

WEBINAR #22

Strengthening Kafaalah as a Family-based Care Practice

23 October 2025



This webinar
will begin
momentarily.



Transforming
Children's Care
COLLABORATIVE

WEBINAR #22

Strengthening Kafaalah as a Family-based Care Practice

23 October 2025



WELCOME

- This webinar is part of a series of webinars from the Transforming Children's Care Collaborative.
- The collaborative establishes more strategic sector-wide collaboration from global to local levels to strengthen children's care and care systems.
- Sign up at the link in the chat to join the platform and receive updates about future webinars

HOUSEKEEPING

- This webinar is being recorded and will be made available.
- Introduce yourself in the chat (select “Panelists and Attendees” when sending a message so everyone can see it)
- Use the Q & A to ask questions and upvote and comment on the questions of other attendees.



AGENDA

- Overview of Kafaalah
 - **Khadija Karama**, *CTWWC Deputy Project Director, Kenya, Catholic Relief Services*
- Kafaalah Practice in Kenya
 - **Ms. Jane Munuhe**, *Assistant Director-Alternative Family Care Department, State Department for Children Services, Kenya*
- Panel Discussion
 - **Heba El Azazzy**, *Child Protection Technical Advisor, Save the Children Egypt*
 - **Kokuteta Baregu**, *Executive Director, International Social Service (ISS) Tanzania and the EKAMA Development Foundation*
 - **Jeanette Wöllenstein-Tripathi**, *Director of the International Reference Centre, International Social Service (ISS)*
 - **Khadija Karama**, *CTWWC Deputy Project Director, Kenya, Catholic Relief Services*
- Q&A
- Closing Remarks
 - **Florence Martin**, *Executive Director, Better Care Network*

