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The American University in Cairo

School of Global Affairs and Public Policy

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# Alternative Child Care Governance: The *Kafala* Family-Based Care Arrangement in Egypt

**A Thesis Submitted to the**

**Public Policy and Administration Department**

**in partial fulfillment of the requirements for the degree of**

**Master of Public Administration**

**By**

**Heba El Azzazy**

**Fall 2022**

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## List of Acronyms

| | |
|---|---|
| CRC | The United Nations Convention on the Rights of the Child |
| FGDs | Focus Group Discussions |
| KI | Key Informant |
| KII | Key Informant Interview |
| INGO | International Non-Governmental Organization |
| IRB | Institutional Review Board |
| MOSS | Ministry of Social Solidarity |
| NCCM | National Council for Childhood and Motherhood |
| NGO | Non-Governmental Organization |
| QOL | Quality Of Life |
| TDH | Terre des Hommes |
| UN | United Nations |
| UNGAC | United Nations Guidelines for the Alternative Care of Children |
| UNICEF | United Nations International Children's Emergency Fund |

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Abstract:

Over the past decade, Egypt has witnessed several changes in relation to its alternative care system for orphans and children without parental care. Starting 2014, the Egypt government along with Civil Society actors started to adopt the UN General Assembly guidelines on Alternative Care; which call on States to take solid actions to develop their respective deinstitutionalization strategy that aims towards the progressive elimination of institutional cares and prompting family-based care approaches for children deprived of parental care. According to the current situation, *kafala* is the main alternative family- based care option practiced in Egypt. Generally, there is very limited academic research published on the alternative care system in Egypt. Accordingly, this study is presented to contribute to filling this research gap by analyzing the effectiveness of the alternative child care governance framework, specifically the *kafala* system, informed by the coordination and collaboration established between the State authorities and civil society actors including community initiatives. The study also aims to capture alternative families' experience throughout their *kafala* journey as end users. A qualitative research methodology was used for this research as 10 key informants were interviewed besides hearing from 11 alternative families to gain insights on their experience. The main findings of this research identify that several key outcomes have been achieved including the development of a national strategy, legislative amendments, strengthening the technical expertise, existing monitoring mechanisms and generating more discussion around the *kafala* topic. The findings also show that there was no consensus among alternative families views on their *kafala* journey as some alternative families have talked positively about the process and the support they have received from their social affairs workers and available services while others have voiced their frustration and disappointment in regards to specific procedures such as the mental health assessment and the length of the process and staff capacities. The study concludes with several recommendations to MoSS, the government entity

entrusted with the alternative care file in Egypt, to further enhance the *kafala* reform process including: strengthening the coordination mechanisms established, revising the new legislatives from a child-centered lens, developing the capacity of MoSS workers, establishing different child friendly accountability mechanisms and reviewing the end user experience of alternative families.

## Chapter One: Introduction and Background:

Infant abandonment, especially newborn children, is a worldwide phenomenon that has occurred for centuries in all societies and across the different segments of the population (Megahead & Cesario, 2008). Based on data collected from 77 countries, it is estimated that one child from every 10 children is living with neither biological parent (Arisi & Christensen, 2017). This figure is likely to be an underestimation to the accurate figure, as children living without parental care and protection are likely to be uncounted, falling out of the system; which certainly compromises their chances to receive the appropriate care and support (Arisi & Christensen, 2017). Scholars have identified economic hardship, psychological disorders and mental illness, personal stress, family, societal value, and religious belief to be among the motives for biological parents to abandon their children (Megahead & Cesario, 2008; Engle et al., 2011).

Article 29.A of the United Nations Guidelines for the Alternative Care of Children (UNGAC) defines children without parental care as "children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances" (UN General Assembly, Guidelines, 2010). According to UNICEF, it is estimated, based on figures collected from 140 countries, that "at least 2.7 million children [between the ages of 0 and 17 years] live in residential care worldwide" (The United Nations Children's Emergency Fund [UNICEF], 2020). Again, it is important to note that this is likely to be an underestimated figure due to the lack of functional systems in certain countries that affect the process of generating accurate data (UNICEF, 2020; Engle et al., 2011). This is a very alarming number, especially that for a long time, there have been major concerns regarding the children's living arrangements, welfare and protection in institutional cares; which have been voiced by the different child protection actors, funding community and policy makers (UNICEF, 2020; Terziev & Arabska, 2016; "UN General Assembly", 2010; Abdel-Aziz, 2022). As a result, in 2009, the UN General Assembly has called

on States to take solid actions to develop their respective deinstitutionalization strategy that aims towards the progressive elimination of institutional cares and prompting family-based care approaches ("UN General Assembly", 2010). It is important to highlight that adopting such a strategy suggests that countries not only reform their alternative care policy but also strengthen their child rights governance body by developing their systems, procedures, coordination and budget allocation mechanisms to ultimately offer quality family-based alternative care options for children without parental care (Abdel-Aziz, 2022).

To keep up with the global movement, in 2021, the Ministry of Social Solidarity (MoSS) in Egypt has launched a comprehensive national strategy for alternative care which goes in line with the UN General Assembly recommendations, moving towards the deinstitutionalization of alternative care systems in Egypt and promoting family-based care. According to the available figures, there are approximately 500 care institutions across Egypt serving approximately 10,000 children (Abdel-Aziz, 2022; "The National Strategy", 2021). While the number of children living in alternative family-based care arrangements reached approximately 13,164 Egyptian children in 2022, in contrast to 5,000 children placed in family-based care arrangements in 2015, in addition to 4,836 children who were placed in family-based care arrangements over the past years but have turned 21 years old (Abdel-Aziz, 2022; Gale 2021; "Alternative Family Care System, *Kafala"*, 2022). Also, it was noted by the Minister of Social Solidarity, Nivine El-Kabbag during her participation in a national forum on alternative care in June 2021, that "nowadays the Ministry has received 2,608 applications requests from *Kafala* families, which is the most ever reached throughout the history of the Ministry of Social Solidarity" (Today Staff, 2021). It is worth noting that *kafala* is currently the only type of alternative family-based care practiced in Egypt while the government is still studying other forms of family-based care arrangements.

There is a wide range of actors and institutions with stakes related to children's rights in Egypt, from State authorities, UN agencies, international non-governmental organizations (INGOs), local non-governmental organizations (NGOs), religious institutions, social movements, media and so forth (Firinci Orman, 2022). The central research question explored in this article looks at the governance framework of the alternative family-based care system in Egypt, the *kafala* model. In other words, it looks at the outcomes achieved from the interactions of the government and civil society organizations including the community initiatives in strengthening the governance framework of the *kafala* reform system in Egypt through analyzing the legislative framework, the procedural changes, and some of the activities on the ground. It is important to mention that there are other aspects that should be considered while assessing the effectiveness of a good governance system such as budget allocation, existence of effective monitoring system, development of appropriate indicators and sufficient data collection etc.; however, due to the study constraint, this study mainly focuses on specific indicators related to the legislative and administrative reform that have resulted from the government engagement with civil society actors ("General Comment No. 5", 2003; Grant, 2012). The study also looks at the end user experience to capture the views of alternative families, as an end user, towards these changes and learn what their actual experiences look like.

The overall aim of this study is to explain how the existing cooperation and coordination mechanisms established between the government and civil society actors have contributed in positively re-shaping the *kafala* system in Egypt; which could be considered as a promising child rights' governance framework that could shape future public sector reform for children in Egypt.

## Statement of the Problem and Research Questions:

Over the past decade, Egypt has witnessed several changes in relation to the alternative care system in Egypt, especially *kafala* (Abdel-Aziz, 2022). Starting 2014, the government

attention has shifted towards the family-based care arrangement and since then there have been on-going development to the whole *kafala* system in Egypt. In 2016, 2018 and later in 2020, several provisions related to the executive regulations of the child law, especially in relation to the alternative care system, were amended expanding the criteria of families eligible to apply for *kafala* and proposing several procedural changes ("Executive regulations, Egyptian child law", 2020). In 2021, a new national strategy for alternative care adopting a family-based care approach was launched by the MoSS (Hesham, 2021). A year later, in 2022, the MoSS conducted two consultation meetings with key actors and stakeholders to discuss the new draft law on alternative care; which the MoSS aims to submit to the Parliament for approval beginning 2023 (Gomhuriaonline, November 3, 2022). During all these years, many international and local NGOs have been working hand in hand with the MoSS to reform the *kafala* system (Abdel-Aziz, 2022). Additionally, over the past two to three years, several community organizations and initiatives such as Yalla Kafala, Kafala and Kafala in Egypt have been established to promote *kafala* among the Egyptian society while relying extensively on different social media channels.

Nowadays, there is a gap in the analysis of the outcomes achieved from the interactive dynamics between the Egyptian State, civil society actors including community initiatives in shaping the policy and institutional reform agenda related to *kafala* in Egypt. Additionally, there is lack of information on the end user experience of alternative parents along with these on-going changes. Generally, there is very limited academic research published on the alternative care system in Egypt. Henceforth, this research paper aims to study and analyze the effectiveness of the current *kafala* system in consequence to the aforementioned changes made based on the interaction between the State and civil society actors including community initiatives and question whether such interactions have contributed in strengthening the governance framework for the

*kafala* system in Egypt and whether it could be considered as a model for future child rights reforms.

Accordingly, the main research question this paper attempts to explore is to what extent the case of the alternative care reform in Egypt while focusing precisely on *kafala* could be considered as a successful framework of child rights' governance; which could inform future public sector reforms for children in Egypt?

In addition to the following sub-questions:

1) How does the interaction and coordination between the different actors inform the *kafala* legal and institutional reform initiative adopted by the MoSS?
2) How does the role of the recently established community initiatives contribute in strengthening the child rights governance model?
3) How do alternative families as end users evaluate the effectiveness of the procedures and legislative changes they experienced through their *kafala* journey?

### The Importance of this Study:

In the beginning, it is important to acknowledge that this research discusses a crucial topic related with the protection and welfare of a very vulnerable group of children who are living without parental care. The literature review indicates that there are very limited academic articles published on the alternative care topic in Egypt to date. Accordingly, the researcher had to rely on grey literature to gain deeper understanding on alternative care and *kafala* systems in the Egyptian context and get an update of the most recent efforts exerted to strengthen the system. Hence, this study is expected to contribute to the academic literature on child rights governance in general and to the alternative care systems and *kafala* in Egypt in particular.

The study is also expected to make significant contributions to the MoSS as it analyzes the engagement of the State authorities with civil society actors in addressing the best interest of a very vulnerable group of children, those deprived of parental care. Additionally, it intends to highlight the views of alternative families in regards to the on-going changes that aim to enhance the whole *kafala* system; which could help all relevant stakeholders including the MoSS, UN agencies, INGOs, local NGO and community initiatives to understand the challenges encountered by these alternative families and accordingly guide them to adjust their interventions and communication messages.

My plan for the write-up included presenting the research findings to the MoSS and other key stakeholders in addition to presenting them at national and international forums discussing child protection in Egypt. At last, my motivation to write-up about this topic comes from my desire to see Egyptian children protected and living in decent living arrangements where they can enjoy a nurturing environment that promotes their well-being and protection.

## Background:

This section includes a background on the alternative care system in Egypt based on the review of international and national resources along with a critical examination of the legal framework. This section presents a brief overview on the evolution of the alternative care legislative framework in Egypt within the last two decades while shedding light on the most important articles that define the criteria of families and children who are eligible for *kafala* and define the institutional and operation mandates related with the *kafala* system.

## 1. The Egyptian Context:

Over the past decade, there have been significant changes in the alternative care system in Egypt (Abdel-Aziz, 2019). Year 2014 is considered the starting point of the alternative care system reform promoting family-based care over residential care (Abdel-Aziz, 2022). According to Gale

(2021), in 2018, the MoSS has announced that there is a plan to decrease the number of residential care in Egypt with an ultimate objective to close all such placements by 2025. Consequently, in 2020, some provisions in the child law executive regulations were amended, giving the opportunity to a wider group of families to apply for *kafala* for children living without parental care. In April 2021, the MoSS in partnership with UNICEF launched a national strategy with the aim to offer the best alternative care services for children and youth deprived of parental care in Egypt (Hesham, 2021). As noted in the strategy:

> The importance of this document lies on the fact that it defines the general framework for the development of the alternative care system for children and youth to ensure that the actors' efforts are organized and their resources are directed in an integrated manner to serve the achievement of the general objectives of the strategy through making the best use of the available resources, whether governmental or private, civil society organizations or the private sector. ("The National Strategy", 2021)

In fact, such a statement is a clear indication of the government's understanding of the valuable role that could be played by other non-governmental entities to complement the government responsibilities and collectively achieve the overall objective of the national strategy. It is important to add that currently, the MoSS is leading on developing a comprehensive alternative care law in consultation with different stakeholders to strengthen the legal framework.

