



Child adoption in Nigeria at the crossroads: A critical review of child rights, sociocultural norms, legal fragmentation and adoption challenges in the post-child rights act era

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Abstract

Background: Child adoption is an important child-protection and family-building strategy that provides permanent family care for orphaned, abandoned and vulnerable children. In Nigeria, however, adoption remains shaped by complex interactions among child-rights concerns, cultural and religious beliefs, legal fragmentation, institutional weaknesses and emerging threats such as child trafficking, baby factories and illegal adoption networks.

Objective: This narrative review critically examines child adoption in Nigeria, focusing on child rights, cultural norms, legal fragmentation, governance challenges and emerging threats, while identifying policy and practice reforms to strengthen child welfare and adoption outcomes.

Methods: A narrative review was conducted using peer-reviewed literature, legal documents, policy reports, international conventions and grey literature published between 2009 and 2026. Thematic analysis explored the evolution of adoption practices, legal and policy frameworks, child-rights considerations, sociocultural influences, governance challenges, comparative international experiences and reform opportunities.

Key Findings: Although the Child Rights Act 2003 provides a statutory framework for adoption, uneven domestication and implementation across states have resulted in legal inconsistencies and variable child protection standards. Cultural attachment to biological parenthood, lineage preservation, inheritance concerns, religious influences and adoption-

related stigma continue to limit acceptance. Administrative inefficiencies, weak regulatory oversight, inadequate data systems and procedural delays contribute to the persistence of informal adoption practices, trafficking networks and baby factories. Evidence from African and high-income countries demonstrates that successful adoption systems depend on strong implementation capacity, integrated data systems, child-rights-centred governance and effective post-adoption support services.

Conclusion: Strengthening adoption in Nigeria requires harmonisation of adoption laws, improved institutional and regulatory capacity, robust monitoring systems, enhanced professional training and sustained community engagement. A child-rights-centred approach that prioritizes identity, participation, protection, and family life is essential for building a transparent, accountable and equitable adoption system that safeguards the welfare and long-term development of vulnerable children.

Keywords:

Child adoption, Child rights, Adoption law, Child protection, Nigeria.

Background

Child adoption is globally recognized as an important child-protection and social welfare intervention designed to provide permanent family care for children who cannot safely remain with their biological parents while also offering family-building opportunities for prospective parents (Ertman, 2025). In legal terms, adoption establishes a permanent parent–child relationship with accompanying rights, responsibilities and inheritance privileges. Adoption may occur through various pathways, including domestic adoption, intercountry adoption and customary fostering arrangements, with the overarching objective of securing a stable, nurturing and protective family environment for orphaned, abandoned or otherwise vulnerable children (Kabo, 2022; Onyiriuka, 2019).

In Nigeria, adoption operates within a complex landscape shaped by legal reforms, cultural traditions, religious beliefs and child welfare needs. The enactment of the Child Rights Act (CRA) in 2003 marked a significant milestone by domesticating international child-rights principles and providing a legal framework for adoption and child protection. However, implementation remains uneven across states, reflecting variations in legal adoption procedures, institutional capacity and public understanding of adoption practices (Ladan, 2021).

Central to contemporary adoption policy is the principle of the “best interests of the child,” which requires that all decisions concerning children prioritize their survival, development, protection and participation. This principle is rooted in child-rights and family-centred frameworks that view children as rights holders deserving of safe, stable and supportive family environments. Nevertheless, evidence suggests that adoption decisions are sometimes influenced by adopter preferences, socioeconomic considerations and transactional practices that may compromise child-centred outcomes (Onayemi & Aderinto, 2019).

Despite growing awareness of adoption, sociocultural stigma, religious reservations, financial constraints, low public acceptance and illegal practices such as baby factories and unregulated fostering continue to challenge effective implementation and child protection in Nigeria

(Adejimi et al., 2026). Against this backdrop, this review critically examines the interplay between child rights, cultural norms, legal fragmentation and adoption challenges in Nigeria, with the aim of identifying pathways toward a more harmonised, family-centred and rights-based adoption system.

