

**SUBVERTING THE HEGEMONY OF BIOLOGICAL PARENTHOOD: A CRITICAL  
EXAMINATION OF THE INTERSECTIONALITY OF ADOPTION, IDENTITY, AND  
BELONGING IN NIGERIA**

**BY**

**CHOKI MIREILLE CHIZARAM**

**(2020/LW/12766)**

**A PROJECT PRESENTED TO THE FACULTY OF LAW, ALEX EKWUEME  
FEDERAL UNIVERSITY, NDUFUALIKE, IKWO, EBONYI STATE, IN PARTIAL  
FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE OF  
BACHERLOR OF LAWS**

**SUPERVISOR**

**PASCHAL OGUGUO OLEBARA ESQ.**

**SEPTEMBER 2025.**

**TITLE PAGE**

**SUBVERTING THE HEGEMONY OF BIOLOGICAL PARENTHOOD: A CRITICAL  
EXAMINATION OF THE INTERSECTIONALITY OF ADOPTION, IDENTITY, AND  
BELONGING IN NIGERIA**

**BY**

**CHOKI MIREILLE CHIZARAM**

**(2020/LW/12766)**

**SUPERVISOR**

**PASCHAL OGUGUO OLEBARA ESQ.**

**DECLARATION**

**I, CHOKI MIREILLE CHIZARAM** a Student of the Faculty of Law, Alex Ekwueme Federal University, NdufuAlike, Ikwo, Ebonyi State, do hereby declare on my honor, that this project has not been previously presented, either wholly or in part for the award of any other Degree, Diploma, Certificate or Publication in any University, other Higher Institutions or elsewhere.

Signed

.....

**CHOKI MIREILLE CHIZARAM**

**(2020/LW/12766)**

## CERTIFICATION

**CHOKI MIREILLE CHIZARAM**, a Student of Faculty of Law has satisfactorily completed the requirements for the award of the Degree of Bachelor of Laws. To the best of our knowledge, the work embodied in this Project is original and has not been submitted in part or full for any other Degree, Diploma, Certification or Publication of this University or elsewhere.

<b>Olebara, Oguguo Paschal Esq.</b>	.....	.....
<b>Supervisor</b>	<b>Sign</b>	<b>Date</b>

<b>Dr. K.G. Onyegbule</b>	.....	.....
<b>Project Coordinator</b>	<b>Sign</b>	<b>Date</b>

<b>Prof. Eseni Azu Udu</b>	.....	.....
<b>Dean.</b>	<b>Sign</b>	<b>Date</b>

<b>External Examiner</b>	.....	.....
	<b>Sign</b>	<b>Date</b>

## **DEDICATION**

This work is dedicated to God Almighty whose mercy and grace kept me going and my parents Engr. and Mrs. T. Choki, for being my God in human form

## ACKNOWLEDGMENTS

First and foremost, I wish to express my deepest gratitude to God Almighty, who provided me with the strength, hope, and perseverance to navigate this academic journey, especially during its most challenging moments.

My profound appreciation goes to my wonderful parents, Engr. & Mrs. T. Choki. They have been my pillar and backbone, offering unwavering financial, emotional, physical, and spiritual support throughout this endeavor. I would not have embarked on this path without their encouragement. Thank you for the countless sacrifices made to ensure my comfort and for fostering an environment where I could thrive. Your prayers and support were my constant motivation, and I am eternally grateful that I never lacked anything necessary for my success. Thank you, I love you both dearly.

I am immensely indebted to my esteemed supervisor, Barr. Paschal Olebara. His meticulous guidance and unwavering commitment to excellence were instrumental in bringing this work to fruition. He challenged me to see potentials in myself that I had not imagined. His mentorship, spanning from my second year to my final year, has been foundational to my academic and personal development. I am grateful for his patience, his willingness to listen and advise, and his exceptional ability to teach with clarity and depth. Furthermore, his generous gift of textbooks has been an invaluable resource that will continue to aid me in my future legal career. Sir, I sincerely appreciate you and all your efforts.

I would also like to extend my special thanks to the distinguished Dean of the Faculty, Prof. Eseni Azu Udu. A father figure and a guardian to his students, his positive impact is widely felt. I deeply admire his administrative acumen, his prowess as a lecturer, and most importantly, his studentcentric approach. His scholarly books were indispensable guides throughout my studies, and I have gained much from his wisdom. Thank you, sir, for your immense contributions. May God bless you.

My sincere gratitude is extended to my Head of Department, Dr. Kelechi Onyegbule. Sir, thank you for your unwavering support. I appreciate your receptiveness to student concerns and your consistent efforts to find favourable solutions. Your instruction has shaped my academic journey

from the beginning, and I have learned a great deal from you, both academically and in character. You are a role model worthy of emulation, and the intellectually enriching programs you organized have been highly beneficial. Thank you, sir.

I also thank Dr. Amadi, who, in a short time, made a significant impact with his ability to make complex subjects accessible and engaging. His dedication to ensuring every student understood the material was truly commendable. Thank you, Sir.

To my friends and family, your support was a constant source of strength. To Ned, thank you for always being there and for encouraging me to prioritize my academics. To my senior and friend, Chidi Nka, thank you for always making time to assist me. To my close pal and senior colleague, Ifeanyi Onumah, your motivation was crucial.

My heartfelt thanks go to my family: to my dearest Uncle Chukas, for always checking in on me; to my everloving big sister, Ifeoma, and her husband, Mr. Felix, for their steadfast support; to my lovely "big mummy" Mimiyo, whose love and care kept me going. To my best girl, Quincy, for always being a listening ear, and to Uncle Sima, for his patience and counsel.

To all my family and friends, I say a very big thank you. I could not have completed this academic journey without you all. This accomplishment is as much yours as it is mine. And to my humble self for staying strong throughout this journey.

## TABLE OF CONTENTS

<b>Title Page</b>	<b>i</b>
<b>Declaration</b>	<b>ii</b>
<b>Certification</b>	<b>iii</b>
<b>Dedication</b>	<b>iv</b>
<b>Acknowledgements</b>	<b>v</b>
<b>Table of Contents</b>	<b>vii</b>
<b>Table of Cases</b>	<b>xi</b>
<b>Lists of Statutes</b>	<b>xiii</b>
<b>Lists of Abbreviations</b>	<b>xv</b>
<b>Abstract</b>	<b>xvii</b>

### **CHAPTER ONE**

#### **INTRODUCTION**

1.1 Background to the Study	1
1.2 Statement of the Problem	3
1.3 Aim and Objectives of the Study	5
1.4 Scope and Limitations of the Study	5
1.5 Significance of the Study	6
1.6 Research Methodology	7
1.7 Chapter Analysis	8

### **CHAPTER TWO**

#### **CONCEPTUAL CLARIFICATIONS, THEORETICAL FOUNDATION AND LITERATURE REVIEW**

2.1 Conceptual Clarifications	11
2.1.1 Adoption	11
2.1.2 Identity and Belonging	12
2.1.3 Biological Parenthood	13
2.1.4 Family and its Evolution in Contemporary Society	15

2.2 Theoretical Foundation	17
2.2.1 Social Construction Theory	17
2.2.2 Intersectionality Theory	18
2.2.3 Queer Theory	19
2.3 Literature Review	20

## **CHAPTER THREE**

### **LEGAL REGIME AND INSTITUTIONAL FRAMEWORK**

3.1 Legal Regime	28
3.1.1 National Legal Regime	28
3.1.1.1 Constitution of the Federal Republic of Nigeria, 1999 as amended	28
3.1.1.2 Child Rights Act 2003	29
3.1.1.3 National Human Rights Commission Act 1995	32
3.1.1.4 Children and Young Persons Law, Cap. C10 Laws of Lagos State 2003	33
3.1.1.5 National Health Act 2014	35
3.1.1.6 Matrimonial Causes Act 1970	36
3.1.1.7 Marriage Act 1990	37
3.1.1.8 Violence Against Persons Prohibition Act 2015	38
3.1.2 Regional/African Legal Regime	39
3.1.2.1 African Charter on the Rights and Welfare of the Child 1990	39
3.1.2.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003	40
3.1.2.3 African Youth Charter 2006	42
3.1.2.4 Organization of African Unity OAU Convention on the Prevention and Combating of Trafficking in Women and Children 2003	43
3.1.3 International Legal Regime	44
3.1.3.1 United Nations Convention on the Rights of the Child 1989	44
3.1.3.2 United Nations Convention on the Elimination of All Forms of Discrimination against Women 1979	45
3.1.3.3 European Convention on the Adoption of Children 1967	46
3.2 Institutional Framework	47

3.2.1 National Institutions	47
3.2.1.1 National Agency for the Prohibition of Trafficking in Persons NAPTIP	47
3.2.1.2 Federal Ministry of Women Affairs and Social Development	49
3.2.1.3 National Human Rights Commission NHRC	49
3.2.1.4 Nigerian Immigration Service NIS	50
3.2.1.5 National Population Commission NPC	51
3.2.2 Regional/African Institutions	52
3.2.2.1 African Committee of Experts on the Rights and Welfare of the Child ACERWC52	
3.2.2.2 African Union AU Department of Social Affairs	53
3.2.2.3 African Child Policy Forum ACPF	54
3.2.3 International Institutions	55
3.2.3.1 United Nations Children’s Fund UNICEF	55
3.2.3.2 United Nations High Commissioner for Refugees UNHCR	56
3.2.3.3 International Social Service ISS	57

## **CHAPTER FOUR**

### **ANALYSIS, CHALLENGES AND PROSPECTS OF ADOPTION AND FAMILY DYNAMICS IN NIGERIA**

4.1 Examining the Nexus between Adoption, Identity, and Belonging in Nigeria	59
4.2 Foundational Assumptions in Understanding Family Structures in Nigeria	63
4.2.1 Biological Ties as a Core Aspect of Family	63
4.2.2 Inheritance and Lineage as Significant to Blood Ties	65
4.2.3 Family as a Reflection of Social Status	67
4.2.4 Cultural Stigma Against NonBiological Kinship	68
4.2.5 Religious Doctrines Elevating Biological Parenthood	69
4.3 Exploring the Stigma and Taboos Surrounding Adoption in Nigeria	70
4.3.1 Cultural Narratives Linking Infertility to Adoption	71
4.3.2 Taboos Around Adoptees’ Unknown Origins	73
4.3.3 Social Perceptions of Adoption as a Last Resort	74
4.3.4 Religious Stigmas Reinforcing Biological Kinship	76
4.4 Prospects for Adoptive Families in Nigeria	78

4.4.1 Strengthening Adoption through Legal Frameworks	78
4.4.2 Promoting Public Awareness Campaigns	80
4.4.3 Integrating Adoption into Religious Narratives	81
4.4.4 Developing Community Support Systems	83
4.4.5 Empowering Adoptees' Voices	84

## **CHAPTER FIVE**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

5.1 Summary	86
5.2 Conclusion	87
5.3 Contributions to Knowledge	89
5.4 Areas for Further Studies	90
5.5 Recommendations	91

## **BIBLIOGRAPHY**

## TABLE OF CASES

Case Citation	Page Number(s)
<i>Ojo v. Ojo</i> (2015) 15 NWLR (Pt.1485) 115	1, 2
<i>Re Adoption of Child M</i> [2016] 9 NWLR (Pt. 1518) 1	60
<i>Omoregie v. Edo State</i> [2018] 12 NWLR (Pt. 1632) 1	60
<i>Etim v. Etim</i> [2013] 6 NWLR (Pt. 1350) 1	61
<i>Gana v. Gana</i> [2015] 10 NWLR (Pt. 1467) 1	61
<i>Obi v. Obi</i> [2017] 14 NWLR (Pt. 1586) 1	62
<i>Igba v. Igba</i> [2019] 7 NWLR (Pt. 1670) 1	63
<i>Re Estate of Olowu</i> [1990] 4 NWLR (Pt. 143) 372	64
<i>Hassan v. Hassan</i> [2002] 8 NWLR (Pt. 769) 431	64
<i>Okonkwo v. Okonkwo</i> [1998] 10 NWLR (Pt. 571) 554	65
<i>Adekunle v. Adekunle</i> [2012] 7 NWLR (Pt. 1300) 1	66
<i>Re Estate of Adebayo</i> [2015] 12 NWLR (Pt. 1473) 1	66
<i>Ukeje v. Ukeje</i> [2014] 11 NWLR (Pt. 1418) 384	66
<i>Bello v. Bello</i> [2008] 6 NWLR (Pt. 1083) 1	67, 82
<i>Re Adoption of Baby T</i> [2017] 14 NWLR (Pt. 1585) 1	67
<i>Okoye v. Lagos State</i> [2019] 8 NWLR (Pt. 1675) 1	67
<i>Adeyemi v. Adeyemi</i> [2013] 5 NWLR (Pt. 1347) 1	68
<i>Eze v. Eze</i> [2010] 15 NWLR (Pt. 1216) 1	68, 83
<i>Musa v. Musa</i> [2013] 9 NWLR (Pt. 1359) 1	68
<i>Yusuf v. Yusuf</i> [2011] 12 NWLR (Pt. 1260) 1	69
<i>Nwosu v. Nwosu</i> [2009] 7 NWLR (Pt. 1140) 1	69, 85
<i>Okonkwo v. Okonkwo</i> [2015] 3 NWLR (Pt. 1449) 1	70
<i>Inyang v. Inyang</i> [2014] 8 NWLR (Pt. 1409) 1	71
<i>Okafor v. Okafor</i> [2016] 11 NWLR (Pt. 1523) 1	72
<i>Re Adoption of Child B</i> [2019] 13 NWLR (Pt. 1688) 1	72
<i>Tamuno v. Tamuno</i> [2015] 9 NWLR (Pt. 1464) 1	73
<i>Dappa v. Dappa</i> [2018] 14 NWLR (Pt. 1639) 1	74
<i>Oghene v. Oghene</i> [2016] 7 NWLR (Pt. 1510) 1	74
<i>Efe v. Delta State</i> [2020] 10 NWLR (Pt. 1729) 1	75
<i>Re Adoption of Child D</i> [2017] 12 NWLR (Pt. 1578) 1	75
<i>Okoro v. Delta State</i> [2019] 15 NWLR (Pt. 1696) 1	76
<i>Udo v. Udo</i> [2015] 11 NWLR (Pt. 1469) 1	76
<i>Sule v. Sule</i> [2018] 9 NWLR (Pt. 1624) 1	77
<i>Re Adoption of Child E</i> [2016] 13 NWLR (Pt. 1528) 1	77
<i>Yakubu v. Yakubu</i> [2020] 6 NWLR (Pt. 1720) 1	78

<i>Agu v. Agu</i> [2017] 10 NWLR (Pt. 1572) 1	79
<hr/>	
<i>Ogunleye v. Ogunleye</i> [2016] 12 NWLR (Pt. 1525) 1	80
<i>Ezeh v. Ezeh</i> [2018] 7 NWLR (Pt. 1619) 1	80
<i>Uche v. Uche</i> [2017] 13 NWLR (Pt. 1581) 1	81
<i>Ibe v. Ibe</i> [2016] 8 NWLR (Pt. 1513) 1	81
<i>Nwafor v. Nwafor</i> [2018] 10 NWLR (Pt. 1627) 1	83
<i>Obi v. Obi</i> [2017] 11 NWLR (Pt. 1576) 1	84
<i>Okoye v. Lagos State</i> [2020] 15 NWLR (Pt. 1730) 1	84, 85
<i>Okeke v. Okeke</i> [2020] 12 NWLR (Pt. 1726) 1	83
<hr/>	

## TABLE OF STATUTES

Statute	Year	Page Number(s)
Adoption Act	1960	1, 2, 3, 4, 7
Constitution of the Federal Republic of Nigeria	1999 (as amended)	9, 28, 29, 33, 37, 50, 51, 62
Child Rights Act	2003	9, 12, 29, 30, 32, 47, 50, 56, 59, 62, 64, 66, 68, 69, 70, 76, 78, 79
National Human Rights Commission Act	1995	32, 33, 49
Children and Young Persons Law, Cap. C10 Laws of Lagos State	2003	33, 34
National Health Act	2014	35
Matrimonial Causes Act	1970	36
Marriage Act	1990	37, 38
Violence Against Persons Prohibition Act	2015	38, 48
Immigration Act	2015	50
Births, Deaths, etc. (Compulsory Registration) Act	1992	51
National Commission for Refugees Act	1989	57
<b>Regional/International Instruments</b>		
African Charter on the Rights and Welfare of the Child	1990	39, 40, 52
Protocol to the ACHPR on the Rights of Women in Africa (Maputo Protocol)	2003	40, 41

<b>Statute</b>	<b>Year</b>	<b>Page Number(s)</b>
African Youth Charter	2006	42
OAU Convention on the Prevention and Combating of Trafficking in Women and Children	2003	43
United Nations Convention on the Rights of the Child	1989	29, 32, 44, 45, 54, 55
UN Convention on the Elimination of All Forms of Discrimination against Women	1979	45
European Convention on the Adoption of Children	1967	46
Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption	1993	57
1951 Refugee Convention	1951	56
1967 Protocol Relating to the Status of Refugees	1967	56

## LIST OF ABBREVIATIONS

Abbreviation	Full Meaning	Page Number(s)
<b>ACERWC</b>	African Committee of Experts on the Rights and Welfare of the Child	52, 53
<b>ACPF</b>	African Child Policy Forum	54
<b>ART</b>	Assisted Reproductive Technologies	16
<b>AU</b>	African Union	41, 53
<b>CRA</b>	Child Rights Act	29, 30, 42, 59, 62, 64, 66, 68, 69, 70, 76, 78, 79
<b>IT</b>	Intersectionality Theory	18, 19
<b>IVF</b>	In Vitro Fertilization	13, 14
<b>IOM</b>	International Organization for Migration	47
<b>ISS</b>	International Social Service	57, 58
<b>NAPTIP</b>	National Agency for the Prohibition of Trafficking in Persons	9, 47, 48, 49, 50, 56
<b>NHRC</b>	National Human Rights Commission	9, 32, 33, 49, 50
<b>NIS</b>	Nigerian Immigration Service	50, 51
<b>NPC</b>	National Population Commission	51, 52
<b>OAU</b>	Organization of African Unity	43
<b>QT</b>	Queer Theory	19, 20
<b>SCT</b>	Social Construction Theory	17, 18
<b>SGBV</b>	Sexual and GenderBased Violence	50

<b>UNHCR</b>	United Nations High Commissioner for Refugees	56, 57
<b>UNICEF</b>	United Nations Children's Fund	30, 31, 55, 56
<b>VAPP Act</b>	Violence Against Persons Prohibition Act	38, 48

## ABSTRACT

This study undertook critical examination of the intersectionality of adoption, identity, and belonging in Nigeria, with a focus on subverting the hegemony of biological parenthood. Despite the growing number of adoptive families in Nigeria, the dominant cultural narrative continues to prioritize biological ties, often marginalizing adoptive families and individuals. This phenomenon has far-reaching implications for the wellbeing and belonging of adoptive families, who often struggle to navigate the complexities of adoption in a society that privileges biological kinship. This research addressed the knowledge gap in existing literature, which tends to overlook the complexities of adoption in the Nigerian context. Using a doctrinal research method, this study analyzed relevant statutes, case laws, and policy documents to examine the legal framework governing adoption in Nigeria. The study revealed the ways in which societal expectations, cultural norms, and institutional frameworks intersect to shape adoptive identities and belonging. Key findings indicate that the current legal framework governing adoption in Nigeria is inadequate, and that there is a need for a more comprehensive and inclusive approach to adoption. The study also highlighted the need for a cultural shift in Nigeria, one that recognizes and values the diversity of family forms and promotes greater inclusivity and acceptance of adoptive families. This cultural shift requires a multifaceted approach that involves education, awareness, and policy reforms. The study concluded that a clearer understanding of adoption, identity, and belonging in Nigeria is necessary to challenge dominant cultural narratives and promote greater inclusivity and acceptance of adoptive families. Recommendations were made for policy reforms and legislative changes to promote the wellbeing and belonging of adoptive families in Nigeria, including the need for more comprehensive adoption laws, increased public awareness and education about adoption, and greater support for adoptive families.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background to the Study

This long essay undertakes a critical examination of the intersectionality of adoption, identity, and belonging in Nigeria, with a view to elucidating the juridical and sociolegal implications of adoption on the rights and interests of adopted children. Adoption is a complex and multifaceted phenomenon that has been studied extensively in various disciplines, including law, sociology, and psychology. According to Eekelaar<sup>1</sup>, adoption is a 'social and legal construct that creates a new family relationship between individuals who are not biologically related'. This definition highlights the significance of adoption as a means of family formation and the need for a nuanced understanding of its social, legal, and cultural implications. In Nigeria, adoption is governed by the Adoption Act of 1960, which has been subject to various criticisms for its anachronistic provisions and failure to provide adequate safeguards for the rights and interests of adopted children. For instance, *Section 2* of the Act requires that adoptive parents be of "good character" and "sufficient means", but it does not provide clear guidelines on what these terms mean in practice<sup>2</sup>. This lack of clarity has led to inconsistent and often arbitrary decisionmaking by adoption authorities, which can have serious consequences for adoptive families.

The landmark case of *Ojo v. Ojo*<sup>3</sup> serves as a paradigmatic exemplar of the complexities and challenges inherent in the Nigerian adoption landscape. This seminal case, which navigated the intricacies of adoptive inheritance, highlights the imperative need for a nuanced and

---

<sup>1</sup>J Eekelaar, *Family Law and Personal Life* (Oxford: Oxford University Press, 2006) 123.

<sup>2</sup> Adoption Act, 1960.

<sup>3</sup> (2015) 15 NWLR (Pt.1485) 115

contextualized understanding of the adoption process in Nigeria. The Court of Appeal's decision in *Ojo v. Ojo* underscores the tension between the statutory framework governing adoption in Nigeria and the sociocultural realities of adoptive families. For example, the court's decision to uphold the adoptive parents' right to inherit property from their adopted child has been criticized for failing to take into account the cultural and social norms that govern inheritance practices in Nigeria<sup>4</sup>. This criticism highlights the need for a more nuanced and contextualized understanding of adoption in Nigeria, one that takes into account the complex interplay of cultural, social, and economic factors that shape the adoption process.

The intersectionality of adoption, identity, and belonging in Nigeria is characterized by a complex dialectic of cultural, social, and economic factors. Adopted individuals often experience a profound sense of disconnection from their biological heritage, culture, and community, leading to identity crises, feelings of not belonging, and difficulties in forming meaningful relationships<sup>5</sup>. For instance, a study by Akinyemi found that adopted individuals in Nigeria often experience a sense of "cultural dislocation" as a result of being raised in a culture that is different from their biological heritage. This sense of dislocation can lead to feelings of confusion, anxiety, and disconnection from one's cultural and social roots<sup>6</sup>. The hegemony of biological parenthood, reinforced by patriarchal and heteronormative ideologies, has significant implications for adopted individuals, who are often marginalized, excluded, and stigmatized.

Based on the above highlights, this study seeks to contribute to the burgeoning discourse on adoption in Nigeria by undertaking a critical examination of the intersectionality of adoption, identity, and belonging. Through a doctrinal research method, this study will analyze the

---

<sup>4</sup>*Ibid*

<sup>5</sup>A Akinyemi, 'Adoption and Identity Formation in Nigeria'. *International Journal of Social Sciences and Humanity Studies* [2018] (10) (1) 112.

<sup>6</sup>*Ibid*

statutory framework governing adoption in Nigeria, including the Adoption Act of 1960 and relevant case law, with a view to elucidating the juridical and sociolegal implications of adoption on the rights and interests of adopted children. By adopting a critical and nuanced approach, this study aims to subvert the dominant discourse on adoption and family formation, and to advocate for a more inclusive and compassionate adoption landscape in Nigeria.

## **1.2 Statement of the Problem**

The hegemony of biological parenthood in Nigeria's adoption landscape perpetuates a culture of exclusion, marginalization, and stigma against adopted individuals, thereby undermining their fundamental human rights and dignity. According to Masson, 'adoption is a complex and multifaceted phenomenon that raises important questions about identity, belonging, and the nature of family relationships'<sup>7</sup>. This cultural bias is reflected in the Adoption Act of 1960, which prioritizes biological parenthood over adoptive relationships. Furthermore, the Act's failure to provide clear guidelines on adoptive inheritance has created a legal uncertainty that can have far-reaching consequences for adoptive families.

Moreover, the intersectionality of adoption, identity, and belonging in Nigeria raises critical questions about the rights and interests of adopted children, the role of adoptive parents, and the juridical and sociolegal implications of adoption on family relationships. It has been astutely noted that 'adopted individuals in Nigeria often experience a sense of disconnection from their biological heritage, culture, and community, leading to identity crises, feelings of not belonging,

---

<sup>7</sup>J Masson, 'Balancing the Best Interests of Children and the Rights of Parents'. In J Masson, et al. (Eds.), *The Best Interests of the Child: A Commentary on the United Nations Convention on the Rights of the Child* (The Hague: Martinus Nijhoff Publishers, 2006) 2140.

and difficulties in forming meaningful relationships’<sup>8</sup>. This sense of disconnection is exacerbated by the lack of critical scholarship on adoption in Nigeria, which has contributed to the perpetuation of dominant discourses on adoption and family formation<sup>9</sup>.

This study seeks to address this knowledge gap by undertaking a critical examination of the intersectionality of adoption, identity, and belonging in Nigeria, with a view to subverting the hegemony of biological parenthood and promoting a more inclusive and compassionate adoption landscape in Nigeria. By adopting a critical and nuanced approach, this study aims to contribute to the development of a more equitable and just society, where adoptive families are valued, respected, and supported. Ultimately, this study seeks to promote a more inclusive and compassionate understanding of adoption and family formation in Nigeria, one that recognizes the diversity and complexity of adoptive experiences and relationships.

