



Promoting Kafaalah as an Alternative Family Care System within the Muslim Community

*Changing the Way We Care*SM (CTWWC) is a global initiative working to change the way children are cared for around the world. It is implemented by Catholic Relief Services (CRS) and Maestral International with other global and local partners. The initiative envisions a world where all children thrive in safe and nurturing families. This work includes strengthening families and reforming national systems of care for children, including family reunification and reintegration, and development of alternative family-based care.

The initiative, with current funding from USAID, the MacArthur Foundation, GHR Foundation and other donors, operates regionally and globally in five countries - Kenya, Guatemala, Haiti, India, and Moldova. In Kenya, the initiative is implemented in four demonstration counties - Kisumu, Kilifi, Nyamira and Siaya.



About Kafaalah

Kafaalah is an alternative family care option practiced by Muslims around the world. It is defined as the commitment by an individual or family (*Kafil*) to voluntarily take care of the maintenance, education, and the protection of a child (*Makful/-Makfulah*) deprived of family care in the same way a parent would do for the biological child.

The difference between Kafaalah and adoption is that in Kafaalah, the child continues to keep the birth family name and ties, and their right to inheritance from the birth family. The child, however, has no automatic inheritance right from the sponsor unless it is granted through a *Wasiya* (will) or *Hiba* (gift).

Kafaalah in Islamic and International Law

The Quran emphasizes the importance of taking care of orphans and those in need. Kafaalah practice is encouraged among Muslims not only as an act of merit but a religious and moral duty.

Kafaalah is recognized as an appropriate and permanent alternative care measure for children in the United Nations Convention on the Rights of the Child, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1996) and the UN Alternative Care Guidelines (2009). Additionally, the Government of Kenya has hinged the right of every child to parental care within the Constitution and the Guidelines for the Alternative Family Care of Children in Kenya (2014).



When we began care reform work here in Kilifi, I thought the efforts would revolve around and stop in our engagements as Area Advisory Council members, but we can see the work is going deeper to support Muslim children and the community. We thank CTWWC and the government for this.”- Ustadh Athman Ali- Muslim Leader, Kilifi.

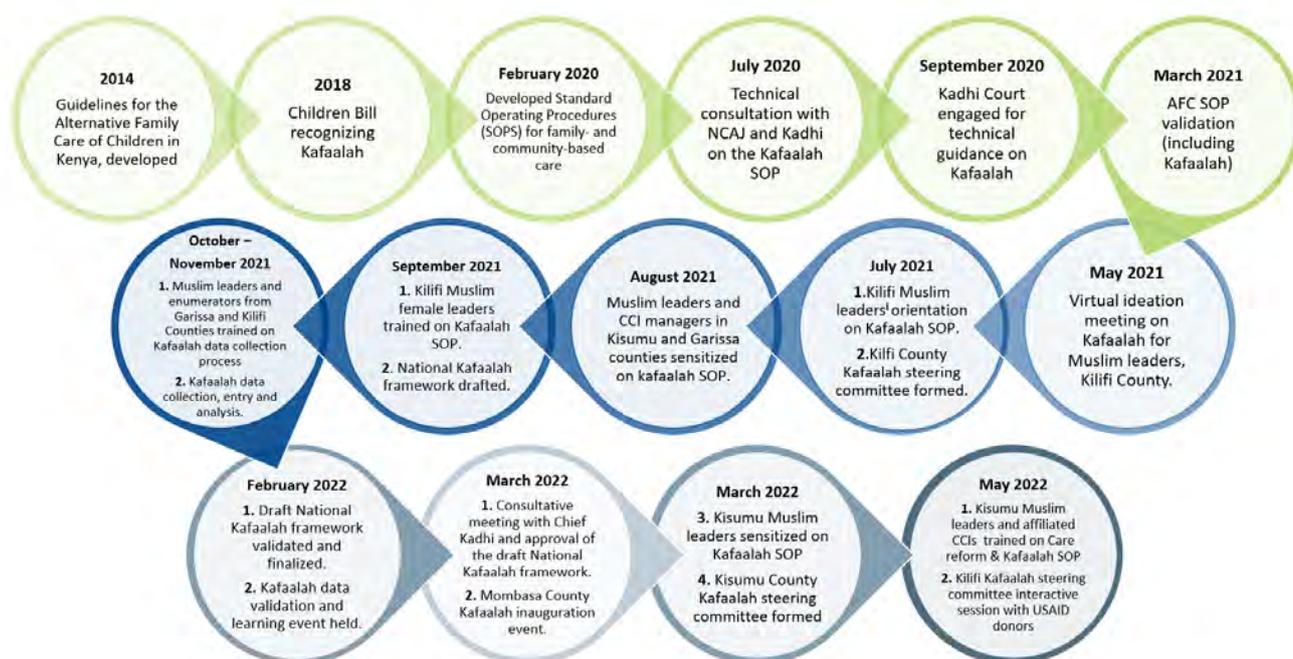
According to Islamic and Kenyan law and international conventions, all children have a right to know their lineage, culture, linguistic and spiritual identity. Research shows that institutional care has lasting negative effects on children compared to family-based care options such as kinship care and Kafaalah¹. Children placed in Kafaalah access their rights to a home and family, love, support, protection, stability, and continuation of spiritual and cultural development that they may not get through residential-based care.

CTWWC is working with the Directorate of Children's Services, National Council for Children's Services, the Judiciary through the Kadhis' Court, and Muslim Religious Organizations, Supreme Council of Kenyan Muslims (SUPKEM), Council of Imams and Preachers of Kenya (CIPK) and Council of Muslim Teachers and Preachers Association (CMTPA) together with local implementing partners in Kilifi, Kisumu and Mombasa to sensitize communities about Kafaalah care. In addition, CTWWC is supporting the government to formalize and regulate Kafaalah as a legal alternative care option so that children are identified, placed, documented, and monitored in safe and nurturing Muslim family environments.

Our Partners

1. Kesho Kenya 2. Coast Interfaith Council of Clerics Trust (CICC) 3. Investing in Children and their Societies (ICS)

The Journey of Kafaalah in Kenya



Implementation and Achievements of Kafaalah

- CTWWC supported the development and validation of the *Kafaalah Standard Operating Procedures for Children in Kenya* together with the National Council of Administration of Justice, the Kadhis' Court, the Directorate of Children's Services and the National Council for Children's Services.
- CTWWC, in partnership with Muslim Religious Leaders, the National Council for Children's Services, Directorate of Children's Services, the Kadhis' Court and other partners developed the *National Framework for the Implementation of Kafaalah Care for Children in Kenya*.
- CTWWC, Directorate of Children Services, Muslim Leaders, UNICEF and Kadhi representatives led the documentation of existing Kafaalah practices in Kilifi County and the findings were used to inform the *Kafaalah National Framework*.

COMING UP

- Launch the *Kafaalah Standard Operating Procedures (SOPs)* and the *National Framework for the Implementation of Kafaalah*.
- National Dissemination and Orientation Workshop for Kadhis on the *National Kafaalah Framework* and *Kafaalah SOPs*. Support to NCCS and DCS to develop Kafaalah Regulations to support the operationalization of the framework.
- Rollout of Kafaalah implementation in Kisumu and Mombasa.
- Facilitating a national level training of male and female Muslim leaders on *Kafaalah SOPs* and the framework.
- Development and dissemination of Kafaalah information, education and communication materials.
- Provide technical support to the DCS and NCCS on reporting of Kafaalah indicators in the Child Protection Information Management System.

¹<https://www.thelancet.com/commissions/deinstitutionalisation>

