



Georgina Goodwin for CRS

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

**C**hanging the Way We Care<sup>SM</sup> (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, 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

(**Sponsor - Kafiiil**) to voluntarily take care of the maintenance, education, and the protection of a child (**Makfuul**) 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).

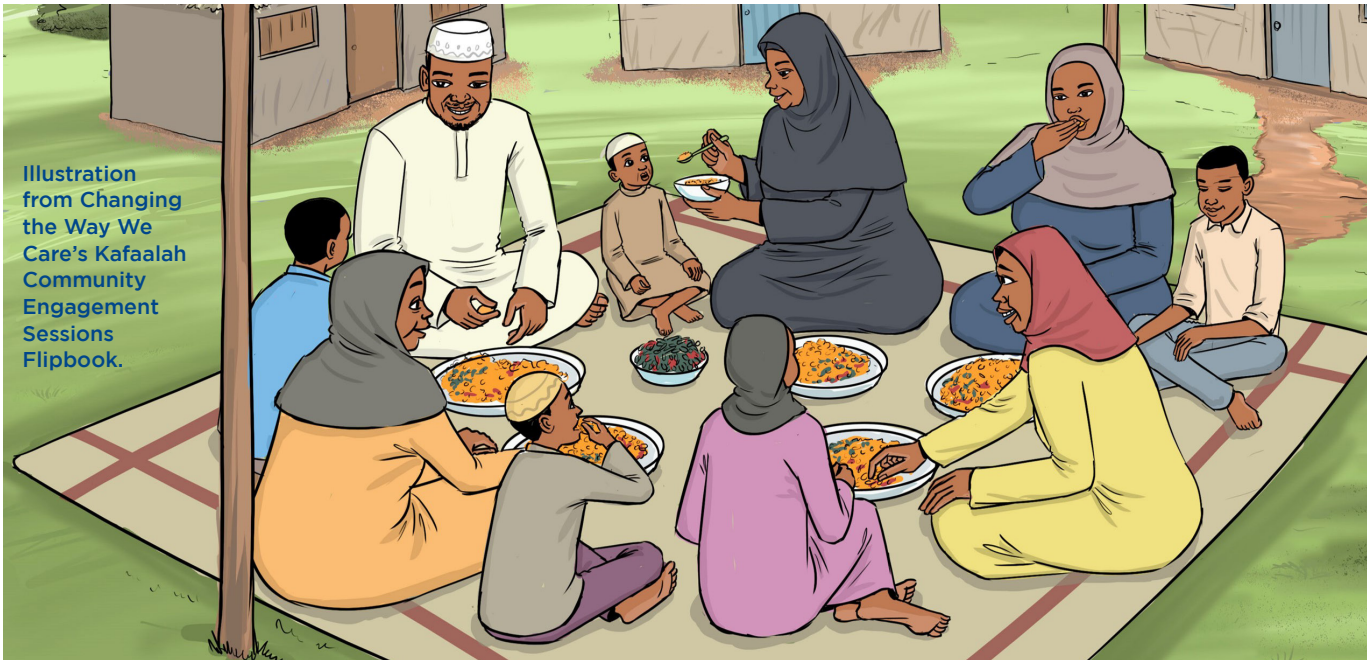


Illustration from Changing the Way We Care's Kafaalah Community Engagement Sessions Flipbook.

## Kafaalah in Islamic and International Law

The Qur'an 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 recognizes Kafaalah as an alternative family care practice under the Children Act 2022. CTWWC continues to support the Government to strengthen implementation of Kafaalah through the National Framework for Implementation of Kafaalah, the Alternative Family Care (AFC) Standard Operating Procedures- to which the Kafaalah SOP is integrated within and the Kafaalah Regulations.

“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 Kafaalah<sup>1</sup>. 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.

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

# The Journey of Kafaalah in Kenya



## OUR COLLABORATORS

Kesho Kenya Coast Interfaith Council of Clerics Trust (CICC)

Investing in Children and their Societies (ICS) Directorate of Children Services

National Council on the Administration for Justice (NCAJ) - the Kadhi Court

National Council for Children Services Muslim religious leaders and Kafaalah committees

Caregivers UNICEF

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; the Supreme Council of Kenyan Muslims (SUPKEM), Council of Imams and Preachers of Kenya (CIPK) and Council of Muslim Teachers and Preachers Association (CMTPA) 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.

## Implementation and Achievements of Kafaalah

- CTWWC supported the development and validation of the Alternative Family Care Standard Operating Procedures for Children in Kenya together with the National Council on the Administration of Justice, the Kadhi's Court, and the Directorate of Children's Services.
- CTWWC, in partnership with Muslim Religious Leaders, the National Council for Children's Services, Directorate of Children's Services, the Kadhi Court, UNICEF 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, Muslim religious leaders, and Kadhi representatives led the documentation of existing Kafaalah practices in Kilifi and Kisumu counties and the findings were used to inform the *Kafaalah National Framework*.
- CTWWC conducted community-based visual engagement sessions with Muslim caregivers and religious leaders to develop Kafaalah social behavior change messages.
- Meeting with the new Chief Kadhi and Waqf Commission to advance the practice and seek for supports towards its implementation.

## Activities Moving Forward

1. Train Kadhis and networks of Muslim religious organizations.
2. Train and support the supervision of the social workforce (DCS, County, Kadhi, Muslim religious leaders) on the utilization of the Kafaalah flipbook to promote the practice.
3. Facilitate the development of a Kafaalah training package for the social service workforce.
4. Conduct and share learning on the scaling and costing of Kafaalah model.
5. Collaborate with Muslim organizations and networks to promote Kafaalah.



**Need to know more? Contact Changing the Way We Care at [info@ctwwc.org](mailto:info@ctwwc.org) or visit [changingthewaywecare.org](http://changingthewaywecare.org).**

Changing the Way We Care<sup>SM</sup> (CTWWC) is implemented by Catholic Relief Services and Maestral International, along with other global, national and local partners working together to change the way we care for children around the world. Our principal global partners are the Better Care Network and Faith to Action. CTWWC is funded in part by a Global Development Alliance of USAID and the GHR Foundation.

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