Although there is lack of accuracy on the available figures on children deprived of parental care in Egypt, it is estimated that in 2018 there were approximately 10,000 children living in care institutions (Abdel-Aziz, 2022; "The National Strategy", 2021). Recent figures presented by the MoSS indicates that the numbers of children placed in alternative family-based care arrangements, known as *kafala,* has reached 13,164 children in 2022 while the number of previous cases that have been closed as children have reached 21 years old are 4,837 children to reach a total of 18,001 children being placed in alternative family-based care throughout the history of the *kafala* system ("Alternative Family Care System", *Kafala,* 2022).

The alternative care national strategy lists 19 different alternative care arrangements currently available in Egypt and those that are still under development, classifying them into three main categories: 1) alternative family-based care, 2) alternative family /semi-institutional care and 3) alternative institutional care ("The National Strategy", 2021). For the purpose of this study, I will focus mainly on presenting the different types of the alternative family-based care options.

First, is the extended family, which means that the child is cared for by one of his/her extended family members ("The National Strategy", 2021). Second, is the permanent alternative family-based care, known by the Arabic term *Kafala*, which is the focus of this research "The National Strategy", 2021). The Egyptian law in compliance with the Islamic Sharia allows non-biological families to care for an abandoned child, usually referred to as *kafala*. It is important to highlight that there are different meanings to the word *kafala* as "its legal and practical effects differ from country to country, ranging from financial support for children in a residential facility to full-time care within the family environment of the (kafil)" (Gale, 2021, p. 6). The *kafil*, is the person committed to "voluntarily take care of the specific needs, maintenance, education and protection of a child deprived of his/her family" (Gale, 2021, p. 6). According to the Islamic dictates, *kafala* families have the right to care for a child without giving this child the same acknowledgement and status of biological children in the family (Abel Aziz, 2022). In other words, this would mean without giving the child cared for the full family name of the alternative father and without giving the child the right of inheritance from his/her alternative parents (Megahead & Cesario, 2008; Megahead, 2014). It is important to highlight that still an alternative family can provide gifts to children under their care and can allocate some resources for them in their will (Megahead, 2014).

The current *kafala* system in Egypt depends on the placement of children deprived of family care, especially those of unknown parents, with families that are chosen according to

conditions and criteria that confirm the family's capacity and the trustworthiness of its intentions to care for these children without exploiting them or for self-interests. According to the guidelines announced on the MoSS website, the below are the basic requirements for a family or a single woman to become eligible for *kafala* in Egypt. The family should have the same religion as the child and at least one of the parents should hold Egyptian citizenship. The family members age should range between 21 and 60 years old; however if the applicant is a single woman then the minimum age rises to 30 years old ("Alternative Family Care System", n.d). It is worth mentioning that the committee delegated to decide on the family eligibility also looks at other considerations related with the family such as the living, economic, health and social conditions; which are assessed based on a home visit conducted by a social worker from the MoSS (Abel Aziz, 2019). The result of this in-depth-assessment is shared along with the social affairs worker recommendations to the alternative care committee on the district level; which is mandated to take a final decision on the eligibility of the family for *kafala* (The Executive Regulation, 2022).

There are also other forms of family-based care options proposed in the national strategy like the interim alternative family-based care, which means that some families get to temporarily receive children who have lost family care until a suitable long-term alternative option is provided "The National Strategy", 2021). There is also the specialized family-based care, which refers to families that are prepared to receive and care for children in need of specialized care such as those with health conditions or people with disabilities. Finally, there is the child-headed-household family-based care option, which refers to families in which a child who is usually an older sibling get to assume primary responsibility for other children within the family, usually younger children ("The National Strategy", 2021). It is important to highlight that these last three options are still not active as their guidelines are still under review and development. Henceforth, for the purpose of this study while referring to alternative families, I would be referring to the permanent, non-

extended, alternative family-based care type where an abandoned child get to be cared for within the alternative family natural environment without receiving any financial support from any institutions; which I will be using interchangeably with the term *kafala*.

The alternative family / semi-institutional care mainly refers to small group homes, where the number of children doesn't exceed 20 children per home. It also includes safe homes, mother and child shelter, independent living arrangement supported by a welfare institution, and centers for support and rehabilitations ("The National Strategy", 2021). While the institutional care alternatives refer to institutional care that have more than 20 children including the Childhood and motherhood centers supported by the Ministry of Health, Social welfare institutions supported by the Childhood and Motherhood Department, Social welfare institutions supported by the Social Defence Department, and Social welfare institutions supported by the Social Rehabilitation Department ("The National Strategy", 2021)

## 2. Governing Actors Related with Child Protection in Egypt:

### 2.1 Governmental Entities:

The Ministry of Social Solidarity (MoSS) and the National Council of Childhood and Motherhood (NCCM) are the two key governmental actors responsible for promoting the protection and development of children in Egypt. The NCCM was established in 1988 based on a presidential decree with the aim to monitor, coordinate and plan the activities relevant to protection of children and mothers (The National Council for Childhood and Motherhood [NCCM], n,d). NCCM is also entrusted with policymaking in regards to child protection. In parallel, the MoSS is the government body responsible for providing safety networks for Egypt's most vulnerable citizens. It is also the governmental institution responsible for monitoring and approving the work of civil society organizations working in Egypt besides leading on the alternative care file in Egypt (Spaac, 2014). Usually, there is an overlap between both governmental institutions when it comes

to discussing child protection issues in Egypt, especially in relation to the alternative care system; which leads to confusion and in many cases conflict in positions.

There are many other governmental entities that play a key role in the alternative care system such as the Ministry of Interior Affairs, the Public Prosecution Office and the Ministry of Justice. In many cases, the process of registering a child deprived of parental care starts from the police stations where they receive abandoned children and file a police report accordingly ("The National Strategy", 2021). Later a decision is issued by the Public Prosecution Office to place a child in one of the available social care institutions ("The National Strategy", 2021). The strategy includes a number of requests to several services ministries to facilitate children deprived of parental care access to the needed services and maximize their protection. For instance, the MoSS through the strategy advocates for the Ministry of Housing, Utilities and Urban Communities to "allocate 5% of the units available in the new urban areas for children and youth deprived of parental care" ("The National Strategy", 2021). Additionally, it advocates for the Ministry of Education and the Ministry of Higher Education to exempt children without parental care from tuition fees, and develop a mechanism for monitoring and reporting schools that refuse to accept children due to their presence in one of the alternative care options ("The National Strategy", 2021). Additionally, it asks the Ministry of Youth and Sports to exempt these children from subscription fees in youth centers. It also requests from the Ministry of Labor to allocate a percentage of employment opportunities, whether in government agencies or the private sector, for children deprived of parental care besides implementing the principle of reciprocity for the mother who are caring for a child through the *kafala* system to enjoy the same benefits as biological mothers ("The National Strategy", 202). There are other recommendations directed to the Ministry of Health and Population, the Ministry of Transportation, the Ministry of Supply and Ministry of Culture. In line with the above, the MoSS gets to coordinate closely with the different ministries

to facilitate the access of children deprived of parental care to the needed services in order to ensure their smooth integration within the Egyptian society.

### 2.2 Religious Institution:

It is important to clarify that the legal framework for *kafala* in Egypt is usually backed up by religious leaders due to the controversial arguments on the topic. On Dar Al-Ifta Al Missrriyyah website, which is one of the prominent foundations in Egypt for the provision of religious verdicts, it is stated that:

> Islam encourages sponsoring orphans, rearing them, treating them kindly and seeing to their needs and interests to the extent that the Prophet [peace and blessings be upon him] promised that the person who sponsors an orphan will enter Paradise alongside him. Based on this, the responsibility of sponsoring an orphan in Islam includes all the responsibilities and duties of adoption except changing lineage, which Islam prohibits, and its ensuing consequences. ("The Legal Ruling", n.d)

In fact, backing up the discussion related to family oriented topics with Islamic dictates is very essential in Egypt.

### 2.3 Civil Society Organizations and Initiatives:

Over the past years, UN agencies, INGOs and local NGOs have played a significant role in providing support to the child protection system in Egypt, especially the alternative care sector, either through offering financial support or technical support, direct program implementations, delivery of services and capacity building for governmental staff (Gale, 2021; Abdel-Aziz, 2022). From the international community, UNICEF, Save the Children International, Terre des Hommes (TDH), FACE for Children in Need are among the key players when it comes to the alternative care system. For instance, UNICEF has played a major technical and financial role in supporting the MoSS to strengthen its child protection system through funds received from the EU (Abdel-Aziz, 2022). On the local level, there is Wataneya Society, El Orman, Caritas, Village Hope, Banaty Institution and others (Abdel-Aziz, 2022; "The Alternative Care Strategy", 2021). Recently, several community organizations and initiatives have been established such as Yalla

Kafala Initiative, Kafala and Kafala in Egypt that rely extensively on promoting *kafala* through their social media channels and supporting *kafala* families. Also, there is some involvement from a number of child rights coalition and child protection experts like the Egyptian Coalition for Child Rights and the International Coalition "A Family for Every Child" ("The Alternative Care Strategy", 2021).

## 3. Overview on the Child Protection/Alternative Care Legislative Framework in Egypt:

Starting from 1937, Egypt has introduced some articles in its Penal Code to ensure the protection of children from abuse and exploitation (Gale, 2021). In 1990, based on a presidential decree No. 260 of 1990, Egypt has ratified to the UN Convention on the Rights of the Child (UNCRC), issued in 1989; which is an international binding document that outlines the rights of children and encouraging States to take immediate actions to provide care and protection for children deprived of parental care (UN General Assembly, Convention, 1989).

The Egyptian Constitution issued in 2014; article 80 mentions the State's responsibility towards children as follows:

> A child is considered to be anyone who has not reached 18 years of age. Children have the right to be named and possess identification papers, have access to free compulsory vaccinations, health, and family care or an alternative, basic nutrition, safe shelter, religious education, and emotional and cognitive development. [It also stresses that] the State should work to achieve the best interest of the child in all related measures taken with him/her. (Article 80, The Egyptian Constitution, 2014)

As outlined in the article, all persons under the age of 18 years old who do not have the chance to live within the natural families have the right to access alternative family-based care or other alternative care options based on their best interests. In the following section, I will be highlighting the most relevant legislative articles related to the alternative care system while shedding lights on their progress changes over the years.

### 3.1 Criteria of Families and Children Eligible for *Kafala* as Defined in the Legal Framework:

In 1996, a new Child Law No. 12 was published; which is considered one of the most accomplishments of the National Council for Childhood and Motherhood (NCCM) (Gale, 2021; "The Cabinet"; n.d). The law has introduced a clear article on the alternative family care arrangement, Article 46 which dictates that:

> the alternative family-based care system aims to provide social, psychosocial, health and vocational for children whose age has exceed two years and whose circumstance prevent them from growing in their natural families, with the aim of giving them a sound upbringing and compensate them for what they have missed from kindness and tenderness. (Article 46, The Child Law No. 12, 1996)

As mentioned in the above article, the minimum age of a child to be eligible for family-based care in 1996 was set to be two years old; however, several amendments were conducted to this article over the years. For instance, in 2014, the age of children eligible for *kafala* was reduced from two years to be starting from birth and was revoked again in 2016 to be from three months as per practice currently ("The Executive Regulations", 2014; "The Executive Regulations", 2016).

To further complement the child law, an executive regulation was developed in 1997 specifying the following criteria of children who could benefit from the alternative family-based care system as follow:

> (a) Foundlings, (b) Illegitimate children abandoned by their parents, (c) Stray children who cannot find guidance about their families and the competent authorities are unable to infer their place of residence, and (d) Children who, according to social research, prove that it is impossible to take care of them in their original families, such as children of prisoners and children of inmates in mental hospitals, and children who are not cared for by their relatives or who are homeless as a result of the separation of their parents. (Article 84, The Executive Regulations, 1997)

Minor changes have occurred over the years to this article, as the word foundlings was changed in the latest executive regulation issued in 2020 to those who have been found; which is a better

expression in the Arabic terms to address the social stigma associated to children without parental care (Article 86, “The Executive Regulation”, 2020).

