journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW Vol. 12(4), September, 2025

THE EVOLVING LANDSCAPE OF PARENTHOOD, ADOPTION AND LEGITIMACY IN NIGERIA

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Abstract
This article investigates the intersecting statutory, customary, and international legal regimes that shape the recognition of parenthood in Nigeria, with particular focus on adoption and legitimacy. Despite the enactment of the Child Rights Act 2003, adoption remains procedurally inconsistent due to decentralised implementation and doctrinal conflict with Islamic guardianship (kafala) frameworks. Legitimacy, meanwhile, continues to reflect colonial-era statutes and discriminatory customs, often excluding children born outside wedlock from inheritance and family identity contrary to constitutional guarantees under Section 42(2) of the 1999 Constitution. Through doctrinal analysis, judicial interpretation, and comparative review, the article evaluates gaps in enforcement, cultural resistance, and institutional weaknesses. It highlights key controversies, including fragmented jurisdictional application, post-adoption vulnerability, and the impact of corruption. Drawing on international standards, including the United Nations Convention on the Rights of the Child and African Charter for the Rights and Welfare of the Child, the study advocates for legal harmonisation, expansion of legitimation pathways, codification of acknowledgment practices, and enhanced cross-border cooperation via ratification of the Hague Convention. The article concludes by proposing a reform agenda centred on rights-based, child-focused principles that reconcile Nigeria's plural legal traditions with constitutional and international obligations. In doing so, it contributes to scholarship on family law reform and offers practical pathways toward inclusive and legally secure parenthood.

Keywords: Landscape, Parenthood, Adoption, Legitimacy, Nigeria

1. Introduction

Parenthood in Nigeria is a multifaceted institution shaped by statutory law, customary practices, religious beliefs, and evolving societal norms. It is not merely a biological relationship but a legal and social construct that determines the rights, responsibilities, and recognition of individuals as parents. The legal dimensions of parenthood particularly through adoption and legitimacy are critical in safeguarding the welfare of children and ensuring equitable access to familial rights.

Historically, Nigeria's legal framework on parenthood has been influenced by colonial legacies, indigenous customs, and international human rights instruments. Prior to statutory intervention, adoption was largely informal and governed by customary law, which varied across ethnic groups and often lacked procedural safeguards. The first formal adoption law was enacted in Eastern Nigeria in 1965, followed by similar legislation in other states such as Lagos and Rivers. These laws marked a shift from informal kinship-based caregiving to legally recognized parental relationships.[1]

Adoption, as a statutory creation, allows individuals to assume full parental rights over a child who is not biologically theirs. It severs the legal ties between the child and their birth parents and re-

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[1] Eastern Nigeria Adoption Law 1965 (No 12 of 1965); see also J O Asein, *Introduction to Nigerian Legal System* (Spectrum Books 2005) 234.

establishes them with the adoptive parents.[2] Legitimacy, on the other hand, pertains to the legal status of a child in relation to their birth circumstances, whether born within or outside wedlock, and has profound implications for inheritance, identity, and social acceptance.[3]

The Child Rights Act 2003 serves as the cornerstone of child welfare legislation in Nigeria. It provides a unified framework for adoption procedures, eligibility criteria, and the rights of adopted children. However, its implementation is uneven across states, with some northern regions resisting domestication due to religious and cultural considerations.[4] This fragmentation has led to inconsistencies in adoption practices and legal recognition of parenthood nationwide.

Moreover, customary law continues to play a significant role in defining parenthood, especially in rural communities. While some customs recognize informal adoption and confer inheritance rights, others maintain rigid distinctions between legitimate and illegitimate children, often to the detriment of the latter.[5] These tensions between statutory and customary norms create legal ambiguities that affect the status and rights of children.

Internationally, Nigeria is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), which emphasizes the best interests of the child, non-discrimination, and the right to identity. These principles have influenced domestic reforms but are yet to be fully integrated into local practices.[6]

This paper adopts a doctrinal research methodology, analyzing statutory provisions, judicial decisions, academic literature, and international instruments. It aims to examine the statutory and customary frameworks governing adoption and legitimacy; evaluate the effectiveness and limitations of existing laws; highlight the socio-legal challenges in recognizing parenthood; propose reforms to harmonize legal standards and promote child welfare.

Ultimately, this study underscores the need for a coherent, rights-based approach to parenthood in Nigeria, one that reconciles legal certainty with cultural sensitivity and prioritizes the best interests of the child.

2. Conceptual Foundations

2.1 Defining Parenthood, Adoption, and Legitimacy

Parenthood refers to the legal and social relationship between a parent and child, encompassing rights, duties, and responsibilities. In Nigeria, parenthood may arise through biological connection, adoption, or legal recognition under customary or statutory law.[7]

Adoption is a statutory process that creates a legal parent-child relationship between individuals who are not biologically related. It severs the legal ties between the child and their birth parents and

[2] Child Rights Act 2003, s 126; see E Azinge, 'Adoption Laws in Nigeria: Challenges and Prospects' (2011) 5 *Nigerian Law Journal* 76.
[3] UNICEF Nigeria, *Implementation of the Child Rights Act in Nigeria: Gaps and Opportunities* (2020) <https://www.unicef.org/nigeria> accessed 14 July 2025.
[4] UNICEF Nigeria, *Implementation of the Child Rights Act in Nigeria: Gaps and Opportunities* (2020) <https://www.unicef.org/nigeria> accessed 14 July 2025.
[5] T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 104–106.
[6] UNCRC, adopted 20 November 1989, entered into force 2 September 1990, UNGA Res 44/25; see F Obioha, 'The Role of International Law in Nigerian Family Law Reform' (2021) 9 *Nigerian Journal of Law and Society* 128.
[7] E.I. Nwogugu, *Family Law in Nigeria* (3rd edn, HEBN Publishers 2014) 295.

re-establishes them with the adoptive parents.[8] Adoption is unknown to common law and is entirely a creature of statute.[9]

Legitimacy pertains to the legal status of a child in relation to their birth circumstances. A child born within lawful wedlock is considered legitimate, while one born outside marriage may be deemed illegitimate unless legitimated by subsequent marriage or formal acknowledgment.[10] Legitimacy affects inheritance rights, identity, and social standing.[11]

2.2 Legal Perspectives of Parenthood

Under Nigerian law, parenthood is governed by a mix of statutory, customary, and religious laws. The Child Rights Act 2003 provides a unified framework for child welfare, including adoption and parental responsibilities.[12] However, implementation varies across states, with some northern regions yet to domesticate the Act due to religious and cultural objections.[13]

