

Human rights, being universal, are for everyone irrespective of sex or gender. Despite the UDHR's use of the words 'all human beings', 'everyone', 'all', 'men and women', the Vienna Declaration insists that the human rights of women and girls are inalienable, integral, and indivisible parts of universal human rights.⁷ This is understandable, being that women constitute 49.5 percent of the global human population, a figure too significant to be ignored.⁸ In prac-

1 United Nations. (December 10, 1948). Universal Declaration of Human Rights (General Assembly Resolution 217A [III]).

2 Office of the High Commissioner for Human Rights. (n.d.). Universal Declaration of Human Rights (English). United Nations. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf.

3 United Nations. (June 14-25, 1993). Vienna Declaration and Programme of Action (A/CONF.157/23, Para. 5). World Conference on Human Rights, Vienna.

4 Nnamuchi, O. (2008). Kleptocracy and its many faces: The challenges of justiciability of the right to health care in Nigeria. *Journal of African Law*, 52(1), 10.

5 Organization of African Unity. (1981). African Charter on Human and Peoples' Rights (OAU Doc. CAB/LEG/67/3 Rev. 5, 21 ILM 588 [1982], entered into force October 21, 1986).

6 Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria (Promulgation) Act (as amended). Cap C23, Vol. 3, Laws of the Federation of Nigeria (2004).

7 United Nations. (1993). Vienna Declaration and Programme of Action (VDPA), Para. 18.

8 Countrymeters. (January 1, 2025). World population.

tice, women seem not to enjoy equal rights with men, thus the adoption of specific treaties like the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW)⁹ and its African regional counterpart – the Protocol to the African Charter on Rights of Women in Africa (Maputo Protocol).¹⁰ Some countries have women-specific laws on women's rights, while others have specific sections on women's rights in their Constitutions.¹¹ Nigeria has neither but rather a general law that guarantees everyone's rights.

Despite the interrelatedness of rights, none of the generations of rights seems to be most favorable to women. For instance, on civil and political rights, the right to life is guaranteed for everyone and not to be intentionally taken except in the execution of a court's sentence. This clearly does not take into consideration maternal mortality (MM), which is rife as Nigeria ranks second highest globally.¹² An example of socioeconomic right is the right to health, in cases of reduced access to reproductive health-care goods and services; women suffer grievous health consequences, including MM. A sample of third-generation or solidarity rights is the right to a healthy environment, the violation of which will affect the lives of men and women. Though this third group is plagued by challenges of clarity of content, duty bearers, and right holders, it can also result in MM in cases of sudden extreme climate change.¹³ This makes MM a

form of violence against women (VAW) because it affects only women, and the death does not result from court sentences. It also neglects the fact that these women die while performing a social function of giving life.

The environment plays an important role in the survival of human beings, as it can affect the quality of life of humans. This makes its protection beneficial to humans. Humans also need to be protected from elements of the environment that impact on dignified life. Climate is an important aspect of the environment that changes due to either natural or manmade means, causing humans untold hardship. When this happens, in Nigeria as well as most countries, women suffer more than men, in the form of health impacts, injury, and death.¹⁴ This is due to their peculiarity of being in the care economy, thereby constituting VAW.¹⁵

While policy and development scholarship have begun to explore the gendered impacts of climate change, legal responses, especially those concerning violence against women, remain under-examined. Although the body of literature on climate change and gender inequality has expanded, there is still a limited systematic analysis linking climate injustice to the legal frameworks governing violence against women. Research has shown that majority of academic literature pertaining to this issue fail to integrate a true gender perspective in regards climate change,¹⁶ often treating gender merely as an additional explanatory variable rather than recognizing it as a social or cultural construct that generates inequalities putting women at

<https://countrysmeters.info/en/World>.

9 United Nations General Assembly. (December 18, 1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), GA Res 34/180; entered into force September 3, 1981).

10 African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), (CAB/LEG/66.6 [2003]; entered into force November 25, 2005).

11 Federal Democratic Republic of Ethiopia. (1995). Constitution of the Federal Democratic Republic of Ethiopia, Art. 35.

12 Okeke, U. P., Agbo, I. L., Igwe, S. O. (2024). Questioning the Nigerianness of Nigerian women. *African Journal of Law and Human Rights*, 8(2), 116.

13 LawTeacher. (January 7, 2021). Third generation human rights and good governance. [https://www.lawteacher.net/free-law-essays/international-](https://www.lawteacher.net/free-law-essays/international-law/third-generation-human-rights-and-good-governance-international-law-essay.php)

[law/third-generation-human-rights-and-good-governance-international-law-essay.php](https://www.lawteacher.net/free-law-essays/international-law/third-generation-human-rights-and-good-governance-international-law-essay.php).

14 Boyle, P. (June 6, 2024). Climate change hurts women more. AAMC. <https://www.aamc.org/news/climate-change-hurts-women-more>.

15 Desai, B. H., Mandal, M. (2021). Role of climate change in exacerbating sexual and gender-based violence against women: A new challenge for international law. *Environmental Policy and Law*, 51, 138.

16 Alonso-Epelde, E., García-Muros, X., Gonzalez-Eguino, M. (2024). Climate action from a gender perspective: A systematic review of the impact of climate policies on inequality. *Energy Research & Social Science*, 112, 103511. <https://doi.org/10.1016/j.erss.2024.103511>.

a much greater risk; this lack of a gender perspective could lead to misinterpretation and misguided recommendations for improving climate policies.¹⁷ This paper addresses this critical gap by establishing a doctrinal foundation for recognizing gender-differentiated climate harms as a form of VAW and by outlining the role of courts in advancing this emerging field. It argues that if courts fail or neglect to connect the dots between climate injustice and VAW, they risk becoming complicit in perpetuating such violence. Consequently, this study is both timely and necessary, providing a legal and theoretical basis for understanding how environmental degradation and climate change intersect with women's human rights and the state's obligations to protect them.

This work is divided into five parts. Following this introduction is a section positing climate change justice and linking climate injustice to VAW. The third part traces the legal framework for recognizing climate injustice as VAW and how the courts can connect the dots. The fourth part looks at the factors affecting the recognition of climate injustice as VAW, thus impeding the enjoyment of such rights by Nigerian women, while the final part makes useful recommendations on tackling the identified challenges. This work concludes that where the courts fail or neglect to connect the dots between climate injustice and VAW, it becomes an agent in the perpetration of such violence.