Additionally, the executive regulation in 1997 has provided a clear definition for alternative families eligibility criteria as outlined below:

> The family must be Egyptian, and its religion is Islam, unless it is proven that the child is not a Muslim.
> The family consists of two righteous spouses who demonstrate good moral and social attributes, both of them should not be less than 25 years old or over 55 years old.
> The spouses are fit to take care of and aware of the needs of the child.
> The family's income should be sufficient to meet its needs, and obtaining the care allowance should not be a goal for the family, but rather a factor helping it to achieve child care. (Article 87, Executive Regulation 1997).

Again, over the past years, several amendments were conducted to this article. The executive regulations in 2010 introduced some changes by giving the chance for families where only one of the spouses is Egyptian to apply for *kafala*. It also expanded the religious criteria by saying that the family's religion must be the same as the child's religion instead of saying that it has to be Islam. It introduced a new clause for families stating that the marriage has to have lasted for at least five years before applying for *kafala*. Additionally, it gave the right for the first time for single mothers to apply for *kafala* specifying that:

> widows, divorcees, and those who have never been married and have reached the age of no less than (45) years, may care for a child if the committee provided for in Article (93) of these regulations deems them fit to do so. (Article 89, “The Executive Regulations”, 2010)

Still, in between 2010 and 2020, several amendments were made for instance in 2016, allowing families where one of the spouses is non-Egyptian was revoked but was re-introduced again in 2020 as an exception that requires the approval of the Higher Committee for Alternative Families. Also, in 2020, the amended article expanded the age brackets for families eligible to apply allowing spouses starting from 21 years until 60 years old to apply for *kafala* along with reducing the minimum age of single mothers from 45 to 30 years old (“The Executive Regulations”, 2020).

### 3.2 Institutional Structure and Operation Mandate:

Like every ministry structure in Egypt, the MoSS has a branch at every governorate level located in the Governorate capital, called the Directorate while the central level that contains all the technical divisions is located in Cairo (Spaac, 2014). From the Administrative side, the Directorates report to the Governor/Governorate, but report technically with respect to their programs and activities to the central ministries (Spaac, 2014). However, previous research has indicated that there is some negative feedback on the flow of communication and accuracy of information that travel between the central and local level (Abdel-Aziz, 2022).

The executive regulations in 1997 also included some articles to outline the institutional structure and operational mandate related to the *kafala* system. Article 94 stipulates that a committee called the "Higher Committee for Alternative Families" to be established at the Ministry of Social Solidarity, and delegated the authority to the Minister of Social Solidarity to define its formation, its technical capacity, and its terms of reference and the remuneration of its members (Article 94, "The Executive Regulations", 1997). Currently this higher committee is headed by the MoSS legal counselor and it includes members from civil society organizations working in the child protection field. The committee also includes "representatives from several ministries: Social Solidarity, Health, Interior, Justice, and Education, and from two religious entities: Fatwa House and the Al-Azhar Association" (Abdel-Aziz, 2022). The committee convenes to look at critical cases and to approve or reject cases that are only eligible to be presented in front of the "Higher Committee for Alternative Families".

Moreover Article 95 provides a clear structure to the composition of the alternative family-based care committees that are mandated to review all the applications of *kafala* received and to issue a decision based on each case file submitted across the different governorates. The article mentions that:

> The system of alternative families in each governorate should be supervised by a committee to be formed by a decision from the governor and consists of:
> 1- Director of the Directorate of Social Affairs (As the Chairman of the Committee).
> 2- A representative of the Health Directorate.
> 3- A representative of the Education Directorate.
> 4- A representative of the Security Directorate (Juvenile Welfare).
> 5- A representative of the association where the child is living, if any.
> 6- Director of the Family and Childhood Department (and shall be the rapporteur of the committee).
> 7- A representative of NGOs concerned with child care. (Article 95, The Executive Regulations issued, 1997)

Although the structure adopts a decentralization approach, it includes many representatives from key directorates; not all of them are child protection experts or have received the appropriate trainings to guide them in taking such a life changing decision in respect to the best interest of the child principle. In fact, this problem was highlighted in a research published on the "Assessment of the Alternative Families System in Egypt" as the researcher discussed that there were discrepancies in the ways local committees applied the selection criteria for families (Abdel-Aziz, 2019). She also talked about her concern of the government's limited capacity, based on the existing governmental staff to select suitable families and monitor children placed in family-based settings (Abdel-Aziz, 2022).

Along with these provisions, article 89 of the Executive Regulations issued in 1997 outlines the available mechanisms for families interested to apply for *kafala*; it states that:

> Every family wishing to take care of a child under the alternative family care system must submit a request to the relevant Family and Childhood Department, and the competent department records the requests in a special register. (Article 89, "The Executive Regulations", 1997)

Over the years, this was amended and as per the latest changes in 2020, the article states that:

> Alternative families wishing to submit their application should do so via the Ministry's website and all requests received get to be recorded in a special register, then the Ministry sends it to the competent directorate in which the place of residence of the family wishing to care for a child, the association, or the competent civil institution is located. ("The Executive Regulations", 2020)

At last, it is essential to mention this significant change that was introduced in 2020 Executive Regulations under Article 90; which dictates the MoSS to issue an "Identification Card" for all alternative families to facilitate their interaction with all governmental and non-governmental agencies ("The Executive Regulation", 2020). These were among the key articles that were amended throughout the past decade in an attempt to strengthen the legal framework of the alternative family care system in Egypt.

## Structure of the Thesis:

This paper is divided into seven chapters as follows:

**Chapter One** introduces the topic, presents the problem, the research questions that this thesis intends to answer. Additionally, it highlights the importance of this study along with providing an overview on alternative care context and legal framework in Egypt.

**Chapter Two** presents the review of the previous research conducted on the family-based care arrangement. The literature review revealed three main themes: The child protection governance framework, the rise of the deinstitutionalization approach of the alternative care arrangements, and finally the alternative care system in Egypt while focusing on *kafala*.

**Chapter Three** outlines the conceptual framework adopted to analyze the alternative child care governance framework related to *kafala*.

**Chapter Four** explains the research methodology, data collection, sampling strategy and the ethical considerations followed by the researcher during the data collection process.

**Chapter Five** outlines the outcome of the MoSS interaction with the key actors involved in the *kafala* reform process while highlighting the key achievements that contribute in strengthening the *kafala* governance framework in Egypt.

**Chapter Six** covers the end users, alternative families, views on the *kafala* system based on their practical experience throughout their *kafala* journey.

**Chapter Seven** includes the answer to the research questions under investigation in this thesis. It also includes a number of recommendations for the MoSS to further strengthen the governance of the *kafala* system in Egypt.

## Chapter Two: Literature Review:

A thorough review was conducted for the published academic journals, reports and studies conducted by prominent organizations working in the alternative care field. The search on alternative care mostly generated UN guidelines and reports from different global non-governmental organizations working on promoting child rights and children welfare. On the global level, most of the academic research published supports the deinstitutionalization approach adopted by the UN agencies and the INGOs while very limited articles discuss the complexities and challenges that are likely to arise in the transition phase. On the other hand, the search on alternative care systems in Egypt mainly generated highlights published on online news platforms and studies conducted by INGOs operating in Egypt. Accordingly, to deepen my understanding of the alternative care system in Egypt and the recent changes, I had to rely on gray literature.

The review of the literature indicates that the literature around the phenomenon under study is divided into three main themes. In the beginning, it provides an overview on the child protection governance framework to understand the different dynamics of the field. Then, it summarizes the research findings that argue for a shift towards the deinstitutionalization approach of the alternative care arrangements. The final section offers a close up look at the alternative care system in Egypt while focusing on *kafala*.

### 1. The Global Child Rights Governance:

The available literature on children rights and child protection themes shed light on specific dynamics that are very unique to the field. Throughout the different articles, scholars talked about the development of the child protection field and the governing body for the children and youth rights (Holzscheiter et al., 2019; Hämäläinen; 2016; Goonesekere, 2007). Hämäläinen (2016) noted that since the development of the child protection field, there have been intensive international interactions on the topic. Research shows that many of the crucial topics in relation

to the development of child welfare and protection have traveled from one country to another, referring to the United Nations Convention on the Rights of the Child (UNCRC) issued on 1989 (Holzscheiter et al., 2019; Hämäläinen; 2016; Goonesekere, 2007).

The UNCRC is an international treaty that is designed to protect children's rights covering the different aspects of a child's life; it combines the economic, political, cultural and social rights in one document composed of 54 articles (Imho and Ansell, 2014). Scholars comment on its unique position as it is considered as the most widely ratified treaty in the history as it has been ratified by all countries expect the United States of America (USA) (Holzscheiter et al., 2019; Hämäläinen; 2016; Goonesekere, 2007). Although the USA has signed the convention as an indication of its agreement with its content, it did not ratify the convention which implies that they are not required to follow it. Imho and Ansell (2014) argue that the UNCRC succeeded for the first time to shed light on children as right holders and change the mindset of looking at them like "objects of adult charity" (p.1). In fact, all scholars writing on children's rights refer continuously to the UNCRC as the global instrument shaping the child rights agenda on the international and national level by setting the benchmarks and global standards for countries to strengthen their child rights policies and laws and overall child protection system (Holzscheiter et al., 2019; Imho and Ansell, 2014; Hämäläinen, 2016; Goonesekere, 2007). Additionally, it is argued that the convention had positive influence on pushing for legal reform across many countries to revise their domestic laws to better protect and promote the rights of children (Imho and Ansell, 2014).

To strengthen the monitoring and evaluation of State progress towards achieving the convention goals, a "general measures of implementation" framework was endorsed by the UN Committee on the Right of the Child, comment no. 5 in 2003 (General Comment No. 5, 2003). These measures were drafted to outline States parties responsibilities to develop and implement

the CRC, and monitor States progress on strengthening their respective national child protection systems (General Comment No. 5, 2003).

It is important to mention that the convention has also allocated some responsibilities to child rights agencies like UNICEF and other civil society organizations to ensure the promotion and the implementation of the convention. The role of UNICEF has also been recognized by many research. For instance, Goonesekere (2007), has praised UNICEF for their significant contribution in ensuring that the UNCRC was ratified by all countries. Similarly, other academic scholars have talked about the role of UN agencies, especially UNICEF and International Non-Governmental Organizations (INGO) in pushing the agenda on the local level to reform domestic policies that aim to promote children's rights. Milligan et al., (2016) have stated that "the development of formal child protection systems often starts with UNICEF and International NGOs (INGOs) seeking to influence governments to create the laws and policies which will establish child protection mandates and identify the duties of various ministries" (p. 18). UNICEF is the UN agency mandated to protect children's rights; it has on-going operation in 190 countries and territories around the world (UNICEF, n.d). The agency focuses on diversified aspects all related to children's rights like education, health, shelter, and above all protection.

Over the years, the notion of governance has evolved and its definition varies according to the different contexts and nature of activities; yet the term is overall described in different resources as the government efforts to engage its citizens towards achieving the government collective goals (Bell & Hindmoor, 2009; *"*Governance Indicators: A Users' Guide" [GIAG], n.d"). Governance was also described as the interaction between the political and social authority to influence the political decision making process through the interaction between States, international agencies, civil society organizations and social networks (Rhodes, 1996; Stoker, 1998).

The concept of child rights governance (CRG) is still a new topic under-development among child rights scholars. Holzscheiter et al., (2019), who is among the few scholars who wrote about it, defines child rights governance as "how children's rights, and the principles and institutions associated with the idea of children's rights, have become part of the mechanisms, systems, actor constellations and instruments of governance across local, national, regional and global levels" (p.272). Holzscheiter et al., (2019) advocate to look at governance as "a useful theoretical and conceptual starting point for thinking about child rights" as they argue that it "addresses the interplay between principle and practice" (p. 275). While international and national law on child protection and child rights provide guidance on the appropriate and necessary behavior towards children and their respective social environment, governance refers to the processes, frameworks, practices and rules that are defined based on the interaction between the political authority and social actors to endorse these human rights principles (Holzscheiter et al., 2019, Goonesekere, 2007).

The concept of child rights governance has also been endorsed by UNICEF and international non-governmental organizations like Save the Children. UNICEF works very closely with local governments to support them to find sustainable solutions for their governance challenges and ensure children are put at the government priority agenda and budget allocation. They also work with children and communities to empower them to become part of the decision-making process and evaluate the local services offered (UNICEF, n.d). Additionally, Save the Children recognized child rights governance as one of their global themes; it defines the notion of governance as "the set of institutions and processes by which authority in a country is exercised, public policy is carried out, and public services are provided (Grant, 2012, p.1). For Save the Children to achieve a state of good governance this requires "civil society organization work to generate political will, support social mobilization, call for new systems and institutions, foster

innovations and work to achieve shift in social norms" (Grant, 2012, p.3). In other words, this means for governments to prioritize children in their laws, policies, budgets besides giving space for civil society actors to hold government and other actors accountable for children's rights (Grant 2012). In fact, it is important to understand the existing power dynamics that are likely to exist between the international community and local ministries.