The Children and Young Persons Act 1943, a colonial-era statute, was Nigeria's first attempt at child protection.[14] It focused on juvenile justice but lacked comprehensive provisions on parenthood and legitimacy. The Matrimonial Causes Act 1970 and Marriage Act 1914 also influence the legal recognition of parenthood, particularly in cases of legitimacy and custody.[15]

2.3 Sociological Perspectives on Parenthood

In traditional Nigerian society, parenthood was communal. Children were raised not only by biological parents but also by extended family members and community elders.[16] Customary child fostering, where children are informally placed with relatives or benefactors, remains prevalent, especially in rural areas.[17]

However, modernity and urbanization have shifted parenting responsibilities to nuclear families, often supported by media and Western values.[18] This transition has led to tensions between statutory law and customary practices, particularly in defining legitimate parenthood and regulating informal adoption.[19]

2.4 Historical Evolution of Parenthood Laws in Nigeria

Nigeria's legal framework on parenthood has evolved from colonial influences to indigenous reforms. Before 1965, adoption was largely informal and governed by customary law. The Eastern Nigeria Adoption Law 1965 was the first formal statute enacted in of adoption, followed by similar laws in Lagos and other states.[20]

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[8] Child Rights Act 2003, s 126; H O Obi and O C Aduma, 'Adoption Practice under the Child's Rights Law of Anambra State' (2022) 3 *African Customary and Religious Law Review,* 48.
[9] S. E. Kabo, 'The Concept of Child Adoption in Nigeria and Its Legal Effect' (2022) *AJMRR* <https://thelawbrigade.com> accessed 14 July 2025.
[10] Constitutionof the Federal Republic of Nigeria, 1999 (as amended), s 42(2).
[11] M.O. Izzi and C.D. LongJohn, 'An Analysis of the Concept of Legitimacy and Legitimation Under Nigerian Family Law' (2017) 5(1) *Journal of Property Law and Contemporary Issues.*
[12] Child Rights Act 2003, ss 1–3.
[13] UNICEF Nigeria, *Implementation of the Child Rights Act in Nigeria: Gaps and Opportunities* (2020) <https://www.unicef.org/nigeria> accessed 14 July 2025.
[14] Children and Young Persons Act 1943.
[15] Matrimonial Causes Act 1970, ss 69–71; Marriage Act 1914, s 1.
[16] O Ekundayo and M. Adigun, 'Between Tradition and Modernity: The Changing Patterns of Parenting in Nigeria' in *Parenting Across Cultures* (Springer 2022).
[17] W. Diriwari, 'Guaranteeing Child Fostering and Parental Rights in Nigeria: Law and Policy Perspectives' (2022) *AJHSSR* 6(10) 137.
[18] O Rotimi, 'A Sociological Review of Parental Responsibility in Child Character Formation' (2023) *The Progress* 4(3) 30.
[19] F. Anyogu and N Okpalaobi, 'Court Ordered Parenting Plan in Nigeria' (2016) *African Research Review* 10(1).
[20] Eastern Nigeria Adoption Law 1965 (No 12 of 1965); Lagos State Adoption Law 1968.

The Child Rights Act 2003 was inspired by the UN Convention on the Rights of the Child. The Act marked a significant shift toward rights-based child protection.[21]Despite its progressive provisions, the Act's uneven adoption across states has perpetuated legal fragmentation.[22]
Customary law continues to shape parenthood, especially in matters of legitimacy and inheritance. While some customs confer rights on adopted or fostered children, others maintain rigid distinctions that disadvantage children born outside wedlock.[23]

3. Legal Framework Governing Adoption

3.1 Statutory Foundations

Adoption in Nigeria is governed primarily by the Child Rights Act 2003 (CRA), which provides a comprehensive legal framework for child welfare and protection.[24] The CRA outlines procedures for adoption, eligibility criteria, and safeguards to ensure the best interests of the child.[25] It is important to note that adoption is entirely a statutory creation**,** unknown to common law.[26]

Section 126 of the CRA mandates that adoption must be initiated through a formal application to the Family Court, accompanied by specific documentation including medical certificates, proof of age, and financial capacity.[27] The Act also requires a thorough investigation by welfare officers to assess the suitability of the applicant.[28]

However, because adoption falls under the Residual Legislative List and states retain the power to legislate independently.[29] This has led to a fragmented legal landscape, with varying adoption laws and procedures across Nigeria.

3.2 State-Level Legislation and Divergence

Lagos State

Lagos operates under the *Child's Rights Law No. 11 of 2007*, which mirrors the CRA but includes additional procedural rigor.[30] The adoption process involves: pre-adoption counseling, home studies by social workers, a mandatory bonding period of at least three months, final approval by the Family Court.[31]

Rivers State

Rivers State is governed by the *Child Rights Law No. 6 of 2022* and the *Adoption Law of Rivers State 1999*.[32] The Family Court oversees adoption petitions, and the Ministry of Social Welfare conducts investigations and post-adoption monitoring. A guardian ad litem is appointed to represent the child's interests during proceedings.[33]

Northern States

Many northern states have not domesticated the CRA due to religious and cultural objections.[34] Islamic law, which predominates in these regions, does not recognize adoption in the statutory sense. Instead, kafala (guardianship) is practiced, which does not sever ties with biological parents

[21] UNCRC, adopted 20 November 1989, UNGA Res 44/25; Child Rights Act 2003.
[22] Z Bashir, 'The Rights of a Child in Nigeria' (IAWJ 2023) <https://www.iawj.org> accessed 15 July 2025.
[23] T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 104–106.
[24] Child Rights Act 2003, ss 125–141.
[25]ibid, s 126.
[26] S. E. Kabo, 'The Concept of Child Adoption in Nigeria and Its Legal Effect' (2022) <*AJMRR*https://ajmrr.thelawbrigade.com >accessed 15 July 2025.
[27] Child Rights Act 2003, s 126(1).
[28]*Ibid,* s 126 (2).
[29] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4(7).
[30] Lagos State Child's Rights Law No. 11 of 2007.
[31] Koriat Law, 'Keynotes on the Process of Child Adoption in Lagos State' (2023) <https://koriatlaw.com> accessed 15 July 2025.
[32] Rivers State Child Rights Law No. 6 of 2022; Adoption Law of Rivers State 1999.
[33] Aziza Nigeria, 'Child Adoption Legal Procedures in Nigeria' (2024) <https://www.aziza.com.ng >accessed 15 July 2025.
[34] Understanding Adoption Law in Nigeria: A Guide (Mondaq, 2025) < https://www.mondaq.com >accessed 15 July 2025.

or confer inheritance rights.[35] Kafala is a system which allows families to provide a loving home for a child while respecting the child' name, cultural heritage and religion.
This divergence has created legal inconsistencies and access disparities, particularly for children in need of formal adoption protections.