METHODOLOGY

This study employs a doctrinal legal research methodology, integrating analytical, normative, and purposive interpretive approaches. This methodology is particularly appropriate given that the disproportionate impact of climate change on women, and its possible classification as a form of violence against women, represents a relatively novel and under-explored area of scholarship, with limited empirical data available. Doctrinal legal research provides a

systematic framework for clarifying conceptual and normative issues, constructing an interpretive model for judicial engagement, and critically evaluating existing legal instruments. The primary objective of this study is to examine how gender-differentiated climate harms may be recognized as VAW within existing legal frameworks, and to assess the potential role of courts in reinforcing this conceptual and normative linkage.

The research draws on multiple sources of law and scholarship. Primary legal instruments include the 1999 Constitution of the Federal Republic of Nigeria, the Climate Change Act 2021, the Violence Against Persons (Prohibition) Act 2015, the African Charter, and other relevant national and regional legal norms. International instruments and soft-law sources include the CEDAW, the Maputo Protocol, the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement, CEDAW General Recommendation No. 37, and the Beijing Platform for Action. Judicial authorities such as *SERAC v. Nigeria*, *Gbemre v. Shell*, and *Centre for Oil Pollution Watch v. NNPC* are analyzed to illustrate State obligations in relation to environmental protection and the protection of human rights. Secondary materials comprise peer-reviewed academic literature, monographs, and research reports by recognized international institutions.

The study applies a gender-sensitive and intersectional analytical lens to reveal the mechanisms through which climate impacts intensify women's vulnerability to violence and exacerbate socio-economic inequalities. Judicial decisions are examined using a precedent-based analytical model, while statutory and normative interpretation is guided by purposive, principle-based reasoning that foregrounds the indivisibility, interdependence, and universality of human rights. This research does not involve primary empirical data collection; rather, it systematically analyses legal, institutional, and secondary empirical materials to elucidate the relationship between climate impacts and VAW. By combining doctrinal analysis with critical

17 Ibid.

normative reasoning, the study develops an interpretive framework that advances gender-responsive climate justice and strengthens the judicial recognition of gendered climate harms.

1. THEORIZING CLIMATE CHANGE, CLIMATE JUSTICE, AND CLIMATE INJUSTICE

Human existence within an environment presupposes an interdependent relationship. Human beings can, through their actions, contribute to the growth and development or the destruction of the environment. Climate, a part of the environment, is the long-term pattern of weather in a particular area, tracked for at least 30 years.¹⁸ It changes slowly over hundreds or thousands of years by natural factors, human activities, and/or both. Natural causes include volcanic eruptions, ocean currents, the earth's orbital changes, solar variations, and internal variability.¹⁹ Human-related factors include: transportation, electricity generation, industrialization, mechanized agriculture, development of oil and gas, building, deforestation, and lifestyle choice, among others.²⁰ In view of human factors, industrialized nations would contribute more to climate change, but with globalization, other countries that neither contributed to the causative factor nor benefited from the industry will partake in the effect, which amounts to climate injustice, entitling them to reparation.²¹

Nigeria's climate is mainly tropical.²² Signs

of climate change include extreme flooding,²³ unpredictable rainy seasons, and air and water pollution.²⁴ The effects are enormous; for instance, flooding has destroyed schools, making it impossible for children to go to school, displaced people, destroyed farms, leading to food insecurity and unemployment for farmers, making them soft targets for recruitment by insurgents.²⁵ It affects health, fuels domestic violence, and is worse on the vulnerable, including children, the elderly, and pregnant women.²⁶ Like most countries, Nigeria experiences natural and human factors related causes. Of the human-related causes, the chief ones include gas flaring²⁷ and deforestation,²⁸ and both are eradicable. All these can be largely categorized as environmental violence, defined by the Committee on the Elimination of Discrimination Against Women (CEDAW) as any "form of environmental harm, degradation, pollution, or State failures to prevent foreseeable harm connected to cli-

18 National Geographic. (n.d.). All about climate. <https://education.nationalgeographic.org/resource/all-about-climate/>.

19 Turrentine, J. (n.d.). What are the causes of climate change? Natural Resources Defense Council (NRDC). <https://www.nrdc.org/stories/what-are-causes-climate-change>.

20 Ibid.

21 Chapman, A. R., Ahmed, A. K. (2021). Climate justice, human rights, and the case for reparations. *Health and Human Rights*, 23(2), 83.

22 United States Agency for International Development (USAID). (January, 2013). Nigeria climate vulnerability profile. https://www.climatelinks.org/sites/default/files/asset/document/nigeria_climate_vulnerability_profile_jan2013.pdf.

23 Ekpe, P. U. (August 13, 2024). Climate change induced by human activity behind floods in Nigeria. *Africanews*. <https://www.africanews.com/2022/11/17/climate-change-induced-by-human-activity-behind-floods-in-nigeria/>.

24 Babalola, E. (April 24, 2018). The effects of climate change in Nigeria. *ASEC*. <https://asec-sldi.org/news/current/climate-change-nigeria/>.

25 Stromsta, R. (May 30, 2024). Climate change, disasters, insecurity and displacement: The impact of flooding on youth marginalisation and human mobility in Nigeria. *International Organization for Migration (IOM)*. <https://environmentalmigration.iom.int/blogs/climate-change-disasters-insecurity-and-displacement-impact-flooding-youth-marginalization-and-human-mobility-nigeria>.

26 Ugwu, U. G., Ukamaka, T., Chinonye, C. P. (2023). Impact of climate change on the environment and human health in Nigeria: Implication for sustainable development. *International Journal of Studies in Education*, 19(1), 387.

27 World Rainforest Movement (WRM). (November 25, 2008). Nigeria: Gas flaring – major contributor to climate change and human rights abuses. <https://www.wrm.org.uy/bulletin-articles/nigeria-gas-flaring-major-contributor-to-climate-change-and-human-rights-abuses>.

28 Proshare. (December 12, 2022). Deforestation and climate change crisis in Nigeria. <https://www.proshare.co/articles/deforestation-and-climate-change-crisis-in-nigeria>.

mate change”.²⁹ The catalysts for this violence often arise from the failure of states to address climate change impacts or state and corporate actions that cause environmental degradation, revealing shortcomings in international and domestic law to hold perpetrators accountable.³⁰ Government-authorized degradation of the environment through contracts with corporations is one major form of environmental violence that results in gendered harm; this harm triggers mass migration due to the destruction of land and forced removals, leading to increases in violence against women.³¹

Climate justice recognizes the impact of climate change on those who are the least responsible for it by tackling the root causes. Nigeria is among the top seven countries flaring gas, even though the gas could be put to better use.³² She has shifted the date for its stoppage several times, suggesting that the government might not be interested in stopping it. This stance is fortified by the fact that the Nigerian state owns a 50 percent shareholding of the oil venture, which makes the government both a polluter and a beneficiary. Such contradictions reflect structural climate injustice: the state profits while citizens, especially women, bear the costs.

