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Tradition and Cultural Practices as a Catalyst for Change in Child Protection: A Documentary Case Study of the Kano State Child Protection Law

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Abstract

For two decades, cultural and religious objections stalled the domestication of Nigeria's Child Rights Act (CRA) 2003 in Kano State, with critics arguing that the Act's universal definition of childhood, its prohibition of child marriage, and its restrictions on customary discipline conflicted with Islamic jurisprudence and Hausa-Fulani traditions. This article challenges the assumption that tradition is inherently an obstacle to child protection. Using a qualitative documentary case study design, the study traces Kano's legislative trajectory from the CRA's enactment in 2003 to the passage of the Kano State Child Protection Law in June 2023, drawing on legislative records, executive statements, press archives, NGO and scholarly documentation, and supplementary interview material from a larger comparative study of the Lagos and Kano child protection systems. The analysis shows that domestication succeeded when the law was reframed through, rather than imposed upon, the state's Islamic-legal and cultural environment: the 2021 executive decision to make the bill "reflect the position of Shari'ah on each and every section" of the CRA converted two decades of normative opposition into religious ownership of child protection. The argument is sharpened by a within-case contrast: the Violence Against Persons (Prohibition) Act 2015, pursued in Kano without an equivalent adaptive process, remains undomesticated, leaving Kano the only Nigerian state without the law as of 2026. The article proposes a framework of Shari'ah-Compliant Child Protection (SCCP), built on substantive equivalence, faith-integrated enforcement, internal critique of harmful practices, and gradualist reform, and argues that its underlying logic, working through cultural systems rather than against them, is transferable to Christian and indigenous religious contexts across Africa. The Kano case demonstrates that when legal frameworks are developed through traditional structures, cultural practices can transform from barriers into catalysts for sustainable child protection.

Keywords: child protection; Kano State; Child Rights Act; Islamic social work; legal pluralism; tradition; Shari'ah; cultural competence; Nigeria

1. Introduction

Across Africa, social work and child protection practice have long tended to position traditional and cultural practices as primary barriers to children's safety. From child marriage to corporal punishment, from harmful initiation practices to the exclusion of children with disabilities, the dominant professional narrative has treated culture as the problem to be overcome, the obstacle to be eliminated, and the resistance to be broken. This framing, inherited through the colonial and missionary formation of the profession on the continent, has shaped legislation, training curricula, and intervention strategies for decades, producing a persistent tension between universalist rights frameworks and the lived normative worlds of African communities (Chanock, 1985; Mwansa, 2011; Osei-Hwedie & Rankopo, 2011; Sewpaul, 2016).

This article draws on the experience of Kano State, Nigeria, where the Child Rights Act (CRA) 2003 was resisted for twenty years before its eventual domestication in 2023, to argue that tradition and cultural practices can function not as barriers but as catalysts

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for sustainable child protection. The argument is neither naive nor romantic. It acknowledges the genuine harms that certain traditional practices inflict on children, and it does not claim that every cultural practice deserves protection. It insists, rather, that effective and durable protection is achieved by working through cultural and religious systems, mobilising their internal protective resources, rather than by working against them; and it shows, through the Kano legislative record, what such working-through looks like in practice.

The article makes three contributions. Empirically, it assembles and analyses the documentary record of Kano's legislative trajectory from 2003 to 2023, a record that has not previously been treated as a case study in its own right. Conceptually, it proposes the framework of Shari'ah-Compliant Child Protection (SCCP) as a name for the adaptive legislative strategy the Kano case exemplifies. And professionally, it draws out the implications of that strategy for culturally competent, faith-integrated, and decolonially oriented social work practice across Africa (Mugumbate & Nyanguru, 2013; Mugumbate & Chereni, 2020).