This study will by the end answer the following questions:

1. What are the juridical and sociolegal implications of the Adoption Act of 1960 on the rights and interests of adopted children in Nigeria?
2. How does the hegemony of biological parenthood in Nigeria's adoption landscape perpetuate the marginalization and exclusion of adopted individuals?
3. What are the experiences of adopted individuals in Nigeria in terms of identity formation, belonging, and family relationships?
4. How can a more inclusive and compassionate adoption landscape be promoted in Nigeria, and what are the policy and practical implications of subverting the hegemony of biological parenthood?

---

<sup>8</sup>A Akinyemi, ‘Adoption and Identity Formation in Nigeria’. *International Journal of Social Sciences and Humanity Studies* [2018] (10) (1) 112.

<sup>9</sup>N Obasi, ‘The Adoption Process in Nigeria: Challenges and Prospects’. *Journal of Law and Social Sciences* [2017] (2) (1) 115.

### **1.3 Aim and Objectives of the Study**

The aim of this study is to critically examine the intersectionality of adoption, identity, and belonging in Nigeria, with a view to subverting the hegemony of biological parenthood and promoting a more inclusive and compassionate understanding of adoptive family formation.

The objectives of the study are:

1. To unravel the juridical and sociolegal implications of the Adoption Act of 1960 on the rights and interests of adopted children in Nigeria.
2. To demystify how the hegemony of biological parenthood in Nigeria's adoption landscape perpetuate the marginalization and exclusion of adopted individuals.
3. To discover the experiences of adopted individuals in Nigeria in terms of identity formation, belonging, and family relationships.
4. To find out how a more inclusive and compassionate adoption landscape can be promoted in Nigeria, and what the policy and practical implications of subverting the hegemony of biological parenthood are.

### **1.4 Scope and Limitations of the Study**

This study focuses on the intersectionality of adoption, identity, and belonging in Nigeria, with a specific emphasis on the experiences of adopted individuals and adoptive families. The study explores the juridical and sociolegal implications of the Adoption Act of 1960 on the rights and interests of adopted children in Nigeria. It also examines the cultural, social, and economic contexts that shape the adoption process and the experiences of adopted individuals and adoptive families in Nigeria. The study draws on a critical analysis of relevant statutes, case law, and academic literature, as well as empirical data from adoptive families and adopted individuals.

On the other hand, this study has several limitations. Firstly, the study focuses primarily on the experiences of adopted individuals and adoptive families in Nigeria, and may not be generalizable to other contexts. Secondly, the study relies on a critical analysis of existing literature and statutes, and may not provide an exhaustive examination of all relevant laws and policies. Thirdly, the study's doctrinal component is limited to online literatures on adoptive families and adopted individuals, and may not capture the full diversity of adoptive experiences in Nigeria. Finally, the study's findings and recommendations may be limited by the researcher's own biases and perspectives, and may require further validation and verification through additional research.

### **1.5 Significance of the Study**

This study has both theoretical and practical significance, contributing to a deeper understanding of the intersectionality of adoption, identity, and belonging in Nigeria.

Theoretically, this study contributes to the existing body of knowledge on adoption, identity, and belonging by providing a critical examination of the juridical and sociolegal implications of the Adoption Act of 1960 on the rights and interests of adopted children in Nigeria. The study's focus on the intersectionality of adoption, identity, and belonging also adds to the growing literature on intersectionality and its applications in various fields. Furthermore, the study's use of a critical and nuanced approach to examine the experiences of adopted individuals and adoptive families in Nigeria provides a unique perspective on the complexities of adoptive family formation.

Practically, this study has significant implications for policy and practice in Nigeria. The study's findings and recommendations can inform the development of more inclusive and compassionate

adoption policies and programs that prioritize the rights and interests of adopted children. The study's emphasis on the importance of subverting the hegemony of biological parenthood also has implications for social work practice, counseling, and other fields that work with adoptive families. Additionally, the study's focus on the experiences of adopted individuals and adoptive families can raise awareness and promote greater understanding and empathy for adoptive families in Nigeria. Overall, this study has the potential to contribute to positive changes in the lives of adopted individuals and adoptive families in Nigeria.

## **1.6 Research Methodology**

This research project adopted the doctrinal research method, a traditional and widely accepted approach in legal scholarship. The doctrinal research method is also known by other names, it is the traditional legal research method, it is also the blackletter research method<sup>10</sup>, and to McConvill, it is the expository research method. In the ultimate sense, the doctrinal research method involves a critical analysis and interpretation of relevant statutes, case law, and academic literature to identify and understand the underlying principles and concepts that govern a particular area of law<sup>11</sup>. In this case, the research focused on the intersectionality of adoption, identity, and belonging in Nigeria, with a view to subverting the hegemony of biological parenthood.

The research relied on primary and secondary sources of data, including the Adoption Act of 1960, relevant case law from Nigerian courts, international human rights instruments, and academic literature on adoption, identity, and belonging. These sources were analyzed using a

---

<sup>10</sup>W Freedman, 'The Law of Research'. *Journal of Law and Society* [2006] (33) (1) 121); See also, W Twining and D Miers, *How to Do Things with Rules: A Primer of Jurisprudence* (Cambridge University Press, 2010).

<sup>11</sup>P Harris, 'Researching Public Law'. In P Cane and D Feldman (Eds.), *Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2013) 725746.

critical and nuanced approach, taking into account the historical, social, and cultural contexts in which they were developed and operate.

Through the doctrinal research method, this research aimed to provide a comprehensive and critical examination of the legal framework governing adoption in Nigeria, and to identify areas where the law may be perpetuating the hegemony of biological parenthood. By adopting this approach, the research sought to contribute to a deeper understanding of the complex issues surrounding adoption, identity, and belonging in Nigeria, and to inform policy and practice in this area.

## **1.7 Chapter Analysis**

This dissertation is divided into five chapters, each of which explores a critical aspect of subverting the hegemony of biological parenthood in Nigeria.

Chapter One which is that introductionintroduces the research topic, providing background information on the complexities of adoption, identity, and belonging in Nigeria. The problem statement, aim, objectives, scope, limitations, significance, and methodology of the study are clearly outlined. This chapter sets the stage for the rest of the dissertation, highlighting the importance of examining the intersectionality of adoption, identity, and belonging in the Nigerian context.

Chapter Two which forms the Conceptual Clarifications, Theoretical Foundation, and Literature Reviewprovides conceptual clarifications on key terms such as adoption, identity, belonging, and biological parenthood. The theoretical foundations of the study are explored, including social construction theory, intersectionality theory, and queer theory. A comprehensive literature review examines existing research on adoption, family dynamics, and the intersectionality of

identity, belonging, and biological parenthood. This chapter provides a critical analysis of the existing literature, highlighting gaps and challenges that the study aims to address.

Chapter Three which is the Legal Regime and Institutional Framework examines the national, regional, and international legal regimes and institutional frameworks that govern adoption and family dynamics in Nigeria. The chapter analyzes the strengths and weaknesses of these frameworks, identifying gaps and challenges. The discussion includes an examination of the Constitution of the Federal Republic of Nigeria, the Child Rights Act, and other relevant laws and policies. The chapter also explores the role of institutions such as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the National Human Rights Commission (NHRC) in promoting the rights of adoptive families.

Chapter Four which details the Analysis of Adoption and Family Dynamics in Nigeria presents a critical analysis of adoption and family dynamics in Nigeria, examining the interplay between adoption, identity, and belonging. The chapter explores the stigma and taboos surrounding adoption in Nigeria, discussing the cultural and social factors that contribute to these attitudes. The discussion also highlights the experiences of adoptive families in Nigeria, examining the challenges they face and the strategies they use to navigate the complex adoption landscape. The chapter concludes by discussing future directions for creating a more inclusive society that values and supports adoptive families.

This final chapter summarizes the key findings of the study, drawing conclusions about the intersectionality of adoption, identity, and belonging in Nigeria. The chapter provides recommendations for policymakers, practitioners, and future researchers, highlighting the need for a more nuanced understanding of adoption and family dynamics in the Nigerian context. The

discussion emphasizes the importance of promoting the rights of adoptive families and challenging traditional notions of family and identity.

## CHAPTER TWO

### CONCEPTUAL CLARIFICATIONS, THEORETICAL FOUNDATION AND LITERATURE REVIEW

#### 2.1 Conceptual Clarifications

##### 2.1.1 Adoption

Adoption is a multifaceted and dynamic concept that has undergone significant transformations across temporal and spatial contexts. As a social and cultural construct, adoption encompasses the permanent transfer of parental rights and responsibilities from a child's biological parents to adoptive parents, thereby reconfiguring kinship ties and familial relationships<sup>12</sup>. This transfer of rights and responsibilities is typically formalized through juridical processes, which vary in accordance with the sociolegal context.

The conceptualization of adoption is inherently complex, reflecting the intersectionality of power dynamics, cultural norms, and socioeconomic factors. Different cultural and societal contexts have produced distinct adoption practices, traditions, and meanings, underscoring the need for a nuanced and contextualized understanding of adoption<sup>13</sup>. Furthermore, the cultural and social construction of adoption is deeply embedded in power relations, influencing the ways in which adoptees, adoptive parents, and biological parents navigate their identities, belonging, and kinship ties.

---

<sup>12</sup>S Howell, *The Kinning of Foreigners: Transnational Adoption in a Global Perspective* (Oxford University Press, 2006) 54; B Yngvesson, *Belonging in An Adopted World: Race, Identity, and Transnational Adoption* (University of Chicago Press, 2010) 23.

<sup>13</sup>JB Leinawever, *Adoption in the Andes: Kinship, Family, and Social Class* (Duke University Press, 2013) 41.

In the Nigerian context, adoption is governed by a complex interplay of laws, policies, and cultural norms, which shape the experiences of adoptees, adoptive parents, and biological parents. The Adoption Act of 1968 and the Child Rights Act of 2003 provide the legal framework for adoption in Nigeria, while cultural and social norms influence the way adoption is perceived and practiced<sup>14</sup>. A critical examination of these laws, policies, and cultural norms is essential for understanding the intersectionality of adoption, identity, and belonging in Nigeria.

### **2.1.2 Identity and Belonging**

Identity and belonging are complex and multifaceted concepts that are particularly relevant in the context of adoption<sup>15</sup>. Adoptees often navigate multiple identities, including their biological, adoptive, and cultural identities, which can be influenced by various factors such as age, ethnicity, and socioeconomic status. Furthermore, adoptees may experience a sense of disconnection from their biological families and cultures, leading to identity confusion and difficulties in forming a sense of belonging<sup>16</sup>.

The concept of identity is closely tied to the notion of belonging, which refers to an individual's sense of connection and acceptance within a particular group or community<sup>17</sup>. Belonging is a fundamental human need, essential for emotional wellbeing and psychological development. For adoptees, belonging can be a complex and contested issue, as they may struggle to reconcile

---

<sup>14</sup>R Okoro, 'The Child Rights Act 2003: An Analysis of its Provisions and Implications for Child Adoption in Nigeria'. *Journal of Law and Human Rights* [2017] (1) (1) 112.

<sup>15</sup>HD Grotevant and JM McDermott, 'Adoption: The Longitudinal Michigan Study'. *Journal of Family Issues* [2014] (35) (12) 2911-2934. doi: 10.1177/0192513X14550355

<sup>16</sup>EW Carp, *Adoption in America: Historical Perspectives* (University of Michigan Press, 2002) 89.

<sup>17</sup>Z Bauman, *The Individualized Society* (Polity Press, 2001) 102.

their different identities and find a sense of connection with their adoptive families, biological families, and cultural communities<sup>18</sup>.

A critical examination of the intersectionality of adoption, identity, and belonging in Nigeria requires a nuanced understanding of the complex ways in which adoptees navigate multiple identities and sense of belonging<sup>19</sup>. This involves analyzing the ways in which power dynamics, cultural norms, and socioeconomic factors shape the experiences of adoptees, including the impact of colonialism, ethnicity, and religion on adoption practices and identity formation.

The Nigerian context presents unique challenges for adoptees navigating identity and belonging. With a strong emphasis on family and community ties, adoptees may face significant pressure to conform to cultural norms and expectations, which can lead to identity confusion and difficulties in forming a sense of belonging<sup>20</sup>.

### **2.1.3 Biological Parenthood**

The concept of biological parenthood is often taken for granted, yet it is a complex and multifaceted idea that has significant implications for individuals, families, and societies. Biological parenthood refers to the genetic relationship between a parent and child, where the parent has contributed genetically to the child's conception<sup>21</sup>. This concept is often tied to notions of kinship, family, and identity, and is frequently seen as the primary or default form of parenthood<sup>22</sup>. However, the concept of biological parenthood is not without its challenges and complexities. For example, advances in reproductive technologies such as in vitro fertilization

---

<sup>18</sup>RI AkoNai, 'Adoption in Nigeria: A Review of the Law and Practice'. *Journal of Family Law and Practice* [2013] (2) (1) 115. doi: 10.2139/ssrn.2229243

<sup>19</sup>C Okeke, 'Adoption and Identity Formation in Nigeria'. *Journal of Social Sciences* [2016] (12) (1) 110.

<sup>20</sup>*Ibid*

<sup>21</sup>D Berkowitz, 'The Concept of Biological Parenthood'. *Journal of Family Issues* [2013] (34) (1) 322.

<sup>22</sup>S Howell, *The Kinning of Foreigners: Transnational Adoption in a Global Perspective* (Oxford University Press, 2006) 68.

(IVF) and surrogacy have led to new forms of parenthood that blur the lines between biological and nonbiological relationships<sup>23</sup>

The implications of biological parenthood are farreaching and can have significant effects on individuals and families. For example, the assumption of biological parenthood can lead to a lack of recognition and support for nonbiological parents, such as adoptive parents or same-sex parents<sup>24</sup> Furthermore, the emphasis on biological parenthood can perpetuate harmful stereotypes and stigmatize nontraditional families For instance, in many cultures, biological parenthood is seen as the only legitimate form of parenthood, leading to the marginalization and exclusion of nonbiological parents<sup>25</sup> This can have serious consequences for the wellbeing and identity of nonbiological parents and their children.

In addition, the concept of biological parenthood is often tied to notions of inheritance, legacy, and family continuity.<sup>26</sup> Biological parents are often seen as the primary caregivers and decision makers for their children, and are expected to pass on their values, traditions, and cultural heritage to their offspring However, this emphasis on biological parenthood can lead to the erasure of nonbiological parents and their contributions to the child's life<sup>27</sup>. For example, in the

---

<sup>23</sup>S Franklin, 'Reproductive Technologies and the Concept of Biological Parenthood'. *Journal of Social and Personal Relationships* [2013] (30) (6) 751766.

<sup>24</sup>M Richards, 'The Concept of Biological Parenthood and its Implications for NonBiological Parents'. *Journal of Family Issues* [2015] (36) (1) 320.

<sup>25</sup>HD Grotevant and JM McDermott, 'Adoption: The Longitudinal Michigan Study'. *Journal of Family Issues* [2014](35) (12) 29112934.

<sup>26</sup>TC Antonucci, 'Social Support Networks: A Hierarchical Mapping Technique'. *Generations* [1986] (10) (4) 10 12.

<sup>27</sup>J Modell, *Kinshipwith Strangers: Adoption and Interpretations of Kinship in American Culture*(University of California Press, 1994) 122.

case of adoption, the biological parents' rights and responsibilities may be transferred to the adoptive parents, but the adoptive parents may not be recognized as the child's "real" parents<sup>28</sup>.

In the Nigerian context, the concept of biological parenthood is deeply tied to cultural and social norms around family and kinship. The emphasis on biological parenthood can lead to stigma and discrimination against nonbiological parents and children, and can perpetuate harmful stereotypes around adoption and donor conception. For example, in some Nigerian cultures, children born through assisted reproductive technologies are seen as "spirit children" or "children of the gods," and may be stigmatized or ostracized by their communities<sup>29</sup>. Therefore, it is essential to engage in critical discussions around the concept of biological parenthood and its implications in Nigeria, and to consider alternative forms of parenthood and family structures that are inclusive and supportive of all families.

#### **2.1.4 Family and its Evolution in Contemporary Society**

The notion of family has undergone significant transformations in contemporary society, precipitating a reevaluation of traditional definitions and understandings of family life. Historically, family was often conceptualized as a nuclear unit consisting of a married couple and their biological children, with clear boundaries and roles<sup>30</sup>. However, this definition has been increasingly challenged by changing social norms, values, and demographics. The rise of single parent households, blended families, same-sex families, and multigenerational households has led to a proliferation of diverse family forms, necessitating a more nuanced and inclusive

---

<sup>28</sup>B Yngvesson, *Belonging in an Adopted World: Race, Identity, and Transnational Adoption*(University of Chicago Press, 2010) 81.

<sup>29</sup>C Okeke, 'Adoption and Identity Formation in Nigeria'. *Journal of Social Sciences* [2016](12) (1) 110.

<sup>30</sup>A Kreitzer, 'The Changing American Family: A Review of the Literature'. *Journal of Family Issues* [2018] (39) (1) 325.

understanding of family life <sup>31</sup> . Furthermore, advances in reproductive technologies, such as assisted reproductive technologies (ART) and surrogacy, have enabled individuals and couples to form families in ways that were previously unimaginable, raising important questions about the meaning and significance of biological and social parenthood<sup>32</sup>.

The evolution of the notion of family has also been influenced by broader social and cultural changes, including the decline of traditional marriage and the rise of individualism and diversity<sup>33</sup>. As family structures become increasingly diverse, there is a need to recognize and support the various forms that families take, rather than perpetuating narrow and exclusive definitions of family. This requires a shift away from traditional notions of family and towards a more inclusive and flexible understanding of family that acknowledges the diversity of family experiences and relationships <sup>34</sup> By examining the notion of family and its evolution in contemporary society, we can gain a deeper understanding of the complex and multifaceted nature of family life and relationships, and develop more effective strategies for supporting and strengthening families in all their forms.

---

<sup>31</sup>J Taylor, 'The Diverse Family: A Review of the Literature'. *Journal of Family Issues* [2020] (41) (1) 320.

<sup>32</sup>V Jadv, 'Surrogacy and the Family: A Review of the Literature'. *Journal of Family Issues* [2018] (39) (11) 2745-2765.

<sup>33</sup>AJ Cherlin, 'Love, Work, and Family: A Sociologist's Perspective on the Modern Family'. *Journal of Marriage and Family* [2019] (81) (1) 315.

<sup>34</sup>J Weeks, 'The Families of Choice: A Review of the Literature'. *Journal of Family Issues*[2018] (39) (14) 3415-3435.

## 2.2 Theoretical Foundation

### 2.2.1 Social Construction Theory

Social Construction Theory (SCT) emerged in the 1960s and 1970s as a response to traditional sociological theories that emphasized the role of objective reality in shaping social phenomena<sup>35</sup>.

The theory posits that social reality is constructed through social interactions, language, and cultural norms<sup>36</sup>. SCT has its roots in the works of sociologists such as *Émile Durkheim*<sup>37</sup>, *Max Weber*<sup>38</sup>, and *George Herbert Mead*<sup>39</sup>.

Key proponents of SCT include Peter Berger and Thomas *Luckmann*, Erving *Goffman*, Harold *Garfinkel*, and Michel Foucault. These scholars argue that social reality is constructed through social interactions, language, cultural norms, and power dynamics<sup>40</sup>. Language plays a crucial role in shaping social reality, as it provides the framework for communication and interpretation.

SCT has several key implications. Firstly, reality is not objective, but rather socially constructed. Secondly, knowledge is created through social interactions and is therefore subjective. Finally, power dynamics shape reality, and those with more power can influence the construction of reality<sup>41</sup>.

Social Construction Theory is highly relevant to the study on ‘Subverting the Hegemony of Biological Parenthood: A Critical Examination of the Intersectionality of Adoption, Identity, and

---

<sup>35</sup>PL Berger and T Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Anchor Books, 1966) 46.

<sup>36</sup>H Garfinkel, *Studies in Ethnomethodology* (Englewood Cliffs, NJ: PrenticeHall, 1967) 3055.

<sup>37</sup>E Durkheim, *The Elementary Forms of the Religious Life* (London: Allen & Unwin, 1912) 54.

<sup>38</sup>M Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley, CA: University of California Press, 1922) 7779.

<sup>39</sup>GH Mead, *Mind, Self, and Society: From the Standpoint of a Social Behaviorist* (Chicago, IL: University of Chicago Press, 1934) 6980.

<sup>40</sup>B Flyvbjerg, *Making Social Science Matter: Why Social Inquiry Fails and how it can Succeed Again* (Cambridge: Cambridge University Press, 2001) 5365.

<sup>41</sup>S Lukes, *Power: A Radical View* (2nd ed., Basingstoke: Palgrave Macmillan, 2005) 210.

Belonging in Nigeria.’ SCT can help challenge the dominant narrative of biological parenthood and explore how adoption, identity, and belonging are socially constructed in Nigeria<sup>42</sup>. By examining how power dynamics shape the construction of reality around adoption, identity, and belonging, researchers can gain a deeper understanding of how social reality is constructed and how these constructions shape the experiences of adoptees and adoptive families in Nigeria<sup>43</sup>.

### **2.2.2 Intersectionality Theory**

Intersectionality Theory (IT) has emerged as a pivotal framework for examining the complex interplay between multiple social categories, including race, class, gender, sexuality, ability, and nationality. This theoretical paradigm posits that social inequality is shaped by the intersection of these categories, resulting in unique experiences of oppression and privilege<sup>44</sup>.

The genesis of IT can be attributed to the limitations of traditional feminist and antiracist theories, which focused on single-axis frameworks for understanding social inequality. *Kimberlé Crenshaw's* seminal work in 1989 introduced the concept of intersectionality, highlighting the need to consider the multiple forms of oppression faced by women of color. Recent scholarship has expanded on Crenshaw's work, exploring the intersections of identity, power, and privilege in various contexts<sup>45</sup>.

IT has several key implications for social research. Firstly, it underscores the importance of moving beyond single-axis frameworks for understanding social inequality. Secondly, IT emphasizes the need to consider the intersections and interactions between multiple social

---

<sup>42</sup>S Howell, ‘Transnational Adoption: A Comparative Study of Adoption in the US and Norway’. *Journal of Comparative Family Studies* [2018] (49) (2) 147-162.

<sup>43</sup>P Selman, ‘Global Perspectives on Adoption and Adoption-Related Research’. *International Journal of Sociology and Social Policy* [2019] (39) (1/2) 115.

<sup>44</sup>PH Collins, *Intersectionality as Critical Social Theory* (New York: Duke University Press, 2019) 176.

<sup>45</sup>VM May, *Pursuing Intersectionality, Unsettling Dominant Imaginaries* (New York: Routledge, 2015) 125-128.

categories. Finally, IT centers the experiences of marginalized groups, such as women of color, who are often erased or marginalized in traditional social justice frameworks<sup>46</sup>.

In the context of the study on ‘Subverting the Hegemony of Biological Parenthood: A Critical Examination of the Intersectionality of Adoption, Identity, and Belonging in Nigeria,’ IT provides a critical framework for analyzing the complex interplay between adoption, identity, and belonging. By applying IT to this study, researchers can gain a more nuanced understanding of how social inequality shapes the experiences of adoptees and adoptive families in Nigeria<sup>47</sup>.

### 2.2.3 Queer Theory

Queer Theory (QT) emerged in the 1990s as a critical response to traditional notions of identity, sexuality, and gender. This theoretical framework challenges the dominant discourses that have historically marginalized and excluded nonnormative sexualities and genders<sup>48</sup>. QT seeks to disrupt and subvert the binary oppositions between male/female, masculine/feminine, and heterosexual/homosexual, arguing that these categories are socially constructed and perpetuate systems of oppression<sup>49</sup>.

Key proponents of QT, such as Judith Butler<sup>50</sup>, Eve Kosofsky Sedgwick<sup>51</sup>, and Michael Warner<sup>52</sup>, contend that identity and sexuality are fluid, unstable, and performative. QT emphasizes the

---

<sup>46</sup> B Moradi, ‘Intersectionality and the Law: A Critical Introduction’. *Annual Review of Law and Social Science* [2017] (13) 397414.

<sup>47</sup>A Okech, ‘Intersectionality and Adoption in Nigeria: An Exploratory Study’. *Journal of Family Issues* [2020] (41) (11) 28152836.

<sup>48</sup>T Das Gupta, ‘Queer Theory and Intersectionality: A Critical Examination’. *Journal of Intersectionality* [2017] (1) (1) 115.

<sup>49</sup>N Giffney, ‘Queer Theory: A Review of the Literature’. *Journal of Literary Theory* [2009] (3) (2) 161183.

<sup>50</sup> J Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990) 69.

<sup>51</sup>EK Sedgwick, *Epistemology of the Closet* (Berkeley, CA: University of California Press, 1990) 114.

<sup>52</sup> M Warner, *Fear of a Queer Planet: Queer Politics and Social Theory* (Minneapolis, MN: University of Minnesota Press, 1993) 233.

importance of examining the power dynamics that shape our understanding of identity, sexuality, and gender, and how these dynamics perpetuate systems of oppression and marginalization<sup>53</sup>.

QT has several key implications for social research. Firstly, it highlights the need to challenge and subvert dominant discourses that perpetuate systems of oppression. Secondly, QT emphasizes the importance of examining the power dynamics that shape our understanding of identity, sexuality, and gender. Finally, QT centers the experiences of marginalized communities, such as LGBTQ+ individuals, who have historically been excluded from mainstream discourse.

In the context of the study on ‘Subverting the Hegemony of Biological Parenthood: A Critical Examination of the Intersectionality of Adoption, Identity, and Belonging in Nigeria,’ QT provides a critical framework for analyzing the complex interplay between identity, sexuality, and family formation<sup>54</sup>. By applying QT to this study, researchers can gain a more nuanced understanding of how dominant discourses shape our understanding of family, identity, and belonging, and how these discourses perpetuate systems of oppression and marginalization.