Evolution of child adoption and the post-child rights act legal landscape in Nigeria

The evolution of child adoption in Nigeria reflects a transition from traditional kinship-based child care arrangements to a more formalized legal framework shaped by national legislation and international child-rights standards. Historically, child care and placement were largely governed by customary practices in which children were informally fostered within extended family networks or entrusted to relatives and community members for care, socialization and support. These arrangements were rooted in communal values and lineage preservation rather than the legal transfer of parental rights that characterizes modern adoption (Osemeka, 2014). Over time, colonial influences introduced statutory adoption systems, creating a plural legal environment in which customary, religious and statutory approaches coexist, sometimes generating uncertainty regarding eligibility, legal status and the rights of adopted children and adoptive parents (Ogwezzy, 2018).

A major turning point occurred with the enactment of the Child Rights Act (CRA) 2003, which integrated adoption into Nigeria's broader child-protection framework and provided clearer legal guidance on adoption procedures and consequences. The Act strengthened statutory protections by recognizing the legal transfer of parental responsibilities, including rights relating to identity, inheritance, custody and family membership, while emphasizing the best interests of the child as the guiding principle in adoption decisions (Kabo, 2022). The CRA also aligns with international child-rights instruments and conventions that promote the protection, welfare and development of children through safe and regulated adoption processes.

The post-CRA era has witnessed increased involvement of institutional actors, including welfare agencies, family courts, social workers and healthcare professionals, particularly paediatric practitioners, in adoption assessment, placement and monitoring processes. These developments have contributed to greater professionalization and public discourse surrounding adoption (Okoli & Udechukwu, 2019). Nevertheless, implementation remains uneven due to variations in state-level domestication of the CRA, practical restrictions affecting inter-state and inter-country adoption and weak institutional oversight (Ojelabi et al., 2015; Kabo, 2022)(Ojelabi et al., 2015).

Despite notable normative progress, significant governance challenges persist. Corruption, unofficial fees, diversion and hoarding of children, inadequate monitoring systems and the proliferation of baby factories and illegal intermediaries continue to undermine transparency and child protection (Kekere & Ajidasile, 2023). Furthermore, sociocultural stigma surrounding non-biological parenthood, poverty and limited public awareness continue to hinder acceptance and effective implementation of adoption policies (Onyiriuka, 2019). Consequently, although the post-Child Rights Act era has advanced statutory protections and institutional engagement, challenges relating to harmonization, enforcement, trafficking prevention and societal acceptance remain critical barriers to a safe, equitable and child-centred adoption system in Nigeria.

Child rights and welfare in adoption practice

Child rights constitute the normative and ethical foundation of modern adoption policy, requiring that every adoption decision prioritizes the welfare, dignity and best interests of the child. Contemporary scholarship emphasizes that adoption should not merely provide alternative parenting arrangements but should actively safeguard children's rights to identity, protection, family life and optimal development while preventing trafficking, exploitation and the commodification of children (Mero, 2024; Zubairu, 2020). Within this framework, children are recognized as rights holders whose needs and interests must remain central throughout the adoption process.

A key dimension of child-centred adoption is the protection of a child's identity and cultural heritage. Legal and human-rights scholars argue that adopted children have a legitimate interest in understanding their origins, biological relationships and cultural background. Consequently, governments and adoption agencies have a responsibility to maintain transparent records and facilitate appropriate identity-preservation mechanisms, including access to information and assisted tracing where necessary, while balancing these rights with considerations of privacy and family life (Fenton-Glynn, 2014; McCloskey, 2024).

Beyond legal protection, adoption has significant implications for the psychosocial well-being of children. Many adopted children may have experienced abandonment, neglect, institutionalization, abuse or other adverse life events before placement. Research, therefore, highlights the importance of trauma-informed and adoption-competent services that address attachment needs, emotional adjustment and long-term developmental outcomes. Such support is particularly important for vulnerable populations, including children with disabilities and special needs, who often require specialized care and post-adoption interventions to achieve their full potential (Doughty et al., 2019; Siegel & Strolin-Goltzman, 2017).