3.3 Procedural Requirements and Safeguards

Across the states in Nigeria that have adopted the CRA or similar laws, the adoption process generally includes the following:

a. **Formal Application**: Submitted to the Family Court with supporting documents such as birth certificates, marriage certificates, medical reports, and financial statements.[36]
b. **Welfare Investigation**: Social welfare officers conduct home visits, background checks, and psychological evaluations.[37]
c. **Pre-Adoption Fostering**: A probationary period (typically 3–12 months) during which the child resides with the adoptive parents.[38]
d. **Court Hearing and Order**: The Family Court reviews the welfare report and, if satisfied, issues an adoption order.[39]
e. **Registration and New Birth Certificate**: The adoption is registered, and a new birth certificate is issued listing the adoptive parents.[40]

These steps are designed to ensure that adoption is not only legally valid but also emotionally and socially beneficial for the child.

3.4 Role of Family Courts and Welfare Agencies

Family Courts serve as the **judicial gatekeepers** of adoption, ensuring: compliance with statutory requirements; verification of consent from biological parents or guardians and protection against coercion, trafficking, or financial inducement.[41]
Whereas, the Welfare agencies, typically under the Ministry of Women Affairs or Social Development, are responsible for counseling and screening prospective adoptive parents, conducting home studies and post-adoption follow-ups and facilitating child-parent matching and monitoring adjustment[42]. Their role is pivotal in safeguarding the child's welfare and ensuring that adoption is not exploited for improper purposes.

3.5 Judicial Precedents and Interpretations

Nigerian courts have reinforced the legal status and rights of adopted children through landmark decisions:

a. The case of *Aduba v Aduba*, concerns the inheritance rights of an adopted child in Nigeria. The High Court determined that the respondent was the adopted child of Aduba Nwaemere and Felicia. On Appeal, the Court of Appeal affirmed that adopted children have full inheritance rights to inherit the estate of their adoptive parents alongside biological children. Reliance was placed under Section 42 of the Constitution, which prohibits discrimination.[43]

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[35] O M Atoyebi, 'The Practice of Child Adoption in Nigeria' (2024) *Omaplex Law Firm* <https://omaplex.com.ng> accessed 15 July 2025.
[36] LawPàdí, *Steps to Legally Adopt a Child in Nigeria* <https://lawpadi.com> accessed 15 July 2025.
[37] D. Ogedengbe, 'Adoption In Nigeria: The Legal Procedure And Requirements' (2025) *Mondaq* <https://www.mondaq.com> accessed 15 July 2025.
[38] D. Ogedengbe, 'Adoption In Nigeria: The Legal Procedure And Requirements' (2025) *Mondaq* <https://www.mondaq.com> accessed 15 July 2025.
[39] Child Rights Act 2003, s 128.
[40]ibid, s 130.
[41] Child Rights Act 2003, s 129.
[42] Ministry of Women Affairs and Social Development, Nigeria.
[43] (2018) LPELR-45756 (CA).

b. In ***Bassey v Ekpiken***, the court held that adopted children are lawful heirs and entitled to their adoptive parents' estate.[44]
c. In ***Chibuzor v Chibuzor***, a child by name Okechukwu was born to Cecilia while she was still in secondary school, but she did not disclose the father's identity to her own father, hence his father Eugene begat Okechukwu. Eugene divided his house to Okechukwu in the presence of witnesses. This served as a credible evidence to substantiate the claim of adoption. But the question before the court was whether customary adoption of Okechukwu by Eugene will have the same consequences as legal adoption. The Court of Appeal emphasized that adoption permanently transfers all legal rights and duties from biological to adoptive parents.[45]

These cases underscore the judiciary's commitment to upholding the dignity and legal recognition of adopted children.

4. Legitimacy and Legal Recognition of Children in Nigeria

The concept of legitimacy is foundational to family law and succession jurisprudence in Nigeria. It determines the legal status of a child, influencing rights to inheritance, identity, and social recognition. Historically, legitimacy was a rigid construct tied to lawful wedlock, but constitutional reforms and judicial activism have gradually reshaped its contours. This section of the article critically examines the statutory, customary, and judicial frameworks governing legitimacy, with emphasis on the evolving legal recognition of children born outside marriage.

4.1 Historical and Doctrinal Foundations

Under English common law, which influenced Nigerian legal development, an illegitimate child (*filius nullius)* was considered the child of no one, lacking rights to inheritance or familial recognition.[46] This harsh doctrine was imported into Nigeria during colonial rule and codified in statutes such as the Legitimacy Act 1929, which provided limited avenues for legitimation.[47]

However, customary law in Nigeria often diverged from this position. In many ethnic communities, a child born outside wedlock could be recognized as legitimate if the father acknowledged paternity or fulfilled traditional rites.[48] Islamic law similarly presumes legitimacy if a child is conceived during a valid marriage, regardless of birth timing.[49] These pluralistic norms created a complex legal landscape, often resulting in conflicting outcomes in succession and family disputes.

4.2 Constitutional Reforms and Section 42(2)

The 1999 Constitution of Nigeria introduced a transformative provision in Section 42(2) thus: *"No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth*."[50] This clause was widely interpreted as abolishing the legal distinction between legitimate and illegitimate children. [51]In *Ukeje v Ukeje***,** the Supreme Court held that denying inheritance rights to a child born out of wedlock violated Section 42(2), affirming the constitutional guarantee of equality.[52]

[44] 2024) LPELR-61778 (CA).
[45] (2018) LPELR-46305 (CA)
[46] P.O. Itua, 'Legitimacy, Legitimation and Succession in Nigeria' (2012) 4(3) *Journal of Law and Conflict Resolution* 33.
[47] Legitimacy Act 1929, Cap 519 LFN 1990.
[48] T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 104–106.
[49] Sagay I, *Nigerian Law of Succession* (Malthouse Press 2006) 3.
[50] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 42(2).
[51]S A Adebayo and others, 'Overview of the Concepts of Legitimacy and Legitimation under Nigerian Laws' (2023) *JARMS* 3(2) 58.
[52] (2014) LPELR-22724 (SC).