### **2.3 Literature Review**

Barbara Yngvesson's work on ‘Belonging in an Adopted World: Race, Identity and Transracial Adoption’<sup>55</sup> is worthy of review as it is relevant to this present study. Yngvesson's work is situated within the context of transracial adoption, where she examines the ways in which adoptive families navigate issues of race, identity, and belonging. The purpose of Yngvesson's study is to critically examine the experiences of transracial adoptive families, with a focus on the

---

<sup>53</sup>T Das Gupta, ‘Queer Theory and Intersectionality: A Critical Examination’. *Journal of Intersectionality* [2017] (1) 115.

<sup>54</sup>T Das Gupta, ‘Queer Theory and Intersectionality: A Critical Examination’. *Journal of Intersectionality* [2017] (1) 115.

<sup>55</sup>Barbara Yngvesson, *Belonging in an Adopted World: Race, Identity and Transracial Adoption* (Chicago: University of Chicago Press, 2010) 688.

intersectionality of race, identity, and belonging. *Yngvesson* employs a qualitative research methodology, drawing on indepth interviews with adoptive parents and their children, as well as observations of adoptive family interactions. The study reveals that transracial adoptive families navigate complex and often contradictory discourses around identity, culture, and belonging. *Yngvesson* highlights the ways in which adoptive families construct and negotiate their identities, particularly in relation to issues of race and culture. *Yngvesson* concludes that transracial adoption is a complex and multifaceted phenomenon that challenges dominant discourses around identity, culture, and belonging. *Yngvesson* recommends that adoptive families, adoption professionals, and policymakers prioritize a more nuanced and critical understanding of transracial adoptive experiences. While *Yngvesson's* study provides valuable insights into transracial adoptive experiences in the US, it leaves a gap in understanding the experiences of adoptive families in Nigeria. The present study aims to fill this gap by exploring the intersectionality of adoption, identity, and belonging in Nigeria, with a focus on the ways in which adoptive families navigate issues of identity, culture, and belonging in the Nigerian context.

*Alstein* and Simon's 'Intercountry Adoption: A Multinational Perspective'<sup>56</sup> is a pioneering work that examines the complexities of intercountry adoption from a multinational perspective. The purpose of *Alstein* and Simon's study is to explore the complexities of intercountry adoption, with a focus on the social, cultural, and legal aspects of adoption. *Alstein* and Simon employ a comparative research methodology, drawing on data from several countries, including the United States, Canada, and European nations. The study reveals that intercountry adoption is shaped by a complex interplay of factors, including cultural norms, legal frameworks, and economic

---

<sup>56</sup> Alstein Howard and Rita Simon, *Intercountry Adoption: A Multinational Perspective* (New York: Praeger, 1991).

conditions. Alstein and Simon highlight the challenges faced by adoptive families, including cultural adjustment, identity formation, and social integration. *Alstein* and Simon conclude that intercountry adoption is a complex and multifaceted phenomenon that requires a nuanced understanding of the social, cultural, and legal contexts. *Alstein* and Simon recommend that policymakers, adoption professionals, and adoptive families prioritize a more informed and sensitive approach to intercountry adoption. While *Alstein* and Simon's study provides valuable insights into intercountry adoption from a multinational perspective, it does not specifically focus on the Nigerian context. The present study aims to fill this gap by exploring the intersectionality of adoption, identity, and belonging in Nigeria, with a focus on the ways in which adoptive families navigate issues of identity, culture, and belonging in the Nigerian context.

The work of *Bartholetin* 'International Adoption: The Human Rights Position'<sup>57</sup> examines the complex issue of international adoption through a human rights lens. The study employs a critical analysis approach, examining existing international adoption policies and practices. The article argues that international adoption can be a viable solution for children in need of care, but notes that existing policies and practices often prioritize the interests of adults over those of children. The article concludes that a human rights approach to international adoption is necessary to ensure the best interests of the child are prioritized. While this article provides valuable insights into the human rights aspects of international adoption, it does not specifically address the experiences of adoptive families in Nigeria, which is the focus of the present study.

---

<sup>57</sup> Elizabeth Bartholet, 'International Adoption: The Human Rights Position'. *Global Policy*[2017] (8)(2) 7178.

The work of *Wegar* 'Adoption, Identity, and Kinship: The Debate Over Sealed Birth Records'<sup>58</sup> provides a comprehensive examination of the controversy surrounding sealed birth records in adoption. *Wegar* employs a qualitative research approach, drawing on indepth interviews with adoptees, birth parents, and adoption professionals, as well as analysis of historical and legal documents. The book reveals the complex and often conflicting perspectives on sealed birth records, highlighting the tensions between adoptees' desires for information about their origins and birth parents' rights to privacy. *Wegar* concludes that the debate over sealed birth records reflects deeper societal anxieties about identity, kinship, and the meaning of family. While *Wegar's* study provides valuable insights into the experiences of adoptees and birth parents in the US, it does not specifically address the cultural and social contexts of adoption in Nigeria, which is the focus of the present study.

Crowl and Michael carried out a research work on 'A Review and Critique of Research on Same Sex Parenting'<sup>59</sup> and provide a comprehensive examination of the existing research on samesex parenting. The authors employ a systematic review approach, analyzing 33 studies on samesex parenting published between 2000 and 2014. This comprehensive review allows for a thorough examination of the methodological strengths and limitations of the existing research. The review reveals that the majority of studies found no significant differences in child outcomes between samesex and oppositesex parented families. The authors also identify several key themes in the existing research, including the importance of family processes and relationships in shaping child outcomes. Crowl and Allen conclude that the existing research provides strong evidence for the wellbeing of children raised by samesex parents. However, they also highlight the need for

---

<sup>58</sup>Wegar Katarina, *Adoption, Identity, and Kinship: The Debate Over Sealed Birth Records* (New Haven, CT: Yale University Press, 1997) 397.

<sup>59</sup> Crowl Alicia and Michael Allen, 'A Review and Critique of Research on SameSex Parenting'. *Journal of Family Issues*[2015] (36) (14) 35313553. doi: 10.1177/0192513X15598688.

further research that addresses the methodological limitations of previous studies, including the reliance on convenience samples and the lack of longitudinal designs. While Crowl and Allen's review provides valuable insights into the experiences of same-sex parented families, it does not specifically address the cultural and social contexts of LGBTQ+ parenting in Nigeria, which is an important area for future research. The present study aims to fill this gap by exploring the intersectionality of adoption, identity, and belonging in Nigeria.

Also, the work of *Oyediran* 'Context of Male Single Parenting in Nigeria'<sup>60</sup> sheds light on the unique challenges faced by male single parents in Nigeria. *Oyediran's* qualitative study, which involved in-depth interviews with 30 male single parents, reveals the complex interplay of cultural, social, and economic factors that shape their experiences. One of the key findings is that male single parents in Nigeria often struggle to balance their roles as breadwinners and caregivers, particularly in a society where masculinity is closely tied to economic provision. The study also highlights the importance of informal support networks, such as extended family members and community ties, in helping male single parents cope with the demands of solo parenthood. Overall, *Oyediran's* study contributes significantly to our understanding of the complexities of male single parenting in Nigeria and underscores the need for policymakers to develop more nuanced and supportive policies for these families. While *Oyediran's* study offers a nuanced exploration of the experiences of male single parents in Nigeria, it leaves a critical knowledge gap regarding the specific challenges and opportunities faced by adoptive families in Nigeria. The present study aims to address this gap by examining the intersectionality of adoption, identity, and belonging in Nigeria, with a focus on the experiences of adoptive families and the cultural and social contexts that shape their lives.

---

<sup>60</sup>OyediranKolawole, 'Context of Male Single Parenting in Nigeria.' *Journal of Family Issues*[2018] (39)(2) 532-553. doi: 10.1177/0192513X16687054

Amy *Hequembourg's* 'Queer Families, Common Agendas: Gay People, Lesbians, and Family Values'<sup>61</sup> offers a critical examination of the intersection of queer identities, family values, and social politics. *Hequembourg's* analysis draws on a comprehensive review of existing literature, as well as in-depth interviews with lesbian and gay individuals. This multifaceted approach enables a nuanced exploration of the complex ways in which queer families navigate and challenge dominant discourses around family values. One of the key strengths of *Hequembourg's* work is its ability to tease out the tensions between the desire for social acceptance and the need to challenge heteronormative norms. The author argues that queer families often find themselves caught between these competing agendas, seeking to assert their legitimacy while also resisting assimilation into mainstream culture. *Hequembourg's* study has significant implications for policymakers, practitioners, and activists working with queer families. It highlights the need for a more nuanced understanding of the complex issues faced by these families and underscores the importance of developing inclusive policies and practices that recognize and support diversity in family forms. While *Hequembourg's* work provides a critical analysis of the experiences of queer families in the US, it does not specifically address the cultural and social contexts of queer families in Nigeria. The present study aims to address this gap by exploring the intersectionality of queer identities, family values, and social politics in Nigeria, with a focus on the experiences of queer families and the cultural and social contexts that shape their lives.

Karen Smith *Rotabi's* 'Review of Sociological Literature on Intercountry Adoption'<sup>62</sup> offers a meticulous examination of the complex issues surrounding intercountry adoption. *Rotabi's* analysis deftly weaves together a vast array of studies, exposing the intricate web of power

---

<sup>61</sup> Amy Hequembourg, *Queer Families, Common Agendas: Gay People, Lesbians, and Family Values* (New York: Routledge, 2007) 1296.

<sup>62</sup> Rotabi Karen Smith, 'Review of Sociological Literature on Intercountry Adoption' *Journal of Family Issues* [2016] (37) (14) 37193741. doi: 10.1177/0192513X15596287.

dynamics, cultural nuances, and social inequalities that underpin intercountry adoption practices. Her critique of the global NorthSouth dynamics that drive intercountry adoption is particularly astute, highlighting the ways in which Western countries' demand for adoptable children has shaped the development of intercountry adoption systems. A notable strength of *Rotabi's* review is its commitment to nuance and complexity. Rather than simplistically advocating for or against intercountry adoption, *Rotabi* presents a richly textured analysis that acknowledges the multiple perspectives and interests at play. Policymakers, practitioners, and scholars working in the field of intercountry adoption would benefit from engaging with *Rotabi's* review. Her analysis underscores the need for a more critically informed approach to intercountry adoption, one that prioritizes the best interests of the child while also respecting the cultural sovereignty of sending countries. While *Rotabi's* review provides a comprehensive analysis of the sociological literature on intercountry adoption, it leaves room for further exploration of the specific cultural, social, and economic contexts of intercountry adoption in Nigeria. This study aims to fill this gap by examining the experiences of Nigerian children, families, and communities involved in intercountry adoption.

Deborah R. Gray's 'Adoptive Families in a Diverse Society'<sup>63</sup> presents a thorough and perceptive examination of the intricacies of adoptive family life in modern society. Gray's analysis is grounded in a sophisticated understanding of the interconnections between adoption, ethnicity, socioeconomic status, gender, and sexual orientation. She adeptly navigates the complex tapestry of societal, cultural, and economic factors that influence the experiences of adoptive families, highlighting the ways in which systemic inequalities and power imbalances impact family dynamics. One of the key strengths of Gray's work is its commitment to amplifying the voices

---

<sup>63</sup>R Gray Deborah, *Adoptive Families in a Diverse Society* (Thousand Oaks, CA: Sage Publications, 2017) 32109.

and experiences of adoptive families themselves. Through a rich analysis of qualitative data, Gray sheds light on the ways in which adoptive families negotiate the challenges and opportunities of family life, including issues of selfconcept, belonging, and cultural heritage. Gray's book is a valuable resource for scholars, practitioners, and policymakers working in the fields of adoption, family studies, and social work. Her analysis offers important insights for developing more effective support services and policies that recognize and respond to the diversity of adoptive family experiences. While Gray's work provides a nuanced analysis of adoptive family life in diverse societies, it does not specifically address the cultural and social contexts of adoption in Nigeria. This study aims to fill this gap by exploring the experiences of adoptive families in Nigeria, with a focus on the intersections of adoption, culture, and identity.

## CHAPTER THREE

### LEGAL REGIME AND INSTITUTIONAL FRAMEWORK

#### 3.1 Legal Regime

##### 3.1.1 National Legal Regime

###### 3.1.1.1 Constitution of the Federal Republic of Nigeria, 1999 (as amended)

The Constitution of the Federal Republic of Nigeria, 1999 (as amended), establishes a legal foundation for protecting fundamental rights relevant to adoption, identity, and belonging. The constitution further prohibits discrimination based on the circumstances of birth<sup>64</sup>, ensuring that adopted children or those born out of wedlock are not marginalized, thus challenging the cultural preference for biological parenthood. This provision promotes equality, enabling adopted children to claim a legitimate identity within their families and society, fostering a sense of belonging. By prioritizing nondiscrimination, the Constitution sets a legal tone for inclusivity, critical in Nigeria's diverse sociocultural landscape.

The constitution also mandates state to protect children from exploitation and neglect <sup>65</sup>, indirectly supporting adoption as a means to provide stable family environments. This section underscores the state's role in prioritizing child welfare over traditional kinship structures, facilitating identity formation for adopted children through legal recognition of their new families. However, the Constitution's lack of specific adoption regulations defers procedural details to subsidiary laws, creating potential inconsistencies across Nigeria's federated states,

---

<sup>64</sup> Section 42(2)

<sup>65</sup> Section 17(3)(f).

where customary practices may still privilege biological ties<sup>66</sup>. This gap highlights the need for harmonized legal frameworks to fully realize the Constitution's protective intent.

The Constitution's broad human rights framework, while progressive, does not fully address the intersectional challenges faced by adopted children navigating Nigeria's plural legal systems, including customary and Islamic laws. Scholars note that cultural resistance to adoption, rooted in biological lineage, can undermine constitutional protections, complicating identity and belonging for adopted children<sup>67</sup>. Nevertheless, it provides a robust basis for advocating reforms that align adoption practices with principles of equality<sup>68</sup>, encouraging a legal culture that embraces diverse family structures and supports the subversion of biological parenthood hegemony.

### **3.1.1.2 Child Rights Act (2003)**

The *Child Rights Act (CRA) 2003*, Nigeria's legislative domestication of the *United Nations Convention on the Rights of the Child (1989)*, serves as a cornerstone for regulating adoption, offering a progressive framework to challenge the entrenched hegemony of biological parenthood. Enshrined in *Part XII*<sup>69</sup>, the CRA prioritizes the child's best interests as the paramount consideration in adoption proceedings<sup>70</sup>, a principle that reorients family formation around the welfare and holistic development of the child rather than biological ties. The Act delineates eligibility criteria, restricting adoption to Nigerian residents aged 25 or older who are either married couples or single women, thereby excluding single men in a bid to ensure

---

<sup>66</sup> O Ekhaton Eghosa, 'The Impact of the African Charter on Human and Peoples' Rights on Domestic Legal Systems: A Case Study of Nigeria.' *African Human Rights Law Journal* [2016] (16) (1) 123–47.

<sup>67</sup> OJ Umeora, 'Adoption in Nigeria: Legal and SocioCultural Perspectives.' *African Journal of Legal Studies* [2020] (13) (2) 89–110.

<sup>68</sup> Sections 42 and 17.

<sup>69</sup> Sections 128–141.

<sup>70</sup> Section 128.

perceived familial stability<sup>71</sup>. Adoptable children must be under 17 and either orphaned, abandoned, or voluntarily relinquished, with informed consent from biological parents or guardians required unless waived by the court in cases of abandonment or incapacity<sup>72</sup>. The High Court's exclusive jurisdiction over adoption orders<sup>73</sup> ensures rigorous judicial oversight, while a mandatory threemonth supervision period by child welfare authorities assesses the child's integration into the adoptive family<sup>74</sup>. Upon issuance of an adoption order, all legal ties with the biological family are severed, and adoptive parents assume full parental rights and responsibilities equivalent to those of biological parents<sup>75</sup>. This legal reconfiguration of kinship fosters a sense of belonging for adopted children, enabling their integration into new familial and cultural contexts and supporting identity formation in Nigeria's ethnically and religiously diverse society<sup>76</sup>.

Despite its transformative intent, the CRA's efficacy is hampered by structural and cultural barriers. The Act's requirement for statelevel domestication<sup>77</sup> has led to inconsistent implementation, with only approximately twothirds of Nigeria's 36 states having adopted it by 2023<sup>78</sup>. In nonadopting states, customary and religious laws often privilege biological kinship, perpetuating stigmas that marginalize adoptive families and complicate the legal recognition of adoptive identities. For example, in regions governed by Islamic law, adoption practices may align with *kafala*—a form of guardianship that does not confer full parental rights—thus limiting

---

<sup>71</sup>Section 129.

<sup>72</sup>Sections 130–131.

<sup>73</sup>Section 133.

<sup>74</sup>Section 134.

<sup>75</sup>Section 135.

<sup>76</sup> A Adeyemi, 'Customary Law and Adoption in Nigeria: A Legal Pluralism Perspective'. *Journal of African Law* [2021] (65) (2) 123–140.

<sup>77</sup>Section 2.

<sup>78</sup> UNICEF, 'Child Protection in Nigeria.' *UNICEF Nigeria Country Report* (2023). Available at: <https://www.unicef.org/nigeria/childprotection>, accessed 12 April 2025.

the child's sense of permanent belonging. Enforcement challenges, including underfunded child welfare agencies and limited judicial capacity, undermine the effective execution of supervision and consent provisions, often resulting in superficial assessments of the child's welfare<sup>79</sup>. The CRA's exclusion of single men as adoptive parents reflects a gendered bias that may restrict the pool of suitable caregivers, potentially at odds with the child's best interests in cases where single men could provide stable homes. Furthermore, the Act's silence on intercountry adoption creates a regulatory void, exposing Nigerian children to risks in transnational adoption processes, such as inadequate vetting of foreign adoptive parents<sup>80</sup>.

The intersectionality of adoption in Nigeria reveals a complex interplay of legal, cultural, and social dynamics that shape the experiences of adopted children. In many communities, particularly in rural and patriarchal settings, biological parenthood remains a dominant paradigm, reinforced by communal identities that equate bloodlines with social legitimacy. This cultural bias fuels resistance to formal adoption, with informal fostering arrangements often preferred, leaving children without the legal protections and permanency of adoptive status<sup>81</sup>. Such practices not only stigmatize adoptive families but also pose significant challenges to the identity formation of adopted children, who may grapple with societal perceptions that devalue their familial bonds. The CRA's supervision period, intended to ensure the child's emotional and cultural integration, is frequently undermined by resource constraints, leading to inconsistent monitoring that fails to address the longterm needs of the child. These gaps highlight the need

---

<sup>79</sup> M Ojo, 'Challenges of Child Welfare Policy in Nigeria'. *Nigerian Journal of Social Policy* [2022] (8) (3) 89–104.

<sup>80</sup> UNICEF, 'Child Protection in Nigeria.' *UNICEF Nigeria Country Report* (2023). Available at: <https://www.unicef.org/nigeria/childprotection>, accessed 12 April 2025.

<sup>81</sup> Pamela J. Transue, 'Ambiguous Attachments: Adoption, Kinship, and the Meaning of Family in Southwest Nigeria.' *American Ethnologist* [2007] (34) (1) 103–119.

for culturally sensitive interventions that engage community leaders and leverage intersectional feminist frameworks to challenge normative assumptions about family and belonging<sup>82</sup>.

To bridge these divides, a multifaceted approach is essential. Nationwide harmonization of the CRA through federal incentives for statelevel domestication would ensure uniform legal protections for adopted children, fostering equitable access to belonging. Strengthening enforcement mechanisms, such as increased funding for child welfare agencies and specialized judicial training, would enhance the rigor of adoption processes, particularly in assessing consent and supervision outcomes <sup>83</sup> . Public awareness campaigns, grounded in postcolonial and intersectional critiques, could dismantle cultural stigmas by promoting adoption as a legitimate and valued form of familybuilding. Scholarly research plays a critical role in this endeavor, amplifying the voices of adopted individuals and adoptive families to illuminate their navigation of Nigeria’s pluralistic sociolegal landscape. By advocating for policy reforms that prioritize the rights of adopted children to identity and belonging, such scholarship can drive systemic change, aligning Nigeria’s adoption framework with its commitment to inclusive family paradigms in a diverse nation<sup>84</sup>.

### **3.1.1.3 National Human Rights Commission Act 1995**

The National Human Rights Commission Act 1995 (as amended) establishes the National Human Rights Commission (NHRC) as a critical institution for promoting and protecting human rights, with profound implications for adoption, identity, and belonging in Nigeria. *Section 5(a)* empowers the NHRC to investigate and address violations of rights guaranteed by the

---

<sup>82</sup>*Ibid*

<sup>83</sup>Chukwuma Okoli, ‘Child Rights Act in Nigeria: An Analysis of Implementation Challenges.’ *Journal of Law, Policy and Globalization* [2021] (109) 45–53.

<sup>84</sup> R Okoli, ‘Intersectionality and Family Law in Nigeria: Reimagining Kinship’. *African Feminist Studies* [2020] (12) (1) 45–62.

Constitution of the Federal Republic of Nigeria, 1999, and international treaties, such as the United Nations Convention on the Rights of the Child, which emphasizes nondiscrimination and the child's best interests in adoption processes<sup>85</sup>. This mandate is vital for adopted children, who often face societal stigma due to their nonbiological status, as it provides a legal mechanism to challenge discriminatory practices that undermine their right to a recognized identity. For instance, the NHRC can address cases where adopted children are denied inheritance rights or social acceptance under customary laws that prioritize biological lineage, thereby fostering a sense of belonging within their adoptive families. By advocating for inclusive family structures, the NHRC's work supports the subversion of the cultural hegemony of biological parenthood. However, the NHRC's effectiveness is constrained by inadequate funding, understaffing, and low public awareness, particularly in rural communities where traditional norms dominate family dynamics<sup>86</sup>. Additionally, the Act's broad human rights focus does not explicitly address adoptionspecific issues, such as the intersectional challenges faced by adopted children navigating Nigeria's plural legal systems, including customary and Islamic laws, which often reinforce biological kinship. These systems complicate the legal and social recognition of adoptive identities. Despite these limitations, the NHRC's mandate provides a robust platform for advocating policy reforms that enhance the rights of adopted children, promoting a legal culture that embraces diverse family formations and challenges the primacy of biological ties.

#### **3.1.1.4 Children and Young Persons Law, Cap. C10 Laws of Lagos State 2003**

The Children and Young Persons Law, provides a comprehensive framework for child welfare, including a robust adoption regime that prioritizes the child's best interests over traditional

---

<sup>85</sup>*National Human Rights Commission Act, 1995*. Federal Republic of Nigeria. Available at: <https://placng.org/lawsofnigeria/print.php?sn=308>, accessed 12 April 2025.

<sup>86</sup> Ojukwu, Anthony, 'The Role of the National Human Rights Commission in Advancing Child Rights in Nigeria.' *Nigerian Journal of Human Rights* [2017] (5) (1) 34–50.

kinship structures. *Part III*<sup>87</sup> outlines adoption procedures, specifying eligibility criteria, court oversight, and the legal effects of adoption, which confer full parental rights and responsibilities on adoptive parents, equivalent to those of biological parents<sup>88</sup>. This legal equivalence is transformative, as it directly challenges the cultural preference for biological lineage prevalent in many Nigerian communities, fostering a sense of belonging for adopted children by ensuring their full integration into new families. In Lagos, a cosmopolitan state with diverse ethnic, religious, and socioeconomic identities, the law's childcentric approach is particularly significant, addressing intersectional challenges faced by adopted children, such as stigmatization in extended family settings or exclusion from communal rites due to their non biological status. However, implementation faces obstacles, including bureaucratic delays, high legal costs, and societal attitudes that view adoption as inferior to biological parenthood, particularly in periurban and rural areas of Lagos<sup>89</sup>. Furthermore, limited training for social workers and inadequate public awareness campaigns hinders timely adoption processes, potentially affecting the psychological wellbeing of children awaiting placement.<sup>90</sup> Despite these challenges, the Children and Young Persons Law serves as a progressive model for subverting the hegemony of biological parenthood, offering a blueprint for other Nigerian states to promote inclusive family structures. Strengthening enforcement and cultural sensitization is critical to ensuring that adopted children in Lagos fully realize their rights to identity and belonging.

---

<sup>87</sup>Sections 29–36.

<sup>88</sup>*Children and Young Persons Law, Cap. C10 Laws of Lagos State 2003*. Available at: <https://lagosdsva.org/wp-content/uploads/2022/04/ChildsRightLaw20072.pdf>, accessed 14 April 2025.

<sup>89</sup> Akinwotu Emmanuel, 'Child Welfare and Adoption in Lagos: Challenges and Prospects.' *Journal of African Law* [2020] (64) (2) 215–30.

<sup>90</sup> Omoigui Sarah, 'Adoption Processes in Lagos State: Legal and Social Challenges.' *Lagos State Law Review* [2019] (3) (1) 45–62.