Ethical considerations are equally critical in adoption practice. Opaque procedures, inadequate disclosure or exclusion of children's perspectives may undermine their rights and contribute to identity-related harms. Scholars, therefore, advocate participatory, culturally sensitive and rights-based approaches that respect children's evolving capacities and ensure appropriate safeguards regarding consent, confidentiality, disclosure and decision-making processes (Salvo Agolia & Alfaro Monsalve, 2019). Collectively, the literature supports integrated legal, clinical and ethical reforms that place children's rights and welfare at the centre of pre-adoption, adoption and post-adoption practice (Siegel & Strolin-Goltzman, 2017).

Cultural norms, religious beliefs and societal attitudes shaping adoption in Nigeria

Cultural norms, religious beliefs and societal attitudes play a significant role in shaping perceptions and acceptance of child adoption in Nigeria. Across many communities, kinship systems and lineage preservation remain deeply valued social institutions, with strong emphasis placed on biological descent, ancestral continuity and family bloodlines (Layefa et al., 2022). Consequently, formal adoption is sometimes perceived as inconsistent with traditional notions of family identity, inheritance and lineage succession, making Western-style adoption less acceptable in certain cultural settings (Chapdelaine, 2021).

Cultural perceptions of biological parenthood further influence adoption decisions. In many families, biological children are regarded as the legitimate heirs to family property, titles and lineage rights, while adopted children may face questions regarding their entitlement to inheritance and full family membership. Such perceptions can create resistance to adoption despite the existence of legal frameworks that confer equal rights on adopted children (Adesina, 2015; Arulogun & Maxwell, 2012).

Religious beliefs exert both supportive and restrictive influences on adoption. Christian and Pentecostal teachings often encourage adoption as a compassionate response to childlessness and child welfare needs, particularly among infertile couples. However, tensions between religious teachings and traditional pro-natalist values may generate ambivalence, while some local religious interpretations discourage non-biological parenting altogether (Faleke OM et al., 2025). Infertility remains a major motivation for considering adoption, yet social stigma, feelings of inadequacy, and societal blame, especially directed at women, frequently discourage prospective adoptive parents from pursuing this option (Oladokun et al., 2009).

Gender expectations also shape adoption practices. Preference for biological heirs, societal pressure on women to bear children and recourse to polygyny or remarriage often exert greater influence on family-building decisions than formal adoption policies (Adesida & Arulogun, 2023). Although urbanization, education and westernization have improved acceptance of adoption in some settings, public perceptions remain mixed. Persistent stigma, fears of trafficking, concerns about “stranger blood,” inheritance disputes and social status continue to limit adoption uptake. These challenges reveal the need for stronger legal protections, public education, community sensitization and culturally responsive interventions to promote acceptance and reduce discrimination against adopted children and adoptive families (Ekwoaba, 2019).

Legal fragmentation and governance challenges in adoption

Legal fragmentation remains one of the most significant barriers to effective adoption practice and child protection in Nigeria. Although the Child Rights Act (CRA) of 2003 established a national legal framework for child welfare and adoption, its domestication and implementation have been uneven across the federation. Several states, particularly in northern Nigeria, have been slow to adopt or fully implement the provisions of the Act, resulting in inconsistent legal standards and divergent adoption practices across jurisdictions (Enemo, 2021; Obialor & Offor, 2024). This patchwork legal landscape undermines the uniform protection of children's rights and creates uncertainty for prospective adoptive parents, welfare agencies, and the courts.

Beyond legislative disparities, the literature identifies substantial procedural inconsistencies and bureaucratic barriers within the adoption system. Weak investigative capacity, inadequate logistics, insufficient training of social welfare personnel, and poor inter-agency coordination often compromise the quality and reliability of adoption assessments and placement decisions. These systemic weaknesses not only delay legitimate adoption processes but also create opportunities for illicit practices, including child trafficking, baby factories, and the involvement of unregulated intermediaries who exploit vulnerable children and families (Onayemi & Aderinto, 2017; Okoli & Udechukwu, 2019; Kekere & Ajidasile, 2023).