2. Background: The Child Rights Act and the Problem of Domestication

Nigeria ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991 and enacted the Child Rights Act in 2003. The CRA provides a comprehensive framework defining a child as any person under eighteen, prohibiting child marriage, exploitative child labour, and harmful practices, and establishing rights to education, health, and protection from violence. However, because children's matters fall substantially within state legislative competence under Nigeria's federal constitution, the Act must be domesticated independently by each of the thirty-six states. The result has been a protection landscape in which, as the human rights lawyer Femi Falana has publicly argued, a child's rights and protections depend on their state of residence (Falana, 2019), a condition the National Human Rights Commission has characterised as "geographic injustice": in non-domesticating states, protections against abuse, neglect, and exploitation are often unavailable or weakly enforced (ILO, 2021; Human Rights Watch, 2022). By 2020, eleven states, all in northern Nigeria, had not domesticated the CRA. Kano was among them.

2.1 Kano's Resistance: Culture, Religion, and Political Will

Kano State, with its majority Hausa-Fulani Muslim population and its Sharia legal codification operating alongside statutory and customary law since 2000 (Ostien, 2007), presented the most sustained resistance to the CRA. The objections were not merely political but deeply normative. Critics argued that the CRA's chronological definition of childhood (under eighteen) conflicted with Islamic jurisprudence, in which puberty marks legal maturity; that its prohibition of child marriage was incompatible with Maliki interpretations permitting marriage at puberty; and that its restrictions on corporal punishment clashed with traditional and religious disciplinary norms (Alubo & Adesina, 2020; Save the Children Nigeria, 2022). These objections were embedded in a wider normative environment in which the Almajiri system of itinerant Qur'anic schooling, deeply rooted in the region's religious-educational history yet increasingly associated with street begging, neglect, and exploitation, symbolised the distance between statutory child protection and everyday religious practice (Ajakaye, 2014; Hoechner, 2018).

From 2003 to 2020, successive administrations avoided the issue. A revised draft bill was prepared in 2010 through consultations engaging Islamic scholars, academics, and non-governmental organisations, but it was never passed; as the state's Commissioner for Information acknowledged in 2021, previous administrations had "lacked the political will" to move the bill forward (Daily Trust, 2021). The stalemate reflected a broader continental challenge: how to reconcile universal child rights standards with religious and customary legal systems that command deep legitimacy among the populations they govern.

2.2 The Turning Point: Faith-Based Legislative Adaptation, 2021–2023

In February 2021, the Kano State Executive Council approved an amended Child Rights Protection Bill explicitly designed to "reflect the position of Shari'ah on each and every section of the Child Rights Act 2003" (Chioma, 2021; Daily Nigerian, 2021). Governor Abdullahi Umar Ganduje, who had earlier assented to a Free and Compulsory Basic Education Law, supplied the political leadership that previous administrations had lacked (Ganduje, 2021). The bill was transmitted to the State House of Assembly and passed as the Kano State Child Protection Law in June 2023 (Save the Children Nigeria, 2022; Alubo & Adesina, 2020).

Crucially, this was not a rejection of child protection but its re-articulation. The law adapted, rather than adopted wholesale, the federal framework, embedding protections within Kano's particular Islamic-legal environment. Guardianship obligations (wasiyyah) were invoked to ground parental responsibility; compassion (rahmah) was cited as the basis for prohibiting cruelty; and public welfare reasoning (maslaha) was deployed to justify state intervention in family matters. This reframing transformed potential opponents into advocates: the law could now be presented not as an external imposition but as an indigenous obligation with religious backing.

3. Methodology

3.1 Design

The study employed a qualitative single-case study design (Yin, 2018), treating the Kano legislative trajectory from 2003 to 2023 as the case. A case study design was appropriate because understanding how a twenty-year normative stalemate was converted into legislative passage requires attention to context, sequence, meaning, and stakeholder interpretation, dimensions poorly captured by variable-oriented quantitative methods. The analytic strategy combined process tracing of the legislative sequence with thematic analysis of how tradition's relationship to child protection was framed across the documentary record.