Globally, evidence reinforces that gender

equality strengthens climate resilience. A 2022 cross-country study covering 146 nations found that every 1% rise in gender equality correlates with a 0.6% improvement in climate adaptation capacity, primarily due to greater readiness and lower vulnerability.³³ Conversely, each 1% increase in gender inequality leads to a 0.5% decline in adaptation.³⁴ Education equality, in particular, was identified as the strongest driver of climate readiness.³⁵ These findings highlight that empowering women through education, participation, and equitable access to resources is not only a matter of justice but a practical necessity for effective climate action. In Nigeria, where women disproportionately experience the social and economic fallout of environmental degradation, closing gender gaps is therefore essential to achieving true climate justice and resilience.

1.1. Linking climate injustice to violence against women (VAW)

The consequences of climate change are not distributed equally; a significant body of research indicates that women are subject to its most severe effects.³⁶ This disparity is deeply rooted in societal structures; cultural norms often assign women primary responsibility for tasks such as securing water, fuel, and food, or performing home care; these rely heavily on natural resources, making them exceptionally vulnerable to environmental instability.³⁷ This vulnerability is intensified by economic and infrastructural factors. Women generally spend

29 Asgari, S. (November 27, 2023). A potential avenue for justice: The possibility of international criminal responsibility for gender-based violence caused by climate change. Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk/a-potential-avenue-for-justice-the-possibility-of-international-criminal-responsibility-for-gender-based-violence-caused-by-climate-change/>.

30 Ibid.

31 Asgari, S. (November 27, 2023). A potential avenue for justice: The possibility of international criminal responsibility for gender-based violence caused by climate change. Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk/a-potential-avenue-for-justice-the-possibility-of-international-criminal-responsibility-for-gender-based-violence-caused-by-climate-change/>.

32 Adelana, O. (March 11, 2022). Will Nigeria's climate change law put the brakes on gas flaring? Climate Home News. <https://www.climatechangenews.com/2022/03/11/will-nigerias-climate-change-law-put-the-brakes-on-gas-flaring/>.

33 Pinho-Gomes, A.-C., Woodward, M. (2024). The association between gender equality and climate adaptation across the globe. BMC Public Health, 24, Art. 1394. <https://doi.org/10.1186/s12889-024-18880-5>.

34 Ibid.

35 Ibid.

36 Alonso-Epelde, E., García-Muros, X., Gonzalez-Eguino, M. (2024). Climate action from a gender perspective: A systematic review of the impact of climate policies on inequality. Energy Research & Social Science, 112, 103511. <https://doi.org/10.1016/j.erss.2024.103511>.

37 Ibid.

more time in the home managing care duties, heightening their dependence on domestic energy. Concurrently, lower rates of private vehicle ownership mean they rely more heavily on public transport systems.³⁸ Furthermore, a persistent income gap translates into a higher incidence of energy poverty among women; this financial barrier makes it significantly more difficult for them to adopt sustainable alternatives, such as investing in renewable energy or energy-efficient upgrades.³⁹ This situation is particularly unjust given that women's consumption habits have historically accounted for a smaller portion of the greenhouse gas emissions driving the climate crisis; compounding the issue, the very groups most exposed to climate impacts, including women, are also the most likely to be negatively affected by flawed or badly designed climate policies; in short, women's disproportionate risk is a product of their greater exposure during severe climatic events, their frequent reliance on low-technology agriculture, and a systemic lack of resources and power.⁴⁰

Another instance of the adverse effect of climate change on women is when climate change changes the rainfall pattern, and women and girls, who are mostly responsible for collecting and managing household water, undergo enormous difficulty in getting water. In confirmation, the UN reported that women in sub-Saharan Africa annually spend 40 billion hours fetching water, equivalent to the annual labor worth of the entire workforce in France.⁴¹ Further, where people are compelled into camps due to climate change, women suffer indignity in the form of being victims of 'sex for food'.⁴² These demonstrate that climate change is not gender neutral but disproportionately affects women.

It could invariably be said to mete out injustice on women. Researchers, policy makers, and climate change scientists have been trying to link climate change to gender and social inequity.⁴³ However, the link is yet to be concretized by the UN, but the UN Women have lent their voices in calling for that recognition.⁴⁴

Seeing that climate change results in injustice to women by increasing their burden, though they did not cause it, is it a form of VAW? The United Nations Declaration on the Elimination of Violence against Women, (UN-DEVAW), the first international instrument to unequivocally address VAW, defines it as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. Climate change extremely affects women simply because of their sex and or gender. It inflicts physical harm when a woman dies, for instance, in cases of MM due to the effects of weather changes on pregnant women. It becomes sexual harm when a woman endures rape due to climate change, for instance, when climate change forces people to move into camps, and women are subjected to 'sex for food'. It becomes psychological when a woman is dehumanized as a result of climate change. This can happen in the privacy of homes or in the community. It follows that government or state actors can be held responsible. Relying on the foregoing, this work argues that climate injustice constitutes VAW.

38 Ibid.

39 Ibid.

40 Ibid.

41 Stephanie, D., Suleiman, H. (2024). The climate crisis in Nigeria: Climate justice and women's rights. Education as a Vaccine. <https://www.evanigeria.org/the-climate-crisis-in-nigeria-climate-justice-and-womens-rights/>.

42 Ibid.

43 UN Women. (February 28, 2022). Explainer: How gender inequality and climate change are interconnected. <https://www.unwomen.org/en/news-stories/explainer/2022/02/explainer-how-gender-inequality-and-climate-change-are-interconnected>.

44 UN Women. (2020). 2019–2020 Women, Peace and Security in Action. <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/Women-peace-and-security-annual-report-2019-2020-en.pdf>.

1.2 Specific forms of VAW exacerbated by climate change

Climate change, often acting as a threat multiplier, exacerbates pre-existing gender inequalities and social stressors, leading to a spike in various forms of violence against women during and after climate-related disasters, crises, and displacement. Specific forms of violence exacerbated by climate change include:

a. Intimate partner violence (IPV) and domestic abuse

Intimate Partner Violence and domestic abuse, overwhelmingly borne by women, tend to increase climate-induced disasters and are characterized by the UNDEVAW adopted on 20 December 1993 by General Assembly resolution 48/104, this violence is characterized as a continuum of harmful behaviors ranging from control and psychological abuse to physical and sexual violence that occur within the family or domestic setting and are commonly perpetrated by a current or former intimate partner.⁴⁵ This violence manifests in multiple forms: physical abuse and violence have been documented during both slow-onset crises, such as droughts in Australia and sub-Saharan Africa, and sudden-onset events such as hurricanes, cyclones, and bushfires⁴⁶ psychological and emotional abuse rises as disaster exposure and declining resources generate stress, leading to increased emotional harm⁴⁷ intimate partner femicide, or the murder of women by partners or family members, has shown heightened risk following heat waves⁴⁸ spousal battery often escalates due to disaster-related tensions and economic insecurity caused by climate change;⁴⁹ and

general domestic violence frequently increases during post-disaster reconstruction phases, as observed after Hurricane Mitch in Nicaragua and Honduras,⁵⁰ where stress from climate extremes aggravated household conflict and VAW risks.