However, scholarly debate persists. Some argue that Section 42(2) merely removes the disabilities associated with illegitimacy without abolishing the status itself.[53] Others contend that the provision, read purposively, mandates equal treatment and renders legitimacy distinctions obsolete.[54]

4.3 Legitimation Mechanisms

a. Legitimation by Subsequent Marriage

The **Legitimacy Act** allows a child born out of wedlock to be legitimated if the parents subsequently marry under statutory law.[55] The father must be domiciled in Nigeria at the time of marriage, and the child must be alive when the marriage occurs.[56] This mechanism, though legally sound, is criticized for being overly restrictive and impractical in modern contexts.[57]

b. Legitimation by Acknowledgment

Customary law permits legitimation through acknowledgment of paternity. Acts such as naming ceremonies, financial support, and inclusion in family documents may suffice.[58] Judicial decisions have upheld this principle, recognizing acknowledged children as lawful heirs.[59]

However, the lack of uniform standards across ethnic groups and the absence of statutory codification create uncertainty.[60] Scholars advocate for legislative reform to harmonize acknowledgment procedures and ensure legal clarity.[61]

4.5 Legal Implications of Legitimacy

Legitimacy affects several domains of law:

a. **Inheritance**: Legitimate children have automatic rights to inherit from both parents. Illegitimate children may inherit if legitimated or acknowledged.[62]

b. **Identity and Status**: Legitimacy influences surname, birth registration, and social standing.

c. **Custody and Maintenance**: All children, regardless of legitimacy, are entitled to care under the **Child Rights Act 2003**.[63]

Despite constitutional protections, illegitimate children often face social stigma and legal hurdles, especially in succession disputes.[64]

4.6 Comparative Perspectives

Globally, many jurisdictions have abolished the concept of illegitimacy.

a. **In South Africa, t**he **Children's Act 2005** eliminates distinctions between legitimate and illegitimate children.[65] The Act aims to protect and promote the rights and well-being of children in South Africa. The Act gives effect to children's rights as outlined in the Constitution of South Africa. The Act also sets out principles for the care and protection of children.

b. **United Kingdom**: The Family Law Reform Act was enacted to reform the law relating to the consequences of birth outside marriage. The Act removed all remaining legal distinctions between

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[53] E G Ikeatu and A I Uwadinma, 'A Cursory Glance at the Rights and Status of an Illegitimate Child' (2023) *Benue State University Law Journal* 12(2) 215.

[54] K Anifalaje, 'Comparative Trends in the Status and Rights of the Illegitimate Child' (2013) *International Journal of Law and Contemporary Studies* 7(1) 1.

[55] Legitimacy Act 1929, s 3: E I Nwogugu, Family Law in Nigeria (3rd ed.HEBN 2014) 56.

[56] Legitimacy Act 1929, s 9.

[57] D Olarinre, 'Legitimacy, Legitimation and Succession under Nigerian Law' (2021) *Academia.edu.*

[58] Isochukwu Ltd, 'Family Law 2.7: Legitimacy and Legitimation' (2017) <https://isochukwu.com> accessed 16 July 2025.

[59] Salubi v Nwariaku (2003) 7 NWLR (Pt. 819) 426.

[60] M.O. Izzi and C.D. LongJohn, 'An Analysis of the Concept of Legitimacy and Legitimation Under Nigerian Family Law' (2017) 5(1) *Journal of Property Law and Contemporary Issues.*

[61] L. Sunny, "A CRITICAL APPRISAL OF LEGITIMACY AND LEGITIMATION UNDER NIGERIAN FAMILY LAW" Afribary (2018). Accessed July 16, 2025. https://afribary.com/works/a-critical-apprisal-of-legitimacy-and-legitimation-under-nigerian-family-law-7886.

[62] Legitimacy Act 1929, s 10

[63] CRA, ss 1–3.

[64] Editor, ''Understanding the Legal Status of Illegitimate Children in Nigeria'' (1st Attorneys, 2024).

[65] Children's Act 38 of 2005 (South Africa), s 10.

children born to married and unmarried parents and grants equal rights to all children, regardless of birth status.[66]

Nigeria's retention of legitimacy distinctions in some statutes and customary practices is increasingly viewed as anachronistic.[67] Comparative analysis underscores the need for comprehensive reform to align domestic law with international human rights standards.

4.7 Judicial Activism and Evolving Jurisprudence

Nigerian courts have played a pivotal role in advancing the rights of children born outside wedlock:

a. In ***Salubi v Nwariaku***, the Court of Appeal held that acknowledged children are entitled to inherit equally.[68]
b. In ***Okonkwo v Okonkwo***, the court affirmed that acknowledgment confers inheritance rights.[69]
c. In ***Chibuzor v Chibuzor***, the court emphasized that legitimacy should not be a barrier to succession.[70]

These decisions reflect a progressive judicial approach, often outpacing legislative reforms.

5. Customary Law and Parenthood

Customary law remains a vital component of Nigeria's plural legal system, reflecting the indigenous norms, values, and practices of its diverse ethnic communities. Despite its unwritten nature, customary law governs family relations, inheritance, and parenthood in many rural and semi-urban areas. However, its interaction with statutory law, particularly in matters of adoption and legitimacy, has generated significant legal and human rights tensions. This section of the article critically examines how customary law defines parenthood, regulates adoption and legitimacy, and conflicts with statutory and constitutional standards.

5.1 Conceptualizing Parenthood in Customary Contexts

In customary Nigerian society, parenthood is not strictly biological. It encompasses social parenthood, where caregiving roles confer parental status, patrilineal descent, which determines lineage, inheritance, and identity[71] and extended family structures, where uncles, aunts, and grandparents may assume parental roles.[72]

Customary law often prioritizes the father's lineage, with children "belonging" to the paternal family.[73] This principle is especially pronounced in Yoruba and Igbo customs, where bride price payment confers paternal rights over children.[74]

5.2 Customary Adoption: Informality and Vulnerability

Customary adoption is largely informal and lacks statutory safeguards. It typically manifests as: fostering which refers to placement of children with relatives or benefactors without legal severance from biological parents,[75]also in guardianship where caregivers assume responsibility of caring for the child/children but, lack full parental rights or acknowledgment which connotes public recognition of a child as part of the family, often through naming ceremonies or rites.[76]While these