## 2. The Global Alternative Care Agenda Shifting Towards the Deinstitutionalization Approach:

In celebration of the 20th anniversary of the UNCRC, in 2009, the UN general assembly adopted the guidelines of the alternative care of children which intend to enhance the implementation of the CRC regarding the protection and well-being of children deprived of parental care (UN General Assembly, Convention, 2010). Research suggests that children who are orphaned, abandoned or deprived of family care are likely to be negatively affected and their rights to proper development be compromised in absence of adequate support (Convention on the Rights of the Child, 2006; UN General Assembly, 2010; Engle et al., 2011; Dozier et al., 2012). Henceforth, scholars and child protection practitioners argue that the low quality of institutional care is likely to negatively impact the psychological development and the physical health of the child in the short and long terms (Convention on the Rights of the Child, 2006; Engle et al., 2011). In fact, over the last decade, several research has been published generating evidence about the negative effects of large-scale group living (Engle et al., 2011; Milligan et al., 2016; Davidson et al., 2016; Dozier et al.; 2012). The problems around the quality of care services in care institutions are mainly linked to the large number of children living in residential care homes and the unqualified supervisors and staff who usually lack the technical capacity and are poorly paid (Dozier et al.; 2012). The absence of long term care-plans for these children and regular review of

their circumstances besides the high turnover in the caregiver figure were also recognized among the contributing factors to the problem (Milligan et al., 2016; Davidson et al., 2016).

Accordingly, in 2009, the UN Guidelines for the Alternative Care of Children (UN General Assembly, 2010) urged to only consider residential care institutions for placing children without parental care when it is the most appropriate option and last resort. These guidelines also emphasized the importance of ensuring that alternative care for children, especially those under three years, is provided in family-based settings. “Kinship care, temporary or long- term foster care, *kafala*, and adoption” are all different types of family-based care arrangement options recognized under the Child Rights Convention (Engle et al, 2011, p. 195). It is worth noting that in consequence to the UN Guidelines for the Alternative Care of Children, many countries have started to work towards the deinstitutionalization of their child care systems, which is currently among the top priorities on the global child rights agenda (Engle et al., 2011). Based on UNICEF global annual report for 2021, it acknowledges that “there are 80 per cent more countries than there were in 2017 with alternative care policies in line with the 2009 Guidelines for the Alternative Care of Children” as the number increased from 23 countries in 2017 to 41 countries in 2021 (UNICEF, 2021).

On the other hand, very few articles have discussed the possible complexities that are likely to arise due to moving away from the institutional care system towards a family-based care setting. Based on research conducted by Davidson et al. in 2016, a number of key challenges were highlighted that are likely to hinder the smooth transition towards the development of family-based care especially in low resourced countries. Davidson et al., (2016) based their argument according to data collected from several countries' experiences while adopting the UN Guidelines and translating the policy cited into practice (Davidson et al., 2016). First, the lack of qualified trained personnel to monitor the living arrangement of these children after being placed among different

families was recognized as a major challenge by some countries. The authors also talked about the resistance of social workers to change and argued that they are importing "Western' models of social work and discussing the appropriateness of such practices within their culture and religion" (Davidson et al., 2016). Second, is the redirection of resources, as the transition away from institutional care needs a significant change in the allocation of the financial resources to expand the family-based provision while factoring the needed transitional cost until institutions are closed over time. This could be translated into the required financial resources to cover more social workers who can monitor the living arrangement of children after they become widespread among many families. It also needs to look at the donor community as funds continue to be channeled to support care institutions, especially orphanages as an act of charity by many individuals.

Along the same line of arguments, Muhamedrahimov and Grigorenko (2015) argue that in several circumstances there are over-estimations to the role of substitution families and under-estimation to the importance of specialized care institutions, especially in caring for children with disabilities. Similarly, Aldgate and McIntosh (2006) have mentioned that in certain circumstances "the increased focus on kinship care is not driven by an evidence base but rather by a philosophical and policy position as to the value of maintaining connections between children and families". Kinship care is a type of alternative family-based care arrangement where a relative of the child, could be an extended family member, get to care for a child deprived of parental care. This point was also discussed in a study conducted on informal kinship care by a group of scholars in 2013. The study included an in-depth study of the lives of 80 children living with a kinship carer. It was found that:

> Most of the children were well attached to their carers and felt they belonged in their kin families and that they would remain there as long as they wanted; however, the study also found that the children experienced living with kin as stigmatizing, as they were carrying worries about their carers poor health condition and about their own future. (Selwyn et al., (2013), p. 31-32)

The authors have also shed light on the complexities of caring for more children and the impact on the quality of care for children already in the home are amongst the factors that must be weighed against the value of staying with a known family (Selwyn et al., 2013). Although informal kinship care offers an important form of alternative care for many children, it seems that this care option has not been closely studied and, as such, might not always be in the best interest of every child. In fact, it is crucial to ensure that all suggested changes affecting children's life are conducted based on generated evidence to minimize the possible risks of harming children and taking the best interest of the child into account.

## 3. Alternative Care System in Egypt:

According to the available literature on the alternative care system in Egypt, several reasons have been noted to be behind the abandonment of children in Egypt. First, lack of interest in parenting especially in cases of unwelcome gender or children with disabilities (Megahead & Cesario, 2008; Gale, 2021; Gibbons, 2005). Second, poverty and inability to provide for the child; which is an important aspect to be taken into consideration while reflecting on the time of this study as still nowadays, Egypt is suffering from the aftermath of COVID-19 and the devaluation of the Egyptian currency which are all contributing factors to the economic hardship of many families. (Gale, 2021; Gibbons, 2005). Third, unwanted pregnancy; especially in case a child is born out of wedlock (Megahead & Cesario, 2008; Megahead, 2008; Abdel-Aziz, 2022; Gale, 2021; Gibbons, 2005). It is worth noting that abortion is considered as an illegal practice in Egypt unless it was recommended by a doctor in cases health risks could endanger the health of the pregnant woman; which could explain why women in Egypt find it difficult to get an abortion in case of having unwanted pregnancy (Megahead & Cesario, 2008; Gibbons, 2005).

Many researchers have argued that children placed in care institutions in Egypt are likely to suffer from social stigma due to assumptions that they were born out of wedlock (Gale 2021;

Gibbons, 2005; Abdel-Aziz, 2019; Spaac, 2014). As noted by Gibbons' (2005) "female orphans are stigmatized because they are seen as carrying the potential for demonstrating the 'loose morals' of their mothers"; which explains why many Egyptian families didn't consider to care for children living in care institutions (p. 266). Unfortunately, both boys and girls living in care institutions are likely to be bullied by their schoolmates and other members of the society once they know where they live; which according to some orphanages' administrators is likely to make them "developmental handicaps" (Gibbons, 2005, p. 269). Certainly, this has significant implications on children's well-being (Abdel-Aziz, 2019; Spaac, 2014).

On the other hand, there was one research conducted in 2018 to study the "Quality Of Life Among Children Deprived From Family Care In Residential Institutions In El-Beheira Governorate- Egypt" and it was concluded that "more than half (57%) of the studied children had fair [quality of life] QOL, while 41.1% of them had good QOL, and few percent (1.9%) of them had poor quality of life" (El-Sakka et al., p 16). Actually, the result of this study contradicts to a great extent with most of the research conducted discussing the challenges faced by children living in residential care (Spaac, 2014; Gibbons, 2005; Megahead, 2008).

Some scholars and researchers have also looked at the other side of the equation, discussing Egyptian families' willingness and motivation to care for children deprived of parental care. Based on the available literature, it is indicated that most of the alternative care families applying for *kafala* are families who desire to have children but face difficulties related to infertility (Spacc, 2014). This is not to undermine the fact that there are other families who already have biological children and apply for *kafala*. On the other hand, other academic scholars and field research have talked about some constraints explaining why Egyptian families are not usually very open to care for a child deprived of parental care. First, is the cultural and social perceptions "around co-mingling of the sexes outside of the immediate nuclear family" (Gibbons, 2015; Spaac, 2014;

Abdel-Aziz, 2019). In other words this refers to the fact that these children according to Islam are not considered the alternative parents real children and if the family has other children they will not be "real" brother or sister unless this child is breastfeed by the mother (Gibbons, 2005; Abdel-Aziz, 2019). Another argument shed light on the economic constraints that many Egyptian families suffer from, explaining that it is a financial burden to raise an additional child and cover their basic needs (Gibbons, 2005). Additionally, it was mentioned in the research conducted by Face for the Needs of Children in 2014 that in most cases "the whole process of alternative care is shrouded in secrecy on the part of the families" (p.25). According to this research, the majority of the families they interviewed did not reveal to the children placed with them that they are not their biological children or tell their neighbors and friends, out of fear of being socially stigmatized. The research reveals that some families hide this fact even from their own close family members (Spaac, 2014).

As identified in the literature, children without parental care in Egypt and alternative families struggle with several challenges that the government and other active institutions are working to address. However, there are limited studies conducted on the topic in Egypt. Accordingly, this research study aims to contribute in filling this gap by exploring how the coordination between the government entity and other key civil society organizations and initiatives have effectively strengthened the governance framework around the *kafala* system in Egypt.

## Chapter Three: Conceptual Framework:

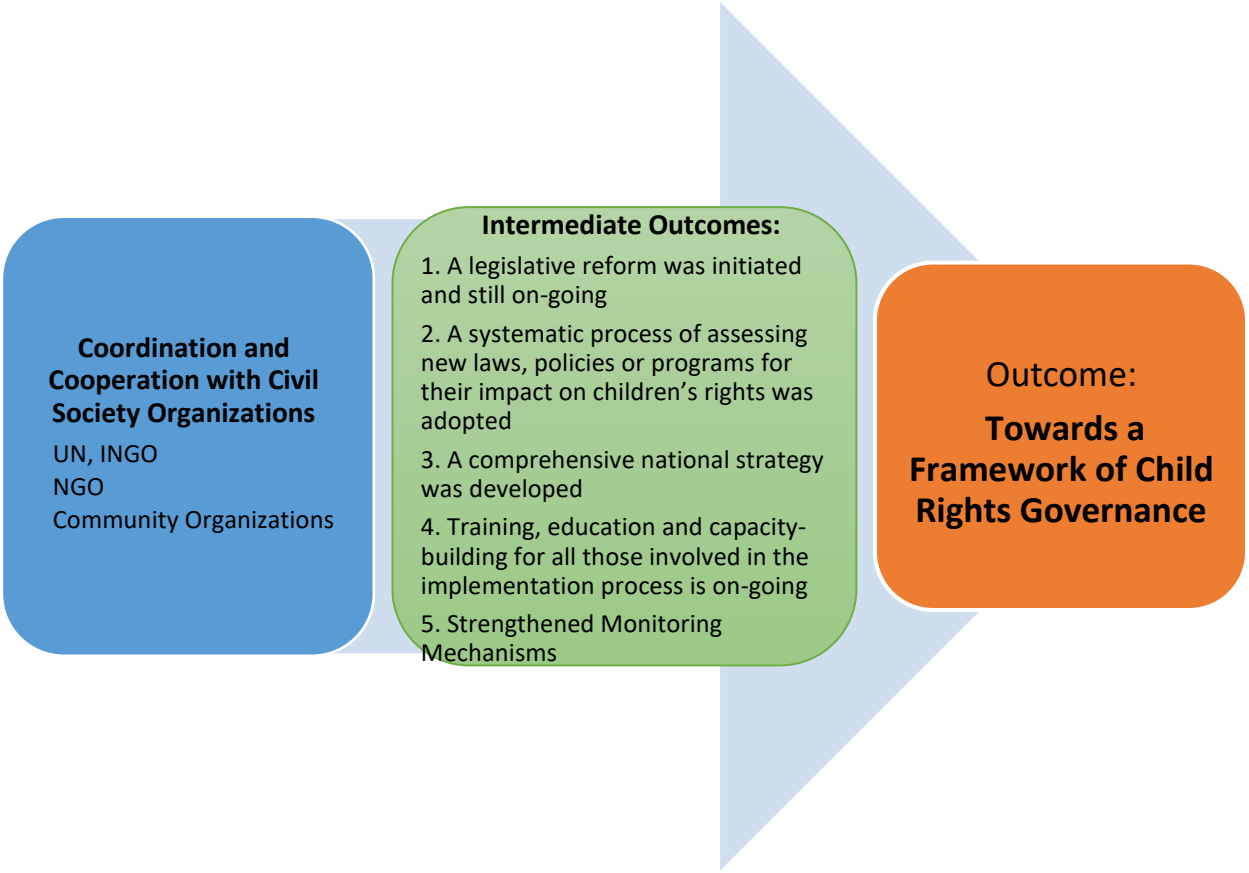
The conceptual framework used in this study partially adopts the "general measures of implementation" framework endorsed by the UN Committee on the Right of the Child, comment no. 5 in 2003 (General Comment No. 5, 2003). These measures were drafted to outline State parties' responsibilities to develop and implement the CRC, and monitor States progress on strengthening their respective national child protection systems (General Comment No. 5, 2003). As noted in article 4 of the UNCRC, States that ratify to the UN Convention on the Rights of the Child are committed to put in place the necessary resources and means to realize children's rights. It is important to mention that these measures are considered by scholars and child protection institutions like UNICEF and Save the Children as the core of any child right governance analysis framework (Holzscheiter et al., 2019; Child Rights Governance, 2018; Child Rights Governance Analysis Tool, 2012). It was noted by Save the Children that these "general measures of implementation" are a key point of reference for their child rights governance analysis process (Grant, 2012). Although the UNCRC talks about children's rights under all aspects, for the purpose of this study, the researcher only focuses on analyzing the child alternative care system, precisely the *kafala* reform system, which is a sub-theme from the comprehensive child protection system.