b. Sexual violence and exploitation

Sexual violence and exploitation of women, which are highly documented in emergency and displacement settings during climate-related disasters, are exacerbated by resource scarcity and lack of security, exposing women and girls to multiple overlapping risks. Rape and sexual assault rose significantly among women displaced after Hurricane Katrina, including cases of intimate partner rape, while women and girls forced to walk longer distances in search of food, water, or firewood became especially vulnerable, as seen in reports of rape following the 2007 Gizo tsunami in the Solomon Islands.⁵¹ Sexual harassment is also widespread, particularly in disaster contexts where women and girls are targeted in cyclone shelters while accessing sanitation facilities or during floods,⁵² where unemployed men loiter and harass adolescent girls. Sexual trafficking and exploitation often intensify under conditions of displacement and scarcity caused by climate change, with children – especially girls – left unprotected and at risk of rape, trafficking, or forced prostitution in exchange for food, water, or other valuables, while women and girls face heightened coercion into sexual exploitation during climate-induced crises.⁵³ Finally, sexual violence against women climate change defenders highlights

45 Le, M. V. (2022). Disasters, Climate Change, and Violence Against Women and Girls. Oxford Research Encyclopedias: Natural Hazard Science.

46 Ibid.

47 Ibid.

48 Ibid.

49 Olusegun, O., Oyelade, O. (2022). Access to justice for Nigerian women: A veritable tool to achieving sustainable development. *International Journal of Discrimination and the Law*, 22(1), 4.

50 Fapohunda, T., Stiegler, N., Bouchard, J. P. (2024). Climate change and violence against women. Elsevier Masson SAS, 112.

51 Ibid.

52 Alston, M., Fuller, S., Kwarney, N. (2025). Women and climate change in Vanuatu, Pacific Islands region. *Gender, Place & Culture*, 32(1), 83.

53 Fapohunda, T., Stiegler, N., Bouchard, J. P. (2024). Climate change and violence against women. Elsevier Masson SAS, 112; Fruttero, A., Halim, D., Broccolini, C., Coelho, B., Gninafon, H., Muller, N. (2024). Gendered impacts of climate change: Evidence from weather shocks. *Environmental Research Climate*.

another layer of risk, with threats of rape and intimidation disproportionately weaponized to silence and control women who resist or protest against climate change.⁵⁴

c. Economic and property violence

Economic and property violence, which intensifies during climate-related shocks and resource scarcity, undermines women's financial stability and autonomy while increasing their susceptibility to abuse. Financial deprivation occurs when men refuse to meet economic responsibilities, such as alimony, or deliberately restrict women's access to financial resources, leaving them vulnerable during crises. Denial of livelihood and income opportunities, often through husbands preventing women from working, can become life-threatening in contexts of food insecurity and disaster-related stress, stripping women of the ability to sustain themselves or their families. Property rights shifting further compounds recovery challenges, as post-disaster processes often reinforce patriarchal norms that transfer land, housing, or other assets disproportionately to men, thereby marginalizing women's ability to rebuild their lives.⁵⁵ Finally, economic abuse, while recognized and criminalized under Nigerian law, becomes more pronounced during crises, manifesting in the loss of women's employment, livestock, or agricultural output and leaving them with reduced bargaining power and heightened dependence, which in turn deepens their exposure to gender-based violence.⁵⁶

d. Violence related to forced migration and displacement

Climate change causes the rapid degradation of land, forcing communities to abandon their homes and migrate in search of habitable

land.⁵⁷ This forced migration disproportionately affects women, leading to an increase in incidents of violence against women; this violence arises from structural shortcomings and cultural perpetuations of gendered discrimination.⁵⁸ Violence related to climate-induced migration and displacement is a critical concern in the context of climate events, as the insecurity created by displacement exacerbates women's and girls' exposure to multiple forms of abuse. Violence in temporary shelters and camps is widespread, with women and girls reporting high levels of sexual violence during routine activities such as sleeping, washing, bathing, or dressing, particularly in tents or shelters that lack privacy, adequate lighting, and proper security measures.⁵⁹ Forced prostitution emerges as another grave risk, as displaced women and girls are frequently coerced or exploited under conditions of vulnerability and scarcity, leaving them with few alternatives for survival.⁶⁰ In addition, xenophobic attacks pose heightened threats to women and girls in migration contexts, as climate-induced displacement often fuels social tensions in host communities, making female migrants disproportionately vulnerable to gendered violence, harassment, and exclusion.⁶¹ Further, a field study on climate change in some parts of Africa found that in the event of severe drought conditions, men migrate to other rural

⁵⁴ Ibid., 9.

⁵⁵ Alston, M., Fuller, S., Kwarney, N. (2025). Women and climate change in Vanuatu, Pacific Islands region. *Gender, Place & Culture*, 32(1), 83.

⁵⁶ Fapohunda, T., Stiegler, N., Bouchard, J. P. (2024). Climate change and violence against women. Elsevier Masson SAS, 112.

⁵⁷ Asgari, S. (November 27, 2023). A potential avenue for justice: The possibility of international criminal responsibility for gender-based violence caused by climate change. Oxford Human Rights Hub. <https://ohrh.law.ox.ac.uk/a-potential-avenue-for-justice-the-possibility-of-international-criminal-responsibility-for-gender-based-violence-caused-by-climate-change/>.

⁵⁸ Ibid.

⁵⁹ Desai, B. H., Mandal, P. (2021). Role of climate change in exacerbating sexual and gender-based violence against women: A new challenge for international law. *Environmental Policy and Law*, 51, 185.

⁶⁰ Le, M. V. (2022). Disasters, Climate Change, and Violence Against Women and Girls. *Oxford Research Encyclopedias: Natural Hazard Science*, 5.