[66] Family Law Reform Act 1987 (UK), s 1.
[67] D T Achi and J O Akaaunde, 'Legal Status of Children Born Out of Wedlock in Nigeria' (2021) *UCC Law Journal* 1(2) 445.
[68] (2003) 7 NWLR (Pt. 819) 426.
[69] (2014) 17 NWLR (Pt. 1435) 18.
[70] (2018) LPELR-46305 (CA).
[71] T O Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 104.
[72] E I Nwogugu, *Family Law in Nigeria* (3rd edn, HEBN Publishers 2014) 295.
[73] L. Ntoimo and F. Ntoimo, 'Who Owns a Child? Conflict of Culture and Human Right in the Dissolution of Customary Law Marriage in Nigeria' (IUSSP 2021) [6].
[74] B Oniha, 'Dissolution of Marriage and Custody of Children Under Customary Law in Nigeria' (Edo Judiciary 2017) [40].
[75] T. O. Ibraheem, 'Adoption Practice in Nigeria: An Overview' (2013) *JLPG* <https://www.iiste.org> accessed 17 July 2025.
[76] J. Ajonumah and O. Dublin-Green, 'Paternity, Illegitimacy and Customary Acknowledgment in Nigeria' (2019) *IJBLR* 7(2) 112.

practices serve social welfare functions, they are vulnerable to exploitation, lack uniformity, and are rarely enforceable in formal courts.[77]

5.3 Legitimacy and Customary Acknowledgment

Customary law often legitimates children through acknowledgment, which may include public naming, financial support and education and inclusion in family rituals or documents.[78]Judicial precedent affirms that acknowledgment under customary law can confer inheritance rights. In *Savage v Macfoy*, the court held that acknowledgment by conduct was sufficient to establish paternity.[79] However, customary legitimacy remains inconsistent and may conflict with constitutional protections against discrimination.[10]

5.4 Gendered Norms and Custody Rights

Customary law tends to favor paternal custody, especially for male children. In many communities, women bear and raise children, but children "belong" to the father.[80]Upon divorce, custody is often awarded to the father or his family, regardless of maternal caregiving.[81] This patriarchal norm has been criticized for violating the best interests of the child principle and undermining women's rights.[82] Studies show that even in cases of domestic violence or neglect, customary courts frequently award custody to men.[83]

5.5 Conflicts with Statutory and Constitutional Law

Customary norms often clash with statutory provisions and constitutional guarantees for instance **s**ection 42(2) of the 1999 Constitution prohibits discrimination based on birth status, yet some customs exclude illegitimate children from inheritance. The Child Rights Act emphasizes child welfare and non-discrimination, but customary practices may prioritize lineage over welfare.[84] Also the **s**tatutory adoption laws require formal severance of parental ties, but customary fostering does not provide such condition.[85]Courts have increasingly invalidated discriminatory customs. In *Ukeje v Ukeje*, the Supreme Court struck down Igbo customary rules that excluded female children from inheritance.[86]

5.6 Judicial Harmonization and Reform Trends

Judicial decisions have sought to reconcile customary and statutory law as was held in the cases of *Okwueze v Okwueze*, the Supreme Court held that custody under customary law must consider the child's welfare.[87]In *Okafor v Okafor***,** the Court of Appeal emphasized that customary custody rights are not absolute.[88] Legal scholars advocate for codification of customary adoption practices, integration of child welfare principles into customary law and public education to challenge discriminatory norms.

5.7 Comparative Insights and Policy Implications

Comparative studies reveal that other plural legal systems, such as South Africa and Ghana, have made strides in harmonizing customary and statutory law.[89] Nigeria's continued reliance on

[77] O M Atoyebi, 'The Practice of Child Adoption in Nigeria' (2024) *Omaplex Law Firm* https://omaplex.com.ng> accessed 17 July 2025.
[78] Savage v Macfoy (1949) 1 WACA 216.
[79] *Ibid.*
[80] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 42(2); Ukeje v Ukeje (2014) LPELR-22724 (SC).
[81] Ntoimo and Ntoimo (n 73).
[82] B. Oniha, 'Dissolution of Marriage and Custody of Children Under Customary Law in Nigeria' (Edo Judiciary 2017) [40].
[83] C. Nwakoby and others, 'Rights of Women to Custody of Children in Nigeria: A Legal Appraisal' (2025) *NAUJPPL* 2(1)
[84] Child Rights Act 2003, ss 1–3.
[85] *Ibid*, ss 125–141.
[86] (2014) LPELR-22724 (SC).
[87] (1989) 3 NWLR (Pt. 109) 321.
[88] (2016) LPELR-40264 (CA).
[89] W. Diriwari, 'Contextualizing the Concept of Parental Responsibilities and Child Protection in a Legal Pluralistic Nigeria' (2023) *JLGP* 8(1) 91.

unwritten customs without formal safeguards risks perpetuating inequality and undermining child protection.

6. International Perspectives on Parenthood, Adoption, and Legitimacy

The legal recognition of parenthood, adoption, and legitimacy is not confined to domestic jurisprudence. These concepts are deeply embedded in international human rights law, which provides normative frameworks for protecting children's rights across jurisdictions. Nigeria's engagement with global instruments, such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), has influenced its domestic reforms. However, implementation challenges, legal fragmentation, and cultural resistance continue to hinder full alignment with international standards.

6.1 United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child[90], adopted in 1989 and ratified by Nigeria in 1991, is the most widely accepted human rights treaty in history. It is an international human rights treaty. It covers all aspects of a child's life and set out civil, political, economic, social and cultural rights. It enshrines key principles relevant to parenthood and adoption to wit:

a. **Best interests of the child** as a primary consideration (Article 3)
b. **Right to identity**, including name, nationality, and family ties (Article 7)
c. **Protection from discrimination**, including birth status (Article 2)
d. **Right to alternative care**, including adoption, when family support is unavailable (Articles 20–21).

It is noteworthy to state that Nigeria domesticated the UNCRC through the Child Rights Act 2003**,** which mirrors many of its provisions. However, the CRA's uneven adoption across states in Nigeria undermines its national effectiveness. Some northern states have resisted domestication due to religious and cultural objections, creating a dual legal regime that complicates enforcement.[91]

6.2 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child also known as the Children's Charter[92] is a regional human rights treaty adopted in 1990, came into force in 1999 and ratified by Nigeria in 2001, it complements the UNCRC by addressing Africa-specific concerns. It is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. It emphasizes:

a. **Protection against harmful cultural practices**, including child marriage (Article 21)
b. **Recognition of children born out of wedlock**, with equal rights (Article 6)
c. **Duties of children**, reflecting communal values (Article 31)

Unlike the UNCRC, the ACRWC integrates customary and religious contexts, making it more adaptable to African legal pluralism. It also establishes a Committee of Experts with powers to receive individual complaints and conduct investigations, mechanisms absent in the UNCRC.