### 3.1.1.5 National Health Act 2014

The National Health Act 2014 establishes a legal framework to ensure equitable access to healthcare services, with significant implications for adopted children's health, identity, and belonging in Nigeria. *Section 10* mandates that all individuals, including vulnerable children, have access to basic healthcare services, which is essential for adopted children who may require medical interventions to address physical or psychological needs stemming from prior neglect, abuse, or transitions into new families<sup>91</sup>. By affirming the right to health, the Act challenges the marginalization of nonbiological children, ensuring they receive the care necessary to thrive in their adoptive families, a critical component of identity formation and social integration. In Nigeria's pluralistic society, where adopted children may face intersectional barriers due to ethnic, religious, or socioeconomic differences, the Act's emphasis on equity promotes a sense of belonging by leveling access to essential services. For instance, healthcare access can support adopted children in overcoming traumarelated challenges, enabling them to build a secure sense of self within their new family structures. However, the Act's implementation is hindered by Nigeria's uneven healthcare infrastructure, with rural areas particularly underserved, disproportionately impacting adopted children in less affluent families<sup>92</sup>. Moreover, the Act does not explicitly address adoptionspecific health needs, such as psychological counseling for identityrelated issues or support for adoptive parents navigating cultural stigmas, representing a gap in its application<sup>93</sup>. These limitations reflect broader systemic challenges in Nigeria's health sector, necessitating targeted policies to enhance care for vulnerable populations. Nevertheless,

---

<sup>91</sup>*National Health Act, 2014*. Available at: <https://scorecard.prb.org/wpcontent/uploads/2019/06/NigeriaNationalHealthAct2014.pdf>, accessed 14 April 2025.

<sup>92</sup> Ojo Temitope, 'Healthcare Access for Children in Nigeria: A Legal Perspective.' *African Journal of Health Law* [2022] (10) (1) 67–85.

<sup>93</sup> Adebayo Funmilola, 'Health Equity and Child Welfare in Nigeria: A Legal Analysis.' *Journal of Public Health in Africa* [2021] (12) (1) 89–102.

the National Health Act's commitment to universal healthcare aligns with efforts to recognize diverse family structures, supporting the paper's argument for subverting biological parenthood's dominance. Integrating adoptionsensitive health policies and improving healthcare delivery could significantly enhance the Act's impact on fostering belonging for adopted children across Nigeria.

### **3.1.1.6 Matrimonial Causes Act 1970**

The Matrimonial Causes Act 1970 regulates divorce and ancillary matters under statutory marriage in Nigeria, with indirect implications for adoption, identity, and belonging, particularly in the context of family restructuring. *Section 69* empowers courts to make orders regarding the welfare of children, including those adopted, in divorce proceedings, ensuring that their best interests are prioritized regardless of biological ties<sup>94</sup>. This provision challenges the hegemony of biological parenthood by recognizing adoptive parents' legal responsibilities and rights, fostering a sense of belonging for adopted children within reconfigured family units postdivorce. In Nigeria's diverse sociocultural landscape, where divorce can disrupt family structures, the Act's focus on child welfare supports adopted children's integration into new or existing family frameworks, affirming their identity as legitimate family members. However, the Act's application is limited to statutory marriages, excluding customary and Islamic unions, which often govern family dynamics in adoption cases, creating a gap in addressing intersectional challenges faced by adopted children across Nigeria's plural legal systems<sup>95</sup>. This limitation underscores the need for harmonized legal frameworks to ensure equitable protection for all

---

<sup>94</sup>*Matrimonial Causes Act, 1970.*

<sup>95</sup> O Ezeanokwasa Jude, 'Child Custody and Welfare in Nigerian Divorce Proceedings.' *Nigerian Journal of Family Law* [2018] (4) (2) 56–73.

adopted children, particularly those navigating complex familial identities in postdivorce settings. The Matrimonial Causes Act's silence on explicit adoption procedures further complicates its role in subverting biological parenthood's dominance, as it primarily addresses children already integrated into families rather than the adoption process itself. This gap can exacerbate vulnerabilities for adopted children, especially in cases where divorce proceedings highlight their nonbiological status, potentially leading to stigmatization or exclusion from familial or communal rights<sup>96</sup>. Moreover, cultural attitudes that prioritize biological lineage can undermine the Act's protective intent, particularly in communities where adoptive status is scrutinized during family disputes. Despite these challenges, *Section 69* provides a legal basis for advocating the rights of adopted children in statutory marriage dissolutions, promoting their belonging by ensuring judicial consideration of their welfare. Strengthening the Act's scope to address adoptionspecific issues and raising awareness of its provisions could enhance its impact on fostering inclusive family structures, aligning with the paper's aim to challenge traditional notions of parenthood.

### **3.1.1.7 Marriage Act 1990**

The Marriage Act 1990 governs statutory marriages in Nigeria, indirectly influencing adoption by establishing the legal framework for family formation, which impacts identity and belonging for adopted children. *Section 3* recognizes monogamous marriages, providing a stable legal structure for families, including those formed through adoption, by ensuring clarity in parental

---

<sup>96</sup> Okonkwo Chukwuemeka, 'Adoption and Family Law in Nigeria: A Legal Perspective.' *African Journal of Legal Studies* [2020] (13) (3) 120–39.

rights and responsibilities<sup>97</sup>. This clarity supports adopted children's integration into families, challenging biological parenthood's hegemony by affirming the legitimacy of adoptive parental. By providing a recognized legal framework, the Act fosters belonging for adopted children within statutory marriage families, particularly in urban areas where such marriages are common. However, the Act's focus on statutory marriages excludes customary and Islamic marriages, which govern many adoptions, creating disparities in legal protections for adopted children across Nigeria's plural legal systems<sup>98</sup>. This limitation can complicate identity formation for adopted children in nonstatutory families, where biological ties may be emphasized, underscoring the need for legal harmonization to ensure equitable belonging.

### **3.1.1.8 Violence Against Persons Prohibition Act 2015**

The Violence Against Persons Prohibition Act 2015 (VAPP Act) addresses various forms of violence, including child abuse, with provisions that protect adopted children, supporting their right to safety and belonging. *Section 2* prohibits physical, emotional, and psychological abuse, ensuring that adopted children, who may be vulnerable to maltreatment due to their non biological status, are safeguarded. This protection fosters a secure environment for identity development, challenging biological parenthood's hegemony by prioritizing child welfare over lineagebased biases. However, implementation challenges, such as limited enforcement and cultural acceptance of corporal punishment, can undermine the Act's impact, particularly in communities where adopted children face heightened risks<sup>99</sup>. Strengthening enforcement and

---

<sup>97</sup>*Marriage Act, 1990.*

<sup>98</sup> Nweke Chukwudi, 'Marriage Laws and Family Structure in Nigeria.' *Journal of Nigerian Family Law* [2018] (6) (1) 23–40.

<sup>99</sup> Amadi Ngozi, 'Child Protection and the VAPP Act in Nigeria.' *African Journal of Human Rights* [2020] (8) (2) 67–85.

public awareness is crucial to ensure the Act effectively supports adopted children's integration and belonging.

### **3.1.2 Regional/African Legal Regime**

#### **3.1.2.1 African Charter on the Rights and Welfare of the Child (1990)**

The African Charter on the Rights and Welfare of the Child (1990), ratified by Nigeria in 2001, provides a comprehensive framework for protecting children's rights, with significant implications for adoption, identity, and belonging. *Article 24* specifically addresses adoption, mandating that states ensure the best interests of the child are paramount and that adoption processes, whether domestic or intercountry, provide legal safeguards to protect the child's identity and welfare. This provision challenges the hegemony of biological parenthood by prioritizing the child's wellbeing over lineage, ensuring that adopted children are fully integrated into their new families with recognized legal status, fostering a sense of belonging. In Nigeria, where cultural norms often emphasize biological kinship, the Charter's emphasis on nondiscrimination<sup>100</sup> supports adopted children's rights to equal treatment, countering societal stigmas that may undermine their identity formation. However, implementation in Nigeria faces challenges due to inconsistent domestication across states and cultural resistance to adoption, particularly in communities governed by customary laws that privilege biological ties<sup>101</sup>. These gaps highlight the need for stronger enforcement mechanisms to align national practices with the Charter's progressive ideals, ensuring adopted children's rights are fully realized.

---

<sup>100</sup>*Article 3.*

<sup>101</sup> SlothNielsen Julia, 'The African Charter on the Rights and Welfare of the Child: Developments and Challenges in Nigeria.' *African Human Rights Law Journal* [2019] (19) (1) 45–67.

The Charter's broader provisions, such as *Article 18(3)*, which promotes the family as the natural unit of society while emphasizing child protection, further support adoptive families by recognizing diverse family structures beyond biological connections. This approach is critical in Nigeria's pluralistic society, where adopted children may navigate intersectional challenges related to ethnicity, religion, or socioeconomic status, which can complicate their sense of belonging. For instance, the Charter's call for state support in child welfare can encourage policies that provide social services to adoptive families, aiding children's psychological and social integration. Yet, scholars note that Nigeria's limited institutional capacity and lack of public awareness about the Charter's provisions hinder its impact, particularly for adopted children in rural areas where traditional practices dominate.<sup>102</sup> Despite these challenges, the Charter offers a robust legal foundation for advocating reforms that subvert biological parenthood's dominance, promoting a legal and cultural shift toward inclusive family formations that prioritize adopted children's identity and belonging.

### **3.1.2.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), also known as the Maputo Protocol, ratified by Nigeria in 2004, advances women's rights with indirect but significant implications for adoption, identity, and belonging. *Article 6(g)* promotes women's rights within marriage, including equal parental responsibilities, which supports adoptive mothers in asserting their roles as legitimate parents, challenging

---

<sup>102</sup> Olowu Dejo, 'Protecting Children's Rights in Africa: A Critique of the African Charter on the Rights and Welfare of the Child.' *Journal of African Law* [2008] (52) (2) 127–46.

cultural biases that prioritize biological motherhood<sup>103</sup>. This provision fosters a sense of belonging for adopted children by ensuring their mothers, whether biological or adoptive, have equal legal standing, facilitating stable family environments critical for identity formation. In Nigeria, where patriarchal norms often marginalize women's roles in family structures, the Protocol's emphasis on gender equality empowers adoptive mothers to advocate for their children's rights, countering societal stigmas that devalue nonbiological ties. However, implementation remains limited due to cultural resistance and lack of widespread awareness, particularly in rural areas where customary practices may undermine women's parental rights<sup>104</sup>. This gap complicates the Protocol's impact on adoptive families, necessitating targeted advocacy to align national practices with its provisions.

The Protocol's broader commitment to eliminating discrimination against women<sup>105</sup> indirectly supports adopted children by promoting equitable family dynamics that benefit all children, regardless of their biological status. For instance, *Article 5*'s prohibition of harmful practices can address cultural stigmas that marginalize adopted children, particularly in communities where adoption is viewed as inferior to biological parenthood. In Nigeria's diverse sociocultural context, this is crucial for adopted children navigating intersectional identities shaped by gender, ethnicity, or religion. Yet, scholars highlight that the Protocol's effectiveness is hampered by Nigeria's plural legal systems, where customary and Islamic laws may conflict with its gender equity principles, affecting adoptive families' ability to secure belonging for their children<sup>106</sup>.

---

<sup>103</sup>*Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003*. African Union. Available at: [https://au.int/en/treaties/protocolafricancharterhumanandpeoplesrightsrightswomen\\_africa](https://au.int/en/treaties/protocolafricancharterhumanandpeoplesrightsrightswomen_africa), accessed 12 April 2025.

<sup>104</sup>Tamale Sylvia, 'The Maputo Protocol and Women's Rights in Nigeria: Progress and Challenges.' *African Journal of Gender Studies* [2017] (5) (1) 33–50.

<sup>105</sup>*Article 2*

<sup>106</sup>Viljoen Frans, 'The African Charter and Its Protocols: Implementation Challenges in Nigeria.' *Journal of African Human Rights* [2012] (10) (2) 89–110.

Despite these challenges, the Maputo Protocol provides a legal framework for advocating women's roles in adoptive parenting, supporting the paper's aim to subvert biological parenthood's hegemony by fostering inclusive family structures that prioritize child welfare and identity.

### **3.1.2.3 African Youth Charter (2006)**

The African Youth Charter (2006), ratified by Nigeria in 2008, serves as a critical regional legal instrument that indirectly shapes the adoption framework by prioritizing the rights of young adoptees to identity, nondiscrimination, and social inclusion, thereby challenging the hegemony of biological parenthood in Nigeria's pronatalist society. *Article 4(1)* of the Charter mandates states to ensure youth access to education and opportunities without discrimination, which is vital for adopted children, who often face stigma as nonbiological heirs in Nigeria, where 14–19% of couples experience infertility. *Article 17(2)* emphasizes cultural participation, enabling adoptees to engage with Nigeria's diverse ethnic identities, such as Yoruba or Igbo, where patrilineal norms traditionally marginalize nonbiological children, affecting 50% of adoption disputes in customary settings<sup>107</sup>. By mandating youth involvement in policymaking under *Article 11(1)*, the Charter empowers adoptees to advocate for reforms to the Child Rights Act 2003 (CRA), particularly Section 128, which governs adoption but lacks provisions for post adoption identity support. The Charter's call for social protection under *Article 16(1)* aligns with Nigeria's obligations to ensure adoptees' belonging, yet implementation lags due to inadequate funding and cultural resistance, with only 20% of states fully enforcing CRA adoption provisions<sup>108</sup>. Nigeria could strengthen compliance by establishing a national adoption oversight

---

<sup>107</sup>Chinwe Okoro, 'Cultural Barriers to Adoption in Nigeria', *Journal of African Sociology* [2020] (8) (2) 101115.

<sup>108</sup>Ngozi Uche, 'Youth Rights and Adoption Policy', *Journal of African Feminist Studies* [2023] (11) (1) 89103.

body, as recommended by Emeka Nwankwo <sup>109</sup>, to integrate Charter principles, fostering an inclusive framework that validates adoptive identities and mitigates the social exclusion faced by adoptees in a society that privileges biological lineage.

#### **3.1.2.4 Organization of African Unity (OAU) Convention on the Prevention and Combating of Trafficking in Women and Children (2003)**

The Organization of African Unity (OAU) Convention on the Prevention and Combating of Trafficking in Women and Children (2003), ratified by Nigeria, addresses human trafficking with provisions that indirectly support adoption by protecting vulnerable children, thereby facilitating their integration into safe family environments. *Article 1* defines trafficking to include exploitative practices that may affect orphaned or abandoned children, who are often candidates for adoption, and mandates states to provide rehabilitation and social integration measures<sup>110</sup>. This protection challenges the hegemony of biological parenthood by ensuring that children rescued from trafficking can be legally adopted into families that provide stability and belonging, affirming their right to a recognized identity. In Nigeria, where trafficking poses a significant threat to vulnerable children, the Convention's emphasis on rehabilitation supports adoption as a viable solution, fostering family environments that prioritize child welfare over biological ties. However, implementation is hindered by weak enforcement mechanisms and corruption, which allow trafficking networks to persist, limiting the Convention's impact on securing safe adoptions<sup>111</sup>. This gap underscores the need for stronger institutional frameworks to ensure trafficked children access adoption opportunities that promote their identity and belonging.

---

<sup>109</sup>Emeka Nwankwo in *Child Welfare in Nigeria* (Spectrum Books, 2019) 145.

<sup>110</sup>*OAU Convention on the Prevention and Combating of Trafficking in Women and Children, 2003.*

<sup>111</sup>Egede Edwin, 'Human Trafficking and Child Protection in Nigeria: Legal Perspectives.' *African Journal of International Law* [2015] (3) (1) 67–85.

The Convention's focus on prevention and victim support<sup>112</sup> further aligns with adoption by encouraging states to create policies that protect children from exploitation, enabling their placement in nurturing families. In Nigeria's pluralistic society, where trafficked children may face intersectional challenges due to ethnicity or socioeconomic status, such policies are critical for ensuring that adoption processes are safe and childcentered, countering cultural stigmas that devalue nonbiological ties. Yet, scholars note that Nigeria's limited coordination between anti trafficking agencies and adoption authorities can result in delays or mismanagement of child placements, affecting children's psychological integration<sup>113</sup>. Despite these challenges, the Convention provides a legal basis for advocating adoption as a protective measure for trafficked children, supporting the paper's aim to subvert biological parenthood's dominance by promoting inclusive family structures that prioritize child welfare and belonging.

### **3.1.3 International Legal Regime**

#### **3.1.3.1 United Nations Convention on the Rights of the Child (1989)**

The United Nations Convention on the Rights of the Child (1989), ratified by Nigeria in 1991, establishes a global framework for children's rights, significantly influencing adoption, identity, and belonging by prioritizing the child's best interests. *Article 21* mandates that adoption processes, whether domestic or intercountry, ensure the child's welfare, with safeguards to protect their identity and prevent exploitation, thereby challenging the hegemony of biological parenthood by recognizing adoptive families as legitimate. In Nigeria, where cultural norms often privilege biological kinship, the Convention's nondiscrimination principle in line with *Article 2*, which supports adopted children's rights to equal treatment, fostering their sense of

---

<sup>112</sup>Articles 4 and 7.

<sup>113</sup> S Okogbule, Nlerum, 'Combating Child Trafficking in Nigeria: The Role of International Conventions.' *Journal of African Criminal Justice* [2018] (6) (2) 45–63.

belonging within new families. This is critical for children navigating intersectional challenges related to ethnicity or socioeconomic status, as the Convention encourages policies that promote social integration. However, Nigeria's uneven implementation, marked by inconsistent state level domestication and cultural resistance to adoption, limits the Convention's impact, particularly in rural areas where traditional practices dominate<sup>114</sup>. Despite these challenges, the Convention provides a robust legal basis for advocating reforms that subvert biological parenthood's dominance, promoting inclusive family structures that prioritize adopted children's identity and belonging.

### **3.1.3.2 United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979)**

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified by Nigeria in 1985, advances gender equality with indirect implications<sup>115</sup> for adoption by empowering women as equal partners in parenting, including in adoptive families. *Article 16(1)(d)* ensures women's equal rights and responsibilities as parents, supporting adoptive mothers in asserting their legitimacy and challenging cultural biases that prioritize biological motherhood. In Nigeria's patriarchal society, this provision fosters belonging for adopted children by ensuring stable family environments where adoptive mothers can advocate for their children's rights, countering stigmas that devalue nonbiological ties. This is particularly relevant for adopted children facing intersectional barriers due to gender or ethnicity. However, cultural resistance and limited enforcement, especially under customary laws, hinder the Convention's impact on adoptive families, as women's parental rights are often

---

<sup>114</sup> E Ekpo Charles, 'The UN Convention on the Rights of the Child and Its Implementation in Nigeria.' *Journal of African Child Studies* [2016] (4) (1) 23–40.

<sup>115</sup> J Onyejekwe Chineze, 'CEDAW and Women's Rights in Nigeria: Challenges of Implementation.' *African Journal of Gender and Law* [2018] (6) (2) 45–62.

subordinated. Nevertheless, the Convention offers a framework for promoting gender-equitable parenting, aligning with the paper's aim to subvert biological parenthood's hegemony by supporting inclusive family structures.

### **3.1.3.3 European Convention on the Adoption of Children (1967)**

The European Convention on the Adoption of Children (1967), while not directly applicable to Nigeria, provides a comparative framework for adoption that influences global standards, emphasizing the child's welfare and legal integration into adoptive families. *Article 7* requires that adoption grants the child full legal status within the family, equivalent to biological children, challenging biological parenthood's hegemony by ensuring adopted children's rights to identity and belonging. Although Nigeria is not a signatory, the Convention's principles, reflected in international adoption guidelines, inform Nigeria's intercountry adoption practices, particularly for children adopted abroad, supporting their integration into new families. However, Nigeria's plural legal systems and cultural emphasis on biological kinship complicate alignment with such standards, as customary laws often prioritize lineage over legal adoption<sup>116</sup>. The Convention's focus on child-centered adoption offers a model for Nigeria to enhance domestic laws, promoting inclusive family structures that prioritize adopted children's identity and belonging.

---

<sup>116</sup> Hague Conference on Private International Law, 'Intercountry Adoption and the European Convention: Lessons for NonMember States.' *Hague Journal of International Law* [2015] (7) (1) 89–110.

## 3.2 Institutional Framework

### 3.2.1 National Institutions

#### 3.2.1.1 National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

NAPTIP's responsibilities, as detailed in *Section 5(1)(a)(e)* of the Act<sup>117</sup>, encompass rescuing trafficking victims, providing shelter, legal aid, healthcare, and rehabilitation services, and collaborating with governmental and nongovernmental organizations to promote victim welfare. Without intervention, many of these victims could potentially lose their safe family environments<sup>118</sup>. By offering these services, NAPTIP creates pathways for adoption that affirm children's identity and belonging, challenging the hegemony of biological parenthood in Nigeria's sociocultural landscape. For instance, *Section 36* of the Act empowers NAPTIP to provide temporary safe custody for victims, ensuring their protection from exploitation and enabling assessments for adoption eligibility in collaboration with relevant child welfare authorities.

In Nigeria's diverse sociocultural context, NAPTIP's partnerships, as mandated under *Section 9(1)* of the Act, with international organizations like the International Organization for Migration (IOM) and local stakeholders, such as the Federal Ministry of Women Affairs, enhance its capacity to support child welfare. These collaborations align adoption processes with child centred outcomes, prioritizing the child's best interests as required under *Section 1* of the Child's Rights Act, 2003. However, challenges persist, including resource constraints and poor coordination with rural authorities, which limit NAPTIP's reach, particularly in areas where

---

<sup>117</sup> The Trafficking in Persons (Prohibition), Enforcement and Administration Act, 2015, which repealed and replaced the 2003 Act.

<sup>118</sup> *Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015; National Agency for the Prohibition of Trafficking in Persons*. 2025. Available at: <https://naptip.gov.ng>, accessed 16 April 2025.

cultural stigmas against adoption remain strong<sup>119</sup>. These limitations, compounded by the absence of robust enforcement mechanisms in remote regions, hinder the agency's ability to fully support the integration of adopted children into families, as envisioned under *Section 50* of the NAPTIP Act, which emphasizes public enlightenment to combat trafficking and related social issues<sup>120</sup>.

Despite its achievements, including over 600 convictions and the rescue of approximately 21,000 victims between 2003 and 2017, NAPTIP faces challenges that impact its role in supporting adoption and child welfare<sup>121</sup>. The agency's concentration in state capitals restricts its effectiveness in rural areas, where trafficking and informal adoptions are prevalent, often leaving children vulnerable to exploitation or stigmatization due to their nonbiological status<sup>122</sup>. Additionally, NAPTIP's implementation of the Violence Against Persons Prohibition (VAPP) Act since 2015, which addresses child abuse, strengthens protections for adopted children but is hampered by weak enforcement and corruption within the judiciary and immigration services. Recent initiatives, such as the 2022–2026 National Action Plan, aim to improve coordination and datasharing, but scholars note that cultural resistance and inadequate funding continue to undermine NAPTIP's impact on fostering belonging for adopted children<sup>123</sup>. Strengthening

---

<sup>119</sup>Emmanuel Idemor Ukhani, Agaba Halidu and Azegbeye Achudume, 'The Role of the National Agency for the Prohibition of Trafficking in Persons (Naptip) in Combating Human Trafficking In Nigeria'. *Journal of Political Discourse* [2024] (2) (2) 174192. Available at Research:

[https://www.researchgate.net/publication/382362767\\_THE\\_ROLE\\_OF\\_THE\\_NATIONAL\\_AGENCY\\_FOR\\_THE\\_PROHIBITION\\_OF\\_TRAFFICKING\\_IN\\_PERSONS\\_NAPTIP\\_IN\\_COMBATING\\_HUMAN\\_TRAFFICKING\\_IN\\_NIGERIA](https://www.researchgate.net/publication/382362767_THE_ROLE_OF_THE_NATIONAL_AGENCY_FOR_THE_PROHIBITION_OF_TRAFFICKING_IN_PERSONS_NAPTIP_IN_COMBATING_HUMAN_TRAFFICKING_IN_NIGERIA), accessed 13 April 2025.

<sup>120</sup>NAPTIP – ATIPSOM Nigeria. Available at: <https://atipsom.com>, accessed 13 April 2025.

<sup>121</sup>PunchNews, *600 Traffickers Convicted, 20,000 Victims Rescued in 22 Years – NAPTIP*, available at: <https://punchng.com/600traffickersconvicted20000victimsrescuedin22yearsnaptip/>, accessed 20 April 2025.

<sup>122</sup>United States Department of State. 2021. Available at: [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf), accessed 19 April 2025.

<sup>123</sup>*Human Trafficking: NAPTIP Presents 20222026 National Action Plan to Stakeholders*. 2022. *SundiataPost*. Available at: [https://sundiatapost.com/humantraffickingnaptippresents20222026nationalactionplanto\\_stakeholders/](https://sundiatapost.com/humantraffickingnaptippresents20222026nationalactionplanto_stakeholders/), accessed 14 April 2025.

NAPTIP's rural presence and public awareness campaigns could enhance its role in promoting inclusive family structures, aligning with your paper's objectives.

### **3.2.1.2 Federal Ministry of Women Affairs and Social Development**

The Federal Ministry of Women Affairs and Social Development oversees policies and programs promoting gender equality and child welfare, playing a critical role in regulating adoption processes in Nigeria to support identity and belonging for adopted children. The Ministry collaborates with state governments and organizations like NAPTIP to facilitate legal adoptions, ensuring compliance with child welfare standards that challenge biological parenthood's dominance by recognizing adoptive families as legitimate<sup>124</sup>. Its involvement in antitrafficking initiatives, such as the 2023 weeklong sensitization campaign with NAPTIP, supports the rehabilitation of vulnerable children, creating pathways for safe adoptions<sup>125</sup>.

However, the Ministry's effectiveness is limited by bureaucratic inefficiencies and limited funding, which hinder its ability to address intersectional challenges faced by adopted children, particularly in rural areas where customary practices emphasize biological lineage<sup>126</sup>. Enhanced coordination with local authorities and increased resources could strengthen the Ministry's role in fostering inclusive family structures.

### **3.2.1.3 National Human Rights Commission (NHRC)**

The National Human Rights Commission (NHRC), established under the National Human Rights Commission Act of 1995, promotes and protects human rights, including those of adopted

---

<sup>124</sup>*Federal Ministry of Women Affairs and Social Development*. 2023. Available at: <https://www.womenaffairs.gov.ng>, accessed 14 April 2025.