⁶¹ Fapohunda, T., Stiegler, N., Bouchard, J. P. (2024). Climate change and violence against women. Elsevier Masson SAS, 11.

or urban areas in search of water or grazing land, or work.⁶² The women who are left behind face increased risks of expulsion from their families and communities, as well as sexual violence; the gendered impacts of these male migrations are manifested in terms of their negative effect on the girls' education.⁶³ In the absence of fathers and brothers, girls are expected to support their mothers in household and farming activities; as a result of the extra workloads the girls assume, they are forced to miss out on schooling.⁶⁴

e. Harmful Traditional Practices

Harmful Traditional Practices (HTPs) can intensify under the economic and social pressures of climate change, as families resort to these practices as coping mechanisms or strategies to reduce dependency. Child marriage and forced marriage often rise following disasters, with families marrying off daughters at younger ages during droughts to reduce household size and secure dowries as a form of cash income.⁶⁵ After the 2004 South Asian tsunami, cases were documented of young women being forced to marry older "tsunami widowers", while displaced girls were compelled into marriages against their will, and widows were coerced into marrying relatives of their late husbands.⁶⁶ Female genital mutilation, already a severe violation of women's rights, is recognized as a form of sexual violence that can be exacerbated in climate disaster contexts where social control over women's bodies intensifies.⁶⁷ In addition, forced abortion has

been reported in climate disaster situations, where women may be compelled to terminate pregnancies due to displacement, resource scarcity, or coercion, further reflecting the way harmful traditional practices become intertwined with crises driven by climate change.

f. Mental health

Climate change increasingly affects psychological well-being, manifesting in emotions such as fear, helplessness, and persistent distress that can escalate into clinical anxiety, depression, or trauma-related disorders.⁶⁸ Women are particularly vulnerable to these effects, often exhibiting higher rates of psychological strain following extreme weather events; this heightened risk is closely tied to pre-existing social and economic inequalities, as well as gendered responsibilities that place additional emotional burdens on women during and after crises.⁶⁹ In the aftermath of floods or droughts, women frequently experience intense worry over their families' safety and livelihoods; a growing phenomenon, sometimes referred to as eco-anxiety, captures the deep, ongoing fear of environmental collapse, one that has even influenced reproductive choices, with some women reconsidering childbirth in light of future climate risks.⁷⁰ Pregnant women exposed to disasters such as cyclones are also found to have elevated and prolonged risks of post-traumatic stress, often persisting long after the event itself.⁷¹

62 Abebe, M. A. (2014). Climate change, gender inequality and migration in East Africa. *Washington Journal of Environmental Law & Policy*, 4(1), 104-140. <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1034&context=wjelp>.

63 Ibid.

64 Ibid.

65 Le, M. V. (2022). Disasters, Climate Change, and Violence Against Women and Girls. *Oxford Research Encyclopedias: Natural Hazard Science*, 5.

66 Ibid.

67 Desai, B. H., Mandal, P. (2021). Role of climate change in exacerbating sexual and gender-based violence against women: A new challenge for international

law. *Environmental Policy and Law*, 51, 185.

68 Zavala, M. D., Cejas, C., Rubinstein, A., Lopez, A. (2024). Gender inequities in the impact of climate change on health: A scoping review. *International Journal of Environmental Research and Public Health*, 21(8), 1093. <https://doi.org/10.3390/ijerph21081093>.

69 Ibid.

70 Ibid.

71 Ibid.

2. LEGAL FRAMEWORK FOR RECKONING CLIMATE INJUSTICE ON WOMEN AS VAW

At the international level, few legal instruments directly address how climate change affects women and girls. Consequently, many women experience heightened vulnerability to violence and exploitation as climate impacts intensify.⁷² Historically, international environmental and climate frameworks have largely overlooked gender considerations, treating them as peripheral rather than integral to policy design.⁷³ This neglect has created a persistent gap in legal protection for women, particularly concerning gender-based violence linked to climate-related stressors. Existing international environmental and climate laws remain largely silent on these gender-specific dimensions, leaving women without adequate safeguards in global climate governance.⁷⁴

The commencement point is the UDHR, of which Article 25 guarantees standards of living adequate for wellbeing. This will invariably include a safe, clean, healthy environment. Specific ones on climate change include the 1992 UN Framework Convention on Climate Change (UNFCCC), establishing a structure for confronting challenges of climate change,⁷⁵ and the Paris agreement, recognizing that climate change is a shared problem, thus all countries need to set emission targets. It covers climate change mitigation, adaptation, and finance.⁷⁶ These and other climate change treaties barely recognize gender, let alone finding a linkage with VAW.

The CEDAW, acknowledged as the women's bill of rights, condemns all forms of abuse of

women, without the use of the word 'violence'. Though it has nothing on climate change, the purposive reading of its Article 1 on discrimination against women will include climate change-related VAW because women's disproportionate suffering has the effect of nullifying their exercise of human rights on an equal basis as men. As if affirming this, its General Recommendation (GR) no 37 – which is related to gender and disaster risk reduction in climate change, but failed to exhaustively cover VAW in climate change – correctly observed that women are more affected by climate change and experience difficulty in adapting to the changes that come with it, requiring targeted laws, policies and budget to redress it.⁷⁷ The Beijing Declaration and Platform for Action highlighted 12 crucial areas where action is needed for greater equality of men and women, and they include 'violence against women' and 'women and the environment'.⁷⁸ It noted that women are more stable in the community as men constantly seek greener pastures; consequently, sustainable development can only be achieved if women's contribution to environmental management is acknowledged and supported.⁷⁹

At the regional level, the African Charter guarantees the right to a generally satisfactory environment favorable for development,⁸⁰ while the Maputo Protocol guarantees African women the right to a healthy and sustainable environment.⁸¹ None of the treaties defined this right, but the Maputo Protocol has a more holistic provision, calling for the greater participation

72 Mandal, M. (2023). Climate change exacerbated sexual and gender-based violence: Role of the feminist foreign policy. *Environmental Policy and Law*, 53(5-6), 401-413. <https://doi.org/10.3233/EPL-239018>.

73 Ibid.

74 Ibid.

75 UN Framework Convention on Climate Change (UNFCCC). (May 9, 1992). S. Treaty Doc. No. 102-38, 1771 U.N.T.S. 107.

76 Paris Agreement to the UN Framework Convention on Climate Change. (November 4, 2016). T.I.A.S No.16 – 1104.

77 The UN Committee on the Elimination of Discrimination against Women. (2018). General Recommendation No. 37 on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change (CEDAW/C/GC/37), Paras. 3, 8.

78 United Nations. (1995). Beijing Declaration and Platform for Action: Fourth World Conference on Women (A/CONF.177/20 and A/CONF.177/20/Add.1), goals 4, 11.