6.3 Hague Convention on Intercountry Adoption

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption[93] sets global standards for ethical and transparent international adoptions. Its objectives

[90]United Nation, (1989) Convention on the Rights of the Child. Treaty series, 1577,3 (UNCRC).
[91] UNICEF Nigeria, *Implementation of the Child Rights Act in Nigeria: Gaps and Opportunities* (2020) <https://www.unicef.org/nigeria> accessed 17 July 2025.
[92]OAU Doc. CAB/LEG/24.9/49 (1990), African Charter on the Rights and Welfare of the Child (ACRWC).
[93]Hague Conference on Private International Law, Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, 29 May, 1993.

include preventing child trafficking and exploitation, ensuring that intercountry adoption serves the child's best interests and promoting cooperation between states.
Nigeria has not ratified the Hague Convention, limiting its ability to facilitate intercountry adoptions under internationally recognized safeguards. Domestic laws restrict adoption to Nigerian citizens and residents, creating barriers for diaspora Nigerians and foreign applicants.[94]

6.4 Comparative Legal Approaches

a. South Africa has ratified both UNCRC and Hague Convention and their Children's Act 2005 eliminates distinctions between legitimate and illegitimate children. Intercountry adoption is regulated through centralized authorities.
b. India manages adoption through the Central Adoption Resource Authority (CARA), it complies with Hague Convention standards and recognizes legitimacy through acknowledgment and statutory provisions.
c. United Kingdom Family Law Reform Act abolished legal distinctions based on legitimacy. Intercountry adoptions must comply with Hague Convention and UK immigration laws.
Compared to these jurisdictions, Nigeria's framework remains fragmented, with persistent legal and procedural inconsistencies in legitimacy and international adoption.

6.5 Challenges in Harmonization

Nigeria faces several hurdles in aligning with global standards as there is non-ratification of the Hague Convention, limiting international cooperation; customary law practices that conflict with non-discrimination principles; fragmented adoption laws across states and concerns over child trafficking, prompting stricter scrutiny and procedural delays. Efforts by agencies like NAPTIP and the Ministry of Women Affairs aim to combat exploitation, but enforcement gaps persist.

7. Challenges and Controversies in Adoption and Legitimacy Law in Nigeria

Despite the enactment of the Child Rights Act 2003 and related legislation, Nigeria's legal architecture surrounding adoption and legitimacy remains riddled with systemic, procedural, and cultural challenges. These issues are not merely technical, they reflect deeper structural tensions between statutory law, customary norms, religious doctrines, and institutional capacity. This section of the article critically examines the most pressing controversies and obstacles that hinder the effective recognition of parenthood in Nigeria.

7.1 Legal Fragmentation and Jurisdictional Conflicts

Nigeria's federal structure allows states to legislate independently on adoption, as it falls under the Residual Legislative List.[95]Consequently, only 24 out of 36 states in Nigeria have domesticated the Child Rights Act.[96] States like Lagos and Rivers have robust adoption laws, while many northern states lack statutory frameworks due to religious objections.[97] Customary and Islamic law systems operate parallel to statutory law, often contradicting constitutional guarantees. This fragmentation leads to legal uncertainty, especially in cross-state adoptions, legitimacy recognition, and enforcement of parental rights.

7.2 Procedural Loopholes and Institutional Weaknesses

Adoption procedures are often cumbersome and inconsistent as investigations by welfare officers are hampered by insufficient training, lack of logistics, and poor inter-agency coordination.[98] Some

[94] SP Simmons Cooper Partners, 'International Adoption in Nigeria: Navigating Compliance and Cross-Border Challenges' (Mondaq, 2024).
[95] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4(7).
[96] E E Finbars & P.I Gasiokwu, 'The Legal Status Of Adopted Child In Nigeria' (2024) 12(2) *IJBLR* 123.
[97] O M Atoyebi, 'The Practice of Child Adoption in Nigeria' (2024) *Omaplex Law Firm* <https://omaplex.com.ng > accessed 16 July 2025.
[98] Onayemi & Aderinto, 'Child Adoption Investigation in Nigeria: Challenges and Options' (2023) *University of Ibadan* <https://eprints.lmu.edu.ng/2756 >accessed 16 July 2025.

states lack specialized family courts, delaying adoption petitions.[99] Post-adoption monitoring is rarely conducted, leaving children vulnerable to abuse.[100] Legitimacy procedures, especially acknowledgment under customary law-are unregulated, leading to disputes over inheritance and identity.[101]

7.3 Cultural Resistance and Social Stigma

According to Chikwe and others, adoption and legitimacy are deeply influenced by cultural beliefs of many Nigerians, who view biological ties as essential to family identity.[102] Adoption is stigmatized, especially among childless couples, who may face societal pressure or ridicule.[103] Children born out of wedlock are often marginalized, even when legally acknowledged.[104] The sum total of these attitudes undermine legal reforms and discourage families from pursuing formal adoption or legitimation.

7.4 Religious Constraints and Doctrinal Tensions

Islamic law, predominant in northern Nigeria, does not recognize adoption in the statutory sense. Instead, it permits kafala**,** a form of guardianship that does not sever ties with biological parents; does not confer inheritance rights and prohibits the child from taking the family name.[105] This doctrinal divergence creates conflicts with constitutional provisions and international human rights standards.

7.5 Corruption and Exploitation

Kabu revealed that corruption pervades the adoption system in Nigeria as Baby factories and illegal orphanages exploit vulnerable women and children.[106] Futhermore, bribes are sometimes solicited to expedite adoption approvals.[107] Unregistered agencies operate outside legal frameworks, facilitating trafficking and exploitation.[108] These practices violate children's rights and erode public trust in the legal system.

7.6 Post-Adoption Challenges and Identity Crises

Adopted children often face **i**dentity confusion, especially when adoption is concealed or revealed abruptly,[109] discrimination in schools and communities[110] and **e**motional trauma from abandonment or secrecy.[111] These psychosocial issues are rarely addressed in legal reforms, despite their long-term impact on child development.