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3.2 Data Sources

The study draws on two bodies of data. The primary body is a documentary corpus comprising: (a) the legislative instruments themselves, namely the Child Rights Act 2003 and the Kano State Child Protection Law 2023, together with the record of the 2010 draft bill; (b) official statements, including the February 2021 Kano State Executive Council decision and associated Government House statements (Ganduje, 2021); (c) contemporaneous press coverage of the bill's trajectory between 2010 and 2023 (Chioma, 2021; Daily Nigerian, 2021; Daily Trust, 2021; Falana, 2019); (d) NGO and international-agency documentation of the Kano legislation and its context (Save the Children Nigeria, 2022; ILO, 2021; Human Rights Watch, 2022; Plan International, 2023); and (e) scholarly literature on Sharia implementation in northern Nigeria and on the Almajiri system (Ostien, 2007; Hoechner, 2018; Ajakaye, 2014; Alubo & Adesina, 2020); and (f) press, NGO, and civil society documentation of the parallel non-domestication of the Violence Against Persons (Prohibition) Act 2015 in Kano, used for the within-case comparison developed in Section 4.5 (Partners West Africa Nigeria, 2024; The Republic, 2024; Vanguard, 2020, 2026; FIJ, 2026).

The secondary body is supplementary interview material. Four semi-structured interviews with legal practitioners and child protection advocates professionally engaged in the Lagos and Kano child protection systems were conducted in 2026 as part of a larger comparative mixed-methods study of the two states (Benjamin-Ekpo & Adaranijo, 2026). That study reports the full thematic analysis of the interviews; the present article does not re-report those findings. It draws selectively on the interview material bearing on one question only, how cultural and religious frameworks shaped the legal definition of childhood and the architecture of the Kano law, as illustrative triangulation for the documentary analysis, with all such material explicitly cross-referenced to the companion study.

3.3 Analysis

Documents were analysed thematically following Braun and Clarke's (2006) six-phase framework, with particular attention to how each source framed the relationship between tradition and child protection: as obstacle, as resource, or as terrain of negotiation. Process tracing was used to reconstruct the legislative sequence and to identify the mechanisms, actors, and framing shifts that distinguished the successful 2021–2023 episode from the failed 2010 episode. Documentary claims were corroborated across at least two independent sources wherever possible.

3.4 Ethical Considerations

Ethical approval for the wider study from which the interview material derives was obtained from the Federal University Lokoja Research Ethics Committee [approval reference number]. All interview participants provided informed consent, and anonymity is preserved through participant codes (P1–P4). The documentary sources analysed are matters of public record.

3.5 Limitations of the Design

Three design limitations should be stated at the outset. First, the analysis rests principally on documentary and elite sources: the legislative record, official statements, press coverage, and professional interviews. The perspectives of children, rural caregivers, and especially women, those whose protection is at stake, are not directly represented, and their absence marks the study's most important boundary. Second, the law was passed only in June 2023; the study can analyse the politics of its passage, but not its implementation outcomes, which remain to be tracked. Third, as a single-case design, the study supports analytic rather than statistical generalisation (Yin, 2018): its framework is offered as transferable and testable, not as established beyond the Kano context.

4. Findings: Anatomy of an Adaptive Domestication

The documentary analysis yields four findings, presented as the sequence of the case: two decades of normative stalemate; the reframing that broke it; the adaptive legal architecture that resulted; and the limits of adaptation that remain.

4.1 Two Decades of Stalemate, 2003–2020

Between 2003 and 2020, the CRA's fate in Kano was determined not by the absence of child protection sentiment but by the framing of the federal Act as normatively alien. The documentary record shows the objections concentrating on three provisions: the chronological under-eighteen definition of childhood, against the jurisprudential association of maturity with puberty; the prohibition of child marriage, against Maliki interpretations; and restrictions on customary discipline (Alubo & Adesina, 2020; Save the Children Nigeria, 2022). The 2010 draft bill episode is instructive: consultation with Islamic scholars, academics, and NGOs produced a revised text, yet the bill died for want of political sponsorship, with the state's own Information Commissioner later attributing the failure to an absence of “political will” (Daily Trust, 2021). Framing work without political leadership, the episode suggests, was insufficient; the normative objection supplied successive administrations with a low-cost reason for inaction.