79 Ibid., para. 251.

80 African Charter on Human and Peoples' Rights (n 4), Art. 24.

81 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), (n 9), Art. 18.

of women in the planning, management, and preservation of the environment. In relation to the extractive industry, the African Commission explained this right to mean an environment that is clean enough for a safe and secure life and development of individuals and people.⁸² This work adopts this definition, which it argues is sufficient to cover concerns outside of the extractive industry. However, it lacks a gender perspective. Specifically on climate change, the African Union observed that there is a lack of awareness of the gender dimension of climate change and thus the need to mainstream gender into climate change policy formulation, planning, monitoring, and evaluation.⁸³

The Maputo Protocol adopts the definition of violence as stated in the UNDEVAW, but goes a step further to prohibit violence in times of peace and armed conflict or war.⁸⁴ Article 4 on VAW calls on States Parties to identify its causes and consequences. In line with this provision, this work lends its voice in demonstrating that climate change causes VAW. Further, Article 10 on women in armed conflict specifically includes protection of internally displaced persons from violence. It follows that when women are internally displaced as a result of climate change, they must be protected from sexual and economic violence. Again, Article 24 on women in distress calls for the protection of poor women. This study has shown that climate change makes women poorer and deserving of protection. This work submits that the combined reading of the provisions of the Maputo Protocol suggests that climate change can be said to be VAW.

At the domestic level, there are few laws on it. Laws on any issue signify the government's

willingness to address it. Nigeria has laws on climate change and VAW. This aspect examines these laws for any linkage of the two, beginning with the 1999 Constitution of the Federal Republic of Nigeria as amended (CFRN), the foundational document upon which all laws in Nigeria derive their validity. The CFRN makes provisions for environmental concerns, which invariably cover climate change. Section 20 of the CFRN stipulates environmental objectives of protection, improvement of the environment, and safeguarding of the water, air, land, forest, and wildlife, the duty of the state. Of course, this duty is for the benefit of Nigerians. Section 42 prohibits discrimination in law or performance of executive or administrative function, on many grounds, including sex. It follows that when the government is carrying on the environmental objectives, it must endeavor to do so in a non-discriminatory manner.

The Climate Change Act of 2021 (CCA)⁸⁵ provides a framework for achieving a low greenhouse gas emission (GHG), environmentally sustainable, and climate-resilient society. It sets up the National Council on Climate Change (NCCC) to coordinate the attainment of reduced GHG and other anthropogenic causes of climate change. It obligates public entities as well as private ones with a minimum of 50 employees to establish measures for achieving carbon emission reduction.⁸⁶ It provides for the reduction of emissions from deforestation and forest degradation,⁸⁷ but it surprisingly has nothing on gas flaring, which contributes 65 percent of the global gas flares and is a major cause of climate change, especially in Nigeria.⁸⁸ The NCCC administers a climate change fund, set up for, among other things, conducting assessments of climate change impact on the vulnerable com-

82 African Commission on Human and Peoples' Rights. (May 22, 2017). State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter Relating to Extractive Industries, Human Rights and the Environment. Niamey, Republic of Niger, Para. 27.

83 African Union. (2022). African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032). 120.

84 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). (n 9), Art. 1.

85 Federal Republic of Nigeria. (2021). Climate Change Act. Official Gazette of the Federal Republic of Nigeria.

86 Ibid., s. 24.

87 Ibid., s. 28.

88 University of Exeter. (December 23, 2022). Penalties, Corruption and Legislation Are Failing to Deter Harmful Gas Flaring in Nigeria, Study Shows. University of Exeter. <https://phys.org/news/2022-12-penalties-corruption-legislation-deter-gas.html>.

munity and population.⁸⁹ This fund is, however, not for assisting victims of climate injustice. Seeing that women suffer more in cases of climate change, the absence of such an enabling provision is gender discriminatory. It provides for the punishment of acts that affect the mitigation efforts under the Act, but the penalty is to be determined by the Council.⁹⁰ This violates the attribute of offence that must be defined and a penalty prescribed in a written law.⁹¹ Where the penalty is to be determined by the council, it leaves room for differential punishment and all other acts of corruption-fueled considerations. An example is the non-punishment of gas flaring.

The Violence against Persons Prohibition Act (VAPPA) of 2015 prohibits and punishes all forms of violence against anyone.⁹² It defines violence as any act or attempt that causes or may cause any person, physical, sexual, psychological, verbal, emotional, or economic harm occurring in private or public life, in peacetime and in conflict situations.⁹³ Climate change has been linked to conflict.⁹⁴ It drives conflict in which women suffer all forms of violence. The combined reading of these laws will make room for the punishment of climate injustice as VAW.

Connecting the dots by the courts

In democratic societies, all eyes are on the courts to do justice. Justifying this is a common saying that the judiciary is the last hope of the common man. In doing justice, the courts interpret the law because the law becomes what the courts say it is. It follows that in reaching the end of recognizing climate injustice as VAW in Nigeria, the courts are of utmost importance.

Nigeria has enacted the VAPP as well as the CCA. Unfortunately, none of these laws directly links climate injustice to VAW. The pertinent question is whether asking the court to come to this conclusion is demanding an impossibility. Seeing that the law remains a skeleton till it is interpreted by the courts, should the courts apply the law according to justice, or should justice be done in accordance with the law?⁹⁵ In a place like Nigeria, where there is no specific law on women's rights and the CFRN has no specific section dedicated to women's rights, doing justice according to law will always leave women at a disadvantage. To do justice to women, the courts must apply the law according to justice by interpreting existing laws as living documents.

In interpreting the laws to do justice, Nigerian courts must embrace the doctrine of 'implicitly guaranteed rights' enunciated by the African Commission in the case of *SERAC v Nigeria*.⁹⁶ Here, the Nigerian government's recklessness in oil development affected the health and environment of the Ogoni people, threatening their food sources by destroying their water and land. Ogoni people demonstrated their grievance by carrying on non-violent campaigns. The government responded by using the army to kill them and destroy their houses. On a complaint to the African Commission, it held that the Nigerian government violated the following Articles of the African Charter – 2(nondiscrimination), 4 (life), 14(protection of property), 16 (health), 18(1) (family protection), 21 (free disposal of natural resources), and 24 (satisfactory environment). It further held that Nigeria violated rights to housing and food, which, though not guaranteed in the Charter, are 'implicitly guaranteed'. To reach this conclusion, they read articles 14 (protection of property), 16 (health), 18(1) (family protection), together. These, they held, protect rights to housing or shelter as destruction of housing negatively affects health,

89 Climate Change Act. (n 46), s. 15(2).

90 Ibid., s. 34(1).

91 CFRN. (n 5), s. 36(8) and (12).

92 Federal Republic of Nigeria. (2015). Violence Against Persons (Prohibition) Act (VAPPA 2015). Official Gazette of the Federal Republic of Nigeria.

93 Ibid., s. 46.

94 Women for Women International. (December 1, 2023). Climate, Conflict and Gender Inequality. <https://www.womenforwomen.org/blogs/climate-conflict-and-gender-inequality>.

95 Ikimi, I. L. (2022). Law According to Justice or Justice According to Law: Examining the Judiciary as the Last Hope of the Common Man in a Democratic State, *Journal of Legal Studies and Research*, 8(5), 196.