This "general measures of implementation" framework sets out the actions, systems and institutions necessary to ensure children's rights are fulfilled through outlining 11 measures:

1. Ensuring that legislation is fully compatible with the Convention.
2. Ensuring that there is a systematic process of assessing new laws, policies or programmes for their impact on children's rights.
3. Developing a detailed, comprehensive national strategy or agenda for children, based on the Convention.
4. Ensuring adequate resource allocation and making children "visible" in budgets.
5. Developing permanent mechanisms in government to ensure the effective coordination, monitoring and evaluation of implementation.

6. Developing training, education and capacity-building for all those involved in the implementation process.
7. Creation of a mechanism or process to ensure all state and non-state service providers (e.g. the private sector, faith organizations, NGO/civil society) respect the Convention.
8. Promoting co-operation and co-ordination with civil society - with professional associations, non-governmental organizations, children and so on.
9. Ensuring the development of appropriate indicators and sufficient data collection on the state of children.
10. Promoting international co-operation in implementation.
11. Creating statutory children's rights institutions / ombudsman offices"

While these measures provide a comprehensive child rights governance analysis framework, due to this study limitation, the conceptual framework will only focus on explaining how government cooperation and coordination with civil society organizations could be a key factor to successfully achieve some of these indicators listed above while focusing mainly on specific indicators related to the legislative framework and institutional capacity. In other words, the diagram below tries to explain, while studying the case of the *kafala* reform system in Egypt, how the coordination mechanisms established between the government and civil society organizations and initiatives resulted in the development of an informed legislative framework formulated based on consultations with key stakeholders, a comprehensive national strategy for the alternative care system including the *kafala* system along with enhancing the technical capacities within the government institution, arguing that achieving these key outcomes ultimately contribute in strengthening the alternative child care governance framework, precisely the *kafala* system.




(Source: Conceptual Framework Compiled by the author based on the "general measures of implementation" developed by the UN Committee on the Right of the Child, comment no. 5 in 2003 (General Comment No. 5, 2003).

## Chapter Four: Research Methodology:

This chapter describes the overall research design including the research method adopted, data collection methods, participants' selection and sampling strategy. Additionally, it includes information on the ethical consideration, role of the researcher and study limitations.

To fulfill the objective of this study, a qualitative research methodology was adopted to collect in-depth information on the governance framework of the *kafala* reform system based on the different participant's experiences and level of involvement. As the research focuses on individual lived experience, a qualitative approach is considered the most suitable approach to understand the deeper perspectives of participants besides capturing their feeling and thoughts (Marchall & Rossman, 2011). As mentioned by Marchall & Rossman (2011) "the human actions cannot be understood unless the meaning that humans assign to them is understood" (p. 91). Henceforth, semi-structured interviews were selected as the most appropriate methods to collect information from the different technical experts working closely on the *kafala* reform system to give them a confidential space to talk freely about the coordination efforts of the different stakeholders and their views on the reform process. Also, initially, it was planned to conduct focus group discussions (FGDs) with alternative families to share their experiences on their *kafala* journey; however, after piloting the first FGD it was noticed that it is time consuming for participants and lacks some depth in the information collected. Accordingly, the researcher decided to proceed with individual in-depth interviews with alternative families to collect more insights on their unique experience and challenges.

Semi-structured in-depth interviews were conducted with 10 key informants from three main groups: 1) governmental actors, 2) child protection practitioners in UN agencies, international and local Non-governmental Organizations (NGOs), and 3) founders of community initiatives/organizations to share their experience and involvement in the *kafala* reform process in

Egypt. Additionally, one focus group discussion and five interviews were conducted with 11 alternative families to capture their views on the legislative and procedure changes as end users.

### The Data Collection Method:

As mentioned previously, the date collected for this research is mainly based on in-depth semi-structured interviews and focus group discussion. The researcher conducted in total 15 semi-structured interviews (two with governmental representatives, five with child protection practitioners from INGOs and local NGO, three with founders of community initiatives/organizations, four with alternative mothers and one with a woman who is still in the middle of the process. Additionally, one FGD was conducted with six mothers from the *kafala* system. The date collection was conducted over a duration of three months, between September 2022 to November 2022.

The researcher reached out to different technical experts and community initiatives/organizations founders to agree on a suitable time to conduct these interviews and to provide a brief on the scope of the research. Based on participants' availability and preference, three interviews were conducted in person including the interviews with the governmental representatives while the other seven interviews were conducted via zoon or teams applications based on the participants' preference or due to being out of Egypt; which facilitated the recording of the discussion after securing participants' consent.

The researcher also reached out to two of the community initiatives/organizations founders to facilitate the selection process of alternative families who can participate in this study. After securing their approval, it was agreed that representatives from these organizations will announce on some of their respective WhatsApp groups with alternative families and potential families who have already applied for *kafala*, and ask the participants if they are willing to engage in this study. After taking the alternative parents' approval and consent, they shared with the researcher the

contact numbers of 17 alternative mothers and three potential mothers who are still in the middle of their *kafala* process. Accordingly, the researcher scheduled the first and only FGD on Zoom as per the recommendation of the families that it will be easier for them to participate online than face to face. Although the discussion was very rich and interesting to see how these mothers support each other, the researcher felt that it is time consuming for these families to hear all of them and capture their different experiences. Also, the discussion on several occasions gets to shift away from the focus of the study towards offering social support to each other whenever any of them share a challenge she faces. As a result, the researcher decided to proceed with individual interviews to be able to allow more time for each participant to talk about her experience; which allows for more openness and depth. All remaining interviews conducted with alternative families were done via the telephone as it was more suitable for them.

The average length of the interviews conducted with child protection experts, community initiatives/organizations founders and governmental representatives took between 40 minutes to 1 hour and half. The focus group discussion took two hours; while the phone interviews with alternative families took between 25 minutes to 40 minutes. All interviews were conducted in Arabic, the mother tongue of all participants. Eight interviews besides the focus group discussion were audio taped after ensuring participants' approval, while the remaining interviews were recorded by hand either due to technical challenges to record the phone call or due to participants' refusal to be recorded. Later, the researcher transcribed most of the interviews in English language after translating them.

The researcher also reviewed official documents including the alternative care national strategy, the relevant laws and by-laws, and various research conducted on alternative care in Egypt for the validity and reliability of the data.

### Sampling Strategy:

The study used a non-probability sampling technique relying on purposive sampling techniques to identify key informants with technical expertise on the topic and alternative families. The data collection was conducted in parallel:

The purposive sampling was used to identify 10 key informants who are experts in the field (3 males and 7 females). The sample included two government officials from the MoSS and NCCM, four child protection practitioners from the INGO community, namely UNICEF, Save the Children, and Face for Children. In addition to one representative from a local NGO, Wataneya Society and finally the three founders of the recently established community organizations and initiatives, including Yalla Kafala, Kafala in Egypt and Kafala, who are also alternative parents. All participants were selected based on their expertise and knowledge about the alternative care field and because of their direct involvement in the *Kafala* reform system.

Since it is crucial to also include the voice of alternative parents to collect in-depth insights on their *kafala* journey, the researcher also relied on purposive sampling techniques to identify alternative families who are willing to participate in focus group discussions (FGDs) and interviews to collect feedback on their experience and views on the *kafala* procedures (Neuman, 2014). With the support of two community initiatives, 17 alternative families and three families who are in the middle of the process showed interest to participate in the study. The main criteria was to reach out to participants who have submitted their application within the past two years to learn about their experience in light of the recent on-going changes. From a total of 11 *kafala* mothers who were added by the community organization representative on a separate WhatsApp group for the purpose of this research study, only six *kafala* mothers showed up to the FGD. Five of the *kafala* mothers were married while one was a single mother, and the children cared for were five girls and one boy. The five individual phone interviews were conducted with four *kafala*

mothers (married) who have already completed their journey and received their children (2 boys and 2 girls), besides one woman (married) who is still in the middle of her *kafala* process. It is important to highlight that all caregivers who participated in these FGD and interviews were females; which was justified by community initiatives representative saying that *kafala* mothers are more active on social networks than *kafala* fathers. Through the FGD and interviews, participants were asked to share their views on the legal and on-going procedural changes along with the role played by the newly established community initiatives in shaping their *kafala* journey experience. Furthermore, they were asked to highlight the different challenges they encountered throughout the *kafala* process and provide recommendations for areas of development. Interviews were stopped when there was saturation in the data provided and participants were not adding new information to the data obtained.

It is crucial to mention that all the mothers who participated in the study were very open and proud to share their experience. Above all, they were very interested to engage in the study hoping that their voice would be heard and they would contribute in enhancing the *kafala* system for children deprived of parental care and alternative families as much as possible. This contradicts with what has been stated in the literature and assumptions on facing challenges to recruit alternative families as research informants (Abdel-Aziz, 2019).

In general, adopting a qualitative research methodology helped the researcher to collect in-depth insights on the dynamics between the state authority and other key stakeholders involved in the *kafala* reform system. In addition to understanding the end user experience and identifying the common challenges encountered by alternative families and individuals throughout their kafala journey; which highlighted several areas for improvements.

The below tables illustrates the technical key informants and pseudonyms used to refer to alternative parents throughout this study:

| Key Informants | Interview Date |
|---|---|
| Community Initiative Member | September 15, 2022 |
| Child Protection Expert | September 18, 2022 |
| Community Initiative Member | September 20, 2022 |
| Community Initiative Member | September 21, 2022 |
| Child Protection Expert | September 26, 2022 |
| Child Protection Expert | October 2, 2022 |
| MoSS Representative | October 10, 2022 |
| Child Protection Expert | October 31, 2022 |
| Child Protection Expert | November 6, 2022 |
| NCCM Representative | November 9, 2022 |

| Pseudonyms | Family Composition | Child Gender | Length of the process | Interview Date |
|---|---|---|---|---|
| Dina | Married | Girl | 6 months | October 31, 2022 |
| Zeinab | Married | Boy | 1 year | October 31, 2022 |
| Rabab | Married | Girl | 6 months | October 31, 2022 |
| Heba | Married | Boy | 8/9 months | November 7, 2022 |
| Sarah (Still in the process of *Kafala*) | Married | N/A | N/A | November 7, 2022 |
| Hala | married and has 2 biological daughters | Girl | 3 months | October 19, 2022 |
| Mona | Married | Girl | 6 months | October 19, 2022 |
| Yasmine | Single Mother | Girl | 3 months | October 19, 2022 |
| Alaa | Married | Boy | Missing Info. | October 19, 2022 |
| Lamis | Married | Girl | 9 months | October 19, 2022 |
| Noha | Missing Info | Girl | Missing Info. | October 19, 2022 |

### Data Analysis:

The researcher transcribed most of the interviews in English, read the notes and listened to the audio recordings several times to highlight the different themes brought in the discussions of all key informants. The common themes were noted and the data was re-arranged according to the different themes. After grouping the similar points together, the researcher started to draft the research findings section. The data was then triangulated with the literature review, the legislative framework, the alternative care national strategy and previous research.