4.2 The Reframing, 2021

The decisive shift came in February 2021, when the Executive Council approved a bill drafted to “reflect the position of Shari‘ah on each and every section” of the CRA (Chioma, 2021; Daily Nigerian, 2021). Three features of this moment stand out in the record. First, the direction of adaptation was reversed: rather than asking religious authorities to accept a federal text, the state asked the federal text to pass through a section-by-section Sharia review, making religious scrutiny the mechanism of legitimation rather than the site of veto. Second, executive sponsorship was explicit and personal: Governor Ganduje, having established credibility on children's welfare through the Free and Compulsory Basic Education Law, attached his office to the bill (Ganduje, 2021), supplying precisely the political will whose absence had doomed the 2010 draft. Third, the bill's public presentation changed register: protection was framed as a religious obligation already internal to Islam, not a standard imported against it.

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4.3 The Adaptive Legal Architecture

The law that emerged in June 2023 is a composite instrument rather than a transcription of the CRA. As a legal practitioner interviewed for the companion study put it, "Kano, being a Sharia-compliant state, extracted provisions from different sections of various existing laws, including the Child Rights Act 2003" (P2, quoted in Benjamin-Ekpo & Adaranijo, 2026). The most consequential adaptation concerns the definition of childhood itself: rather than a single chronological threshold, the law addresses the question through three distinct legal categories, "the age of criminal liability, the age for care and support, and juvenile justice administration" (P2, in Benjamin-Ekpo & Adaranijo, 2026), a tripartite structure that manages the interpretive tension between the CRA's universal under-eighteen threshold and jurisprudential criteria of maturity without abandoning protection in any of the three domains.

Substantively, the law grounds its protective provisions in Islamic-legal concepts: wasiyyah for parental and guardianship responsibility, rahmah for the prohibition of cruelty, and maslaha for state intervention in family matters. It also addresses the specifically local geography of child vulnerability: as another participant observed, "the Kano State law specifically addresses local issues like the Almajiri system, child street hawking, and early marriage, which are also covered under the federal Child Rights Act" (P1, in Benjamin-Ekpo & Adaranijo, 2026). The architecture, in short, achieves substantive convergence with the CRA's protective goals through indigenous normative pathways rather than textual duplication.

4.4 The Limits of Adaptation

The documentary and interview record equally cautions against triumphalism. Passage is not implementation. The companion comparative study documents that enforcement of the Kano law remains contested, juvenile courts have not been upgraded, referral pathways, standard operating procedures, and a survivor database are yet to be established, and reports of child marriage and sexual violence persist (Benjamin-Ekpo & Adaranijo, 2026; Plan International, 2023). The adaptive strategy solved the problem of legislative legitimacy; the problems of infrastructure, resourcing, and accountability that afflict child protection across Nigerian states, in Lagos as in Kano, remain. This distinction matters for the argument: tradition-as-catalyst explains how the law became possible, not how it will become effective.

4.5 The VAPP Counterpoint: Adaptation Withheld

The tradition-as-catalyst reading gains considerable force from a within-case comparison. The Violence Against Persons (Prohibition) Act (VAPP) 2015, the federal framework criminalising rape, spousal battery, harmful traditional practices, and other forms of gender-based violence, applies automatically only to the Federal Capital Territory and, like the CRA, requires state-by-state domestication (Partners West Africa Nigeria, 2024). Kano has not domesticated it. By 2022 Kano stood among the last three non-domesticating states alongside Gombe and Zamfara (The Republic, 2024); by 2026, according to the Kano chairperson of the International Federation of Women Lawyers (FIDA), it remained the only state in the federation without the law, a gap advocates link to the state's high prevalence of gender-based violence (Vanguard, 2026). This is despite a sustained advocacy infrastructure: a coalition of twenty-one organisations (C-PAK) has campaigned for the bill's passage since 2017 (Vanguard, 2020), and investigative reporting attributes the state's reluctance to domesticate federal rights legislation generally to cultural and religious resistance (FIJ, 2026).