OVERVIEW OF KAFAALAH/ KAFAALA

Khadija Karama

*Changing the Way We Care Deputy
Project Director, Kenya*

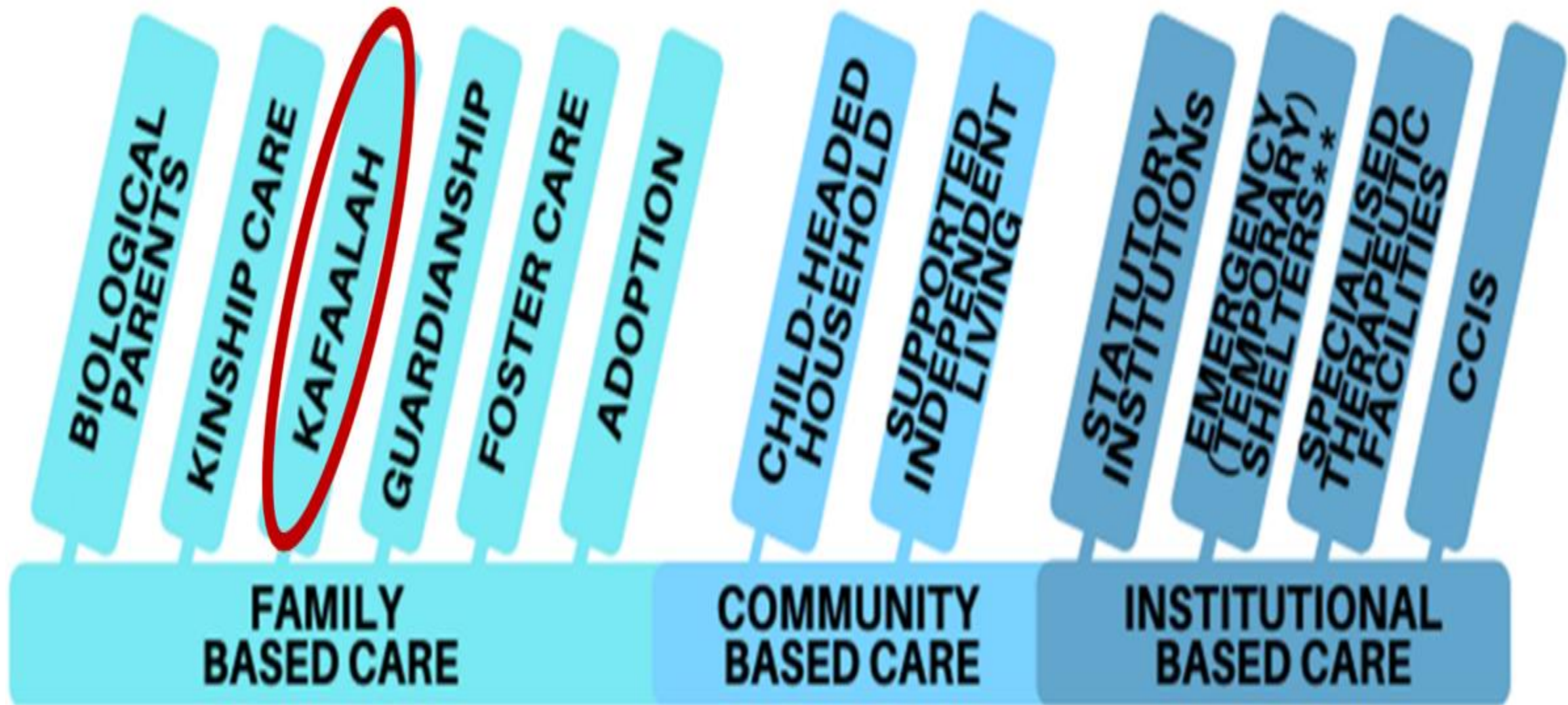
Catholic Relief Services

BACKGROUND

- **Why this webinar:** Idea originated after important milestones in Kenya. With TCC, expanded to include other contexts and a possible Community of Practice.
- **Religious foundation:** Kafaalah/Kafala grounded in Islamic law/Shari'a. It is a form of family-based alternative care. Practiced by Muslims around the world, however practice differs depending on context.
- **Purpose of webinar:** To highlight how Kafaalah/Kafala is practiced in a range of contexts, efforts to strengthen and integrate it into national systems, and to highlight cross border considerations.

KAFAALAH/ KAFALA WITHIN INTERNATIONAL INSTRUMENTS

- **Convention on the Rights of the Children (CRC)** globalized the child-rights agenda.
- **African Charter on the Rights and Welfare of the Child (1990)**, affirms the right to alternative care including culturally relevant care options.
- **Hague Convention on Parental Responsibility and Measures for the Protection of Children (1996)** explicitly lists Kafaalah among protective measures of protection.
- **Convention on the Rights of Person with Disabilities (2008)** doesn't explicitly name Kafaalah/Kafala but it's implied.
- **Guidelines for the Alternative Care of Children** includes Kafaalah among family-based options.



IMPORTANT TERMS IN KAFAALAH / KAFALA

- **Ajiiy:** A child whose mother has passed away.
- **Kadhi:** A judicial officer (magistrate/judge) presiding over a Kadhi's court.
- **Kafiil:** A person or family taking a child under Kafaalah.
- **Latiim:** A child whose parents have passed away.
- **Makfuul:** A child deprived of parental care for diverse reasons and placed in Kafaalah.
- **Ustadha:** A female religious teacher. **Ustadh:** A male religious teacher.
- **Yatim:** A child whose father has passed away.