96 *SERAC v. Nigeria*. (2001). (60) African Human Rights Law Reports.

property, and family. They also read articles 4(life), 16 (health), and 22 (economic, social, and cultural development), together to implicitly guarantee the right to food. They reasoned that the right to food is essential for the enjoyment of expressly guaranteed rights like health, education, among others.

This decision strongly suggests that pronouncing climate injustice an act of VAW is possible in Nigeria because it has domesticated the African Charter and incorporated it as part of local laws.⁹⁷ Consequently, the combined reading of Articles 16 (health), 18(3) (elimination of discrimination against women, protecting their rights in accordance with international standards), 24 (satisfactory environment), and 46 of VAPP (prohibiting all forms of violence against persons in public or private in peace and conflict situations) would give room for the interpretation of climate change that disproportionately affects women's health, dignity and livelihood as VAW, from which they need protection. Further, relying on Article 60 of the domesticated African Charter, the courts can draw inspiration from international and regional human rights treaties as interpretative guides. The justification is that climate change increases women's burden and exacerbates VAW. The non-prevention of exacerbating manmade factors will mean non-protection of women. This conclusion is strengthened by the Commission's observation that all charter rights are operative and that international law and human rights must be responsive to African circumstances.

Nigerian courts seem to have embraced this doctrine. In the case of *Gbemre v Shell Petroleum Development Company of Nigeria Ltd. & Ors*,⁹⁸ the applicant representing his community sued the Nigerian government and Shell for failing to stop gas flaring and engaging in gas flaring, re-

spectively, which violated constitutionally guaranteed rights to life and dignity, affected means of livelihood, survival, and worsened the effects of climate change. The Court held that the acts complained about violated rights to a clean and healthy environment.

In another case, *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation*,⁹⁹ the Supreme Court overruled the decision of two lower courts in holding that an NGO has a locus to bring an action for a community whose waterways were contaminated by oil spillage from the respondent's oil pipe. Relying on sections 20(Environmental objectives), 33(right to life) of CFRN and Article 24 (satisfactory environment) of the domesticated African Charter, it held that the right to the environment is implicitly guaranteed. To address the present concerns, this study posits that all the courts need to do is extend the embracing of this doctrine to women, particularly as it relates to climate justice and VAW, when such an opportunity presents itself.

3. FACTORS HINDERING THE LINKAGE OF CLIMATE JUSTICE AND VAW IN COURTS

Many factors pose a challenge to Nigerian courts in recognizing climate injustice against Nigerian women and linking it to VAW.

3.1. Linkages related challenge

Over time, women have successfully challenged the violation of their rights in different aspects like land, sexual and reproductive health, and employment, among others. Unfortunately, researchers, policy makers, and women themselves are still struggling to link climate change and VAW.¹⁰⁰ This study evidences the

97 Federal Republic of Nigeria. (1990). African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. 10, Laws of the Federation of Nigeria). Official Gazette of the Federal Republic of Nigeria.

98 *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd. and Others*. (2005). (6) African Human Rights Law Reports 152.

99 *Centre for Oil Pollution Watch v. Nigerian National Petroleum Corporation*. (2019). (5) NWLR (Pt. 1666) 518.

100 UN Women. (2019-2020). Women, Peace and Security

differential effect of climate change on men and women, as well as the fact that it drives conflict with ripple effects, directly increasing all manner of VAW, and concludes that women suffer climate injustice. However, linking climate change as a causative factor of VAW in a tangible document at the international and regional levels is yet to be concretized, though the journey has begun.¹⁰¹ For effective linkage, further research linking climate change and injustice to VAW is inevitable.

3.2. Law-related challenge

Laws cannot be exhaustive, meaning that there is always room for more laws on any issue. Flowing from the challenge of climate change and VAW linkage, there is no hard or soft law at the international and regional levels on this. Realizing that domestic laws take inspiration from such international and regional agreements, it is understandable that Nigeria lacks such laws. While waiting for such agreements that will influence domestic laws, reliance could be placed on the VAPPA /VAPPL, which is holistic on VAW and can be stretched to issues of climate change.

Even with the laws, implementation is another concern. For instance, Nigeria enacted the CCA, but it took the president eight months to appoint the Director General of NCCC.¹⁰² The delay was attributed to bureaucracy, and one wonders if a simple thing, such as an appointment, takes eight months, what would the position be for more serious and pertinent climate change matters. Again, one of the sources of the fund for climate change actions is from fines for failing to meet climate change mitigation obligations. Nigeria introduced a penalty of \$2 per thousand cubic feet of gas wasted to discourage multinational corporations from flaring gas, and

in 2021 had \$521 million in fines, which remain mostly unpaid, despite the violations.¹⁰³

3.3. Court-related challenge

It is trite that in the absence of courts, justice will remain a mirage; Nigerian women can only get justice when they have access to them. The CFRN guarantees the right to a fair hearing and access to an independent and impartial court of law.¹⁰⁴ Access to courts requires legal representation as well as payment for the filing of processes. These necessitate payment of professional fees to lawyers and filing fees for processes. On filing costs, the courts are gradually becoming economically inaccessible because many states have relegated the courts to revenue-making ventures. Consequently, they have increased courts' filing fees, leaving Nigerians unable to initiate the judicial process because the courts are unaffordable.¹⁰⁵ This affects mainly the vulnerable and marginalized groups, like women, who, due to this development, will rather leave judgment to God. In agreement, research confirms that 69 percent of Nigerian women are poor.¹⁰⁶

On the difficulty of affording professional fees for lawyers, the Legal Aid Act of 2011 provides a leeway.¹⁰⁷ The Act establishes a Legal Aid Council (LAC) that aids indigent Nigerians in accessing courts at no cost, whether in terms of lawyers' professional fees or filing fees. This commendable act is stalled by the fact that the Act has three areas of focus – criminal defense, civil litigation, and community legal services.¹⁰⁸ The absence of a women-related focus will in-

103 Adelana. (n 26).

104 CFRN. (n 5), s. 17(2)(e) and s. 33.

105 Usman, D. J., Yaacob, N., Rahman, A. A. (2016). An Inquiry on the Affordability of Legal Services and the Appropriateness of the Regular Courts for Consumer Redress in Nigeria. *Beijing Law Review*, 7(2), 89.

106 Jerumeh, T. R. (2024). Incidence, Intensity and Drivers of Multidimensional Poverty among Rural Women in Nigeria. (2024). *Heliyon*, 10, 6.

107 Federal Republic of Nigeria. (2011). Legal Aid Act. Official Gazette of the Federal Republic of Nigeria.

108 Ibid., s. 6.

in Action. (n 34).

