

**BETTER CARE NETWORK FORUM (19<sup>th</sup>-20<sup>th</sup> AUGUST, 2014)**

**ALTERNATIVE CARE ASSESSMENT IN 6 COUNTRIES (Kenya, Malawi, Swaziland, Tanzania, Zambia and Zimbabwe).**

**TOPIC: Assessment of the current status of Alternative Care Legislation, Standards and Practices and identified Gaps in six countries: Kenya, Malawi, Swaziland, Tanzania, Zambia and Zimbabwe**

**A: Alternative Care Legislation**

<b>COUNTRY</b>	<b>LEGISLATIONS</b>
<b>Kenya</b>	National Constitution, UNCRC and the ACRWC domesticated and National policy on Alternative Care--- Guiding admission, placement and review procedures.
<b>Malawi</b>	National Constitution, the Child Care, Protection and Justice Act in 2010.
<b>Swaziland</b>	National Constitution, National Guidelines on Alternative Care in December 2010.
<b>Tanzania</b>	National Constitution, Child's Act 2009 for Tanzania, Children's Act 2011 (for Zanzibar), Rectified UNCRC, ACRWC,
<b>Zambia</b>	National Constitution, National Youth Policy 2010, National Child Policy 2006, Social Welfare Policy 2006, Juveniles Act Cap 53 of the Laws of Zambia
<b>Zimbabwe</b>	The National Constitution , The Children's Act, Domestic Violence Act, Guardianship of Minors Act, Criminal Law Codification and Reform Act, Criminal Law Procedure and Evidence Act, Maintenance Act, Social Welfare Assistance Act, National Orphan Care Policy,

**B: Alternative Care Standards**

<b>COUNTRY</b>	<b>STANDARDS</b>
<b>Kenya</b>	1). Handbook for the orientation and training of volunteer's children officers, templates, guidelines, check lists and minimum services standards for quality improvements for OVCs in the country. 2). Guidelines for admission of and care for children in Charitable Children's Institutions (CCIs). It includes reintegration of children back to their families and communities.
<b>Malawi</b>	(a) Guidelines for the care of orphans and other vulnerable children, (2005); (b) Rules/Regulations for children homes/orphanages (2005)
<b>Swaziland</b>	Alternative Children Care Standards(2012): The Standards ensure that appropriate interventions are put in place to adequately care and protect vulnerable children.
<b>Tanzania</b>	Children's Homes (Regulation) Act 1968, National Guidelines for establishment & management of Children's Homes of 2006, A national framework for effective resource mobilization strategy (NCPA, 2007-2010)
<b>Zambia</b>	Accreditation and Licencing of NGOs and organizations in Child Care Guidelines, Qualification and Level of staff in Child Care, Minimum standards of Accommodation, Nutrition and Health care, Minimum standards of Education, Enabling the Child's Contact with the Family, Handbook for Minimum Standards for Alternative Care
<b>Zimbabwe</b>	Informal Care (Extended Family) Guidelines, Adoption Guidelines, Foster Care Guidelines The National Residential Child Care Standards provides a benchmark for residential care institutions.

### C: Alternative Care Practices

COUNTRY	PRACTICES
<b>Kenya</b>	<ul style="list-style-type: none"> <li>• Alternative care of children exists in Kenya under both family-based care and residential care.</li> <li>• In all the alternative child care facilities staffs are vetted as required by the law.</li> <li>• Informal care is practiced in Kenya although no credible estimate is available on the number of informal caregivers and the number of children in such settings.</li> <li>• Formal care is practised in the form of foster care, adoption and other forms of care under public and private institutions.</li> <li>• The children department has continued to undertake its role of providing leadership, coordination, monitoring and supervision of child care practices in country, and providing policy guidelines that will improve the overall wellbeing of the child in alternative care.</li> </ul>
<b>Malawi</b>	<p>Both formal and informal alternative care practices exist.</p> <ul style="list-style-type: none"> <li>- Formal practices are mostly provided through Child Care Institutions (also called Orphanages).</li> <li>- Informal practices are mostly provided through kinship care. Most children lacking biological parents are in kinship care.</li> </ul>
<b>Swaziland</b>	<ul style="list-style-type: none"> <li>i) Informal fostering by family or non-relative also referred to as kinship care.</li> <li>ii) Formal foster care placements.</li> <li>iii) Other forms of family based or family liker care placements (including adoption)</li> <li>iv) Places of safety for emergency child care</li> <li>v) Short and long term residential care facilities.</li> <li>vi) Supervised independent living arrangements for children.</li> </ul>
<b>Tanzania</b>	Registration, Assessment, Approval and Inspection of private residential care facilities. National Budget allocation for Alternative Care,
<b>Zambia</b>	<p>Formal and Informal practices.</p> <ul style="list-style-type: none"> <li>• Formal care includes institutional/ residential care, and foster care</li> <li>• Informal care includes kinship and extended family</li> </ul>
<b>Zimbabwe</b>	<p><b>Extended family</b></p> <ul style="list-style-type: none"> <li>- Those appointed as guardians are chosen on the basis of their capacity to take over the added responsibility</li> <li>- Children are absorbed in a customary way with the elders of the family leading the process</li> <li>- Agreements on care and support are made using the social contract approach and it can be binding for life</li> </ul> <p><b>Adoption</b></p> <ul style="list-style-type: none"> <li>• Of 187 intra country adoptions processed in the country over a 4 year period, only 35 were given to black families</li> <li>• Most of the black families adopting couples are middle or upper class and are not afraid of the cultural taboos</li> <li>• Government generally discourages inter country adoption of Zimbabwean children</li> <li>• Social Services processes about 15 adoptions per year.</li> </ul> <p><b>Foster Care</b></p> <ul style="list-style-type: none"> <li>- In areas supported by the Child Protection Fund (CPF), there were 50 families interested in fostering children (2013)</li> <li>- In 2013 alone 79 children were placed in formal foster care</li> </ul> <p><b>Residential Child Care</b></p> <ul style="list-style-type: none"> <li>- Institutions have come up with their own criteria for selection of care givers</li> </ul>