## Ethical Considerations:

Before proceeding with the data collection, the research topic and interview questions were approved by the American University in Cairo Institutional Review Board (IRB). All participants were informed prior to their participation with the study objectives and its future use (Marshall & Rossman; 2011). Participants contributing in the research whether through participating in FGD or semi-structured interviews were asked to provide their verbal consent prior to their engagement to ensure their voluntary participation. Participants will be referred to in this study by their pseudonym to keep their confidentiality except for the technical key informants who provided their consent and agreed to disclose their identity (Marshall & Rossman; 2011). As noted above, alternative families recruited to join the focus group discussions or individual interviews were contacted first via their social group networks on WhatsApp by representatives from the community initiatives to take their approval to participate in the study. Only after securing their approvals, the researcher initiated contact with them and explained the objective of the research again and ensured obtaining their consent. Finally, it is important to highlight that all recordings are stored in password protected devices.

## Researcher Role

Marshall and Rossman (2011) have argued that it is important to highlight the researcher's own experience to ensure an explicit research process. In brief, the researcher of this study is a child protection practitioner who works in a prominent International Non-Governmental Organization (INGO) operating in Egypt. The interest to write about this topic is mainly driven from my observation of the evolution of the alternative care system in Egypt; which motivated me to explore more and learn about the main factors shaping the child protection agenda under this theme. Accordingly, it is crucial to acknowledge that the researcher has access to data and information on alternative care systems in Egypt through her day-to-day work. Before conducting

any interviews, I clarified my position as a student conducting this study for her Master Degree and I highlighted that the result of this study will not interfere with the scope of work between the organization I am working for and the interviewed institutions.

### Study Limitations

The study has some limitations as it doesn't fully adopt the comprehensive governance analysis framework; it focuses on specific indicators related to the legislative framework and institutional capacity. Also, the researcher did not manage to speak with all stakeholders who contributed to the *kafala* reform system including religious figures and other child protection experts from local and international NGO who worked closely with the MoSS in this reform process. The selection of the alternative families relied on purposive sampling; however, it might be interesting to explore in future research whether the different groups, married couples (Egyptian), married couples (with only one spouse Egyptian) and single mother have a similar experience or face different challenges due to their family compositions. It might also be worth exploring whether there are similarities or differences between the alternative families experience across the different governorates. Finally, it is very important to include the voice of children themselves in evaluating the effectiveness of the alternative family-based care system; which could also be considered in future research.

## Chapter Five: Government Interaction with Key Actors on the *Kafala* Reform Process:

This chapter presents the analysis of the data collected from the 10 technical key informants (KI) on the engagement of the MoSS, the governmental entity entrusted with the file of the alternative care for children deprived of parental care, with other civil society actors throughout the *kafala* reform process. Based on the rich information collected from all participants to understand to what extent civil society organizations have contributed in the reform process, the following themes were uncovered: 1) Development of the national strategy for alternative care, 2) amendments of the legislative framework, 3) monitoring mechanisms, 4) strengthening the institutional capacity, raise awareness and promote *kafala*, and finally 6) the rationale behind the government position.

### 1. Alternative Care National Strategy:

Based on the different interviews conducted and the field work experience, the formulation of the alternative care national strategy is perceived as the foundation of the alternative care reform process (MoSS Representative, Interview, October 10, 2022; Child Protection Expert, Interview, November 6, 2022). The strategy includes nine ambitious goals to reform the alternative care system through promoting family-based care including: the development of the legislative framework, the guidelines of the various alternative care options that meet the best interest of each child, the capacity building program of governmental workers, the information management system besides the establishment of a coordination mechanisms between concerned parties (The National Strategy, 2021). These different goals listed, once achieved, are likely to contribute in strengthening the overall alternative child care governance framework including the *kafala* system. Developing such a national strategy and action plan is an initial step to respond to one of the key indicators of the child rights governance framework outlined in the "general measures of implementation" (General Comment No. 5, 2003; Grant, 2012).

Based on the discussion with a child protection expert in the field, it was indicated that UNICEF has been playing a key role in supporting the MoSS to develop this national strategy and action plan as they hired an external independent consultant to work very closely with the MoSS and civil society organizations to accelerate the process of developing the national strategy and action plan (Interview, November 6, 2022). This in fact goes in line with what is mentioned in the literature on UNICEF's role in pushing the child rights agenda on the domestic level. It was also interesting to learn that an advisory team was formulated from several civil society entities including the Egyptian Coalition for Child Rights, the American University in Cairo, Wataneya Society, El Orman, Caritas, Village Hope, Banaty Institution and others to support in the revision of the strategy (Child Protection Expert, Interview, November 6, 2022). Definitely, including all these members is a good indication of the government's trust in the capacity of civil society organizations to strengthen the alternative care system.

### 2. Legislative Framework:

The discussion related with the alternative care arrangements for children deprived of parental care depends heavily on the type of legislation and decisions issued at the Ministry level since this service falls solely under the MoSS mandate and authority; henceforth, advocating with the MoSS to adopt any changes is key. In other words, to achieve any meaningful change related with alternative care interventions, this had to be accepted and endorsed by the MoSS; accordingly, advocacy had to go hand in hand in all efforts exerted by civil society organizations and community initiatives.

Based on the different interviews, it was noted that most of the legislative and procedural changes that came in the executive regulations in 2018 and 2020 were mainly informed based on feedback channeled to the government through the different civil society players and observed challenges. When participants were asked to provide examples of the different legislatives that

were amended in response to families' request the following examples were provided: expanding the criteria of families eligible for *kafala* and amending some procedural aspects:

### 2.1 Expanding the Criteria of Families Eligible for *Kafala*:

As highlighted in the background section, the executive regulations in 2018 and 2020 have widened the scope of families eligible for *kafala* as it allowed families where one of the spouses is not Egyptian to apply besides reducing the minimal requirements of the education for alternative families. According to one of the community initiative members, who is also a mother through *kafala*, "before these changes in the law, there were many families whose one of the parents was non-Egyptian interested to apply for *kafala* and care for an abandoned Egyptian child; but it was very complicated and almost impossible" (Community Initiative Member, Interview, September 21, 2022). She explained that this problem has motivated them as a community initiative to advocate with the MoSS to revise this criteria and include the profile of these families among the eligibility criteria for *kafala* families. Another community initiative member who is associated with another community initiative and a father under the *kafala* system has shared his personal experience saying:

> We want to care for a child but under the previous legislation it was almost impossible for a family that has one of the spouse non-Egyptian to care for a child so when the legislation changed, we were the first couple in Egypt where among the first partners were one of the spouse is not Egyptian to care an Egyptian abandoned child (Community Initiative Member, Interview, September 15, 2022).

According to this key informant, he sees that this change was a great milestone in the alternative care system in Egypt, especially that more families with similar profiles have been encouraged to apply for *kafala*.

Additionally, changing the minimum education criteria for families to become eligible for *kafala* was noted to be one of the changes that was conducted based on advocacy of several entities including the representative from the NCCM (NCCM Representative, Interview, November 9,

2022). According to the MoSS representative, this change has indeed contributed in giving the chance for more families to apply for *Kafala* (Interview, October 10, 2022). Although not all KIs were in favor of such change, the majority agreed that it is likely to have contributed in allowing more families to apply, especially those living in rural areas. It is worth noting that such change was not positively perceived by many child protection experts who argue that it is essential for alternative families to enjoy a good level of education. One KI has mentioned that if we are looking at the best interest of the child, then giving the child to an educated family is likely to be in his/her interest (Child Protection Expert, September 18, 2022). She clarified that she doesn't undermine the fact that a non-educated family can still be good parents; yet emphasizing that education is a very important element nowadays.

### 2.2 Procedural Changes:

Along with these amendments, there were other procedural changes introduced in response to families' requests channeled by representatives from the newly established community initiatives. For instance, Article 92 of the executive regulation revised in 2020 gave the right to the alternative families to add the name of the father to the child's second name or add the family name beside adding the name of the alternative mother to the child birth certificate under condition that this has no consequence related to adoption or inheritance. As mentioned by the MoSS representative:

> This was one of the changes that I felt were most important as many families who have already had children from before approached us and asked to update their cared for children [under the *kafala* system] birth certificate according to the new regulations. (Interview, October 10, 2022)

In fact, this was also confirmed by several alternative families who believe that such change is important for their children to minimize the social stigma that could result when the child cared for has a totally different name than the caring father. Additionally, Article 90 in the executive regulations issued in 2020; which dictates the MoSS to issue an Identification Card for all

alternative families, to facilitate their interactions with all governmental and non-governmental agencies was endorsed to address the challenges voiced by alternative families in proving their relationship to their respective caring children (MoSS Representative, Interview, October 10, 2022). As per the feedback of alternative families interviewed for this study, such change was celebrated by many of them who perceive it as a great achievement to facilitate their interaction with all governmental and non-governmental institutions.

Moreover, it was mentioned that MoSS has also given families some flexibility to travel with their children by *kafala* in case the family is living abroad; which was explained by one KI to be very a challenging and complicated process in the past that presented a major barrier for many interested families to apply for *kafala* (Community Initiative Member, Interview, November 21, 2022). As noted by the MoSS representative:

> Alternative families used to struggle with a number of issues; some of which could be solved by a ministerial decision, others through coordination with other government entities while others could be addressed through legislatives changes. At the moment, we have addressed all problems that could be solved through the Ministerial decree and included in the new alternative care draft law all other points that require major legislatives change. This new law tries to respond to all alternative families' wishes and dreams. (Interview, October 10, 2022)

As explained by the MoSS representative, the new draft law still includes more promising changes to support alternative families while prioritizing the best interest of these children. In fact, these are all good examples on how civil society actors can contribute in informing the legislative framework based on evidence generated from the field work; which respond to other indicators of the "general measures of implementation".

### 3 Monitoring Mechanisms:

Based on the discussion with several KIs, it was noted that part of the role played by the key civil society actors could be labeled under monitoring mechanisms. It was highlighted in several interviews that Wataneya Society and Face for Children in Need and ElOrman have a seat

in the Higher Committee for Alternative Families that is mandated to review critical *kafala* cases and complaints (Child Protection Expert, Interview, October 31,2022; Child Protection Expert, Interview, September 26, 2022). Even on the local level, members from local NGOs and community organizations are allowed, based on a permission granted from the central level, to participate in the committee and monitor part of the selection process of alternative families. In fact, giving the chance to members of civil society organizations to join these committees is considered a great achievement not only because it empowers the role of the civil society organizations but also it allows for monitoring some aspects of the implementation process which contribute in strengthening the governance framework of the *kafala* system.

### 4 Strengthening the Technical Capacities:

It was highlighted through the different interviews that MoSS rely on the technical capacities of many of the active civil society organizations in strengthening the *kafala* system either through developing technical guidelines, standard operating procedures or training materials. According to a child protection expert from the field (Interview, September 26, 2022), Wataneya and Face for Children in Need were assigned by the MoSS, three years ago, to develop the comprehensive *kafala* guidelines and standard operating procedures based on best practices with the objective to ensure a smooth transition for children to go out of care institutions to family-based care arrangements. She clarified that:

> The process was kicked off by a baseline assessment where they conducted focus group discussions with representatives from MoSS and heard the voice of families to identify the problems they were complaining about. Then, for a duration of over a year and half, the team leading on this assignment worked very closely with the Higher Committee for Alternative Families to share with them step by step the progress and development on the guidelines, and to consult on the proposed changes. (Child Protection Expert, Interview, September 26, 2022)

Also, as indicated by another child protection expert (interview, October 2, 2022), Save the Children technical team along with other key actors like Wataneya Society and Face for Children

in Need have revised and updated the assessment tools that are used by social affairs workers during the home visits assessment with *kafala* families. This child protection expert further added that collectively they have developed a training content that is currently being delivered to all alternative families as a mandatory step in the *kafala* process during their assessment phase (Child Protection Expert, Interview, October 2, 2022). Lastly, it was mentioned that Save the Children has also developed guidelines and a training package for local alternative families committee members to orient them on the family selection criteria and provide interviewing tips and reference questions that could help the committee members to make appropriate assessment in the selection process of alternative families (Child Protection Expert, Interview, October 2, 2022). In fact, such collaborations could be interpreted as a sign of trust from the government in the technical capacities of these organizations, seeing their inputs as an added value to strengthening the whole system.

### 5 Raise Awareness and Promote *Kafala*:

Based on data collected, it was revealed that starting 2019, new actors started to emerge on the alternative care platform. Alternative families for the first time started to form structured groups to voice their needs and demands and raise awareness on *kafala*. Before discussing the role played by the different community initiatives in influencing the *kafala* reform system, I will provide first an overview on the three most prominent community organizations and initiatives that have been established between 2019 and 2020 to promote *kafala* in Egypt, based on the discussion with their respective founders or co-founders.