The comparison is analytically powerful because it holds constant the state, the period, the normative environment, and even much of the advocacy community, while varying the legislative strategy. The child protection framework passed in 2023 after being routed through a section-by-section Sharia review that converted religious scrutiny into legitimation. The VAPP bill has been pursued largely in the universalist register of the federal text, without an equivalent adaptive process, and it has not passed. The one publicised legislative episode touching its subject matter, a 2020 proposal to amend the Penal Code to add castration as punishment for rape, provoked open objection from Islamic scholars (Vanguard, 2020), illustrating the friction that arises when reform is pressed against, rather than through, the religious-legal establishment. Two federal rights instruments, one adapted and one not: the adapted one is law, the unadapted one is not. Within the limits of a single-case design, this is as close to a controlled contrast as the Nigerian legislative record offers.

5. Discussion

5.1 From Barrier to Catalyst

The dominant approach to tradition in African child protection has been a deficit approach: tradition as the problem, imported rights frameworks as the solution (Mwansa, 2011; Osei-Hwedie & Rankopo, 2011; Sewpaul, 2016). The predictable product of that approach is what institutional theory describes as ceremonial adoption, in which the forms of global child protection architecture are imported without operational substance, producing laws that sit on shelves while children remain unprotected (DiMaggio & Powell, 1983). Twenty years of the CRA's non-domestication in Kano, and the thin implementation documented even in domesticating states (Plan International, 2023), are the Nigerian expression of this pattern.

The Kano case models a different path. By making Sharia review the mechanism of legitimation, engaging Islamic scholars as drafters rather than as objects of persuasion, and grounding protection in wasiyyah, rahmah, and maslaha, advocates converted the very normative system that had sustained twenty years of resistance into the engine of passage. This is An-Na'im's (2002) argument about internal cultural transformation rendered in legislative form: human rights universals are most durably realised when the resources for them are mobilised from within religious and customary traditions rather than imposed from outside. The VAPP counterpoint (Section 4.5) sharpens the claim into something close to a testable proposition: in Kano's plural normative environment, the adapted instrument passed and the unadapted one has not. Two cautions temper the inference. The

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subject matters differ in normative depth: VAPP reaches into adult marital and gender relations, including matters such as spousal violence, where jurisprudential contestation is arguably deeper than for child welfare, so the contrast is suggestive rather than strictly controlled. And the direction of the lesson is prescriptive as much as explanatory: if the SCCP route explains the Child Protection Law's passage, it also charts the most plausible route to VAPP domestication in Kano, a section-by-section engagement with the religious-legal establishment that grounds protection from gender-based violence in the tradition's own prohibitions of harm. It is also legal pluralism taken seriously as a design constraint rather than lamented as an implementation obstacle (Griffiths, 1986; Merry, 1988; Tamanaha, 2008): in a social field with more than one legitimate legal order, a statute that negotiates with the other orders will out-perform one that ignores them. The point is not that every cultural practice is benign; some genuinely harm children and must change. The point is that change endures when it is internal, driven by cultural and religious insiders reinterpreting their own tradition, rather than external condemnation.

5.2 Shari'ah-Compliant Child Protection: A Framework

On the basis of the case analysis, this article proposes the framework of Shari'ah-Compliant Child Protection (SCCP). SCCP does not reject universal children's rights; it re-articulates them through Islamic legal concepts, making protection legible and legitimate within the religious framework that commands community respect. Its four components, each visible in the Kano record, are:

- Substantive equivalence rather than textual duplication: the protective goal (for example, protection from premature marriage) is held constant while the legal mechanism and vocabulary are adapted, as in the tripartite definition of childhood.
- Faith-integrated enforcement: religious scholars, the Hisbah, and community structures are engaged as implementation partners rather than bypassed as obstacles.
- Internal critique of harmful practices: harmful traditions are challenged using religious resources, prophetic prohibitions of harm to children, rather than external rights language alone.
- Gradualist reform: achievable steps are prioritised over comprehensive demands that provoke resistance, recognising that normative change is sequential.

The framework's logic is transferable beyond Islamic settings. In predominantly Christian regions, protection can be articulated through biblical teaching on the dignity of children; in indigenous religious contexts, through the activation of customary protective norms, the communal child-rearing obligations that concepts such as zumunci in Hausa communities name. Comparable engagement of traditional authority structures in child protection has been pursued elsewhere in the region, for instance through partnerships with traditional leaders in Niger (CPNN, 2025). The general principle is constant: work through the normative system that commands legitimacy, not against it.