## D: Gaps In Alternative Care System

COUNTRY	GAPS
<b>Kenya</b>	<ul style="list-style-type: none"> <li>• Inadequate after care preparation mechanisms for youths in the alternative care facilities. The youths exiting the alternative child care facilities face challenges in integration into the society in terms of becoming self-reliant,</li> <li>• Lack of centralised data collection and documentation facility on child protection and abuse leading to lack of coordination, duplication of efforts and stakeholders laxity in adhering to set standards.</li> <li>• No clear cut care standards for OVCs who find themselves in alternative care facilities to ensure children rights are protected and abuses are curbed.</li> <li>• The children’s department and DCOs have no capacity to monitor and inspect both private and public alternative child care facilities due to limited resources.</li> </ul>
<b>Malawi</b>	<ul style="list-style-type: none"> <li>• Alternative care standards have not been reviewed since the enactment of the new child care, protection and justice act in 2010, and also to take into account the UN Guidelines on the Alternative Care of Children.</li> <li>• Weak government monitoring mechanisms on registration of care providers; admission and child care plans; reintegration processes.</li> <li>• Low funding for social welfare offices.</li> <li>• Archaic laws such as the adoption and anti-trafficking laws.</li> <li>• Low level knowledge amongst alternative care actors of existing policy and legal framework.</li> <li>• Weak documentation on care practices, including child protection issues, abuses, etc; within kinship care.</li> </ul>
<b>Swaziland</b>	<ul style="list-style-type: none"> <li>• Monitoring of quality service delivery (by relevant ministry) in residential child care facilities is lacking.</li> <li>• Identifying places of safety and capacitating co-workers to manage children placed in these institutions need to be done.</li> </ul>
<b>Tanzania</b>	<ul style="list-style-type: none"> <li>• Formal Care is still popular.</li> <li>• No monitoring from the responsible authority</li> <li>• Lack of sufficient funding from donors and government</li> <li>• No systematic way of providing training to carers in most residential care homes.</li> <li>• Some residential Child care facilities did not have child protection policy.</li> </ul>
<b>Zambia</b>	<ul style="list-style-type: none"> <li>• National Child Policy not adequately encompassing essential components of alternative care</li> <li>• Non- compliance to the standards by child care service providers</li> <li>• Inadequate monitoring by government due to limited financial and human resources</li> </ul>
<b>Zimbabwe</b>	<p><b>Extended Family</b></p> <ul style="list-style-type: none"> <li>• No policy or guidelines or standards</li> <li>• Child abuse cases go unreported in the spirit of not exposing the family</li> <li>• There is the challenge of children dropping out of school earlier than others</li> <li>• Emotional abuse is rife</li> <li>• No state assistance</li> <li>• Open to abuse when used to grab property left for children</li> <li>• No statistics on the number of children in this form of care</li> </ul> <p><b>Adoption</b></p> <ul style="list-style-type: none"> <li>• Deeply rooted cultural beliefs and attitudes militate against adoption becoming a realistic option.</li> </ul> <p><b>Foster Care</b></p> <ul style="list-style-type: none"> <li>• There is no mechanism to speaks to carers in case they need help</li> </ul>

- No policy, guidelines or standards for formal training provided to carers as yet

**Residential Child Care**

- No monitoring from the responsible authority
- Lack of funding from donors and government
- Low remuneration for carers
- No systematic way of providing training to carers in most residential care homes.
- Some residential Child care facilities did not have child protection policy.
- There are rigid systems in place in care institutions which create little room for children to report or to express themselves freely
- There is no reporting mechanism in some while in some systems are there but they are not used due to fear of victimisation