7.7 International Adoption and Legal Ambiguities

Nigeria has not ratified the Hague Convention on Intercountry Adoption, resulting in procedural hurdles for foreign applicants, lack of bilateral agreements, and concerns over trafficking and

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[99] LawPàdí, *Steps to Legally Adopt a Child in Nigeria*< https://lawpadi.com >accessed 16 July 2025.
[100] Guardian Nigeria, 'Stakeholders Raise Concern Over Gaps in Child Adoption Processes in Nigeria' (2023) <https://guardian.ng> accessed 16 July 2025.
[101] M.O. Izzi and C.D. LongJohn, 'An Analysis of the Concept of Legitimacy and Legitimation Under Nigerian Family Law' (2017) 5(1) *Journal of Property Law and Contemporary Issues.*
[102] Chikwe and others, 'Perceptions, Challenges and Prospects of Child Adoption in Nigeria' (2022) *Global Journal of Social Sciences* 21(2).
[103] *Ibid*
[104] Understanding the Legal Status of Illegitimate Children in Nigeria (1st Attorneys, 2024).
[105] I Sagay, *Nigerian Law of Succession* (Malthouse Press 2006) 3.
[106] S.E. Kabu, 'Baby Factories in Nigeria: A New Phase of Human Trafficking' (2024) *IJBLR* 12(2) 129.
[107] Guardian Nigeria, 'Stakeholders Raise Concern Over Gaps in Child Adoption Processes in Nigeria' (2023) <https://guardian.ng> accessed 16 July 2025.
[108] O M Atoyebi, 'The Practice of Child Adoption in Nigeria' (2024) *Omaplex Law Firm* <https://omaplex.com.ng> accessed 16 July 2025.
[109] Chikwe and others, 'Perceptions, Challenges and Prospects of Child Adoption in Nigeria' (2022) *Global Journal of Social Sciences* 21(2).
[110] Understanding the Legal Status of Illegitimate Children in Nigeria (1st Attorneys, 2024).
[111] A Critical Appraisal of Legitimacy and Legitimation Under Nigerian Family Law (Samphina Academy, 2024).

exploitation.[112] This limits Nigeria's ability to regulate cross-border adoptions under internationally recognized safeguards.

7.8 Comparative Insights and Reform Imperatives

Compared to jurisdictions like South Africa**,** India, and the UK, Nigeria's adoption and legitimacy laws are less harmonized, more vulnerable to cultural and religious interference and lacking centralized oversight. Hence reform must address both legal and social dimensions, integrating child welfare principles across statutory, customary, and religious systems.

8. Reform and Advocacy in Adoption and Legitimacy Law in Nigeria

Reforming Nigeria's legal framework on adoption and legitimacy is not merely a technical exercise, it is a moral imperative rooted in constitutional equality, child welfare, and international human rights. Despite the existence of the Child Rights Act 2003, the persistence of discriminatory customs, fragmented laws, and procedural bottlenecks necessitates a multi-pronged advocacy strategy. This section critically examines legislative reform efforts, civil society interventions, and advocacy mechanisms aimed at transforming the legal recognition of parenthood in Nigeria.

8.1 Legislative Reform Imperatives

a. Harmonization of Adoption Laws

Nigeria's federal structure allows states to legislate independently on adoption, resulting in 24 out of 36 states adopting the CRA, while others rely on outdated or religious frameworks.[113] This legal fragmentation undermines uniformity and child protection.

Reform proposals include **e**nacting a federal adoption code to standardize procedures nationwide, **m**andating CRA domestication through constitutional or fiscal incentives, and **i**ntegrating inter-state and inter-country adoption protocols, with safeguards against trafficking.[114]

b. Modernizing Legitimation Laws

The Legitimacy Act remains restrictive and outdated.[115] Reform proposals advocate **e**xpanding legitimation criteria to include formal acknowledgment and inclusion in wills or birth certificates.[116]Retroactive legitimation from the date of birth, not the date of marriage,[117] **c**odifying customary acknowledgment standards to ensure legal clarity.[118]

c. Constitutional Enforcement Mechanisms

While Section 42(2) of the 1999 Constitution prohibits discrimination based on birth status, enforcement remains weak.[119] Reform proposals include **s**tatutory penalties for discriminatory practices, Judicial review provisions to challenge exclusionary customs. Integration of legitimacy protections into succession, inheritance, and family law statutes[120]

8.2 Civil Society Engagement and Legal Advocacy

Civil society organizations (CSOs) have emerged as key actors in bridging the gap between law and practice. Their roles include offering of **l**egal aid and representation for adoptive families and

[112] SP Simmons Cooper Partners, 'International Adoption in Nigeria: Navigating Compliance and Cross-Border Challenges' (Mondaq, 2024).
[113] E. E. Finbars & P.I Gasiokwu, 'The Legal Status Of Adopted Child In Nigeria' (2024) 12(2) *IJBLR* 123.
[114] MJSS, 'Policies and Practices of Child Adoption in Nigeria: A Review Paper' (2015) 6(1) *Mediterranean Journal of Social Sciences* 75.
[115] Legitimacy Act 1929, Cap 519 LFN 1990.
[116] A Critical Appraisal Of Legitimacy And Legitimation Under Nigerian Family Law (Samphina Academy, 2024).
[117] A. S Adebayo and others 'Overview of the Concepts of Legitimacy and Legitimation under Nigerian Laws' (2023) *JARMS* 3(2) 58.
[118] M.O. Izzi and C.D. LongJohn, 'An Analysis of the Concept of Legitimacy and Legitimation Under Nigerian Family Law' (2017) 5(1) *Journal of Property Law and Contemporary Issues.*
[119] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 42(2)
[120] D Olarinre, 'Legitimacy, Legitimation and Succession under Nigerian Law' (2021) *Academia.edu.*

illegitimate children, **s**trategic litigation challenging discriminatory customs and enforcement gaps and **c**ommunity sensitization campaigns to reduce stigma and promote inclusive parenthood.[121] Notable examples of civil society that offer timely assistance are the Cadrell Advocacy Centre, they provide legal education and policy advocacy on child rights,[122] and also Women Aid Collective (WACOL) which supports vulnerable children and promotes legislative reform.[123]

8.3 Public Education and Cultural Reorientation

Legal reform must be accompanied by cultural transformation to dismantle entrenched stigmas. Strategies include **s**chool-based legal literacy programs on child rights and family law; Media campaigns showcasing successful adoption stories and inclusive parenting; **r**eligious engagement, encouraging faith leaders to support legal acknowledgment and child welfare[124]