KAFALAH/ KAFALA PRACTICE IN KENYA

Ms. Jane Munuhe

*Assistant Director- Alternative Family
Care Department*

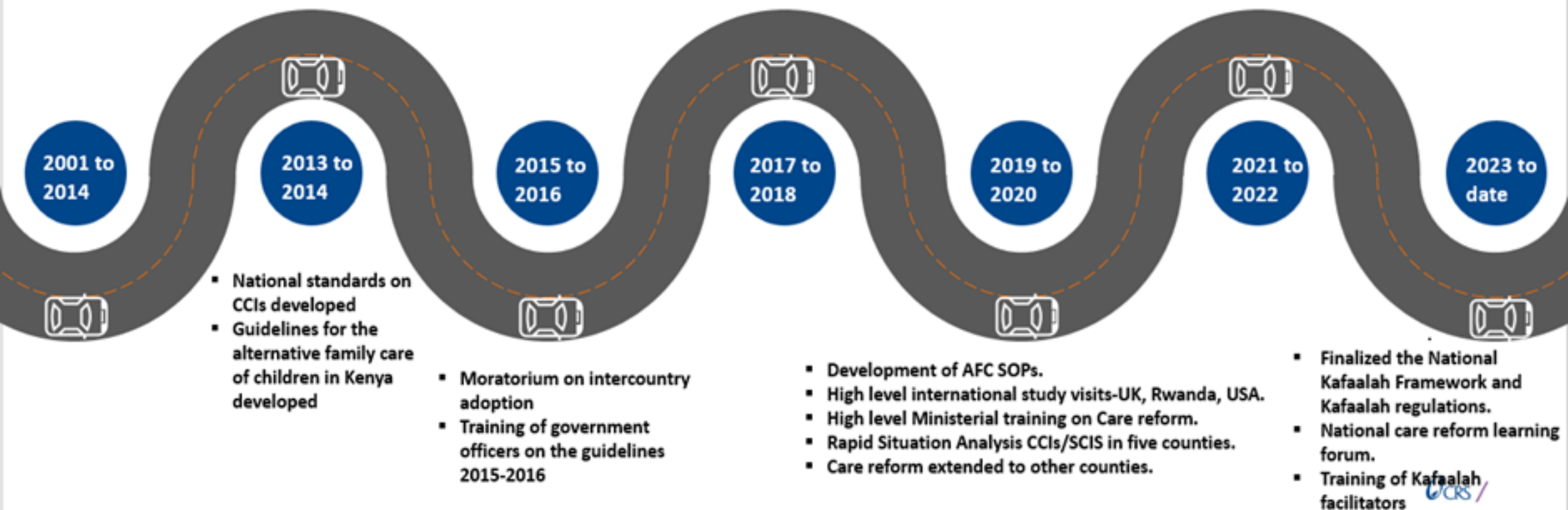
State Department for Children
Services, Kenya



- Enactment of Children Act 2001
- Adoption and CCI regulation, 2005 developed
- New Kenya constitution
- Assessment of legal provisions and practice on the AFC options
- Development of National Child Protection and Social Protection policies.

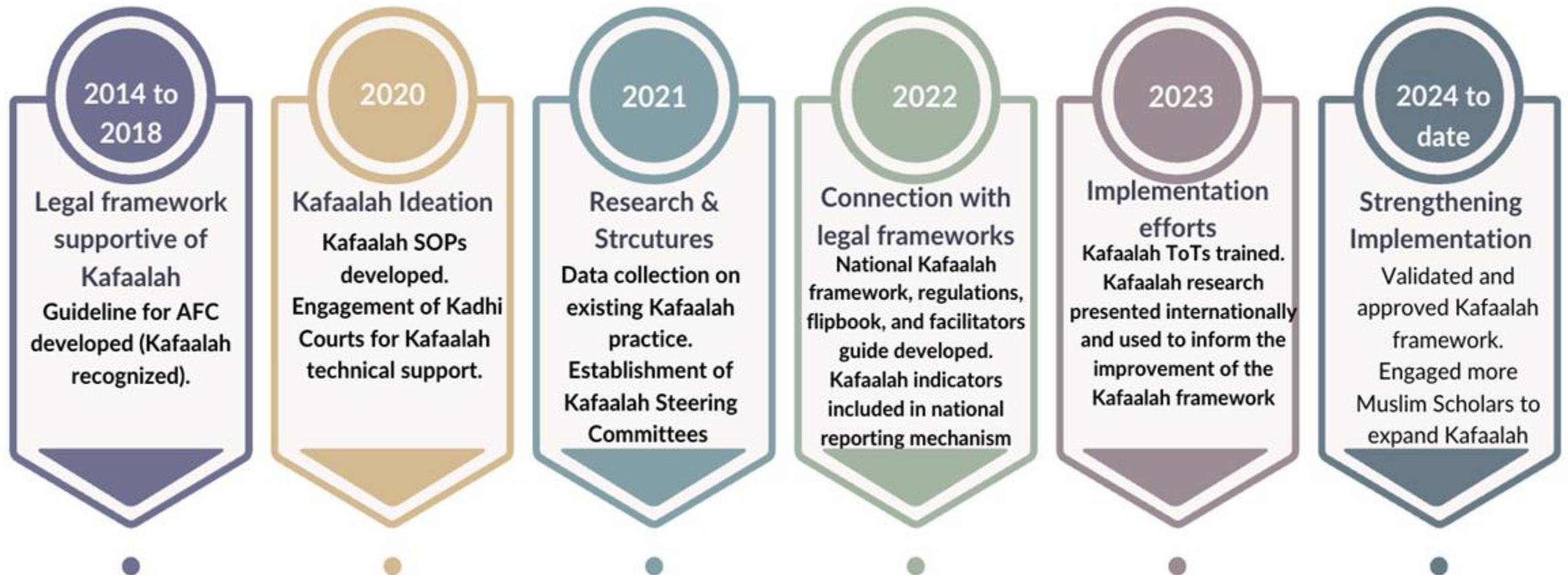
- Moratorium on registration of new CCIs in Kenya
- Children Bill 2018
- Pilot Program on childcare reform in Kisumu, Kilifi, Nyamira, Muranga & Kiambu