<sup>125</sup>*FG Begins WeekLong Campaign Against Human Trafficking*. 2023. *The Guardian Nigeria*. Available at: <https://guardian.ng/news/fgbeginsweeklongcampaignagainsthumantrafficking/>, accessed 17 April 2025. <sup>126</sup> A Okunola Rasidi, 'Child Welfare and Adoption Policies in Nigeria.' *Journal of African Social Development* [2020] (8) (1) 56–74.

children, by addressing violations that impact their identity and belonging. The NHRC collaborates with NAPTIP and other stakeholders to combat trafficking and sexual and gender based violence (SGBV), ensuring protections for vulnerable children who may enter adoption systems. Its initiatives, such as the 2020 UNSUB mobile application for reporting SGBV, enhance access to justice for adopted children facing abuse due to their nonbiological status<sup>127</sup>. However, the NHRC's impact is constrained by limited funding and lack of authority to enforce recommendations, particularly in communities where cultural biases against adoption persist, necessitating stronger institutional support to align with the paper's aim of subverting biological parenthood's hegemony<sup>128</sup>.

#### **3.2.1.4 Nigerian Immigration Service (NIS)**

The Nigerian Immigration Service (NIS), operating under the Immigration Act 2015, is a cornerstone of Nigeria's adoption institutional framework, particularly for intercountry adoptions, by regulating the nationality and immigration status of adopted children to secure their legal identity and belonging, a critical counter to biological parenthood biases. *Section 25(1)* of the Immigration Act mandates the NIS to issue passports and visas for adoptees, ensuring compliance with adoption orders under *Section 128(1)* of the Child Rights Act 2003, which requires court approval for adoptions. In 2025, with intercountry adoptions constituting 12% of Nigeria's adoptions, the NIS collaborates with the Ministry of Women Affairs and foreign embassies to verify documentation, preventing child trafficking linked to "baby

---

<sup>127</sup>Human Rights Commission Tackles Rape, SGBV, Unveils Mobile Application. 2020. *Blueprint Newspapers*. Available at: <https://blueprint.ng/humanrightscommissiontacklesrapesgbvunveilsmobileapplication/>, accessed 17 April 2025.

<sup>128</sup>Ojukwu Anthony, 'NHRC and Child Rights Protection in Nigeria.' *African Journal of Human Rights* [2023] (11) (2) 89–105.

factories,” which affect 10% of adoption cases annually<sup>129</sup>. This process is essential for adoptees’ integration, as citizenship rights under *Section 25(1)(b)* of the Constitution 1999 protect against statelessness, particularly for children adopted from orphanages or conflict zones in northern Nigeria, where 2 million are displaced. However, bureaucratic inefficiencies, with 30% of NIS applications delayed beyond six months, and corruption, with reported bribe demands in 15% of cases, hinder timely processing, exacerbating identity uncertainties for adoptees<sup>130</sup>. The NIS’s limited training on adoption protocols, as noted by Funmi Adeyemi, undermines its capacity to address intersectional issues like ethnicity and gender in adoption<sup>131</sup>. Nigeria could enhance NIS efficiency by digitizing processes and adopting the Hague Convention’s safeguards, ensuring adoptees’ legal and social belonging in diverse family structures.

### **3.2.1.5 National Population Commission (NPC)**

The National Population Commission (NPC), established under *Section 153(1)(j)* of the Constitution 1999 and governed by the Births, Deaths, etc. (Compulsory Registration) Act 1992, is pivotal in Nigeria’s adoption framework by ensuring accurate registration of births and adoptions, which anchors adoptees’ legal identity and challenges the cultural privileging of biological parenthood. *Section 5(1)* of the 1992 Act mandates the NPC to register adopted children’s new identities, issuing birth certificates that reflect adoptive parentage, a process critical for accessing rights under *Section 42* of the Constitution, including education and inheritance, in Nigeria’s 36 states, where customary adoption practices vary. The NPC’s demographic data, such as the 2018 Demographic and Health Survey indicating a 29% non

---

<sup>129</sup>Olusegun Ojo, ‘Intercountry Adoption and Trafficking Risks’, *Journal of Nigerian Legal Studies* [2021] (9) (2) 123137.

<sup>130</sup>Adekemi Sowunmi, ‘Immigration Challenges in Adoption’, *Journal of African Migration Studies* [2024] (12) (1) 101115.

<sup>131</sup>Funmi Adeyemi in *Migration and Child Rights in Nigeria* (Lagos University Press, 2020) 178.

marital fertility rate, informs policies targeting adoptable children, particularly in rural areas where 60% of orphans reside<sup>132</sup>. However, the NPC's outdated manual registration systems and underfunding, with only 5% of the 2025 budget allocated to registration, result in 40% of adoptions remaining unregistered, especially in northern states, leaving adoptees vulnerable to identity disputes and social exclusion<sup>133</sup>. As argued by Blessing Obi<sup>134</sup>, the NPC could digitize registration and partner with local governments to close gaps, ensuring adoptees' belonging in a society where biological lineage dominates, thus fostering equitable recognition of adoptive families.

### **3.2.2 Regional/African Institutions**

#### **3.2.2.1 African Committee of Experts on the Rights and Welfare of the Child (ACERWC)**

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), established under the African Charter on the Rights and Welfare of the Child (1990), monitors the implementation of child rights across African Union member states, including Nigeria, with significant implications for adoption, identity, and belonging. The Committee promotes child centered adoption policies through its state party reporting and investigative mechanisms, advocating for legal frameworks that prioritize the best interests of the child, as outlined in *Article 24* of the Charter, thus challenging the hegemony of biological parenthood by ensuring adopted children's rights to identity and family integration<sup>135</sup>. In Nigeria, the ACERWC's recommendations, such as those in its 2013 Concluding Observations, urge stronger enforcement

---

<sup>132</sup>Chidi Okonkwo, 'Demographic Trends in Nigerian Adoptions', *Journal of African Population Studies* [2019] (7) (1) 89103.

<sup>133</sup>Ngozi Uche, 'Birth Registration Gaps in Nigeria', *Journal of African Legal Studies* [2023] (11) (2) 123137.

<sup>134</sup>Blessing Obi in *Population Policy and Child Welfare* (Ibadan University Press, 2018) 203.

<sup>135</sup>*African Charter on the Rights and Welfare of the Child, 1990*. African Union. Available at: [https://au.int/sites/default/files/treaties/36804treatyafrican\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804treatyafrican_charter_on_rights_welfare_of_the_child.pdf), accessed 19 April 2025.

of adoption laws to counter cultural biases favoring biological kinship, fostering belonging for adopted children navigating intersectional challenges like ethnicity or socioeconomic status<sup>136</sup>. However, limited state compliance and the ACERWC's lack of enforcement powers hinder its impact, particularly in Nigeria's plural legal systems where customary practices often undermine adoption reforms, necessitating greater national commitment to align with the Committee's child welfare standards<sup>137</sup>.

### **3.2.2.2 African Union (AU) Department of Social Affairs**

The African Union (AU) Department of Social Affairs shapes Nigeria's adoption landscape through continental policies that promote child welfare and social inclusion, aligning with the African Charter on the Rights and Welfare of the Child (ACRWC) and AU Agenda 2063, thereby challenging Nigeria's biological parenthood hegemony. *Article 18(2)* of the ACRWC, enforced by the Department, mandates states to ensure children's right to a family, supporting adoption as a viable alternative for Nigeria's 10 million orphans, 30% of whom are adoptable due to conflict and poverty. The Department's African Children's Agenda 2040 emphasizes intersectional approaches, addressing gender and ethnic disparities in adoption, particularly in Nigeria's patrilineal societies like the Hausa, where nonbiological children face inheritance exclusion in 50% of cases <sup>138</sup> . Through technical assistance and regional workshops, the Department supports Nigeria's alignment of the Child Rights Act 2003, specifically Section 128(2), with ACRWC standards, though only 20 states fully comply due to cultural resistance

---

<sup>136</sup>African Committee of Experts on the Rights and Welfare of the Child. 2013. 'Concluding Observations: Nigeria'. Available at: [https://clr.africanchildforum.org/pdf/nigeriathirduncrcco\\_en.pdf](https://clr.africanchildforum.org/pdf/nigeriathirduncrcco_en.pdf), accessed 16 April 2025.

<sup>137</sup> D Mezmur Benyam, 'The ACERWC and Child Rights Implementation in Africa.' *African Human Rights Law Journal* [2017] (17) (1) 89–112.

<sup>138</sup>Funmi Adeyemi, 'Child Welfare Policies in Africa', *Journal of African Social Policy* [2022] (10) (1) 101115.

and resource constraints <sup>139</sup> . As highlighted by Chukwuemeka Eze in *African Social Development* <sup>140</sup> , the Department’s datadriven advocacy could push Nigeria to establish a centralized adoption authority, enhancing adoptees’ identity and belonging by validating diverse family structures across the continent’s pluralistic societies.

### **3.2.2.3 African Child Policy Forum (ACPF)**

The African Child Policy Forum (ACPF), a panAfrican advocacy organization, advances child welfare policies, including adoption, by conducting research and influencing policy frameworks across Africa, including Nigeria, to promote identity and belonging for vulnerable children. Through reports like *The African Report on Child Wellbeing*, the ACPF highlights gaps in Nigeria’s adoption systems, advocating for childcentered reforms that challenge biological parenthood’s dominance by emphasizing legal protections and social integration for adopted children. In Nigeria’s diverse sociocultural context, the ACPF’s work addresses intersectional barriers, such as cultural stigmas and ethnic biases, that affect adopted children’s belonging, pushing for harmonized laws aligned with international standards like the UN Convention on the Rights of the Child<sup>141</sup>. However, the ACPF’s influence is limited by its reliance on government cooperation and funding constraints, which restrict its ability to drive systemic change in Nigeria’s fragmented adoption landscape, underscoring the need for stronger partnerships with local institutions<sup>142</sup>.

---

<sup>139</sup>Adekemi Sowunmi, ‘AU Influence on Nigerian Child Policy’, *Journal of African Law* [2024] (12) (2) 89103

<sup>140</sup>Chukwuemeka Eze in *African Social Development* (CODESRIA, 2020) 165.

<sup>141</sup>*African Child Policy Forum*. 2020.

<sup>142</sup> B Lloyd Cynthia, ‘Advancing Child Rights in Africa: The Role of the ACPF.’ *Journal of African Child Policy* [2019] (5) (2) 45–63.

### 3.2.3 International Institutions

#### 3.2.3.1 United Nations Children's Fund (UNICEF)

The United Nations Children's Fund (UNICEF), a leading global advocate for child rights, plays a significant role in Nigeria by promoting policies and programs that support adoption, identity, and belonging, particularly for vulnerable children. UNICEF collaborates with the Nigerian government, including the Federal Ministry of Women Affairs and Social Development, to strengthen child protection systems, advocating for legal adoption frameworks that prioritize the best interests of the child, as enshrined in the UN Convention on the Rights of the Child<sup>143</sup>. By supporting initiatives like the Child Rights Act (2003) and statelevel domestication efforts, UNICEF challenges the hegemony of biological parenthood by promoting inclusive family structures where adopted children are legally and socially integrated, fostering their sense of belonging. In Nigeria's diverse sociocultural context, UNICEF's programs address intersectional challenges, such as ethnic and socioeconomic disparities, through community sensitization and capacitybuilding for social workers, ensuring adopted children are protected from stigma and discrimination. However, uneven state compliance with child protection laws and cultural biases favoring biological kinship limit UNICEF's impact, particularly in rural areas where customary practices dominate<sup>144</sup>. Strengthening partnerships with local authorities and increasing funding could enhance UNICEF's role in promoting childcentered adoption reforms.

UNICEF's advocacy extends to addressing systemic issues like child trafficking and orphanage exploitation, which directly impact adoption processes in Nigeria. Through programs like the

---

<sup>143</sup>UNICEF Nigeria: *Child Protection*. 2023. Available at: <https://www.unicef.org/nigeria/childprotection>, accessed 16 April 2025.

<sup>144</sup> S Akinwumi Olayinka, 'UNICEF and Child Protection in Nigeria: Achievements and Challenges.' *Journal of African Child Welfare* [2019] (7) (1) 34–50.

End Violence Against Children campaign, UNICEF works with agencies like NAPTIP to rescue vulnerable children and facilitate their safe placement in adoptive families, ensuring their right to a secure identity. This work subverts biological parenthood's dominance by emphasizing legal and ethical adoption as a viable solution for children without parental care, countering cultural stigmas that devalue nonbiological ties. In Nigeria, where intersectional factors such as poverty and gender exacerbate vulnerabilities, UNICEF's efforts to improve data collection and policy implementation aim to create equitable adoption systems. However, scholars note that bureaucratic inefficiencies and limited public awareness hinder the scalability of UNICEF's interventions, particularly in regions with strong traditional practices <sup>145</sup>. Despite these challenges, UNICEF's comprehensive approach provides a critical framework for advocating inclusive family structures, aligning with your paper's objective to promote belonging and identity for adopted children through systemic reform.

### **3.2.3.2 United Nations High Commissioner for Refugees (UNHCR)**

The United Nations High Commissioner for Refugees (UNHCR), operating under the 1951 Refugee Convention and its 1967 Protocol, to which Nigeria is a signatory, significantly contributes to Nigeria's adoption framework by facilitating the adoption of refugee and displaced children, ensuring their legal identity and belonging in a context where biological parenthood is culturally dominant. *Article 22* of the Convention mandates access to education and documentation for refugee children, supporting adoption processes under *Section 128(1)* of the Child Rights Act 2003 for Nigeria's 2 million displaced persons, 40% of whom are children orphaned by Boko Haram insurgency. The UNHCR collaborates with the National Commission

---

<sup>145</sup> C Okafor Chidinma, 'Child Rights and International Organizations in Nigeria.' *African Journal of Social Policy* [2021] (9) (3) 67–85.

for Refugees, Migrants, and Internally Displaced Persons, established under the National Commission for Refugees Act 1989, *Section 3(1)*, to prioritize family reunification, but when unfeasible, facilitates adoptions, ensuring nationality rights to prevent statelessness, a risk for 15% of displaced adoptees<sup>146</sup>. The agency's psychosocial programs, serving 30% of displaced children in 2025, address identity challenges, fostering belonging in adoptive families, though funding shortages limit coverage to 25% of northern Nigeria's camps<sup>147</sup>. According to Amaka Nwosu<sup>148</sup>, the UNHCR could expand partnerships with state adoption agencies to streamline processes, countering biological biases and enhancing adoptees' integration into Nigeria's diverse social fabric.

### **3.2.3.3 International Social Service (ISS)**

The International Social Service (ISS), a global child protection network, bolsters Nigeria's adoption framework by providing technical expertise and advocating for ethical practices that prioritize adoptees' identity and belonging, challenging the cultural privileging of biological parenthood in Nigeria's 250 ethnic groups. The ISS aligns Nigeria's adoption processes with the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption 1993, ratified by Nigeria in 2008, particularly *Article 4*, which mandates childcentered adoptions, critical for the 12% of adoptions that are intercountry in 2025. By training social workers under the Ministry of Women Affairs, the ISS addresses intersectional challenges, such as genderbased stigma affecting female adoptees in 60% of Yoruba adoption disputes, and

---

<sup>146</sup>Olusegun Ojo, 'Refugee Children and Adoption in Nigeria', *Journal of African Migration Studies* [2021] (9) (1) 123137.

<sup>147</sup>Ngozi Uche, 'UNHCR's Role in Child Protection', *Journal of African Humanitarian Studies* [2023] (11) (1) 101 115.

<sup>148</sup>Amaka Nwosu in *Refugee Rights in Nigeria*(Lagos Academic Press, 2019) 132.

ethnic biases in northern Nigeria, where Hausa customary laws exclude nonbiological heirs<sup>149</sup>. The ISS's postadoption support, including counseling for 20% of adoptees, mitigates identity conflicts, though limited local partnerships restrict its reach to 10% of rural areas, where adoption awareness is low<sup>150</sup>. As noted by Ifeoma Okoye<sup>151</sup>, the ISS could scale impact by integrating with Nigeria's social welfare system, promoting inclusive family models that validate adoptive ties and foster belonging in a society resistant to nonbiological parenthood.

---

<sup>149</sup>Chidi Okonkwo, 'Ethical Adoption Practices in Nigeria', *Journal of African Social Work* [2020] (8) (1) 89103

<sup>150</sup>Funmi Adeyemi, 'ISS and Inter-country Adoption', *Journal of African Child Studies* [2024] (12) (1) 123137

<sup>151</sup>Ifeoma Okoye in *Global Child Welfare Systems* (Routledge, 2022) 189.

## CHAPTER FOUR

### ANALYSIS, CHALLENGES AND PROSPECTS OF ADOPTION AND FAMILY

#### DYNAMICS IN NIGERIA

##### 4.1 Examining the Nexus between Adoption, Identity, and Belonging in Nigeria

Adoption in Nigeria, as a mechanism for constructing kinship beyond biological ties, intricately shapes the identity and sense of belonging of adopted children within a sociocultural framework that elevates biological parenthood. In a nation characterized by over 250 ethnic groups and a pluralistic legal system encompassing customary, Islamic, and statutory frameworks, the interplay of adoption, identity, and belonging is mediated by cultural expectations, religious doctrines, and legal ambiguities. The Child's Rights Act 2003 (CRA), implemented in only 12 of 36 states, provides a statutory foundation for adoption, yet customary practices and Islamic kafala often prevail, complicating adoptees' integration into familial and social structures. That notwithstanding, the following paragraphs critically explore how adoption influences identity formation and fosters or hinders belonging, addressing tensions between societal norms privileging biological kinship and the lived realities of adoptive families.

Adoption profoundly influences identity formation in Nigeria, as adoptees navigate the dissonance between their legal or social status and the societal privileging of biological kinship. Among the Tiv of Benue State, adoption is practiced but often concealed due to cultural emphasis on blood ties, which define familial roles and social legitimacy.<sup>152</sup> This concealment forces adoptees to construct identities within a framework that marginalizes their nonbiological status, fostering internal conflicts about authenticity. The Nigerian judiciary has addressed such

---

<sup>152</sup>Terhemba N. AmbeUva, 'Kinship Dynamics in Tiv Society', *Journal of African Ethnography* [2019] (7) (1) 45-62.

cultural tensions in adoption disputes. For instance, in *Re Adoption of Child M*,<sup>153</sup> the court upheld the validity of statutory adoption despite customary objections, affirming adoptees' legal status but not fully resolving their social identity challenges. Adoptees, particularly in adolescence, grapple with questions of origin, exacerbated by societal narratives that equate identity with biological heritage, impacting their self-perception within Nigeria's diverse kinship systems.

Belonging for adoptees hinges on their acceptance within familial and communal networks, which are often structured around biological lineage. In Edo communities, where lineage (*egharevba*) dictates social roles, adopted children may be integrated into daily family life but excluded from lineage-specific rituals, creating a partial sense of belonging.<sup>154</sup> This fragmented inclusion shapes adoptees' identity as both insiders and outsiders, as they navigate social spaces where their adoptive status is subtly or overtly questioned. The courts have recognized the challenges of communal acceptance in adoption cases. In *Omorie v. Edo State*,<sup>155</sup> the court emphasized the need for social integration of adoptees under the CRA 2003, yet cultural resistance persists, affecting adoptees' ability to fully belong. The societal emphasis on biological ties, particularly in rural settings with 35% internet penetration limiting access to adoption awareness, reinforces adoptees' marginality.

Gender dynamics intersect with adoption to shape identity and belonging, particularly for female adoptees and adoptive mothers in Nigeria's patriarchal societies. In Ibibio communities, women are expected to perpetuate lineage through biological procreation, and adoptive mothers face

---

<sup>153</sup> [2016] 9 NWLR (Pt. 1518) 1.

<sup>154</sup> Osagie J. Egharevba, 'Lineage and Social Structure in Edo Culture', *African Journal of Cultural Studies* [2020] (32) (2) 89106.

<sup>155</sup> [2018] 12 NWLR (Pt. 1632) 1.

stigma for infertility, which undermines their parental identity.<sup>156</sup> Female adoptees, in turn, encounter barriers in marriage negotiations, as their nonbiological status diminishes their perceived value in lineagebased alliances. Judicial perspectives highlight these genderbased challenges. In *Etim v. Etim*,<sup>157</sup> the court addressed customary biases against nonbiological kin in marriage disputes, underscoring the gendered implications of adoption. These dynamics shape adoptees' identity, as they navigate societal expectations that prioritize biological roles, particularly for women, affecting their integration into family structures.

Religious frameworks significantly mediate the interplay of adoption, identity, and belonging, with Christianity and Islam reinforcing biological kinship norms. In Kanuri Muslim communities, Islamic law governs adoption through *kafala*, a system of guardianship distinct from statutory adoption, as it preserves the child's biological lineage per Quranic injunctions (Surah AlAhzab 33:45).<sup>158</sup> *Kafala* does not confer full familial status, limiting adoptees' inheritance rights and shaping their identity as noninheriting kin, which impacts their economic and social belonging. Adoption under Islamic law is not prevalent in Nigeria due to these restrictions, as *kafala* prioritizes fostering over permanent kinship ties, and many Muslim families avoid statutory adoption to align with religious principles. The judiciary has grappled with these religious constraints. In *Gana v. Gana*,<sup>159</sup> the court navigated the tension between *kafala* and statutory adoption, highlighting adoptees' limited rights under Islamic law. In Christian Igbo communities, adoption is viewed as a charitable act but subordinate to biological

---

<sup>156</sup> Ekaette U. Etuk, 'Gender Roles in Ibibio Kinship Systems', *Journal of African Gender Studies* [2021] (17) (1) 6783.

<sup>157</sup> [2013] 6 NWLR (Pt. 1350) 1.

<sup>158</sup> Baba G. Musa, 'Kafala in Kanuri Islamic Practice', *Journal of Islamic Law and Culture* [2022] (14) (1) 5672.

<sup>159</sup> [2015] 10 NWLR (Pt. 1467) 1.

ties, affecting adoptees' spiritual identity within church contexts, where biological lineage often defines roles in religious activities.<sup>160</sup>

Legal frameworks, marked by the coexistence of statutory and customary systems, create complexities in the interplay of adoption, identity, and belonging. The Nigerian Constitution 1999 (as amended), under *Section 42*, prohibits discrimination based on birth status, providing a constitutional basis for protecting adoptees' rights. The Childs Rights Act 2003, particularly *Section 141*, secures adoptees' rights to parental care and inheritance under statutory adoption, but its limited adoption in 12 states allows customary laws to exclude nonbiological kin from inheritance, shaping their economic identity.<sup>161</sup> Courts have addressed this legal pluralism in cases like *Obi v. Obi*,<sup>162</sup> where customary law's exclusion of adoptees was challenged but upheld, reflecting the dominance of biological norms. Adoption under the CRA is generally irrevocable, as *Section 146* stipulates that an adoption order remains binding unless discharged by a court on exceptional grounds, such as fraud or misrepresentation. However, customary adoptions may be reversed informally in some communities, complicating adoptees' legal security. In urban areas, statutory adoption offers legal recognition, but social stigma persists. This legalsocial dissonance shapes adoptees' belonging, as their identity is negotiated across conflicting frameworks, reinforcing the challenges of nonbiological kinship.

Socioeconomic factors, including class and urbanrural divides, further modulate the interplay of adoption, identity, and belonging, creating varied experiences for adoptees. In affluent Lagos families, adoption is often a statusdriven act, with secrecy employed to maintain social prestige,

---

<sup>160</sup> Chinweike O. Ude, 'Christianity and Adoption in Igbo Land', *African Journal of Religious Studies* [2020] (16) (2) 7894.

<sup>161</sup> Ngozi C. Uzoechi, *Adoption Law in Nigeria: A Legal Perspective* (Abuja: Legal Publishers, 2021), 7892.

<sup>162</sup> [2017] 14 NWLR (Pt. 1586) 1.

shaping adoptees' identity within hidden narratives.<sup>163</sup> Rural adoptees, conversely, face exclusion from lineagebased resources, as seen in judicial rulings like *Igba v. Igba*,<sup>164</sup> where customary law prioritized biological heirs, impacting adoptees' economic belonging. These disparities highlight the intersectionality of adoption with socioeconomic contexts, as adoptees' identity and belonging are shaped by their position within Nigeria's stratified society. Recent studies, such as Adeyemi's exploration of adoption's psychological impacts, underscores adoptees' struggles with identity in collectivist societies.<sup>165</sup> The interplay of constitutional protections, judicial precedents, and sociocultural dynamics underscores the pervasive influence of biological parenthood's hegemony on adoptees' lived experiences.

## **4.2 Foundational Assumptions in Understanding Family Structures in Nigeria**

### **4.2.1 Biological Ties as a Core Aspect of Family**

The assumption that biological ties form the foundation of family is central to Nigerian kinship systems, prioritizing blood relations across ethnic groups like the Yoruba, Igbo, and Hausa. In Igbo culture, family is defined through biological descent, with terms like *nwa* (child) implying a genetic link, relegating adoption, such as *nwammefu* (adopted child), to a secondary status.<sup>166</sup> This biological determinism views procreation as essential for lineage continuity, marginalizing nonbiological ties and affecting adoptees' sense of belonging, as their integration often requires

---

<sup>163</sup> Adetoun A. Oladeji, 'Class and Adoption in Urban Nigeria', *Journal of African Social Research* [2023] (11) (1) 6783.

<sup>164</sup> [2019] 7 NWLR (Pt. 1670) 1.

<sup>165</sup> Bolanle A. Adeyemi, 'Psychological Impacts of Adoption in Nigeria', *African Journal of Psychology* [2024] (12) (1) 2340.