8.4 International Collaboration and Treaty Ratification

Nigeria's refusal to ratify the Hague Convention on Intercountry Adoption limits its global engagement. Advocacy efforts focus on **r**atification and domestication of the Hague Convention, **b**ilateral agreements with countries hosting Nigerian diaspora and **t**echnical assistance from international bodies to strengthen oversight and compliance.[125]

8.5 Monitoring, Oversight, and Accountability

Effective reform requires robust monitoring mechanisms such as using National Adoption Registry to track adoption cases and prevent fraud in the reporting, using **i**ndependent oversight bodies to audit welfare agencies and courts and promptly submitting **a**nnual compliance reports on child welfare indicators and legal enforcement.[126]

8.6 Comparative Insights and Best Practices

Countries like South Africa**,** India**,** and the UK have successfully harmonized adoption and legitimacy laws. South Africa's Children's Act 2005 eliminates legitimacy distinctions and integrates child welfare principles. India's CARA centralizes adoption oversight and streamlines procedures. UK's Family Law Reform Act 1987 abolishes legal distinctions based on birth status. Thus, Nigeria can draw from these models to **s**implify legitimation procedures, strengthen institutional capacity and promote rights-based approaches to parenthood.

9. Conclusion and Summary

9.1 Restating the Problem and Scope

This study set out to interrogate the legal, cultural, and institutional dynamics surrounding adoption and legitimacy in Nigeria. It examined the statutory frameworks, customary practices, judicial interpretations, and international instruments that shape the recognition of parenthood. The inquiry was motivated by the persistent challenges of child protection, legal fragmentation, and social exclusion, particularly affecting adopted children and those born outside lawful wedlock.

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[121] O M Atoyebi, 'The Practice of Child Adoption in Nigeria' (2024) *Omaplex Law Firm* <https://omaplex.com.ng >accessed 17 July 2025.
[122] Evans Ufeli, 'Child Adoption Under Nigerian Law' (Cadrell Advocacy Centre, 2024) <https://www.cadrellchildright.com> accessed 17July 2025.
[123] WACOL Nigeria, *Annual Report on Child Protection and Legal Aid Services* (2023).
[124] MJSS, 'Policies and Practices of Child Adoption in Nigeria: A Review Paper' (2015) 6(1) *Mediterranean Journal of Social Sciences* 75.
[125] SP Simmons Cooper Partners, 'International Adoption in Nigeria: Navigating Compliance and Cross-Border Challenges' (Mondaq, 2024).
[126] D Ogedengbe, 'Adoption In Nigeria: The Legal Procedure And Requirements' (2025) *Mondaq* <https://www.mondaq.com >accessed 17 July 2025.

9.2 Key Findings and Doctrinal Reflections

The research revealed several critical insights concerning these these concepts:

a. **Statutory Adoption**: The Child Rights Act 2003 provides a robust framework for adoption, yet its uneven domestication across states has led to procedural inconsistencies and enforcement gaps.[127]

b. **Legitimacy and Discrimination**: The continued reliance on the Legitimacy Act 1929 and customary norms perpetuates discrimination against children born out of wedlock, despite constitutional guarantees under Section 42(2).[128]

c. **Customary Law Conflicts**: Customary practices often exclude illegitimate children from inheritance and deny full parental recognition, creating tension with statutory and constitutional mandates.[129]

d. **Judicial Activism**: Courts have played a progressive role in affirming the rights of adopted and illegitimate children, but legislative inertia and cultural resistance remain formidable obstacles.[130]

e. **International Gaps**: Nigeria's failure to ratify the Hague Convention on Intercountry Adoption limits its ability to regulate cross-border adoptions and align with global best practices.[131]

9.3 Policy Implications and Reform Imperatives

The findings underscore the urgent need for reform in several areas:

a. **Legal Harmonization**: A unified national adoption law is essential to ensure procedural consistency and child welfare protections across all states.[132]

b. **Modernization of Legitimation Laws**: The Legitimacy Act must be amended to recognize formal acknowledgment and retroactive legitimation, aligning with constitutional equality principles.[133]

c. **Codification of Customary Practices**: Customary acknowledgment procedures should be codified to provide legal clarity and protect children's rights.[134]

d. **Ratification of International Treaties**: Nigeria should ratify and domesticate the Hague Convention to facilitate ethical intercountry adoptions and prevent trafficking.[135]

e. **Public Education and Cultural Reorientation**: Advocacy campaigns, legal literacy programs, and religious engagement are needed to dismantle stigma and promote inclusive parenthood.[136]

9.4 Final Reflections and Call to Action

Parenthood in Nigeria is governed by a pluralistic legal system that reflects the country's rich cultural diversity, but also its legal contradictions. The recognition of adopted and illegitimate children must transcend statutory formalities and cultural prejudices to embrace a rights-based, child-centered approach.

The Constitution of Nigeria, international human rights instruments, and judicial precedents all affirm the dignity and equality of every child. Yet, without legislative reform, institutional accountability, and cultural transformation, these affirmations risk remaining aspirational.

This paper calls on lawmakers, judges, civil society actors, and community leaders to champion a holistic reform agenda, one that harmonizes laws, empowers families, and protects children from discrimination and neglect. Only then can Nigeria fulfill its constitutional and moral obligation to safeguard the identity, welfare, and future of every child.

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[127] Child Rights Act 2003; see also Lagos State Child's Rights Law No. 11 of 2007.
[128] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 42(2); Legitimacy Act 1929.
[129] M.O. Izzi and C.D. LongJohn, 'An Analysis of the Concept of Legitimacy and Legitimation Under Nigerian Family Law' (2017) 5(1) *Journal of Property Law and Contemporary Issues.*
[130] *Ukeje v Ukeje* (2014) LPELR-22724 (SC); *Salubi v Nwariaku* (2003) 7 NWLR (Pt. 819) 426.
[131] Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 29 May 1993.
[132] E E Finbars & P I Gasiokwu, 'The Legal Status Of Adopted Child In Nigeria' (2024) 12(2) *IJBLR* 123.
[133] A Critical Appraisal Of Legitimacy And Legitimation Under Nigerian Family Law (Samphina Academy, 2024).
[134] A S Adebayo and others, 'Overview of the Concepts of Legitimacy and Legitimation under Nigerian Laws' (2023) *JARMS* 3(2) 58.
[135] SP Simmons Cooper Partners, 'International Adoption in Nigeria: Navigating Compliance and Cross-Border Challenges' (Mondaq, 2024).
[136] MJSS, 'Policies and Practices of Child Adoption in Nigeria: A Review Paper' (2015) 6(1) *Mediterranean Journal of Social Sciences* 75.