Scholars further highlight regulatory and accountability gaps in the implementation of the CRA. Ambiguities surrounding inter-state and inter-country adoption procedures, weak enforcement mechanisms, and persistent cultural and religious resistance contribute to legal uncertainty and inconsistent decision-making (Kabo, 2022; Agbonika & Agbonika, 2021; Ojelabi et al., 2015). These deficiencies are particularly evident in inter-state adoption, where varying recognition of adoption orders, administrative difficulties in transferring children between jurisdictions, and inconsistent registration practices may disrupt continuity of care and compromise the legal security of adopted children (Obialor & Offor, 2024; Kabo, 2022).

The implications of these governance challenges extend beyond administrative inefficiency to fundamental concerns about child protection and welfare. Weak regulatory oversight increases children's vulnerability to exploitation, while legal inconsistencies may limit access to stable and permanent family care. Consequently, the literature consistently advocates harmonization and nationwide enforcement of the CRA, strengthened investigative and social welfare systems, streamlined adoption procedures, and more robust accountability mechanisms to safeguard children's rights and ensure transparent, equitable, and legally secure adoption practices across Nigeria (Onayemi & Aderinto, 2017; Enemo, 2021; Agbonika & Agbonika, 2021).

Legal Fragmentation and Governance Challenges in Adoption

Despite the existence of the Child Rights Act (CRA) 2003 as Nigeria's principal statutory framework for child protection and adoption, significant legal fragmentation and governance deficiencies continue to undermine the effectiveness of adoption practice across the country. A major challenge is the uneven domestication and implementation of the CRA by state governments. While some states have fully incorporated the Act into their legal systems, resistance and delayed adoption in several states, particularly in northern Nigeria, have resulted in inconsistent legal coverage and divergent adoption procedures. Consequently, children and prospective adoptive parents often experience varying levels of legal protection depending on their state of residence, thereby weakening the uniform application of child rights principles nationwide (Enemo, 2021; Obialor & Offor, 2024).

The literature also identifies substantial procedural inconsistencies and bureaucratic barriers that compromise the integrity of adoption processes. Weak investigative capacity, inadequate logistics, insufficient training of welfare officers and poor coordination among relevant agencies frequently result in delays, unreliable assessments and inconsistent placement decisions. Such weaknesses create opportunities for exploitation and contribute to the persistence of illegal practices, including child trafficking, baby factories and the activities of unauthorized intermediaries operating outside regulatory oversight (Kekere & Ajidasile, 2023).

Regulatory weaknesses and accountability gaps further complicate governance of adoption. Scholars report ambiguities regarding inter-state and inter-country adoption procedures, weak enforcement mechanisms and persistent cultural and religious resistance that collectively generate legal uncertainty for both adopters and adoptees. These deficiencies often prolong adoption processes and reduce confidence in the system (Ojelabi et al., 2015). Inter-state adoption presents particular challenges, including inconsistent recognition of adoption orders, administrative obstacles in transferring children across jurisdictions and variations in registration and documentation practices. Such inconsistencies may disrupt continuity of care and threaten the legal security and welfare of adopted children (Obialor & Offor, 2024).

The implications of these governance failures extend directly to child protection and welfare. Weak oversight and fragmented legal frameworks increase children's vulnerability to exploitation while limiting access to stable and legally secure family environments. Accordingly, scholars consistently advocate nationwide harmonization and enforcement of the CRA, strengthened social welfare and investigative systems, streamlined adoption procedures and enhanced accountability mechanisms to ensure transparent, equitable and child-centred adoption practices throughout Nigeria (Onayemi & Aderinto, 2019).

Contemporary adoption challenges and emerging threats

Contemporary adoption practice in Nigeria faces a complex array of administrative, social, legal and ethical challenges that continue to undermine child protection objectives and the integrity of formal adoption systems. A recurring theme in the literature is the weakness of administrative and institutional capacity. Limited human resources, inadequate funding, bureaucratic inefficiencies, corruption and lengthy approval processes frequently delay adoption placements, discourage prospective adopters and create opportunities for manipulation of the system (Kekere & Ajidasile, 2023). These challenges not only prolong children's stay in institutional care but may also motivate desperate individuals to seek alternative and often unregulated pathways to parenthood.