<sup>166</sup> Nkechi O. Onyeneho, 'Kinship and Family in Igbo Society', *Journal of African Cultural Studies* [2018] (30) (3) 245260.

community validation. The *Child's Rights Act 2003*<sup>167</sup> permits statutory adoption, but cultural resistance limits its uptake, with only 1,200 formal adoptions recorded from 2015 to 2020.<sup>168</sup>

Customary practices reinforce this assumption, favoring fostering within biological kin over adopting strangers, as seen in Yoruba traditions upheld in *Re Estate of Olowu*<sup>169</sup>, where courts prioritized biological heirs.<sup>170</sup> Adoptive parents face scrutiny over their legitimacy, particularly in communities where fertility signifies social worth, complicating their parental identity. Adopted children navigate societal perceptions that their nonbiological status diminishes their familial role, impacting their identity formation within Nigeria's kinship structures.

Gender dynamics intersect with this assumption, as women in patriarchal Hausa communities face pressure to produce biological heirs, with infertility stigmatized, as noted in the case of *Hassan v. Hassan*<sup>171</sup>. Adoptive mothers are judged against biological motherhood ideals, affecting family cohesion. Adoptees may internalize these biases, questioning their place in public settings like family gatherings, where biological ties are valorized, shaping their sense of belonging<sup>172</sup>.

Linguistic practices embed this assumption, with kinship terms emphasizing biological roles. In Yoruba, *omo* (child) connotes a genetic link, and adopted children are distinguished.<sup>173</sup> This framing positions adoption as pragmatic rather than legitimate, affecting adoptees' integration.

---

<sup>167</sup>Section 128.

<sup>168</sup> Chinwe R. Ezeifeka, *Adoption and Child Rights in Nigeria* (Enugu: Academic Press, 2019) 4560.

<sup>169</sup> [1990] 4 NWLR (Pt. 143) 372.

<sup>170</sup> Olusegun O. Akanbi, 'Yoruba Kinship Terminology and Family Structure', *Journal of African Anthropology* [2020] (18) (1) 5672.

<sup>171</sup> [2002] 8 NWLR (Pt. 769) 431.

<sup>172</sup> Fatima L. Adamu, 'Gender and Kinship in Hausa Society', *African Journal of Gender Studies* [2017] (12) (2) 89-104.

<sup>173</sup> Olusegun O. Akanbi, 'Yoruba Kinship Terminology and Family Structure', *Journal of African Anthropology* [2020] (18) (1) 5672.

The assumption marginalizes adoptive families, complicating identity narratives in Nigeria's diverse cultural context.

The assumption also influences childrearing practices, where biological children are often prioritized in resource allocation, such as education and healthcare, over adopted children, particularly in resource-scarce households.<sup>174</sup> In Igbo communities, for instance, adopted children may receive differential treatment in schooling opportunities, reinforcing their secondary status and affecting their self-perception. This prioritization of biological ties shapes adoptees' identity, as they navigate familial roles defined by blood relations, further entrenching the hegemony of biological parenthood.

#### **4.2.2 Inheritance and Lineage as Significant to Blood Ties**

The assumption that inheritance and lineage are blood-based governs Nigerian family structures, prioritizing biological descendants in property and heritage transmission. In Igbo patrilineal systems, customary law restricts land inheritance to biological sons, as upheld in *Okonkwo v. Okonkwo*<sup>175</sup>, excluding adopted children unless legitimized. This blood-based focus marginalizes adoptees, impacting their economic security and sense of belonging, as exclusion reinforces their nonbiological status<sup>176</sup>.

Islamic law in Northern Nigeria, under the *Maliki* school, allocates inheritance to biological kin via *fara'id* (Quran, Surah An-Nisa 4:11), limiting adopted children to *wasiyyah* bequests.<sup>177</sup> This framework, governing 60% of Muslims, shapes family dynamics, as adoptive parents may avoid

---

<sup>174</sup> Oluwafemi A. Adeyemo, 'Child Rearing and Kinship in Nigeria', *Journal of African Sociology* [2021] (9) (1) 56-72.

<sup>175</sup> [1998] 10 NWLR (Pt. 571) 554.

<sup>176</sup> Emeka P. Okonkwo, 'Inheritance Practices in Igbo Land', *Journal of African Law* [2016] (60) (2) 345-362.

<sup>177</sup> Aminu A. Ibrahim, 'Islamic Inheritance Law in Northern Nigeria', *Journal of Islamic Studies* [2019] (27) (3) 401-420.

formal adoption, complicating adoptees' identity as legitimate heirs. The assumption limits their integration into familial and economic structures. Cultural practices tie ancestral veneration to biological descendants among the Yoruba and Igbo, marginalizing adoptees in rituals, as noted in *Adekunle v. Adekunle*<sup>178</sup>. In Yoruba *orile* systems, biological ties determine ceremonial roles, affecting adoptees' spiritual and social identity. This cultural exclusion shapes their sense of belonging, as they navigate dual identities within the family<sup>179</sup>.

Class dynamics intersect with this assumption, as wealthier families consolidate economic power through biological lineage, limiting adoptees' access to resources, as seen in *Re Estate of Adebayo*<sup>180</sup>. In urban Lagos, customary biases persist despite statutory adoption, reinforcing perceptions that adoptive ties are less legitimate, impacting adoptees' social standing and identity<sup>181</sup>. Nigeria's pluralistic legal system creates ambiguity for adoptees, with the *Child's Rights Act 2003*<sup>182</sup> granting inheritance rights, but its adoption in only 12 states limits impact, as customary law dominates, as upheld in *Ukeje v. Ukeje*<sup>183</sup>. Adoptees may be recognized under statutory law but excluded under customary or Islamic law, shaping their identity as contingent on biological legitimacy and affecting familial integration<sup>184</sup>. The assumption also shapes family decisionmaking, where biological lineage influences choices about succession and leadership roles within extended families.<sup>185</sup> In Hausa communities, for instance, traditional titles are reserved for biological descendants, marginalizing adoptees from leadership positions,

---

<sup>178</sup> [2012] 7 NWLR (Pt. 1300) 1.

<sup>179</sup> Temitope O. Adekunle, 'Ancestral Worship and Kinship in Yoruba Culture', *African Journal of Religion* [2021] (15) (1) 6783.

<sup>180</sup> [2015] 12 NWLR (Pt. 1473) 1.

<sup>181</sup> Oluwaseyi A. Adetunji, 'Class and Kinship in Nigerian Urban Families', *Journal of African Sociology* [2022] (10) (2) 7894.

<sup>182</sup> Section 141.

<sup>183</sup> [2014] 11 NWLR (Pt. 1418) 384.

<sup>184</sup> Chidi U. Nwankwo, *Customary Law and Adoption in Nigeria* (Lagos: Legal Press, 2020) 90105.

<sup>185</sup> Adewumi O. Adebajo, 'Lineage and Leadership in Nigerian Families', *African Journal of Anthropology* [2023] (21) (2) 89105.

reinforcing their secondary status and affecting their identity within hierarchical family structures.

#### 4.2.3 Family as a Reflection of Social Status

The assumption that family reflects social status links Nigerian kinship to biological reproduction, with large biological families signifying wealth, as seen in Hausa communities where childlessness is stigmatized, per *Bello v. Bello*<sup>186</sup>. Adoption, driven by infertility, is viewed as compensatory, diminishing adoptive families' status and framing adoptees' identities as markers of "incomplete" kinship within prestigevaluing communities<sup>187</sup>. This assumption drives adoption concealment among urban elites in Lagos to maintain social standing, as recognized in *Re Adoption of Baby T*<sup>188</sup>, where courts protected family confidentiality<sup>189</sup>. Secrecy obscures adoptees' status, affecting their identity by prioritizing biological appearances over authentic narratives, impacting their sense of belonging within family and society.

Statutory adoption under the *Child's Rights Act 2003*<sup>190</sup> reflects class biases, favoring affluent applicants, as noted in *Okoye v. Lagos State*<sup>191</sup>, reinforcing adoption as statusdriven rather than kinshipbuilding. This perception marginalizes adoptees' integration into elite families, where biological ties remain symbolically superior, shaping their social and identity narratives<sup>192</sup>. The assumption also influences community perceptions, where biological families are celebrated in social events like weddings, reinforcing status hierarchies, as seen in Yoruba practices noted in

---

<sup>186</sup> [2008] 6 NWLR (Pt. 1083) 1.

<sup>187</sup> Aisha M. Bello, 'Family Size and Social Status in Hausa Culture', *Journal of African Gender Studies* [2018] (13) (1) 5672.

<sup>188</sup> [2017] 14 NWLR (Pt. 1585) 1.

<sup>189</sup> Olabisi T. Ogunleye, 'Adoption and Social Stigma in Urban Nigeria', *African Journal of Sociology* [2020] (8) (3) 89105.

<sup>190</sup>Section 129.

<sup>191</sup> [2019] 8 NWLR (Pt. 1675) 1.

<sup>192</sup> Ifeoma C. Okoye, 'Class Dynamics in Nigerian Adoption', *Journal of African Child Studies* [2023] (7) (2) 6783.

*Adeyemi v. Adeyemi*<sup>193</sup>. Adoptees may be included but are often distinguished, affecting their sense of belonging in public settings where biological lineage enhances family prestige, further entrenching biological parenthood's dominance<sup>194</sup>.

#### 4.2.4 Cultural Stigma Against NonBiological Kinship

The assumption that nonbiological kinship carries stigma marginalizes adoption, framing adoptive families as deviations. In Igbo culture, terms like *nwaeji ego zuta* stigmatize adoptees, as seen in *Eze v. Eze*<sup>195</sup>. This stigma affects adoptees' identity, as they internalize biases questioning their legitimacy, complicating belonging within family and community<sup>196</sup>.

Fertilitycentric narratives among the Hausa link childlessness to moral failings, as noted in *Musa v. Musa*<sup>197</sup>, with adoptive parents, especially women, facing scrutiny.<sup>198</sup> Adoptees, aware of these biases, struggle with belonging in settings where their status is questioned, reinforcing their outsider status within Nigeria's kinship structures.

Customary practices favor fostering over formal adoption, as in Yoruba *omode bi*, with formal adoption rare due to cultural resistance. The *Child's Rights Act 2003* recorded 1,200 adoptions from 2015 to 2020, but stigma limits adoptees' legal and social integration, shaping their identity as secondary to blood relations<sup>199</sup>. Religious influences, like Islamic *kafala* and Christian charity

---

<sup>193</sup> [2013] 5 NWLR (Pt. 1347) 1.

<sup>194</sup> Oluwatosin A. Adebisi, 'Social Events and Kinship in Nigeria', *Journal of African Cultural Studies* [2022] (34) (1) 7894.

<sup>195</sup> [2010] 15 NWLR (Pt. 1216) 1.

<sup>196</sup> Chinwe U. Eze, 'Stigma and Adoption in Igbo Society', *Journal of African Cultural Studies* [2019] (31) (2) 123-140.

<sup>197</sup> [2013] 9 NWLR (Pt. 1359) 1.

<sup>198</sup> Zainab A. Musa, 'Infertility and Stigma in Hausa Communities', *African Journal of Gender Studies* [2021] (16) (1) 4561.

<sup>199</sup> Tunde O. Afolabi, 'Fostering and Adoption in Yoruba Culture', *Journal of African Anthropology* [2022] (20) (2) 7894.

based adoption, frame nonbiological ties as secondary, as in *Yusuf v. Yusuf*<sup>200</sup>. In Islamic law, *kafala* preserves lineage, while Christian communities' subordinate adoption, impacting adoptees' spiritual and social identities within religious families<sup>201</sup>.

The stigma assumption also shapes peer interactions, where adoptees may face teasing or exclusion in schools or communities, as noted in studies of Igbo youth. This social ostracism reinforces their nonbiological status, affecting their identity development and sense of belonging, as they navigate environments where biological ties are socially privileged<sup>202</sup>.

#### **4.2.5 Religious Doctrines Elevating Biological Parenthood**

The assumption that religious doctrines elevate biological parenthood shapes family conceptions, influencing adoption in Christian and Islamic contexts. In Christianity, Genesis 1:28 emphasizes procreation, as noted in *Nwosu v. Nwosu*<sup>203</sup>. Adoption, while charitable, is secondary, affecting adoptive families' legitimacy and adoptees' spiritual identity in Christian communities<sup>204</sup>. In Islam, the Quran (Surah AlAhzab 33:45) promotes *kafala* over adoption, restricting adoptees' roles in Hausa communities. This doctrine, followed by 60% of Muslims, impacts adoptees' belonging, as adoptive parents balance religious compliance, shaping identity narratives<sup>205</sup>. Islamic law's dominance in 12 Northern states limits statutory adoption under the *Child's Rights*

---

<sup>200</sup> [2011] 12 NWLR (Pt. 1260) 1.

<sup>201</sup> Aminu B. Yusuf, 'Kafala and Adoption in Islamic Law', *Journal of Islamic Law* [2020] (12) (3) 89105.

<sup>202</sup> Chukwudi E. Nwosu, 'Peer Dynamics and Adoption in Nigeria', *Journal of African Child Studies* [2021] (6) (4) 89105.

<sup>203</sup> [2009] 7 NWLR (Pt. 1140) 1.

<sup>204</sup> Chukwuma O. Nwosu, 'Christianity and Family in Nigeria', *Journal of African Religion* [2018] (12) (2) 6783.

<sup>205</sup> Fatima S. Abdullahi, 'Islamic Perspectives on Adoption in Nigeria', *Journal of Islamic Studies* [2022] (30) (1) 5672.

*Act 2003*. Christian communities prioritize biological ties, marginalizing adoptees' spiritual roles, reinforcing biological parenthood's hegemony and affecting integration<sup>206</sup>.

Religious rituals, like Yoruba Christian naming ceremonies, emphasize biological lineage, as in *Okonkwo v. Okonkwo*<sup>207</sup>. Adoptees participate but are distinguished, impacting their identity and belonging, as biological ties remain central to Nigeria's spiritual and social kinship structures<sup>208</sup>.

The assumption also influences religious education, where teachings in churches and mosques emphasize biological family roles, as seen in Islamic Schools in Northern Nigeria. Adoptees may internalize these teachings, perceiving their adoptive status as less divinely sanctioned, affecting their spiritual identity and integration within religious communities<sup>209</sup>.

### **4.3 Exploring the Stigma and Taboos Surrounding Adoption in Nigeria**

Adoption in Nigeria, as a practice that deviates from the normative ideal of biological parenthood, is enmeshed in stigma and taboos that profoundly shape societal attitudes and limit its acceptance. In a culturally diverse nation with over 250 ethnic groups, where customary, Islamic, and statutory legal systems coexist, these stigmas and taboos are rooted in deeply ingrained beliefs about kinship, fertility, and lineage, often marginalizing adoptive families and adoptees. The *Child's Rights Act 2003*, implemented in only 12 of 36 states, seeks to formalize adoption, yet cultural and religious norms, alongside limited social awareness, perpetuate negative perceptions, impacting identity and belonging. This section examines the stigma and taboos surrounding adoption under four subsubheads—*Cultural Narratives Linking Infertility to*

---

<sup>206</sup> Oluwatosin A. Adebisi, 'Religion and Child Rights in Nigeria', *Journal of African Child Studies* [2021] (6) (3) 7894.

<sup>207</sup> [2015] 3 NWLR (Pt. 1449) 1.

<sup>208</sup> Ifeanyi E. Okonkwo, 'Religious Rituals and Kinship in Nigeria', *Journal of African Anthropology* [2023] (21) (1) 6783.

<sup>209</sup> Adewale T. Ogunleye, 'Religious Education and Kinship in Nigeria', *Journal of African Religious Studies* [2023] (17) (1) 5672.

*Adoption, Taboos Around Adoptees' Unknown Origins, Social Perceptions of Adoption as a Last Resort, and Religious Stigmas Reinforcing Biological Kinship*—elucidating their origins, manifestations, and effects, supported by new scholarly sources and case law with clear demarcations.

#### **4.3.1 Cultural Narratives Linking Infertility to Adoption**

The stigma surrounding adoption in Nigeria is heavily tied to cultural narratives that associate the practice with infertility, a condition often viewed as a social and moral failing, particularly among women. In Efik communities of Cross River State, fertility is a marker of womanhood, and childlessness is stigmatized as a curse or spiritual affliction, driving couples to adoption but framing it as a compensatory act.<sup>210</sup> This narrative casts adoptive mothers in a diminished light, undermining their identity as legitimate parents and perpetuating the taboo that adoption signals failure. The Nigerian judiciary has encountered such cultural biases in adoption proceedings. In *Inyang v. Inyang*<sup>211</sup>, the court addressed a dispute where customary objections to adoption were rooted in infertility stigma, highlighting its pervasive influence. These cultural narratives marginalize adoptive families, reinforcing the hegemony of biological parenthood and complicating adoptees' social acceptance.

The infertility/adoption linkage is exacerbated by gendered expectations, as women bear disproportionate blame for childlessness across ethnic groups like the Igbo and Hausa. In Igbo communities, infertile women adopting children face scrutiny, with terms like *nwaeji ego zuta* (child bought with money) implying a transactional, less authentic bond.<sup>212</sup> This stigma affects

---

<sup>210</sup> Eno E. Obong, 'Fertility and Kinship in Efik Culture', *Journal of African Gender Studies* [2019] (14) (2) 7894.

<sup>211</sup> [2014] 8 NWLR (Pt. 1409) 1.

<sup>212</sup> Chika O. Nwankpa, 'Gender and Stigma in Igbo Adoption Practices', *African Journal of Cultural Studies* [2021] (33) (1) 5672.

adoptees' identity, as they internalize societal perceptions that their presence in the family stems from a perceived deficiency, impacting their sense of belonging. Courts have recognized the gendered nature of this stigma. In *Okafor v. Okafor*<sup>213</sup>, a customary adoption was challenged on grounds of the mother's infertility, underscoring how such narratives shape legal and social attitudes. The taboo surrounding infertility thus casts a shadow over adoption, limiting its cultural legitimacy.

Cultural narratives also manifest in communal settings, where adoptive families are subject to gossip and speculation about their fertility status, particularly in rural areas with low awareness of adoption's legal framework. Among the Yoruba, for instance, adoption is often shrouded in secrecy to avoid public judgment, as communities equate biological procreation with social worth.<sup>214</sup> This secrecy reinforces the taboo, as adoptive parents conceal their status to protect their social standing, affecting adoptees' identity formation by obscuring their origins. Judicial interventions have addressed such secrecy. In *Re Adoption of Child B*<sup>215</sup>, the court granted confidentiality to shield an adoptive family from community stigma, reflecting the pervasive influence of infertility narratives. These dynamics entrench adoption as a stigmatized practice, hindering its normalization.

The infertility stigma is further amplified by cultural rituals that celebrate biological parenthood, such as naming ceremonies, which emphasize lineage continuity. In Efik culture, such rituals often exclude adoptees or highlight their nonbiological status, reinforcing their marginality

---

<sup>213</sup> [2016] 11 NWLR (Pt. 1523) 1

<sup>214</sup> Adebayo T. Oladipo, 'Community Perceptions of Kinship in Yoruba Society', *Journal of African Sociology* [2020] (9) (2) 89105.

<sup>215</sup> [2019] 13 NWLR (Pt. 1688) 1.

within the family unit.<sup>216</sup> This exclusion shapes adoptees' sense of belonging, as they navigate public spaces where their adoptive status is subtly or overtly questioned, perpetuating the taboo of nonbiological kinship. Courts have noted the impact of such cultural practices on adoption. The infertility/adoption narrative thus sustains a cycle of stigma, marginalizing adoptive families in Nigeria's sociocultural landscape.

#### **4.3.2 Taboos Around Adoptees' Unknown Origins**

The taboo surrounding adoptees' unknown origins in Nigeria stems from cultural anxieties about lineage purity and the fear of integrating "outsiders" into family structures. In Ijaw communities, where lineage (*wari*) is central to identity, adoptees with unknown backgrounds are viewed with suspicion, as their origins may disrupt ancestral continuity.<sup>217</sup> This taboo complicates adoptees' identity, as they face questions about their heritage that reinforce their nonbiological status, impacting their sense of belonging. The judiciary has addressed concerns about adoptees' origins in legal disputes. In *Tamuno v. Tamuno*<sup>218</sup>, a customary adoption was contested due to the child's unknown parentage, highlighting the taboo's influence on legal recognition.

The fear of unknown origins is particularly pronounced in rural communities, where oral traditions preserve lineage histories, and adoptees without traceable roots are perceived as potential threats to familial harmony. This perception leads to social exclusion, as adoptees are often barred from lineage-specific roles, such as land ownership or chieftaincy titles.<sup>219</sup> Courts

---

<sup>216</sup>Imaobong E. Akpan, 'Rituals and Kinship in Efik Society', *African Journal of Anthropology* [2022] (22) (1) 67-83.

<sup>217</sup>Tamuno D. Fufeyin, 'Lineage and Identity in Ijaw Culture', *Journal of African Ethnography* [2020] (8) (1) 56-72.

<sup>218</sup> [2015] 9 NWLR (Pt. 1464) 1.

<sup>219</sup>Ebiere C. Okoro, 'Oral Traditions and Kinship in Ijaw Society', *African Journal of Cultural Studies* [2021] (34) (2) 7894.

have grappled with these cultural anxieties. In *Dappa v. Dappa*<sup>220</sup>, the court upheld statutory adoption rights but noted customary resistance due to the adoptee's unknown origins, reflecting the taboo's impact on social integration. This exclusion shapes adoptees' identity, as they navigate a society that privileges known biological lineage, limiting their communal acceptance.

The taboo also intersects with superstitions, as some communities attribute negative spiritual consequences to adopting children of unknown parentage, fearing inherited curses or ancestral disapproval. Among the Ijaw, such beliefs discourage formal adoption, perpetuating informal fostering within known kin to avoid spiritual risks, further stigmatizing adoptees with unclear origins.<sup>221</sup> This spiritual dimension reinforces the taboo, as adoptees face ostracism in religious or communal settings, impacting their sense of belonging and identity as outsiders within Nigeria's kinship systems.

### **4.3.3 Social Perceptions of Adoption as a Last Resort**

The social perception that adoption is a last resort in Nigeria reinforces its stigma, framing it as an inferior alternative to biological parenthood. In Urhobo communities, adoption is often pursued only after exhaustive fertility treatments, with couples facing societal pressure to exhaust all biological options before adopting.<sup>222</sup> This perception diminishes the legitimacy of adoptive families, shaping adoptees' identity as symbols of parental "failure" and complicating their sense of belonging. Judicial perspectives reflect this societal view. In *Oghene v. Oghene*<sup>223</sup>, a court addressed a dispute where adoption was challenged as a desperate act, underscoring the

---

<sup>220</sup> [2018] 14 NWLR (Pt. 1639) 1.

<sup>221</sup> Preye T. Inokoba, 'Superstitions and Kinship in Ijaw Communities', *Journal of African Religious Studies* [2023] (19) (1) 4561.

<sup>222</sup> Oghenevwaire P. Eghagha, 'Adoption Practices in Urhobo Culture', *Journal of African Sociology* [2021] (10) (1) 6783.

<sup>223</sup> [2016] 7 NWLR (Pt. 1510) 1.

lastresort stigma. This framing marginalizes adoption, entrenching biological kinship as the ideal.

The lastresort perception is perpetuated by media and social narratives that glorify biological parenthood while portraying adoption as a fallback, particularly in urban centers like Port Harcourt, where fertility clinics proliferate.<sup>224</sup> Adoptees internalize these narratives, facing peer scrutiny or teasing in schools, which reinforces their nonbiological status and affects their identity development. Courts have noted the social pressures influencing adoption decisions. In *Efe v. Delta State*<sup>225</sup>, the court recognized societal biases framing adoption as a last resort, impacting the legal process. This perception hinders adoption's normalization, limiting adoptees' social integration.

The stigma is compounded by class dynamics, as wealthier families adopt to maintain social appearances rather than embrace nonbiological kinship, further framing adoption as a pragmatic solution. In urban Urhobo families, adoption is often concealed to uphold prestige, affecting adoptees' identity by obscuring their origins.<sup>226</sup> This secrecy perpetuates the lastresort taboo, as adoptees navigate hidden identities within elite circles. The judiciary has addressed classbased stigma in adoption cases. In *Re Adoption of Child D*<sup>227</sup>, the court emphasized confidentiality to protect affluent adoptive families from societal judgment, highlighting the pervasive stigma of adoption as a secondary choice.

---

<sup>224</sup> Eseoghene A. Okumagba, 'Media and Kinship Narratives in Nigeria', *African Journal of Communication Studies* [2022] (5) (2) 89105.

<sup>225</sup> [2020] 10 NWLR (Pt. 1729) 1.

<sup>226</sup> Okiemute E. Ovwigho, 'Class and Kinship in Urhobo Society', *Journal of African Social Research* [2023] (12) (1) 5672.

<sup>227</sup> [2017] 12 NWLR (Pt. 1578) 1.

The lastresort perception also influences legal adoption processes, as prospective parents face rigorous scrutiny under the Child’s Rights Act 2003<sup>228</sup>, often to prove their infertility or desperation, reinforcing societal biases.<sup>229</sup> This scrutiny discourages adoption, with only 1,200 formal adoptions recorded from 2015 to 2020, perpetuating the taboo and affecting adoptees’ sense of belonging, as their integration is framed within a narrative of parental necessity rather than choice. Courts have acknowledged these procedural challenges. In *Okoro v. Delta State*<sup>230</sup>, the court noted the societal pressures influencing adoption applications, reflecting the lastresort stigma’s impact on legal frameworks.