5.3 Implications for Ubuntu-Informed and Decolonial Social Work

These findings strengthen the case for African social work grounded in Ubuntu and its cognates. Ubuntu's relational ontology, a person is a person through other persons, coheres naturally with the communal child-rearing obligations that Hausa zumunci names, and with the Kano law's framing of protection as a community obligation rather than an individual claim against the community (Mugumbate & Nyanguru, 2013; Mugumbate & Chereni, 2020). The Kano case extends the Ubuntu social work literature in one specific respect: it shows that indigenous relational-ethical concepts can be mobilised not only in casework and community practice but in legislative advocacy, shaping the legal environment within which social workers subsequently practise. For a profession whose African formation has been dominated by imported frameworks (Mwansa, 2011; Osei-Hwedie & Rankopo, 2011), this is a demonstration that decolonial practice operates at the level of law-making, not only at the level of method.

5.4 Limitations

Beyond the design limitations stated in Section 3.5, two interpretive cautions apply. First, the study analyses a legislative victory whose implementation is unproven; if the Kano law joins the shelf of ceremonially adopted instruments, the catalyst argument will require revision, and Section 4.4 gives reason for vigilance. Second, the adaptive strategy has costs that this study does not measure: the tripartite definition of childhood, for instance, purchases legitimacy at the price of departing from the CRA's bright-line under-eighteen standard, and whether that trade protects or exposes children in practice, particularly girls at risk of early marriage, is an empirical question of the first importance for follow-up research.

6. Conclusion

The journey of child protection legislation in Kano State, from resistance in 2003, through a failed draft in 2010, to passage in June 2023, carries a significant lesson for social work and child protection advocacy across Africa. When international frameworks are pressed in universalist terms upon densely institutionalised plural normative environments, they provoke resistance and remain unimplemented. When they are adapted through indigenous concepts, religious values, and community structures, with explicit political sponsorship, they can achieve genuine legitimacy and open the possibility of sustainable change. The Shari'ah-Compliant Child Protection framework names that adaptive strategy and renders it transferable.

This article does not argue that all traditions are protective or that cultural practices should be exempt from challenge. Some traditions harm children, and such practices must change. But change is more likely to endure when it is internal, when cultural and religious insiders reinterpret their own tradition, find within their own frameworks the resources for protection, and lead their communities toward reform. African social work must speak in its own voice (Mugumbate & Chereni, 2020), and that voice will not be a single language but many: Hausa and Yoruba, Arabic and

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Swahili. It will draw on Ubuntu and zumunci, on Islamic jurisprudence and indigenous ethical systems. It will not abandon universal human rights, but it will ground them in the moral worlds where African families actually live. The Kano Child Protection Law is one expression of that voice; its implementation will test how far the voice carries.

7. Recommendations and Implications for Social Work

- For practitioners: develop competence in faith-integrated and culturally responsive practice. This does not require abandoning professional ethics; it requires learning to articulate those ethics in the concepts and language that communities recognise as legitimate.
- For policy advocates: in plural legal contexts, invest in relationship-building with religious and traditional leaders before legislative drafting begins; their ownership of the process, as the contrast between Kano's 2010 and 2021 episodes shows, is decisive for both passage and implementation. The most immediate application is the VAPP Act itself: a section-by-section Sharia-review process of the kind that carried the Child Protection Law offers the most plausible route to ending Kano's status as the last non-domesticating state.
- For social work educators: integrate Islamic social work, Ubuntu ethics, and legal pluralism into curricula. The continuing dominance of Western frameworks in African social work education leaves graduates ill-equipped for the plural normative contexts in which they will practise.
- For future research: longitudinal tracking of the Kano law's implementation is urgently needed, alongside comparative studies of similar legislative adaptations in other Muslim-majority African contexts to test the transferability of the SCCP framework. Above all, research should centre the voices of children and families, whose experience of protection or its absence is the ultimate measure of the strategy this article describes.

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