101 Ibid.

102 Adebote, S. (August 31, 2022). Is this Nigeria's 'loudest' statement yet on climate change? <https://www.bond.org.uk/news/2022/08/is-this-nigerias-loudest-statement-yet-on-climate-change/>.

hibit its use by women because the staff may not be trained on women-specific issues. This will mean that when women come to the office, there will be no staff with the expertise to handle their issues. This lack of skills applies to the lawyers being used by the LAC, since there is no provision for their training, and the LAC only uses lawyers who indicate an interest.

Further, a person can only receive legal aid on satisfying the Director General that there is reasonable ground for taking, defending, or being a party to such a suit.¹⁰⁹ This provision fails to recognize the fact that many Nigerians are not very much at home with women-specific issues; thus, the officer may see such proposed litigation as unreasonable and unworthy of court intervention. Where this happens, and the woman is indigent, legal aid will be denied her. For instance, in the recent past, domestic violence was seen as a family matter and not a violation of human rights. Another issue with the use of LAC is the fact that their offices are mainly located in urban areas.¹¹⁰ The reason may not be far from the usual Nigerian challenge of most workers rejecting rural postings due to a lack of basic amenities. Despite this tenable reason, the fact remains that many Nigerians dwell in rural areas, and such violations are more prevalent there, implying that situating them in rural areas will be beneficial. Consequently, this veritable tool that would have been of immense help to Nigerian women is ineffective because it is gender blind.

CONCLUSION

While it is suggested that Nigeria is waiting to be inspired by an international and regional-level framework on this issue, it is submitted that standard setting is good, but the implementation is better. This means that she can rely on a combination of extant hard and soft laws. To this, this study recommends the following:

- a) The enactment of gender sensitive climate laws without waiting for an international and regional level framework to protect Nigerian women from VAW in climate change;
- b) Much as laws are necessary, people need to know about available laws. Lawmakers must consider this because enacted laws that remain on shelves help nobody and defeat the purpose of their enactment. So they must find a way of disseminating enacted laws or drawing attention to them. They could do this by partnering with the National Human Rights Commission (NHRC), which has offices scattered throughout the federation and has the duty of investigating human rights violations and instituting civil actions;¹¹¹
- c) Equipping LAC with gender lenses to make it gender sensitive. This is necessary because it is instrumental to the courts' connecting climate justice to VAW. Presently, Nigerian courts are gender blind, drawing attention to the fact that it is not about positive discrimination in favor of women but realizing that women's needs differ from those of men. In taking this into consideration, the Act should be revised to specifically include women's issues as an area of focus; otherwise, the implementers of the law may neglect to purposively interpret it to relate to such issues. When this is done, it becomes a duty for LAC to ensure that, being a special area of expertise, they either engage lawyers who are knowledgeable in women's issues or devise a means of conducting intermittent training for their lawyers to ensure adequate representation. The same will also apply to the staff of LAC;
- d) In making the Act women-specific, LAC will devise a better strategy to fulfill its mandate. This will mean introducing a sensitization campaign that legal aid

¹⁰⁹ Ibid., s. 8(6).

¹¹⁰ Adeyemi, A. (2017). The Legal Aid Council in Nigeria: Challenges and Possible Solutions. SSRN. <https://ssrn.com/abstract=3547025>.

¹¹¹ National Human Rights Commission (NHRC). (n.d.). State Offices. <https://www.nhrc.gov.ng/index.php/regional-offices>.

covers related services so that indigent women can take advantage of it. Again, it will mean taking their services to the venue where they are needed, in this case, the rural areas, where 47 percent of Nigerians live.¹¹² With LAC in the rural areas, it becomes easier for victims to lodge complaints. While VAW happens everywhere, it is prevalent in rural areas. The reasons include the fact that many rural dwellers may not be aware of acts that constitute VAW and the laws prohibiting them. Consequently, the women requiring legal aid may not know when they are victims of a law violation. Logically, people would call for help for acts they know the law prohibits;

- e) The courts must also be seen to be courageous in protecting the vulnerable. For instance, in Gbemre's case,¹¹³ the court found that the applicant's right to a clean and healthy environment was violated, yet awarded no costs, damages, or compensation. Knowing that the respondents are not too poor to compensate the applicants, such acts send the wrong signal that courts aren't strong enough to protect and deter others from seeking judicial redress;
- f) Funders should consider funding nongovernmental organizations (NGOs) carrying on women-related programs, especially those on climate change. Ordinarily, NGOs conduct enlightenment programs for the populace. This they do through simplifying the laws in a manner that anyone, irrespective of educational status, will understand, and or translating them into the local languages of the area concerned. This is necessary because many NGOs are constrained by funds.¹¹⁴ Beyond

funding NGOs, it is also necessary that women-specific climate change research is deliberately funded and carried on.

The court is key to gender climate justice and linking it to VAW. Most courts have imbued the duty of impartiality as a professional ethic. However, they need to be gender sensitive too. This connotes the ability to look at issues from different perspectives, thereby recognizing and deciphering the biases fueled by gender stereotypes. This will boost the confidence of women in the courts in the ever-changing world, in line with the pronouncement of Pat Acholonu in the case of *Magit v University of Agriculture, Makurdi*. It is said that the function of the court is to interpret laws made by the legislature and not to make laws. In theory, that is so. But it must equally be admitted that judges are not robots (or zombies) who have no mind of their own except to follow precedents. They are intrepid by their great learning and training and can distinguish to render justice to whom it is due. As the society is eternally dynamic and with a fast-changing nature of things in the ever-changing world and their attendant complexities, the court should empirically speaking situate its decisions on realistic premises with regard to the society's construct and understanding of issues that affect the development of jurisprudence.¹¹⁵

Judges should never be influenced by the weather of the day but by the climate of the era in applying their great learning to protect Nigerian women from VAW driven by climate change.¹¹⁶ Climate change being an existential issue, its litigation must come before courts. In hearing such matters, the courts can rely on specific laws or borrow from general laws, but they must be climate change and VAW-conscious for Nigerian women to enjoy climate justice.

112 Statista. Nigeria: Urbanization from 2012 to 2022. <https://www.statista.com/statistics/455904/urbanization-in-nigeria/>.

113 Gbemre. (n 58).

114 Abanyam, N. L., Mnorom, K. (2020). Non-Governmental Organizations and Sustainable Development in Developing Countries. *Zamfara Journal of Politics and*

Development, 1(1), 1-17.

115 *Magit v. University of Agriculture, Makurdi* (2005). 19 NWLR (Pt. 959) 211, 259 D-E.

116 Coyle, M. (June 29, 2020). The Supreme Court and the 'Climate of the Era'. National Constitution Center. <https://constitutioncenter.org/blog/the-supreme-court-and-the-climate-of-the-era>.

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