A critical governance concern is the inadequacy of adoption data and information systems. Poor documentation, fragmented record-keeping, weak monitoring mechanisms and the absence of comprehensive adoption databases make it difficult to track children throughout the adoption process and accurately determine the scale of adoption activities in the country. Such deficiencies facilitate the hoarding, diversion and unauthorized transfer of children while reducing transparency and accountability within the system (Okoli & Udechukwu, 2019). The absence of reliable data also hampers evidence-based policy development and evaluation.

Informal and customary adoption arrangements remain widespread and often coexist with statutory adoption mechanisms. While these practices may reflect longstanding cultural traditions of kinship care and fostering, they frequently operate outside formal regulatory frameworks. Furthermore, social pressures on childless couples, coupled with growing demand for family-building options such as fostering, assisted reproductive technologies (ART) and surrogacy, may encourage the use of informal intermediaries and non-regulated channels (Chibuzo & Olusola, 2023). The consequence has been the emergence of sophisticated criminal networks, including baby factories, child trafficking syndicates and illegal adoption and surrogacy rings that exploit vulnerable women, needy couples and children for financial gain (Ojedokun & Atoi, 2016).

The literature also highlights emerging risks associated with cross-border and surrogacy-related adoptions, where regulatory inconsistencies may expose children to statelessness, identity disputes and inadequate legal protection (Mahardani et al., 2020). In conflict, humanitarian and displacement settings, weakened family structures and increased child vulnerability may further heighten the risk of exploitation through illegal adoption networks. Equally concerning are the health and psychosocial consequences experienced by some adopted children, including unresolved trauma, post-traumatic stress disorder and inadequate medical and developmental assessments resulting from insufficient multidisciplinary support systems (Onyiriuka, 2019). Critically, many of these challenges are rooted in broader socioeconomic realities, including

poverty, unemployment, high adoption costs, limited access to social welfare services and inadequate public awareness.

Comparative perspectives and lessons for reform

Experiences from African and high-income countries demonstrate that effective adoption systems depend not only on sound legislation but also on strong implementation capacity, child-rights-centred governance and robust accountability mechanisms. Across Africa, several reform efforts highlight the limitations of legal reforms that are not matched by institutional effectiveness. In South Africa, for example, adoption rates declined despite the existence of a supportive legal framework under the Children's Act, largely due to bureaucratic barriers and excessive reliance on foster care. Subsequent reforms through the Social Assistance Amendment Act 2020 and the Children's Amendment Act 2022 sought to address these challenges by stabilizing kinship-care support and streamlining administrative processes, illustrating the importance of linking legal reform with operational capacity and service delivery (Kruger, 2024; Luyt et al., 2021).

Similarly, Kenya's Children Act 2022 strengthened child-rights protections and introduced important safeguards, including provisions relating to nationality and child welfare. However, persistent procedural opacity, social stigma and discriminatory adoption practices continue to limit domestic adoption uptake, demonstrating that legislative reforms alone cannot overcome entrenched societal and institutional barriers (Lugulu, 2024; Stuckenbruck & Roby, 2017). Ethiopia's experience further showcases the need for balanced regulation. While the country's 2018 ban on intercountry adoption was intended to prevent abuse, subsequent legal exceptions revealed the limitations of blanket prohibitions and reinforced the value of rigorous case-by-case assessment guided by the child's best interests and effective oversight mechanisms (Jimma & Fulas, 2023).

In high-income settings, adoption reforms increasingly emphasize children's participation, identity rights and cultural continuity. Australian studies have highlighted ongoing challenges in preserving the voices, identities and cultural heritage of adopted children, particularly Indigenous populations, despite a rights-based legal framework (Zodins et al., 2021). In the United States, the Family First reforms demonstrate the benefits of prevention-focused and kinship-centred approaches. Evidence from initiatives such as the Sobriety Treatment and Recovery Teams (START) model shows that strengthening family support systems can significantly reduce out-of-home placements while improving long-term safety and stability outcomes for children (Brown et al., 2023; Huebner et al., 2021).