- International learning visit between Kenya & Italy on foster care via zoom
- Development of foster care training manual for Practitioners and parents
- Launch of the Children Act and Care Reform strategy.
- Scale up of care reform to other counties
- Formation of care reform core team





Milestones in Kenya's Journey to Bridge Practice and Formal System





LEARNING FROM KENYA

- The **inherent strengths** of Kafaalah makes it a critical part of Kenya's range of family-based alternative care options.
- Kafaalah is **widely practiced** by the Muslim community as an act of religious and moral necessity.
- **Active community engagement** in the practice of Kafaalah contributes to increased ownership and acceptance.
- The **engagement of Muslim leaders, Kadhi Court and scholars** is critical when crafting the legislation and policies.
- Recognizing **Kafaalah in Kenya legal frameworks** ensures support to families and children under Kafaalah.

PANEL DISCUSSION



KAFALAH PRACTICE IN EGYPT

Heba El Azazzy

Child Protection Technical Advisor

Save the Children Egypt



Save the Children

Egypt Country Office

Overview on the Alternative Care in Egypt

Context Overview



32,461 confirmed cases of unaccompanied or separated children (UASC) in Egypt:

- **22,000** Egyptian children (10,000 in residential care & 12,000 children under the Kafala system)
- **10,461** UASC refugee and asylum seekers according to UNHCR (Data related with migrant children not available)

Alternative Care Family-based Long-Term Options in Egypt



In **2021**, the MoSS launched an Alternative Care National Strategy with the aim to offer the best alternative care services for children and youth deprived of parental care in Egypt.

The strategy focus on **deinstitutionalization**, promoting family-based care over residential institutions:

- **Kindship Care:** Placement of children with **extended family members** (mostly informally)
- **Kafaalah Families:** Was officially launched in Egypt in **1959** by the **Ministry of Social Solidarity (MoSS)**.



Kafaalah in Egypt



- The Egyptian law in compliance with the Islamic Sharia allows non-biological families to care for abandoned/orphaned child without giving this child the same acknowledgement and status of biological children in the family.
- **Eligibility & Kafaalah Procedures:**
 - ✓ The family should have the same **religion** as the child.
 - ✓ At least one of the parents should hold the **Egyptian** citizenship.
 - ✓ The family members age should range between **21 and 60 years**.
 - ✓ **Single woman** should range **30** years old or more.
 - ✓ Kafala families are vetted and approved by the Ministry of Social Solidarity (MoSS).
 - ✓ An **in-depth assessment** is conducted with applicants by a social worker.
 - ✓ **Security clearance, drug test** and a **mental health assessment** is requested for all families.
 - ✓ A **committee** looks at other considerations related with the family living, economic, health and social conditions based on the in-depth assessment to take a final decision on the eligibility of the family for kafala.