#### Kafala in Egypt:

The first initiative is **Kafala in Egypt.** After she took her child through the *kafala* system and saw the miserable living conditions her daughter was living in along with other newborn

children, the founder of Kafala in Egypt decided in December 2018 to create a Facebook page and announce that she is caring an abandoned Egyptian child. She explained:

> I was among the very first Egyptian mothers by *kafala* who talked openly on social media about the notion of *kafala*. I felt that I have a responsibility towards my cared child that I have to change the community where my daughter will be brought up in. (Community Initiative Member, Interview, September 20, 2022)

Based on the discussion with the founder, it was mentioned that Kafala in Egypt started as a community initiative in 2018 with only one founder; however, now it has about seven staff members and has been registered as a non-governmental organization by the MoSS. Its Facebook page has about 187,000 followers and the closed group created in July 2020 has more than 200,000 members. According to this community initiative member, her vision behind establishing Kafala in Egypt is "forming a community of alternative families who are aware" (Community Initiative Member, Interview, September 20, 2022). By saying alternative families who are aware, she means families that have the capacity to empower their children by the *kafala* system to attain their rights, strengthen their children's self-confidence and ultimately support them to combat the social stigma associated with children deprived of parental care. In brief, she believes that to achieve these results, this will come only through the role played by alternative parents as they have to always tell their children they are caring for the truth about their origin and not to hide it.

As highlighted by this community member who is affiliated to Kafala in Egypt, this community initiative extends support to families through the different stages in the *kafala* process. For instance, they have a person in charge of submitting weekly requests to the MoSS with any complaints or inquiries, specifically to help families who do not live in Cairo and need to reach the MoSS. Kafala in Egypt also promotes the idea of *kafala* on its different social media channels through sharing information about the procedures, and highlighting the needs for these children to be brought up in families and not in care institutions (Community Initiative Member, Interview, September 20, 2022).

### Yalla Kafala:

The second initiative is **Yalla Kafala;** which started as an initiative in 2019, after the founder posted a note on Facebook on her account under the title "an adoption story in Egypt"; which went viral over one night reaching 4,500 shares and receiving hundreds feedback and comments. What was different in this post is the fact that the alternative mother has shared the post along with a picture of her husband, herself and their child they are caring for under the *kafala* system, which back then was something unlikely to happen. The interviewee noted:

> I was surprised by the reactions I received on the post, I didn't expect this to happen at all. However, this made me realize that *kafala* is not well known among many Egyptians and encouraged me to create a Facebook page to raise people's awareness on *kafala* in Egypt. (Community Initiative Member, Interview, September 21, 2022)

After deeply diving in the field, the founder has established an organization in the United States of America in 2020 and another Non-Governmental organization in Egypt in June 2021 with the vision to "build the best possible future for orphans and *kafala* families" **(**Community Initiative Member, Interview, September 21, 2022**)**. Yalla Kafala NGO is now composed of more than 40 members and its Facebook page has around 72,000 followers. Their website includes information on the eligibility criteria for families who can apply for *kafala*, the *kafala* procedures and needed documents to facilitate the access to information for interested families. Yalla Kafala also organizes social events for alternative families and children **(**Community Initiative Member, Interview, September 21, 2022**)**.

### Kafala Initiative:

Finally, the third initiative called **Kafala Initiative** is not a registered organization. It is more of an initiative with a charity objective "to raise the community awareness on *kafala* and promote change in the society" as explained by one its founders (Community Imitative Member, Interview, September 15, 2022). The founder believes that no child should get to live in a care

institution and that children's places are inside ordinary family compositions. In November, 2020, during the child International Day, Kafala Initiative established its Facebook page, which now has more than 250,000 followers and according to its founder through the different ads promoting the page information and materials they have succeeded to reach more than 5 Million Egyptian. As stated by the founder:

> We have established the first website dedicated to discuss *kafala* in Egypt and have recently established a mobile application to facilitate access to information to all families interested in *Kafala*. Both the website and the application include more than 20 guides and materials on different topics related to *kafala* to support families through the different stages of *kafala*. Additionally, they include a directory with all names, location and contact information of the different care institutions across the different governorates. (Community Imitative Member, Interview, September 15, 2022).

Based on the discussion, it was highlighted that Kafala Initiative has produced more than 100 videos that reached about 2 million users, and produced 55 podcasts to promote *kafala* and provide support for *kafala* families on the different relevant topics. Additionally, it was noted that the Kafala Initiative team rely on WhatsApp as a way for communication as they have around 32 What's app groups divided based on the family situation and interests. For instance, those who are still in the *kafala* application stage and those who already have children. Kafala Initiative offers group or individual support sessions for alternative parents through a partnership with a service provider (Community Imitative Member, Interview, September 15, 2022).

Based on the different interviews conducted with the three community initiative members affiliated respectively to the three recently established initiatives, it was mentioned that the government has welcomed the rise of these community organizations and initiatives as the representative of the MoSS was keen to maintain an open communication channel with them as they are representing the voice of families under the *kafala* system. Also from the government side, the MoSS representative has acknowledged the significant contributions of these three specific community organizations and initiatives in clarifying to many people what is *kafala* and

how to apply. He added that “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). Overall, the role assumed by these community initiatives is perceived to have significantly contributed in increasing the awareness of *kafala* in Egypt, bridging the communication gap between the MoSS and *kafala* families and strengthening the social support network to *kafala* families.

At last, when KI were asked to share their feedback on the role played by the government to reform the *kafala* system, overall, they have praised the efforts done by the government to reform the *kafala* system so far, referring to the legislative changes, the flexibility shown for change and development and above all for supporting collaborations among the different entities. One KI has mentioned that “the MoSS was more or less receptive to several ideas proposed by different stakeholders to develop the *kafala* system and encourage more families to apply”(Child Protection Expert, Interview, 2022). Similarly, another child protection expert said that “the government has been very responsive to most of the proposed changes and showed flexibility to adopt its systems to meet families demands” (Child Protection Expert, Interview, September 26, 2022). Likewise, a member of the community initiative has talked about the leadership in the MoSS and the role of the MoSS representative overseeing the *kafala* file and how smart he is for coordinating the efforts among the different actors (Interview, September 15). Having said so, it doesn't undermine that all KIs have mentioned a number of areas that still need further development to strengthen the *kafala* system such as the capacity of social affairs workers and the bottlenecks in the process.

## 6 Rationale behind the Government Position:

There are several explanations provided by the different KI on why the MoSS would adopt such a welcome attitude and promote coordination with key actors. One KI has noted that "the reason for this is likely to be driven from realizing the value and technical support that INGO and NGO could offer to improve the *kafala* policy and procedures" (Child Protection Expert, Interview, September 18, 2022). Another KI has referred to the role played by community organizations and initiatives in bridging the communication gap between the MoSS and alternative families. She explained that these initiatives for the first time managed to group these families together and formed more structured communication channels between the MoSS and alternative families (Child Protection Expert, Interview, October 31, 2022). Furthermore, complementing the government resources to accelerate the reform process was another reason voiced by another child protection expert (Child Protection Expert, Interview, November 6, 2022). From the MoSS point of view, all of the above have been validated. According to the MoSS representative, the ministry faces a lot of challenges due to its limited human capacity and shortage in employees needed to monitor and follow up on these children placed within families; accordingly, it is essential to establish partnership with local NGOs to complement such an important role (MoSS Representative, Interview, October 10, 2022). Additionally, the MoSS representative has acknowledged the huge efforts exerted by the community initiatives and the valuable role they play in raising the community awareness on *kafala* among different sectors besides extending support to alternative families and children (MoSS Representative, Interview, October 10, 2022). Certainly, these are all justifiable reasons and having a governmental entity that is aware of what it can achieve through keeping an open channel of cooperation and collaboration with civil society organizations is key for success and key for strengthening the system governance framework.

## Chapter Six: Views on the *Kafala* System from Alternative Families' Perspectives as End User

After looking deeply at the efforts exerted by the MoSS and civil society organizations to develop the *kafala* system in Egypt, it was essential to capture the views of alternative families as an end user towards these changes and learn what their actual experiences look like. There was no consensus in participants' answers when alternative parents were asked about their feedback regarding their *kafala* journey and the areas that require further development. Some alternative parents have talked positively about the process and services while others have voiced their frustration and disappointment in regards to specific governmental procedures and staff capacities. Based on participants' feedback on the *kafala* cycle the following themes were brought to the discussions: how have they learnt about the existence of the *kafala* system, the *kafala* application procedures, the capacity of the social affairs workers, how do they get access to information, their views on rights granted to children under the *kafala* system and alternative parents, and finally the available social support networks.

### 1. Awareness about *Kafala*:

As there are assumptions that many families have only recently learned about the existence of the *kafala* system in Egypt, it was important to start by asking participants on how they have learnt about the *kafala* system and what actually motivated them to apply. According to Zeinab, a mother through the *kafala system*, she said:

> I started to think about *kafala* after I received a link from one of my family members to join a group for Yalla Kafala, as she knew that I have challenges with pregnancy. I was encouraged by the stories I read and the videos posted on the group. After seeing these videos, I was motivated to discuss the idea with my husband and I ultimately convinced him to proceed in our *kafala* journey. (Interview, October 31, 2022)

Zeinab believes that these initiatives helped to increase people's awareness on *kafala* as many people didn't know that this even existed in Egypt. It is exactly what Sarah, a married woman who is still in the middle of her *kafala* application process, has stated:

> I didn't know that such a thing existed in Egypt. I actually heard about the idea of *kafala* after seeing the post of Rasha Meekly the founder of Yalla Kafala talking about her experience and since then I started to consider the idea and finally managed to apply in 2022. (Interview, November 7, 2022)

This was also confirmed by Dina, another mother through the *kafala* system who applied for *kafala* in 2020 as she mentioned that she started to think about *kafala* after she saw a post on social media for another *kafala* mother talking about her personal experience with her caring child who was seven years old. Dina said: "the post touched my heart and since then I started to follow other *kafala* families stories and hear about their experiences" (Interview, October 31, 2022). According to Dina, these posts are very helpful for many people; in her case, she used the available materials posted on Facebook to convince her husband with the idea of *kafala* and indeed managed to convince him to take a step forward and apply for *kafala*. Along the same line of thoughts, Rabab, a mother under *kafala* system, said that she has been thinking about *kafala* but after she saw the different posts and videos on Kafala in Egypt Facebook page, she was inspired by these families; which encouraged her to apply (Interview, October 31, 2022).

In fact, the role played by community organizations and initiatives in promoting *kafala* was the highlight of all discussions with key informants and alternative families. Based on the different discussions, it was noted that the role of these community initiatives has been recognized as a deal breaker by all KIs and alternative families in promoting *kafala* in Egypt. Talking openly about their personal experience in *kafala* and breaking the stigma faced by children without parental care in the Egyptian society was highlighted to be a breakthrough in grabbing the attention of many Egyptian families to the idea of *kafala*. As described by one of the community initiative members, back then in 2018, there was only a very small closed and private group of around 800 *kafala*

mothers providing support to each other on Facebook. She said that "the situation back then was as if you were going to buy drugs and the topic was very discrete. The families were hiding and no one was talking about *Kafala*" (Community Initiative, Interview, September 20, 2022). A similar point of view was mentioned by another community initiative member, as she noted that "showing real life stories of how her family looks made people realize that this is really happening and gave power to the story" (Community Initiative Member, Interview, September 21, 2022). What made it more interesting is that these individual initiatives have created a ripple effect as many families started to come forward and share their own stories of *kafala* as mentioned by a child protection expert, who argues that:

> Seeing real life examples that people can relate to, stories that people can follow and see how good it has turned out to be for these children was very useful in increasing the interest of many Egyptians to know more about *Kafala*. (Child Protection Expert, Interview, September 18, 2022)

This child protection expert believes that these initiatives succeeded in creating a momentum at the community level due to the positive real life stories that were shared on the different social media channels.

Unfortunately, none of the participants have referred to the MoSS to play a role in this aspect and promote *kafala* in Egypt, neither have they recalled the social media campaign that was launched by the MoSS and Save the Children in 2019 to promote Kafala that both entities have talked about in the previous chapter.

## 2. Application Cycle:

### 2.1 Length of the Process:

Although the government website includes some guidance on the *kafala* application cycle, there is no clear time bound for each step or an estimated timeframe for the completion of the whole process. When alternative families were asked about their application process and its length,

some mothers by the *kafala* system have described their experience to be smooth and simple while others have complained about the length and complexity of the process.