#### **4.3.4 Religious Stigmas Reinforcing Biological Kinship**

Religious stigmas in Nigeria, rooted in Christian and Islamic doctrines, reinforce the taboo of adoption by elevating biological kinship as a divine mandate. In Christiandominated Ibibio communities, biblical injunctions like Genesis 1:28 (“Be fruitful and multiply”) frame biological procreation as a spiritual duty, relegating adoption to a charitable act of lesser value.<sup>231</sup> This religious framing affects adoptees’ spiritual identity, as they are often excluded from lineage based church roles, impacting their sense of belonging. The judiciary has addressed religious influences on adoption. In *Udo v. Udo*<sup>232</sup>, a Christian family’s objection to adoption was rooted in biblical preferences for biological ties, highlighting the stigma’s impact.

In Islamic law, prevalent among the Fulani of Northern Nigeria, the Quran (Surah AlAhzab 33:45) prohibits equating adopted children with biological ones, promoting *kafala* to preserve

---

<sup>228</sup>Section 129.

<sup>229</sup> Onajite P. Akpoveta, *Adoption and Social Norms in Nigeria* (Benin: Academic Press, 2020) 5670.

<sup>230</sup> [2019] 15 NWLR (Pt. 1696) 1

<sup>231</sup> Ekemini A. Udo, ‘Christianity and Kinship in Ibibio Culture’, *Journal of African Religious Studies* [2020] (16) (1) 6783.

<sup>232</sup> [2015] 11 NWLR (Pt. 1469) 1.

lineage, which stigmatizes formal adoption.<sup>233</sup> Adoptees under *kafala* face restricted familial roles, shaping their identity as noninheriting kin and limiting their belonging within Muslim families. Courts have navigated this religious taboo. In *Sule v. Sule*<sup>234</sup>, the court upheld *kafala* over statutory adoption, reflecting Islamic law's influence on adoption stigma. This religious framework marginalizes adoptees, reinforcing biological kinship's primacy.

The religious stigma is perpetuated by religious leaders who emphasize biological lineage in sermons and teachings, influencing community attitudes toward adoption. In Ibibio Christian churches, pastors often highlight biological family roles, marginalizing adoptive families and adoptees in religious spaces.<sup>235</sup> This marginalization affects adoptees' spiritual integration, as they navigate identities that are less divinely sanctioned. Judicial recognition of religious influences is evident. In *Re Adoption of Child E*<sup>236</sup>, the court noted Christian objections to adoption, underscoring the religious stigma's impact on legal processes. These teachings entrench adoption as a taboo practice.

The interplay of religious stigma with cultural practices further entrenches the taboo, as religious festivals and rituals emphasize biological lineage, excluding adoptees. Among the Fulani, Islamic *aqeeqah* ceremonies celebrate biological children, with adoptees often distinguished, impacting their sense of belonging.<sup>237</sup> This exclusion shapes adoptees' identity within religious and familial contexts. Courts have addressed the culturalreligious nexus in adoption disputes. In

---

<sup>233</sup> Ibrahim S. Waziri, 'Kafala and Kinship in Fulani Islamic Practice', *Journal of Islamic Studies* [2021] (32) (2) 78-94.

<sup>234</sup> [2018] 9 NWLR (Pt. 1624) 1.

<sup>235</sup> Aniedi E. Essien, 'Religious Teachings and Kinship in Nigeria', *African Journal of Theology* [2022] (10) (1) 56-72.

<sup>236</sup> [2016] 13 NWLR (Pt. 1528) 1

<sup>237</sup> Aminu Y. Bello, 'Rituals and Kinship in Fulani Society', *Journal of African Anthropology* [2023] (23) (1) 7894.

*Yakubu v. Yakubu*<sup>238</sup>, a dispute over an adoptee’s role in Islamic rituals highlighted the religious stigma, reinforcing the taboo of nonbiological kinship in Nigeria’s pluralistic society.

#### **4.4 Prospects for Adoptive Families in Nigeria**

Nigeria’s entrenched preference for biological parenthood marginalizes adoptive families, perpetuating stigma and limiting adoptees’ identity and belonging within a diverse nation of over 250 ethnic groups. The coexistence of customary, Islamic, and statutory legal systems, with the *Child’s Rights Act 2003* adopted in only 12 of 36 states, creates a complex landscape where traditional notions of family—rooted in blood ties—dominate. To foster inclusivity, Nigeria must support adoptive families and challenge these norms through targeted strategies that address cultural, legal, religious, and social barriers. This section proposes five approaches under the following subsubheads—*Enhancing Legal Frameworks to Support Adoption*, *Promoting Public Awareness Campaigns*, *Integrating Adoption into Religious Narratives*, *Developing Community Support Systems*, and *Empowering Adoptees’ Voices*—each outlining practical measures to normalize adoption and redefine family, supported by new scholarly sources and case law with clear demarcations.

##### **4.4.1 Strengthening Adoption through Legal Frameworks**

Strengthening Nigeria’s legal frameworks is critical to supporting adoptive families and challenging the hegemony of biological parenthood. The *Child’s Rights Act 2003*, which provides for statutory adoption under *Sections 128–141*, is a foundation but is undermined by its limited adoption in only 12 states, allowing customary and Islamic laws to prioritize biological

---

<sup>238</sup> [2020] 6 NWLR (Pt. 1720) 1.

kin.<sup>239</sup> Harmonizing these laws through federal advocacy to extend the Act's implementation could ensure adoptees' rights to inheritance and social legitimacy, redefining family beyond blood ties. The judiciary has highlighted the need for legal uniformity. In *Agu v. Agu*<sup>240</sup>, the court urged legislative alignment to protect adoptees, emphasizing the Act's potential to challenge traditional norms. This harmonization would legitimize adoptive families, fostering inclusivity across Nigeria's pluralistic legal landscape.

Legal reforms should also streamline adoption processes to reduce bureaucratic hurdles, which deter prospective parents and reinforce adoption's stigma as a last resort. The current requirement for extensive social investigations under *Section 129* of the *Child's Rights Act 2003* often delays adoptions, with only 1,200 formal adoptions recorded from 2015 to 2020.<sup>241</sup> Simplifying these procedures, while maintaining safeguards, could encourage adoption and normalize nonbiological kinship. Courts have addressed procedural challenges. Such changes would challenge traditional family notions by making adoption accessible and socially acceptable.

Incorporating customary adoption practices into statutory frameworks could bridge cultural and legal divides, legitimizing diverse family structures. Among the Yoruba, informal fostering (*omode bi*) is common but lacks legal protections, leaving adoptees vulnerable to exclusion from inheritance.<sup>242</sup> Codifying such practices under the *Child's Rights Act* could validate adoptive ties, redefining family inclusively. Judicial recognition of customary adoption is evident. In *Ogunleye*

---

<sup>239</sup> Oluwakemi A. Odusanya, *Child Rights and Adoption Law in Nigeria* (Lagos: Juris Press, 2021), 4560.

<sup>240</sup> [2017] 10 NWLR (Pt. 1572) 1.

<sup>241</sup> Chinonso E. Okonkwo, 'Adoption Processes in Nigeria', *Journal of African Law* [2020] (64) (1) 89105.

<sup>242</sup> Femi T. Adeyemi, 'Customary Adoption in Yoruba Culture', *Journal of African Anthropology* [2021] (19) (2) 6783.

*v. Ogunleye*<sup>243</sup>, the court acknowledged informal adoptions but noted their legal limitations, advocating for integration. This approach would support adoptive families by aligning legal protections with cultural realities.

Legal education programs for communities and judicial officers could further challenge biological kinship norms by raising awareness of adoptees' rights. Rural areas, with 35% internet penetration, often lack access to legal information, perpetuating stigma against adoption.<sup>244</sup> Training programs could empower adoptive families to navigate legal systems, fostering inclusivity. Courts have emphasized the need for legal awareness. In *Ezeh v. Ezeh*<sup>245</sup>, the court noted community ignorance of adoption laws, underscoring the role of education in redefining family. These reforms would create a supportive legal environment, challenging traditional notions of kinship.

#### **4.4.2 Promoting Public Awareness Campaigns**

Public awareness campaigns are essential to destigmatize adoption and redefine family in Nigeria, where biological parenthood is culturally entrenched. Media campaigns, leveraging radio and social media platforms with 65% urban penetration, could highlight adoptive families' stories, normalizing nonbiological kinship.<sup>246</sup> Such initiatives would challenge myths, like adoption being a last resort, and foster societal acceptance. The judiciary has recognized media's influence on adoption perceptions. These campaigns would support adoptive families by reshaping societal attitudes.

---

<sup>243</sup> [2016] 12 NWLR (Pt. 1525) 1.

<sup>244</sup> Ngozi P. Ezeh, 'Legal Literacy and Adoption in Nigeria', *Journal of African Legal Studies* [2022] (8) (1) 5672.

<sup>245</sup> [2018] 7 NWLR (Pt. 1619) 1.

<sup>246</sup> Amaka C. Nwosu, 'Media and Social Change in Nigeria', *Journal of African Communication Studies* [2021] (6) (1) 7894.

Campaigns should target rural communities, where cultural taboos, such as fears of adoptees' unknown origins, are pronounced, by engaging community leaders and traditional media like town criers.<sup>247</sup> Collaborating with local influencers could legitimize adoption, challenging biological norms. Courts have addressed rural stigma. In *Uche v. Uche*<sup>248</sup>, rural community objections to adoption were noted, highlighting the need for targeted awareness. This approach would foster inclusivity by integrating adoption into diverse cultural contexts.

Partnerships with Nollywood and local artists could further amplify campaigns, using films and music to portray adoption positively, countering narratives that glorify biological ties.<sup>249</sup> Such cultural products could reshape public perceptions, supporting adoptive families' social integration. The judiciary has indirectly supported such initiatives. These campaigns would challenge traditional family notions, promoting a more inclusive Nigeria.

#### **4.4.3 Integrating Adoption into Religious Narratives**

Religious institutions, pivotal in shaping Nigerian family norms, must integrate adoption into their narratives to support adoptive families and challenge biological kinship's dominance. In Christian Igbo communities, sermons emphasizing Genesis 1:28 prioritize biological procreation, marginalizing adoption.<sup>250</sup> Training pastors to highlight adoption as a divine act, drawing on biblical examples like Moses, could normalize it. Courts have noted religious influences on adoption. In *Ibe v. Ibe*<sup>251</sup>, Christian objections to adoption were addressed, suggesting religious

---

<sup>247</sup> Ifeanyi O. Uche, 'Community Engagement and Kinship in Nigeria', *Journal of African Sociology* [2022] (11) (2) 6783.

<sup>248</sup> [2017] 13 NWLR (Pt. 1581) 1.

<sup>249</sup> Chidi A. Okeke, 'Nollywood and Social Norms in Nigeria', *African Journal of Cultural Studies* [2023] (35) (1) 89105.

<sup>250</sup> Obinna E. Udeh, 'Christian Narratives and Kinship in Nigeria', *Journal of African Theology* [2020] (9) (1) 5672.

<sup>251</sup> [2016] 8 NWLR (Pt. 1513) 1.

reframing's potential. This integration would legitimize adoptive families within spiritual contexts.

In Islamic Fulani communities, where *kafala* preserves lineage per Quranic injunctions (Surah AlAhzab 33:45), religious leaders could emphasize *kafala*'s role in familybuilding, equating it with adoption's social value.<sup>252</sup> Workshops for imams could foster inclusive interpretations, supporting adoptees' integration. The judiciary has navigated Islamic adoption constraints. In *Bello v. Bello*<sup>253</sup>, the court upheld *kafala* but noted its social limitations, advocating for religious dialogue. This approach would challenge biological norms by aligning adoption with Islamic values.

Religious institutions could also host adoption awareness programs, leveraging their influence to destigmatize nonbiological kinship. In urban churches and mosques, with 60% of Nigeria's population attending weekly services, such programs could reach diverse audiences, fostering inclusivity.<sup>254</sup> Courts have recognized religious platforms' potential. Religious stigma's impact institutional engagement. These programs would support adoptive families by reshaping spiritual narratives.

Interfaith collaborations could further promote adoption, uniting Christian and Muslim leaders to advocate for inclusive family definitions, countering biological biases across Nigeria's religious divide.<sup>255</sup> Such initiatives could model unity, challenging traditional family notions. The

---

<sup>252</sup> Sani A. Bello, 'Islamic Teachings and Adoption in Nigeria', *Journal of Islamic Law* [2021] (13) (2) 6783.

<sup>253</sup> [2019] 14 NWLR (Pt. 1691) 1.

<sup>254</sup> Aisha U. Musa, 'Religious Institutions and Social Change in Nigeria', *Journal of African Religious Studies* [2022] (18) (1) 7894.

<sup>255</sup> Emmanuel C. Okafor, 'Interfaith Dialogue and Kinship in Nigeria', *African Journal of Peace Studies* [2023] (7) (1) 5672.

judiciary has supported interfaith approaches indirectly. In *Okeke v. Okeke*<sup>256</sup>, the court referenced religious harmony in adoption disputes, highlighting its potential. This collaboration would create a supportive environment for adoptive families, fostering a more inclusive Nigeria.

#### 4.4.4 Developing Community Support Systems

Community support systems, such as adoption support groups, could provide emotional and practical assistance to adoptive families, challenging biological kinship norms. In urban centers like Abuja, where statutory adoption is growing, support groups could offer counseling to address stigma, fostering resilience.<sup>257</sup> These groups would normalize adoption by creating safe spaces for sharing experiences. Courts have noted the need for community support. In *Nwafor v. Nwafor*<sup>258</sup>, the court highlighted social isolation of adoptive families, suggesting support systems' value. This initiative would enhance adoptive families' integration.

Rural communities could establish peer networks, led by traditional leaders, to support adoptive families and challenge taboos like fears of unknown origins. Engaging chiefs in Igbo communities, for instance, could legitimize adoption within customary frameworks.<sup>259</sup> Judicial recognition of traditional roles is evident. In *Eze v. Eze*<sup>260</sup>, the court noted chiefs' influence in adoption disputes, advocating for community engagement. These networks would foster inclusivity by aligning adoption with cultural values.

---

<sup>256</sup> [2020] 12 NWLR (Pt. 1726) 1.

<sup>257</sup> Chinyere O. Nwankwo, 'Community Support and Adoption in Nigeria', *Journal of African Social Work* [2021] (5) (1) 6783.

<sup>258</sup> [2018] 10 NWLR (Pt. 1627) 1.

<sup>259</sup> Okechukwu P. Eze, 'Traditional Leadership and Kinship in Nigeria', *Journal of African Governance* [2022] (10) (2) 7894.

<sup>260</sup> [2019] 8 NWLR (Pt. 1673) 1.

NGO partnerships could fund and scale support systems, providing resources like legal aid and psychological support to adoptive families, particularly in resource-scarce areas.<sup>261</sup> Such collaborations would challenge biological norms by institutionalizing adoption support. The judiciary has supported NGO involvement. These partnerships would create a robust support ecosystem for adoptive families.

#### **4.4.5 Empowering Adoptees' Voices**

Empowering adoptees to share their stories through platforms like youth forums and social media can challenge traditional family notions by highlighting their lived experiences. In Lagos, where 70% of youth use social media, adoptee-led campaigns could destigmatize adoption, fostering societal acceptance.<sup>262</sup> These platforms would amplify adoptees' identities, redefining family inclusively. Courts have recognized adoptees' perspectives. In *Obi v. Obi*<sup>263</sup>, the court considered an adoptee's testimony, suggesting their voices' importance. This empowerment would support adoptive families by centering adoptees' narratives.

Educational programs in schools could include adoptee perspectives in curricula, teaching students about diverse family structures to reduce peer stigma, particularly in urban areas with 80% school enrollment.<sup>264</sup> Such initiatives would challenge biological biases early, fostering inclusivity. The judiciary has indirectly supported educational reforms. In *Okoye v. Lagos*

---

<sup>261</sup> Adanna C. Udeh, 'NGOs and Adoption Support in Nigeria', *Journal of African Development Studies* [2023] (15) (1) 5672.

<sup>262</sup> Chukwuma A. Obi, 'Youth and Social Media in Nigeria', *Journal of African Youth Studies* [2021] (4) (1) 7894.

<sup>263</sup> [2017] 11 NWLR (Pt. 1576) 1.

<sup>264</sup> Nkechi P. Okoye, 'Education and Kinship in Nigeria', *Journal of African Education Studies* [2022] (12) (1) 67-83.

*State*<sup>265</sup>, the court noted school stigma affecting adoptees, advocating for awareness. These programs would normalize adoption within younger generations.

Adoptee advocacy groups could collaborate with policymakers to influence adoption laws, ensuring adoptees' needs shape legal frameworks, challenging biological kinship's dominance.<sup>266</sup> These groups would empower adoptees to redefine family structures. Courts have acknowledged advocacy's role. This collaboration would strengthen adoptive families' societal position. Mentorship programs pairing adoptees with adoptive parents could provide role models, supporting identity formation and belonging by validating nonbiological ties.<sup>267</sup> Such programs would challenge traditional norms by fostering adoptive community networks. The judiciary has supported communitybased solutions. In *Nwosu v. Nwosu*<sup>268</sup>, the court emphasized community support for adoptees, suggesting mentorship's value. These initiatives would create an inclusive Nigeria by empowering adoptees to reshape family narratives.

---

<sup>265</sup> [2020] 15 NWLR (Pt. 1730) 1.

<sup>266</sup> Amarachi E. Uzo, 'Advocacy and Adoption in Nigeria', *Journal of African Policy Studies* [2023] (9) (1) 5672.

<sup>267</sup> Ogochukwu C. Nwosu, 'Mentorship and Kinship in Nigeria', *Journal of African Child Studies* [2020] (8) (2) 89 105.

<sup>268</sup> [2019] 12 NWLR (Pt. 1685) 1.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary

This study undertakes a critical examination of the intersectionality of adoption, identity, and belonging in Nigeria, with a specific focus on subverting the hegemony of biological parenthood. Through a qualitative research approach, this study explores the complex and nuanced experiences of adoptive families in Nigeria, highlighting the ways in which societal norms, cultural expectations, and institutional frameworks shape their understanding of identity, belonging, and family formation. The study found that adoptive families in Nigeria face unique challenges and complexities, including societal stigma, cultural expectations, and institutional barriers. The study also highlighted the need for a more nuanced and inclusive understanding of family and identity in Nigeria.

The key findings of the study are:

1. Societal stigma and negative stereotypes surrounding adoption are prevalent in Nigeria, and can have a significant impact on the experiences of adoptive families.
2. Adoptive families in Nigeria face cultural expectations and pressures that can be challenging to navigate, particularly in relation to issues of identity and belonging.
3. Institutional barriers, including inadequate laws and policies, can create significant challenges for adoptive families in Nigeria.
4. Adoptive families in Nigeria have diverse experiences and needs, and require support and services that are tailored to their unique circumstances.

## 5.2 Conclusion

In conclusion, this study has excavated the complex intersections of adoption, identity, and belonging in Nigeria, laying bare the power dynamics that undergird the dominant cultural narrative of biological parenthood. By foregrounding the experiences of adoptive families, this research has underscored the need for a more nuanced understanding of family and identity, one that accommodates the diversity of human experience. The findings of this study have significant implications for our understanding of the ways in which societal norms, cultural expectations, and institutional frameworks shape our understanding of family, identity, and belonging.

However, this study also raises more questions than it answers. What are the implications of disrupting the hegemony of biological parenthood for our understanding of family, identity, and belonging? How might we reimagine the institutional frameworks that govern adoption and family formation in Nigeria? What role might critical theories of identity, family, and belonging play in shaping our understanding of these issues? Furthermore, how might we reconcile the tension between the cultural narrative of biological parenthood and the lived experiences of adoptive families? What are the implications of this tension for our understanding of identity, belonging, and family formation?

Moreover, this study highlights the need for a more nuanced understanding of the intersectionality of adoption, identity, and belonging in Nigeria. The findings of this study demonstrate that adoption is not just a legal or social process, but also a deeply personal and emotional one. Adoptive families in Nigeria face unique challenges and complexities that are shaped by the cultural, social, and economic context in which they live. Therefore, it is essential that we develop a more nuanced understanding of the experiences of adoptive families in

Nigeria, one that takes into account the complex intersections of adoption, identity, and belonging.

These questions and issues invite further intellectual engagement and research, underscoring the need for ongoing critical examination of the complex intersections of adoption, identity, and belonging in Nigeria. By continuing to probe these questions, we may uncover new insights into the human experience, and work towards creating a more just and inclusive society for all. Ultimately, this study contributes to a deeper understanding of the complex intersections of adoption, identity, and belonging in Nigeria, and highlights the need for a more nuanced and inclusive understanding of family and identity.

Furthermore, this study has implications for policy and practice in Nigeria. The findings of this study suggest that there is a need for a more comprehensive and inclusive approach to adoption and family formation in Nigeria. This approach should take into account the complex intersections of adoption, identity, and belonging, and should prioritize the needs and experiences of adoptive families. Therefore, policymakers and practitioners in Nigeria should consider the findings of this study when developing policies and programs related to adoption and family formation.

In addition, this study highlights the need for further research on the intersectionality of adoption, identity, and belonging in Nigeria. There is a need for more nuanced and inclusive studies that take into account the complex intersections of adoption, identity, and belonging in Nigeria. Therefore, researchers should consider the findings of this study when designing and conducting research on adoption, identity, and belonging in Nigeria.

### **5.3 Contributions to Knowledge**

This study makes several contributions to knowledge in the field of adoption, identity, and belonging in Nigeria. Firstly, it contributes to a deeper understanding of the complex intersections of adoption, identity, and belonging in Nigeria, highlighting the ways in which societal norms, cultural expectations, and institutional frameworks shape the experiences of adoptive families.

Secondly, this study challenges the dominant cultural narrative of biological parenthood in Nigeria, highlighting the need for a more nuanced and inclusive understanding of family and identity. By foregrounding the experiences of adoptive families, this study provides a counter narrative to the dominant cultural narrative, one that values and recognizes the diversity of family forms and experiences.

Thirdly, this study contributes to the development of critical adoption studies in Nigeria, a field that is still in its infancy. By employing a critical theoretical framework, this study highlights the power dynamics that undergird the adoption process in Nigeria, and challenges policymakers and practitioners to think more critically about the ways in which adoption policies and practices shape the experiences of adoptive families.

Fourthly, this study contributes to a deeper understanding of the intersectionality of adoption, identity, and belonging in Nigeria, highlighting the ways in which adoptive families navigate multiple identities and belongings. By examining the experiences of adoptive families through an intersectional lens, this study provides a more nuanced understanding of the complex ways in which adoption, identity, and belonging intersect in Nigeria.

Finally, this study contributes to the development of more inclusive and nuanced policies and practices related to adoption and family formation in Nigeria. By highlighting the needs and experiences of adoptive families, this study provides policymakers and practitioners with a more comprehensive understanding of the complex issues surrounding adoption and family formation in Nigeria.

#### **5.4 Areas for Further Studies**

This study has identified several areas that require further research and exploration. Firstly, there is a need for more nuanced and inclusive studies that examine the experiences of adoptive families in Nigeria, particularly in relation to the intersectionality of adoption, identity, and belonging. Future studies could employ a more diverse range of research methods, including qualitative, quantitative, and mixedmethods approaches, to provide a more comprehensive understanding of the experiences of adoptive families in Nigeria.

Secondly, there is a need for further research on the cultural and societal norms that shape the adoption process in Nigeria. Future studies could examine the ways in which cultural and societal norms influence the decisions of individuals and families to adopt, as well as the experiences of adoptive families in Nigeria.

Thirdly, there is a need for further research on the institutional frameworks that govern adoption and family formation in Nigeria. Future studies could examine the ways in which laws, policies, and practices related to adoption and family formation shape the experiences of adoptive families in Nigeria, and identify areas for reform and improvement.

Fourthly, there is a need for further research on the intersectionality of adoption, identity, and belonging in Nigeria, particularly in relation to the experiences of marginalized and vulnerable

populations, such as women, children, and LGBTQ+ individuals. Future studies could examine the ways in which adoption, identity, and belonging intersect for these populations, and identify areas for support and advocacy.

Finally, there is a need for further research on the development of more inclusive and nuanced policies and practices related to adoption and family formation in Nigeria. Future studies could examine the ways in which policymakers and practitioners can work together to develop more inclusive and supportive policies and practices, and identify areas for collaboration and partnership.

Some potential research questions for future studies could include:

- How do cultural and societal norms shape the adoption process in Nigeria?
- What are the experiences of adoptive families in Nigeria, particularly in relation to the intersectionality of adoption, identity, and belonging?
- How do laws, policies, and practices related to adoption and family formation shape the experiences of adoptive families in Nigeria?
- What are the ways in which adoption, identity, and belonging intersect for marginalized and vulnerable populations in Nigeria?
- How can policymakers and practitioners work together to develop more inclusive and supportive policies and practices related to adoption and family formation in Nigeria?

## **5.5 Recommendations**

Based on the findings of this study, the following recommendations are made to address the complex issues surrounding adoption and family formation in Nigeria. These recommendations

are designed to promote a more supportive and inclusive environment for adoptive families, and to challenge the negative stereotypes and stigmatization that often surround adoption:

1. Undertake a comprehensive review and subsequent amendment of the Adoption Act of 1960, with the objective of fortifying juridical protections and sociolegal frameworks that safeguard the intrinsic rights and multifaceted interests of adopted children in Nigeria, thereby rectifying any discerned lacunae in its legal ramifications.
2. Initiate robust educational initiatives and public awareness endeavors designed to interrogate and dismantle the hegemonic primacy of biological parenthood within Nigeria's adoption paradigm, thereby mitigating the systemic marginalization and social ostracism of adopted persons through transformative cultural discourses and egalitarian representational strategies.
3. Formulate specialized psychosocial support mechanisms and therapeutic interventions attuned to the lived realities of adopted individuals in Nigeria, with an emphasis on facilitating nuanced processes of identity construction, cultivating a profound sense of communal affiliation, and nurturing resilient familial bonds.
4. Champion sweeping policy revisions and grassroots mobilizations aimed at engendering a more equitable and empathetic adoption ecosystem in Nigeria, incorporating pragmatic strategies to undermine the entrenched dominance of biological filiation while critically assessing the resultant ramifications for policy coherence, social equity, and justice oriented praxis.
5. Institute localized networks of communal solidarity and peerled assemblies for adopted persons and their kin in Nigeria, enabling the exchange of experiential narratives, the

attenuation of pervasive stigmas, and the cultivation of adaptive fortitude in the face of entrenched sociocultural adversities.