Role of Religious Leaders



- Religious leaders were actively engaged during the development of Egypt's National Strategy for Alternative Care, ensuring alignment with cultural and spiritual values.
- Religious representatives serve on the Kafaalah Committee for selecting appropriate families.
- SCI supported in offering targeted training to equip religious members with unified, child-centered messaging around Kafaalah and alternative care
- The mandatory training package for Kafaalah applicants includes a dedicated module on religious perspectives and obligations related to Kafaalah, fostering informed and compassionate caregiving.



Role of Community Leaders



- Starting 2019, Kafaalah families began organizing into formal groups to voice their needs, and advocate for their rights with the MoSS to push for expanded rights.
- Community representatives and children deprived of parental care were consulted during the development of the National Strategy for Alternative Care and the draft law on alternative care.
- Families applying for Kafaalah formed peer networks to share information, offer psychosocial support, and guide each other through the Kafaalah process.
- Community initiative succeeded to shed light on kafala in Egypt and generate discussion on the topic on social media and TV.
- Some families and advocates established local civil society organizations and built partnerships with national entities to institutionalize their support.

“they have succeeded in reaching out to new segments from the population that the MoSS couldn’t have reached before through its different communication channels and advertisements techniques (MoSS Representative, Interview, October 10, 2022)

Thank you

KAFALAH PRACTICE IN TANZANIA

Kokuteta Baregu

Executive Director

EKAMA Development Foundation



KAFALAH AND ADOPTION SYSTEMS IN TANZANIA

INSIGHTS ON THE PRACTICE IN TANZANIA

BY: KOKUTETA BAREGU

INTRODUCTION



- Tanzania has a **dual legal system** with regards to rights of children. There are cases where there are fundamentally different provisions.
- There are specific provisions governing kafalah in the law. These cover the culture and beliefs under the Islamic law governing taking care of children in such situations. For the community it is both a religious practice as well as a community practice.
- **In the semi-autonomous region of Zanzibar**, the Children's Act, 2011 makes provisions for kafalah as an alternative care option. 56 sec. 75 part 8, Zanzibar Children's Act 201.
- **In Tanzania mainland** is guided by the Children's Act, 2011 (mainly governed by common law and, which is mainly Christian led).

KAFALAH IN ZANZIBAR



- Kafalah was being practiced before integration in the law, the only difference is that it is more written. The judicial system fully recognizes the practice and retains it:
 - Kadhi one must be a Muslim who has a fairly firm grip of Islamic law principles. Some of the Kadhis in Zanzibar have formal training in Islamic law
 - Section 9 (1) of the Kadhis courts act provides that the chief justice may, in consultation with the chief kadhi, make rules to guide the Kadhis courts
- PART VIII KAFALAH AND ADOPTION kafalah and safeguards.

Section 75.(1) Kafalah shall be made to the Kadhi's court(2)

The effect of kafalah on parental responsibilities and the rights of a child shall be :

- (a) The **legal bond between the child and his family of origin shall not cease** to have effect for purposes of establishing the identity of the child and for purposes of inheritance from the parents or family members of origin; **child's first right in Islam of parentage and identity** shall be maintained through the retention of his **birth surname**, unless the child was abandoned at birth in which case his parentage cannot be determined
- (b) The kafalah guardian or guardians shall assume parental responsibilities and rights in respect of the child with regard to **custody, maintenance, securing the day-to-day well-being of the child and providing for his education**

RESPONSIBILITIES OF THE KAFALAH FAMILIES



- (C) the kafalah guardian be of the child, subject to guardianship of kafalah; **responsible of administration of any property on behalf.** The **preservation of the child's original identity is key for Zanzibar.** Unlike adoption, where a child may take on the adoptive family's name and legal status, kafalah ensures that the child's lineage and family name are maintained. The age of 18 years, such assets or property shall be handed over to the child
- (d) The kafalah guardian shall **assist the child to maintaining relations and contact, with his biological parent or parents, if alive.**
- (e) An application for a person who is islam may **request for adoption order**
- (d) May be made by a husband and wife,
 - (e) Tanzanian, a partner of a married islam person
 - (f) Age of 25 or 21 if islam
 - (g) Not foreigner shall adopt a child in zanzibar
 - (h) Consent of the biological parent should consent
 - (i) Both the applicant and the child reside in zanzibar
 - (j) The child has been continuously in the care of the applicant for at least six consecutive months
 - (k) There is a social investigation report in support of the application by a welfare officer
 - (l) The wishes of the child have been considered, his consent to the adoption has been obtained, the adoption order is in the best interest of the child