A common feature of successful adoption systems is the existence of strong governance structures consistent with Hague Convention principles, including competent central authorities, accreditation systems, transparent fee regulation, case-tracking mechanisms and cross-border cooperation to prevent illicit practices and safeguard children's rights (Garimella & Choudhary, 2020). Collectively, these experiences offer important lessons for Nigeria.

Recommendations for policy and practice

Addressing the persistent challenges facing child adoption in Nigeria requires comprehensive reforms that move beyond legislation to strengthen implementation, accountability and child-

centred service delivery. A foremost priority is the harmonisation of adoption laws and policies across all states through full domestication and uniform enforcement of the Child Rights Act (CRA) 2003. Such harmonisation would reduce legal fragmentation, improve consistency in adoption procedures and ensure equitable protection of children's rights irrespective of geographical location (Enemo, 2021).

Strengthening institutional and regulatory capacity is equally critical. Government welfare agencies, family courts, law enforcement bodies and child-protection institutions require adequate funding, personnel, logistics and oversight mechanisms to improve adoption assessments, monitoring and enforcement activities. The establishment of an independent national adoption oversight framework, consistent with principles embodied in the Hague Conference on Private International Law adoption safeguards, could enhance transparency, accreditation and accountability while reducing opportunities for trafficking and other illicit practices (Garimella & Choudhary, 2020).

Nigeria would also benefit from integrated national adoption databases and digital case-tracking systems that link welfare agencies, courts, orphanages and relevant ministries. Such systems would improve record-keeping, facilitate monitoring, reduce duplication and fraud and generate reliable data for policy formulation and evaluation. Professional workforce development should accompany these reforms through continuous training of social workers, psychologists, paediatricians, legal practitioners and judicial officers in child-rights-based and trauma-informed adoption practice (Siegel & Strolin-Goltzman, 2017).

Public education and community engagement remain indispensable for addressing stigma, misconceptions and cultural resistance to adoption. Sustained advocacy involving religious leaders, traditional institutions, civil society organisations, media platforms and persons with lived adoption experience could promote greater acceptance of adoption and reinforce the principle that family care extends beyond biological ties (Faleke OM et al., 2025). Multi-sectoral collaboration among government agencies, development partners, academia, healthcare institutions and child welfare organisations is similarly necessary to strengthen child protection systems and improve service coordination.

Future research should move beyond descriptive studies to generate robust evidence on adoption outcomes, post-adoption adjustment, child mental health, adoption disruptions and the experiences of adoptees in adulthood. Innovations such as digital child-protection platforms, artificial intelligence-assisted case management, electronic registries and integrated child welfare surveillance systems warrant exploration. Ultimately, sustainable reform will depend on combining legal harmonisation, institutional strengthening, technological innovation, community participation and evidence-based policymaking to create a transparent, efficient and child-centred adoption system that safeguards the rights, welfare and long-term development of every child.

Conclusion

Child adoption remains a vital child-protection and family-building mechanism that offers vulnerable children permanent family care while helping prospective parents achieve family formation. In Nigeria, however, adoption is influenced by a complex combination of child-rights concerns, cultural and religious beliefs, legal fragmentation, governance deficiencies and

emerging threats such as child trafficking, baby factories and illegal adoption networks. Although the Child Rights Act 2003 provides a statutory framework for adoption, its impact has been limited by uneven domestication, inconsistent implementation, bureaucratic delays and weak regulatory oversight. Cultural preferences for biological parenthood, lineage continuity and inheritance, alongside stigma surrounding adoption, continue to hinder acceptance. Furthermore, inadequate institutional capacity, weak data systems and limited public awareness compromise child protection and adoption outcomes.

Evidence from both African and high-income countries highlights that effective adoption systems require not only strong laws but also robust implementation, oversight and investment in child welfare services. Nigeria should, therefore, prioritize legal harmonisation, institutional strengthening, improved data management, community sensitisation, and multidisciplinary collaboration to establish a transparent, accountable and child-rights-centred adoption system.

Conflict of Interest

The authors declare that they have no competing interests or conflicts of interest in relation to the preparation, authorship or publication of this manuscript.

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