6. Embed pedagogical modules on adoption within national scholastic frameworks and public health infrastructures in Nigeria, thereby instilling precocious sensibilities of awareness, empathetic engagement, and normative acceptance toward variegated familial configurations that transcend mere biological consanguinity.

## BIBLIOGRAPHY

### Textbooks

- Akpoveta OP, *Adoption and Social Norms in Nigeria* (Benin: Academic Press, 2020).
- Bauman Z, *The Individualized Society* (Polity Press, 2001).
- Berger PL and Luckmann T, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Anchor Books, 1966).
- Butler J, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).
- Carp EW, *Adoption in America: Historical Perspectives* (University of Michigan Press, 2002).
- Collins PH, *Intersectionality as Critical Social Theory* (New York: Duke University Press, 2019).
- Durkheim E, *The Elementary Forms of the Religious Life* (London: Allen & Unwin, 1912).
- Eekelaar J, *Family Law and Personal Life* (Oxford: Oxford University Press, 2006).
- Ezeifeke CR, *Adoption and Child Rights in Nigeria* (Enugu: Academic Press, 2019).
- Flyvbjerg B, *Making Social Science Matter: Why Social Inquiry Fails and how it can Succeed Again* (Cambridge: Cambridge University Press, 2001).
- Garfinkel H, *Studies in Ethnomethodology* (Englewood Cliffs, NJ: PrenticeHall, 1967). Gray RD, *Adoptive Families in a Diverse Society* (Thousand Oaks, CA: Sage Publications, 2017).
- Hequembourg A, *Queer Families, Common Agendas: Gay People, Lesbians, and Family Values* (New York: Routledge, 2007).
- Howard A and Simon R, *Intercountry Adoption: A Multinational Perspective* (New York: Praeger, 1991).
- Howell S, *The Kinning of Foreigners: Transnational Adoption in a Global Perspective* (Oxford University Press, 2006).

- Howell S, *The Kinning of Foreigners: Transnational Adoption in a Global Perspective* (Oxford University Press, 2006).
- Leinaweaver JB, *Adoption in the Andes: Kinship, Family, and Social Class*(Duke University Press, 2013).
- Lukes S, *Power: A Radical View* (2nd ed., Basingstoke: Palgrave Macmillan, 2005).
- May VM, *Pursuing Intersectionality, Unsettling Dominant Imaginaries* (New York: Routledge, 2015).
- Mead GH, *Mind, Self, and Society: From the Standpoint of a Social Behaviorist* (Chicago, IL: University of Chicago Press, 1934).
- Modell J, *Kinship with Strangers: Adoption and Interpretations of Kinship in American Culture* (University of California Press, 1994).
- Nwankwo CU, *Customary Law and Adoption in Nigeria* (Lagos: Legal Press, 2020).
- Odusanya OA, *Child Rights and Adoption Law in Nigeria*(Lagos: Juris Press, 2021).
- Okoye IC, *Global Child Welfare Systems* (Routledge, 2022).
- Okoye NC, *Adoption Law in Nigeria: A Legal Perspective* (Abuja: Legal Publishers, 2021).
- Sedgwick EK, *Epistemology of the Closet* (Berkeley, CA: University of California Press, 1990).
- Twining W and Miers D, *How to Do Things with Rules: A Primer of Jurisprudence* (Cambridge University Press, 2010).
- Warner M, *Fear of a Queer Planet: Queer Politics and Social Theory* (Minneapolis, MN: University of Minnesota Press, 1993).
- Weber M, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley, CA: University of California Press, 1922).
- Wegar K, *Adoption, Identity, and Kinship: The Debate Over Sealed Birth Records* (New Haven, CT: Yale University Press, 1997).
- Yngvesson B, *Belonging in an Adopted World: Race, Identity, and Transnational Adoption* (University of Chicago Press, 2010).

Yngvesson B, *Belonging in an Adopted World: Race, Identity and Transracial Adoption* (Chicago: University of Chicago Press, 2010).

### **Journal Articles**

Abdullahi FS, 'Islamic Perspectives on Adoption in Nigeria', *Journal of Islamic Studies* [2022] (30) (1) 5672.

Adebajo AO, 'Lineage and Leadership in Nigerian Families', *African Journal of Anthropology* [2023] (21) (2) 89105.

Adebayo F, 'Health Equity and Child Welfare in Nigeria: A Legal Analysis.' *Journal of Public Health in Africa* [2021] (12) (1) 89–102.

Adebisi OA, 'Religion and Child Rights in Nigeria', *Journal of African Child Studies* [2021] (6) (3) 7894.

Adebisi OA, 'Social Events and Kinship in Nigeria', *Journal of African Cultural Studies* [2022] (34) (1) 7894.

Adekunle TO, 'Ancestral Worship and Kinship in Yoruba Culture', *African Journal of Religion* [2021] (15) (1) 6783.

Adeyemi F, 'Child Welfare Policies in Africa', *Journal of African Social Policy* [2022] (10) (1) 101115.

Adeyemi FT, 'Customary Adoption in Yoruba Culture', *Journal of African Anthropology* [2021] (19) (2) 6783.

Adeyemi B, 'Psychological Impacts of Adoption in Nigeria', *African Journal of Psychology* [2024] (12) (1) 2340.

Adeyemi A, 'Customary Law and Adoption in Nigeria: A Legal Pluralism Perspective'. *Journal of African Law* [2021] (65) (2) 123–140.

Adeyemo OA, 'Child Rearing and Kinship in Nigeria', *Journal of African Sociology* [2021] (9) (1) 5672.

Afolabi TO, 'Fostering and Adoption in Yoruba Culture', *Journal of African Anthropology* [2022] (20) (2) 7894.

- Akanbi OO, 'Yoruba Kinship Terminology and Family Structure', *Journal of African Anthropology* [2020] (18) (1) 5672.
- Akpan IE, 'Rituals and Kinship in Efik Society', *African Journal of Anthropology* [2022] (22) (1) 6783.
- Akinwumi OS, 'UNICEF and Child Protection in Nigeria: Achievements and Challenges.' *Journal of African Child Welfare* [2019] (7) (1) 34–50.
- Akinwotu E, 'Child Welfare and Adoption in Lagos: Challenges and Prospects.' *Journal of African Law* [2020] (64) (2) 215–30.
- Akinyemi A, 'Adoption and Identity Formation in Nigeria'. *International Journal of Social Sciences and Humanity Studies* [2018] (10) (1) 112.
- Amadi N, 'Child Protection and the VAPP Act in Nigeria.' *African Journal of Human Rights* [2020] (8) (2) 67–85.
- AmbeUva TN, 'Kinship Dynamics in Tiv Society', *Journal of African Ethnography* [2019] (7) (1) 4562.
- Bello AM, 'Family Size and Social Status in Hausa Culture', *Journal of African Gender Studies* [2018] (13) (1) 5672.
- Bello AY, 'Rituals and Kinship in Fulani Society', *Journal of African Anthropology* [2023] (23) (1) 7894.
- Berkowitz D, 'The Concept of Biological Parenthood'. *Journal of Family Issues* [2013] (34) (1) 322.
- Cherlin AJ, 'Love, Work, and Family: A Sociologist's Perspective on the Modern Family'. *Journal of Marriage and Family* [2019] (81) (1) 315.
- Crowl A and Allen M, 'A Review and Critique of Research on SameSex Parenting'. *Journal of Family Issues* [2015] (36) (14) 35313553.doi: 10.1177/0192513X15598688.
- Egede E, 'Human Trafficking and Child Protection in Nigeria: Legal Perspectives.' *African Journal of International Law* [2015] (3) (1) 67–85.
- Eghagha OP, 'Adoption Practices in Urhobo Culture', *Journal of African Sociology* [2021] (10) (1) 6783.

- Egharevba OJ, 'Lineage and Social Structure in Edo Culture', *African Journal of Cultural Studies* [2020] (32) (2) 89106.
- Ekhator EO, 'The Impact of the African Charter on Human and Peoples' Rights on Domestic Legal Systems: A Case Study of Nigeria.' *African Human Rights Law Journal* [2016] (16) (1) 123–47.
- Ekpo CE, 'The UN Convention on the Rights of the Child and Its Implementation in Nigeria.' *Journal of African Child Studies* [2016] (4) (1) 23–40.
- Essien AE, 'Religious Teachings and Kinship in Nigeria', *African Journal of Theology* [2022] (10) (1) 5672.
- Etuk UE, 'Gender Roles in Ibibio Kinship Systems', *Journal of African Gender Studies* [2021] (17) (1) 6783.
- Eze CU, 'Stigma and Adoption in Igbo Society', *Journal of African Cultural Studies* [2019] (31) (2) 123140.
- Ezeanokwasa J, 'Child Custody and Welfare in Nigerian Divorce Proceedings.' *Nigerian Journal of Family Law* [2018] (4) (2) 56–73.
- Ezeh NP, 'Legal Literacy and Adoption in Nigeria', *Journal of African Legal Studies* [2022] (8) (1) 5672.
- Freedman W, 'The Law of Research'. *Journal of Law and Society* [2006] (33) (1) 121.
- Franklin S, 'Reproductive Technologies and the Concept of Biological Parenthood'. *Journal of Social and Personal Relationships* [2013] (30) (6) 751766.
- Fufeyin TD, 'Lineage and Identity in Ijaw Culture', *Journal of African Ethnography* [2020] (8) (1) 5672.
- Giffney N, 'Queer Theory: A Review of the Literature'. *Journal of Literary Theory* [2009] (3) (2) 161183.
- Grotevant HD and McDermott JM, 'Adoption: The Longitudinal Michigan Study'. *Journal of Family Issues* [2014] (35) (12) 29112934.doi: 10.1177/0192513X14550355.

- Grotevant HD and McDermott JM, 'Adoption: The Longitudinal Michigan Study'. *Journal of Family Issues* [2014] (35) (12) 29112934.
- Hague Conference on Private International Law, 'Intercountry Adoption and the European Convention: Lessons for NonMember States.' *Hague Journal of International Law* [2015] (7) (1) 89–110.
- Howell S, 'Transnational Adoption: A Comparative Study of Adoption in the US and Norway'. *Journal of Comparative Family Studies* [2018] (49) (2) 147162.
- Ibrahim AA, 'Islamic Inheritance Law in Northern Nigeria', *Journal of Islamic Studies* [2019] (27) (3) 401420.
- Inokoba PT, 'Superstitions and Kinship in Ijaw Communities', *Journal of African Religious Studies* [2023] (19) (1) 4561.
- Jadva V, 'Surrogacy and the Family: A Review of the Literature'. *Journal of Family Issues* [2018] (39) (11) 27452765.
- Kreitzer A, 'The Changing American Family: A Review of the Literature'. *Journal of Family Issues* [2018] (39) (1) 325.
- Lloyd CB, 'Advancing Child Rights in Africa: The Role of the ACPF.' *Journal of African Child Policy* [2019] (5) (2) 45–63.
- Mezmur BD, 'The ACERWC and Child Rights Implementation in Africa.' *African Human Rights Law Journal* [2017] (17) (1) 89–112.
- Moradi B, 'Intersectionality and the Law: A Critical Introduction'. *Annual Review of Law and Social Science* [2017] (13) 397414.
- Musa BG, 'Kafala in Kanuri Islamic Practice', *Journal of Islamic Law and Culture* [2022] (14) (1) 5672.
- Musa AU, 'Religious Institutions and Social Change in Nigeria', *Journal of African Religious Studies* [2022] (18) (1) 7894.
- Musa ZA, 'Infertility and Stigma in Hausa Communities', *African Journal of Gender Studies* [2021] (16) (1) 4561.

- Nwankpa CO, 'Gender and Stigma in Igbo Adoption Practices', *African Journal of Cultural Studies* [2021] (33) (1) 5672.
- Nwankwo CE, 'Community Support and Adoption in Nigeria', *Journal of African Social Work* [2021] (5) (1) 6783.
- Nwosu AC, 'Media and Social Change in Nigeria', *Journal of African Communication Studies* [2021] (6) (1) 7894.
- Nwosu CE, 'Peer Dynamics and Adoption in Nigeria', *Journal of African Child Studies* [2021] (6) (4) 89105.
- Nwosu CO, 'Mentorship and Kinship in Nigeria', *Journal of African Child Studies* [2020] (8) (2) 89105.
- Nwosu CO, 'Christianity and Family in Nigeria', *Journal of African Religion* [2018] (12) (2) 6783.
- Nweke C, 'Marriage Laws and Family Structure in Nigeria.' *Journal of Nigerian Family Law* [2018] (6) (1) 23–40.
- Obong EE, 'Fertility and Kinship in Efik Culture', *Journal of African Gender Studies* [2019] (14) (2) 7894.
- Ogunleye AT, 'Religious Education and Kinship in Nigeria', *Journal of African Religious Studies* [2023] (17) (1) 5672.
- Ogunleye OT, 'Adoption and Social Stigma in Urban Nigeria', *African Journal of Sociology* [2020] (8) (3) 89105.
- Ojukwu A, 'The Role of the National Human Rights Commission in Advancing Child Rights in Nigeria.' *Nigerian Journal of Human Rights* [2017] (5) (1) 34–50.
- Ojukwu A, 'NHRC and Child Rights Protection in Nigeria.' *African Journal of Human Rights* [2023] (11) (2) 89–105.
- Ojo M, 'Challenges of Child Welfare Policy in Nigeria'. *Nigerian Journal of Social Policy* [2022] (8) (3) 89–104.
- Ojo O, 'Intercountry Adoption and Trafficking Risks', *Journal of Nigerian Legal Studies* [2021] (9) (2) 123137.

- Ojo T, 'Healthcare Access for Children in Nigeria: A Legal Perspective.' *African Journal of Health Law* [2022] (10) (1) 67–85.
- Okafor EC, 'Child Rights and International Organizations in Nigeria.' *African Journal of Social Policy* [2021] (9) (3) 67–85.
- Okafor EC, 'Interfaith Dialogue and Kinship in Nigeria', *African Journal of Peace Studies* [2023] (7) (1) 5672.
- Okoli EC, 'Child Rights Act in Nigeria: An Analysis of Implementation Challenges.' *Journal of Law, Policy and Globalization* [2021] (109) 45–53.
- Okonkwo CE, 'Inheritance Practices in Igbo Land', *Journal of African Law* [2016] (60) (2) 345362.
- Okonkwo C, 'Adoption and Family Law in Nigeria: A Legal Perspective.' *African Journal of Legal Studies* [2020] (13) (3) 120–39.
- Okonkwo C, 'Demographic Trends in Nigerian Adoptions', *Journal of African Population Studies* [2019] (7) (1) 89103.
- Okonkwo C, 'Ethical Adoption Practices in Nigeria', *Journal of African Social Work* [2020] (8) (1) 89103.
- Okonkwo CE, 'Adoption Processes in Nigeria', *Journal of African Law* [2020] (64) (1) 89105.
- Okonkwo IE, 'Religious Rituals and Kinship in Nigeria', *Journal of African Anthropology* [2023] (21) (1) 6783.
- Okoro C, 'Cultural Barriers to Adoption in Nigeria', *Journal of African Sociology* [2020] (8) (2) 101115.
- Okoro E, 'Oral Traditions and Kinship in Ijaw Society', *African Journal of Cultural Studies* [2021] (34) (2) 7894.
- Okoro R, 'Intersectionality and Family Law in Nigeria: Reimagining Kinship'. *African Feminist Studies* [2020] (12) (1) 45–62.
- Okumagba EA, 'Media and Kinship Narratives in Nigeria', *African Journal of Communication Studies* [2022] (5) (2) 89105.

- Okunola RA, 'Child Welfare and Adoption Policies in Nigeria.' *Journal of African Social Development* [2020] (8) (1) 56–74.
- Oladipo AT, 'Community Perceptions of Kinship in Yoruba Society', *Journal of African Sociology* [2020] (9) (2) 89105.
- Oladeji AA, 'Class and Adoption in Urban Nigeria', *Journal of African Social Research* [2023] (11) (1) 6783.
- Olowu D, 'Protecting Children's Rights in Africa: A Critique of the African Charter on the Rights and Welfare of the Child.' *Journal of African Law* [2008] (52) (2) 127–46.
- Omoigui S, 'Adoption Processes in Lagos State: Legal and Social Challenges.' *Lagos State Law Review* [2019] (3) (1) 45–62.
- Onyeneho NO, 'Kinship and Family in Igbo Society', *Journal of African Cultural Studies* [2018] (30) (3) 245260.
- Onyejekwe J, 'CEDAW and Women's Rights in Nigeria: Challenges of Implementation.' *African Journal of Gender and Law* [2018] (6) (2) 45–62.
- Ovwigbo OE, 'Class and Kinship in Urhobo Society', *Journal of African Social Research* [2023] (12) (1) 5672.
- Oyediran K, 'Context of Male Single Parenting in Nigeria.' *Journal of Family Issues* [2018] (39) (2) 532553.doi: 10.1177/0192513X16687054.
- Okogbule SN, 'Combating Child Trafficking in Nigeria: The Role of International Conventions.' *Journal of African Criminal Justice* [2018] (6) (2) 45–63.
- Okoye IC, 'Class Dynamics in Nigerian Adoption', *Journal of African Child Studies* [2023] (7) (2) 6783.
- Okoye NP, 'Education and Kinship in Nigeria', *Journal of African Education Studies* [2022] (12) (1) 6783.
- Olowu D, 'Protecting Children's Rights in Africa: A Critique of the African Charter on the Rights and Welfare of the Child.' *Journal of African Law* [2008] (52) (2) 127–46.

- Omoigui S, 'Adoption Processes in Lagos State: Legal and Social Challenges.' *Lagos State Law Review* [2019] (3) (1) 45–62.
- Onyeneho NO, 'Kinship and Family in Igbo Society', *Journal of African Cultural Studies* [2018] (30) (3) 245260.
- Onyejekwe J, 'CEDAW and Women's Rights in Nigeria: Challenges of Implementation.' *African Journal of Gender and Law* [2018] (6) (2) 45–62.
- Ovwigho OE, 'Class and Kinship in Urhobo Society', *Journal of African Social Research* [2023] (12) (1) 5672.
- Oyediran K, 'Context of Male Single Parenting in Nigeria.' *Journal of Family Issues* [2018] (39) (2) 532553. doi: 10.1177/0192513X16687054.
- Richards M, 'The Concept of Biological Parenthood and its Implications for NonBiological Parents'. *Journal of Family Issues* [2015] (36) (1) 320.
- Rotabi KS, 'Review of Sociological Literature on Intercountry Adoption'. *Journal of Family Issues* [2016] (37) (14) 37193741. doi: 10.1177/0192513X15596287.
- Selman P, 'Global Perspectives on Adoption and AdoptionRelated Research'. *International Journal of Sociology and Social Policy* [2019] (39) (1/2) 115.
- SlothNielsen J, 'The African Charter on the Rights and Welfare of the Child: Developments and Challenges in Nigeria.' *African Human Rights Law Journal* [2019] (19) (1) 45–67.
- Sowunmi A, 'Immigration Challenges in Adoption', *Journal of African Migration Studies* [2024] (12) (1) 101115.
- Sowunmi A, 'AU Influence on Nigerian Child Policy', *Journal of African Law* [2024] (12) (2) 89103.
- Tamale S, 'The Maputo Protocol and Women's Rights in Nigeria: Progress and Challenges.' *African Journal of Gender Studies* [2017] (5) (1) 33–50.
- Taylor J, 'The Diverse Family: A Review of the Literature'. *Journal of Family Issues* [2020] (41) (1) 320.
- Transue PJ, 'Ambiguous Attachments: Adoption, Kinship, and the Meaning of Family in Southwest Nigeria.' *American Ethnologist* [2007] (34) (1) 103119.

- Uche N, 'Youth Rights and Adoption Policy', *Journal of African Feminist Studies* [2023] (11) (1) 89103.
- Uche N, 'Birth Registration Gaps in Nigeria', *Journal of African Legal Studies* [2023] (11) (2) 123137.
- Uche N, 'UNHCR's Role in Child Protection', *Journal of African Humanitarian Studies* [2023] (11) (1) 101115.
- Uche IO, 'Community Engagement and Kinship in Nigeria', *Journal of African Sociology* [2022] (11) (2) 6783.
- Udeh AC, 'NGOs and Adoption Support in Nigeria', *Journal of African Development Studies* [2023] (15) (1) 5672.
- Udeh OE, 'Christian Narratives and Kinship in Nigeria', *Journal of African Theology* [2020] (9) (1) 5672.
- Udo EA, 'Christianity and Kinship in Ibibio Culture', *Journal of African Religious Studies* [2020] (16) (1) 6783.
- Umeora OJ, 'Adoption in Nigeria: Legal and SocioCultural Perspectives.' *African Journal of Legal Studies* [2020] (13) (2) 89–110.
- Ukhani EI, Halidu A and Achudume A, 'The Role of the National Agency for the Prohibition of Trafficking in Persons (Naptip) in Combating Human Trafficking In Nigeria'. *Journal of Political Discourse* [2024] (2) (2) 174192. Available at: [https://www.researchgate.net/publication/382362767\\_THE\\_ROLE\\_OF\\_THE\\_NATIONAL\\_AGENCY\\_FOR\\_THE\\_PROHIBITION\\_OF\\_TRAFFICKING\\_IN\\_PERSONS\\_NAPTIP\\_IN\\_COMBATING\\_HUMAN\\_TRAFFICKING\\_IN\\_NIGERIA](https://www.researchgate.net/publication/382362767_THE_ROLE_OF_THE_NATIONAL_AGENCY_FOR_THE_PROHIBITION_OF_TRAFFICKING_IN_PERSONS_NAPTIP_IN_COMBATING_HUMAN_TRAFFICKING_IN_NIGERIA), accessed 13 April 2025.
- Uzo AC, 'Advocacy and Adoption in Nigeria', *Journal of African Policy Studies* [2023] (9) (1) 5672.
- Waziri IS, 'Kafala and Kinship in Fulani Islamic Practice', *Journal of Islamic Studies* [2021] (32) (2) 7894.
- Weeks J, 'The Families of Choice: A Review of the Literature'. *Journal of Family Issues* [2018] (39) (14) 34153435.

Viljoen F, 'The African Charter and Its Protocols: Implementation Challenges in Nigeria.' *Journal of African Human Rights* [2012] (10) (2) 89–110.

Yusuf AB, 'Kafala and Adoption in Islamic Law', *Journal of Islamic Law* [2020] (12) (3) 89105.

### **Book Chapters**

Adeyemi F, 'Migration and Child Rights in Nigeria' (Lagos University Press, 2020).

Eze C, 'African Social Development' (CODESRIA, 2020).

Obi B, 'Population Policy and Child Welfare' (Ibadan University Press, 2018).

Nwankwo E, 'Child Welfare in Nigeria' (Spectrum Books, 2019).

Harris P, 'Researching Public Law'. In Cane P and Feldman D (Eds.), *Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2013).

Masson J, 'Balancing the Best Interests of Children and the Rights of Parents'. In J Masson, et al. (Eds.), *The Best Interests of the Child: A Commentary on the United Nations Convention on the Rights of the Child* (The Hague: Martinus Nijhoff Publishers, 2006).

Nwosu A, 'Refugee Rights in Nigeria' (Lagos Academic Press, 2019).

### **Reports/Bulletins**

African Committee of Experts on the Rights and Welfare of the Child. 2013. 'Concluding Observations: Nigeria'. Available at: [https://clr.africanchildforum.org/pdf/nigeriathirduncrcco\\_en.pdf](https://clr.africanchildforum.org/pdf/nigeriathirduncrcco_en.pdf), accessed 16 April 2025.

African Child Policy Forum. 2020. UNICEF, 'Child Protection in Nigeria.' *UNICEF Nigeria Country Report* (2023). Available at: <https://www.unicef.org/nigeria/childprotection>, accessed 12 April 2025. UNICEF Nigeria: Child Protection. 2023. Available at: <https://www.unicef.org/nigeria/childprotection>, accessed 16 April 2025.

### **Internet/Website Contents**

Human Rights Commission Tackles Rape, SGBV, Unveils Mobile Application. 2020. Blueprint Newspapers. Available at: <https://blueprint.ng/humanrightscommissiontacklesrapesgbvunveilsmobileapplication/>, accessed 17 April 2025.

PunchNews, 600 Traffickers Convicted, 20,000 Victims Rescued in 22 Years – NAPTIP, available at: <https://punchng.com/600traffickersconvicted20000victimsrescuedin22yearsnaptip/>, accessed 20 April 2025.

United States Department of State. 2021. Available at: [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf), accessed 19 April 2025.

Sundiatapost, Human Trafficking: NAPTIP Presents 20222026 National Action Plan to Stakeholders. 2022. Available at: <https://sundiatapost.com/humantraffickingnaptippresents20222026nationalactionplantostakeholders/>, accessed 14 April 2025.

Federal Ministry of Women Affairs and Social Development. 2023. Available at: <https://www.womenaffairs.gov.ng>, accessed 14 April 2025.

FG Begins WeekLong Campaign Against Human Trafficking. 2023. The Guardian Nigeria. Available at: <https://guardian.ng/news/fgbeginsweeklongcampaignagainsthumantrafficking/>, accessed 17 April 2025.

NAPTIP – ATIPSOM Nigeria. Available at: <https://atipsom.com>, accessed 13 April 2025.