RECOMMENDATIONS

- **Need to bridge Islamic community and cultural practice with legal frameworks.** There is a gap for children who are Muslim that are not protected by the law properly. For Muslim children without families living in Tanzania mainland, they need the law should be cover them.
- The law should **consider Islamic parents from outside Zanzibar and a child who is of a certain age** to be taken as kafalah, the child can have reached the age where they can provide an opinion.
- **Kafalah at the international level** is should be considered under minimum conditions, particularly for children who are Muslim but living outside the country/ for those parents who are outside the country but living outside the country.
- **There is a need for research that highlights**
 - Lessons learned from existing practice
 - Good practices
 - Review of the legal framework—what is working and what isn't
 - How the judiciary has been doing in managing these cases
 - Highlighting that are practices that are in conflict with the national law

KAFALAH PRACTICE IN CROSS -BORDER CONTEXTS

Jeanette Wöllenstein-Tripathi

*Director of the International Reference
Centre*

International Social Service (ISS)

Cross-border *kafalah* placements

- **What is a cross-border *kafalah*?**
 - National *kafalah* recognised abroad
 - *Kafalah* established directly between two States
- Family-type care option (intra- or extra-familial)
- Cross-border placements are increasing
- Ensures **continuity**: culture, religion, language, identity
- Offers family care to older children, siblings, children with special needs
- Option mainly available to *kafil* candidates of Muslim faith
- **Complexity** as at the intersection of family law, PIL, IHRL, child protection, immigration and highly variable practice across States
- Not adoption (no new legal parentage) → excluded from 1993 Hague Adoption Convention
- Falls under 1996 Hague Child Protection Convention: Art. 33, 23 If foresees a cooperation mechanism for recognition of *kafalah*
- **Case law**: ECtHR 2012 + 2014; CRC Committee decision 2018, CJEU Decision 2019



Available in [English](#)
and [French](#)

[Principles to Ensure
a Cross-Border
Kafāla Placement Is
in the Best Interests
of the Child |
SpringerLink.](#)

Some positive trends...



- Stronger awareness of issues at stake (e.g. lack of follow-up, weak monitoring)
- Consolidation of national legal and policy frameworks
- Push for more safeguards: evaluation, preparation, monitoring, follow-up
- Active civil society advocacy for children's rights
- Learning from adoption & AC, incl. voices of lived experience
- Strengthened inter-State cooperation, stricter conditions
- International fora to discuss issues at stake (HCCH, CRC Committee)

- **Legal & Policy:** limited application of 1996 HC; recognition modalities unclear; substantive safeguards weak
- **No harmonised recognition:** *kafalah* assimilated differently
- **Conversions into adoption** still practised
- **Immigration/Status:** unclear residence rights, precarious legal situation for children
- **Implementation:** lack of data, weak follow-up and monitoring, risk of private/unsafeguarded arrangements, financial drivers
- **Cooperation:** poor coordination between immigration & child protection authorities; unclear roles
- Importance of **awareness raising and prevention** (needs of children vs candidates, no right to have a child, principle of subsidiarity, stigma, etc.)

Q&A



NEXT STEPS/ THANK YOU FOR JOINING!

- TCC Community of Practice on Kafaalah. Interested?
Contact: contact@transformcare4children.org
- We will be sending you a link to the **webinar recording**, slides, and final report in a follow-up email. If you have questions, comments or recommendations for future webinar topics, please send them to:
contact@transformcare4children.org
- Be sure to fill out **survey** that will appear once webinar ends to help us improve future webinars.
- Please see the chat box for a link to learn more about the **Transforming Children's Care Collaborative** and find out how to join.