According to Dina, a *kafala* mother who applied for *kafala* early 2020, she said:

> It took us about six months from the date we submitted the application to the date we welcomed our daughter to our family. The procedures are very normal and simple to ensure that these children are given to good families who can protect them. From my point of view the time frame of the process is very reasonable. (Interview, October 31, 2022).

Similarly, Noha, another mother under the *kafala* system, has mentioned:

> My application process was very smooth; however, I have to say that the waiting period in itself is very difficult for us as families looking forward to the approval of the ministry to receive our child by the *kafala* system. (FGD, October 19, 2022).

Along the same line, Hala, a *kafala* mother has mentioned that her process didn't take a long time, yet she described it as "extremely stressful, mentally and physically draining" (FGD, October 19, 2022). On the other hand, Alaa, a *kafala* mother said:

> The hardest thing I faced in this journey were the procedures related to kafala. They are very hard and it has become very difficult to find a child nowadays. It is a bit difficult to finish the documents as the governmental procedures are in general difficult and bureaucratic in Egypt. (FGD, October 19, 2022).

Similarly, Heba, a *kafala* mother, has described the process to be "very difficult, complicated and annoying" as it took her more than eight months to welcome her daughter through the *kafala* system from the day she submitted the application (Interview, November 7, 2022). In Heba's situation, her family has submitted the request late 2021 and managed to receive her child in 2022 but this was with the help of a friend as she wasn't able to find a young child below 2 years old in any of the care institutions in Cairo for a period more than eight months. Heba explained that she had to travel to Kafr El Sheikh to find a young child after a friend informed her that she knew that there is a young child in a care institution there (Interview, November 7, 2022). Likewise, Lamis, a ***kafala*** mother who lives in Cairo, faced six months of delay and was able to find her daughter in a care institution in Minya governorate. Lamis said:

> Over a period of six months, I had to travel every 10 days to two weeks to Minya governorate to see my daughter as just before I was about to take her home, the security clearance from the Ministry of Interior Affairs (MOI) was added as a new requirement to the kafala process so we had to wait for six months until we got the approval from the MOI. (Lamis, FGD, October 19, 2022)

Based on all participants discussions, the average length of the whole process takes between six to 12 months; yet it is essential to realize that regardless of the shortness of the timeframe the whole process in itself is likely to be very stressful for these families as they are eager to finish the process and take their children home.

### 2.2 Required Documents:

Participants have also referred to the required documents needed to complete the kafala application during the interviews and FGD. First, it is important to clarify that over the past two years, several requirements have been added to the kafala procedure such as the security clearance from the MOI, a drug test and a mental health assessment for applicants that have to be issued from a governmental entity. It is worth mentioning that these requirements, although now mandatory, are not listed under the procedures and requirements on the Ministry website. According to Heba, she doesn't understand the purpose of the drug test, she said "it is a useless assessment" (Interview, November 7, 2022). Similarly, Mona, a *kafala* mother, has described the mental health assessment to be "very ridiculous, annoying and unnecessary" (FGD, October 19, 2022). She was very frustrated that they had to go to the Abbaseya hospital to conduct the mental health test; which she referred to as the hospital "of insane people". Likewise, Sara, a married women who is still in the middle of her kafala application said:

> I believe that the required documents including criminal record, Virus C test, drug test, Bank I-score, family certificate, birth certificate, bank statement, salary record, security clearance, mental health assessment besides a proof of owned assets for both partners are a bit too much. (Interview, November 7, 2022).

Sara didn't undermine the importance of the assessment process to ensure that good families are selected for the sake of these children but she believes that the required documents from both

spouses are a lot. Despite the frustration of several alternative parents on the required documents, it is necessary for the government to ensure that these families are very thoroughly selected to ensure the best interest of these children.

### 2.3 Delays in the Electronic System:

Despite that the executive regulations issued in 2020 outlines that the applications for kafala should be submitted via the MoSS website; it seems that a parallel system is still on-going as many families have submitted their applications directly to the respective directorate social affairs office. Dina has mentioned:

> We submitted our request online as per the guidelines but after we didn't receive any feedback for a few weeks, we approached the designated social affairs office and initiated the kafala process directly. After I finished the process and received my daughter [under the *kafala* system] which took about 6 months, I received a call from another social affairs worker who told me that she has received my online application and is calling me to start the process. (Interview, October 31, 2022).

Likewise, three other alternative parents have said that they have submitted their application via the social affairs office directly as they didn't receive any feedback on their online application request. In fact, this problem is under the MoSS radar as it was brought up in the discussion with the MoSS representative who noted that: "we are facing some delays in responding to online applications due to the high number of applications received and the limited human capacities of the MoSS". Instead of creating a parallel system, it is essential that the MoSS designs an action plan to enforce the usage of the electronic system as it will help in keeping track of the total number of applications submitted; which is likely to enhance the accountability of the whole system.

### 2.4 Justification on the Complexity of the Application Cycle:

After hearing a lot of complaints from alternative families on the procedures during the FGD and interviews, it was interesting to hear few of them saying no matter how complicated these procedures are they have to look at the situation from another perspective and how the

government needs to ensure that these families are good for these children. Based on Zeinab's overall experience, she said:

> Looking at the procedures before taking my daughter seems to be very complicated and annoying, but after receiving her, I felt that all these procedures are legitimate to ensure that these children are put in the right family to ensure their protection. (Interview, October 31, 2022)

A similar point of view was also brought in the discussion with the MoSS representative who admitted that the new procedures are not very simple and do not facilitate the process on alternative families unlike the changes that came in the executive regulations. He explained this by saying:

> We are talking about the life of a child so it is not really expected that we facilitate the process. My priority is to govern the institution to identify the best option and not to facilitate the process. My priority is to select the best family to achieve the best interest of the family. (Interview, October 10, 2022)

Indeed, no one denies that the selection process should be very detailed and thorough to select the best family for each child and minimize the chances of putting these children at risk; however, based on participants' experience there are still several areas of development that the government should address to minimize unnecessary delays in the application cycle.

### 3. Capacity of Social Affairs Workers:

According to the process, a social affairs worker is assigned to assess the kafala application of each family. Again, there were contradictions in the feedback collected from participants when they discussed the level of support they have received from their respective social affairs workers or even what they have heard from their friends. In general, Dina has expressed her satisfaction with the overall experience and the support she received from the assigned social affairs worker. She stated: "Thanks God, my social worker was very helpful and supported me with all the requirements to complete my case file (Dina, Interview, October 31, 2022). A similar feedback was shared by Zeinab, another *kafala* mother who said that:

> I am very grateful to Mr. Khaled, my social affairs worker, he was extremely supportive and helped me in assuring my husband who was a bit hesitant in the beginning to proceed with the application. When I talked with Mr. Khaled and told him that my husband was a bit hesitant to proceed with the application, he told me I can go and see him in the house and talk to him. When he saw my husband for the first time, he kept talking with him and encouraged him to proceed with the application so I am very grateful to him. (Interview, October 31, 2022).

Along the same line, Rabab said that she considers herself lucky that she got the chance to work with a good social affairs worker who she described to be "very respectable and supportive" (Rabab, Interview, October 31, 2022).

On the other hand, some alternative families have shared some negative experiences with their respective social affairs workers. For instance, Mona stated:

> When I approached the social affairs office, the social worker tried to convince me to change my mind and not proceed with the kafala application. She kept telling me about the possible problems that could arise from caring for an abandoned child. So I left and submitted the application via the internet and someone else contacted me and we started the process. (FGD, October 19, 2022)

Similarly, Hala, a *kafala* mother who also have two biological daughters, narrated her story saying that:

> When I went to the social affairs office they told me you have two biological daughters so we should give priority to other families; accordingly, I went and submitted my documents directly at the MoSS and they communicated with my social worker and told her to complete my process and finalize my assessment. (FDG, October 19, 2022).

Hala was mainly frustrated that the employees didn't know the new procedures and that she can care for an abandoned child while already having biological children. The same incident happened with another family who said "our social worker kept asking us why do you want to care for an abandoned child while you already have biological children? Why are you doing this to your biological children?" (Community Initiative Member, Interview, September 15, 2022). Along the same line, Lamis has said that she heard from a friend that her experience was not very pleasant as the assigned social affairs worker was very rude to her and has told her to reconsider her decision and not to proceed with the kafala as she is a single woman. The social worker told her "you are

still young so tomorrow you will get married and return the child" (Lamis, FGD, October 19, 2022). Finally, Sara, who is still in the middle of her process, has complained from the lack of information provided to her by the social affairs worker saying:

> When I approached the office, the social worker made me feel that the process is very simple and easy. She has verbally informed me with the required documents that I need to submit. My problem is that each time I go to her with the required document, she asks me for more documents or provides me with more detailed information. For instance, we have completed the drug test in a private clinic and after I gave her the test results she told me that it has to be issued from a public clinic. When I asked her why she didn't inform me in advance, she replied by saying that I didn't know then. I also went to El Abbaseya Hospital for the mental health assessment and after I arrived, I was told that I need a referral letter from my social worker. Again she didn't inform me that she should give me such a referral letter. (Interview, November 7, 2022)

Based on the discussion with alternative families, many of them believe that most of the social affairs workers are not qualified to do this job and need to receive training to qualify them to do such an important job. Some have recommended giving them communication skills training as they said that they don't talk appropriately with alternative families (Noha, FGD, October 19, 2022). Another *kafala* mother suggests that someone remind them that this is not just like any regular governmental job but it is one with a very good cause that will help both entities; children deprived of parental care and other families (Menna, FGD, October 19, 2022). Indeed, the role of the social affairs worker is not like any regular governmental job as the future of a child lies on their responsibility; accordingly, qualified staff who believe in the value of such work are needed to fulfill such positions.

### 4. Access to Information:

The MoSS website includes a short hotline number 16439 to receive any inquiries related to the kafala procedures; however, it doesn't seem to be an effective communication channel as none of the participants have referred to it when they were asked about the communication channels and the entities they go to when they have inquiries related to their kafala journey. One

*kafala* mother has mentioned that there is a WhatsApp group including alternative parents and members of the social affairs committee who she reaches out to when she has any inquiries (FGD, October 19, 2022). According to Rabab:

> When I have any inquiry, I go back and consult with employees or volunteers at Yalla Kafala or Kafala in Egypt. They are the ones who always guide us as they are always in contact with the MoSS. For me if I want to inquire about something from the MoSS I have to go physically to ask there so these initiatives facilitate this issue for us a lot" (FGD, October 19, 2022).

In fact, several participants have commented that members of these community organizations and initiatives usually have more information than governmental employees sitting in the social affairs offices in the different directorates. All participants have talked about the essential role that these community initiatives have played in disseminating information on the different regulations and procedures that were not easily available or known to families interested to apply for Kafala via the government channels. Indeed, many of the alternative families who participated in the FGD have recognized the efforts played by these initiatives in helping them with the processes and sharing information besides offering any possible support and advice along the process. It is important to mention that many of these initiatives have produced leaflets with clear information on the procedure cycle and the actual time frame expected in each step; which is not available on the government website as the information there is outdated. Some of these initiatives have dedicated staff to answer all inquiries submitted on their respective social media channels to support families complete their kafala process (Community Initiative Member, Interview, September 20, 2022). While checking these initiatives Facebook page, it is evident that on a daily basis people post clarification questions related to the procedures bottlenecks or mention that they are interested to apply so from where they can start the overall process. It is very important to ensure that there is a reliable source of communication available between the MoSS and alternative families to respond to their inquiries and provide them with the needed information.

### 5. Access to Rights:

As noted previously, in 2020 the executive regulations related to kafala were amended giving more rights to alternative families and children under the *kafala* system so when participants were asked about how these changes affected their kafala journey almost all of them have praised the changes but implied that further amendments are needed to ensure that children under the *kafala* system have access to the same rights as biological children while being in compliance with the Islamic Sharia.

On the positive side, almost all alternative families have praised the changes that came in 2020 executive regulations in regards to the child birth certificate and the possibility of adding the name of the caring father and mother to the child birth certificate. For instance, Dina has expressed her satisfaction saying: "on the day I received my daughter's [through the *kafala* system] birth certificate with my husband's name and my name on it, I was extremely happy, I felt as if I was reborn" (Interview, October 31, 2022). It is important to clarify that such change does not have an impact on Dina's decision to apply for *kafala* or not but she sees it to be in the best interest of her daughter as it minimizes her chances of being socially stigmatized if she had a different name than her father. Also, the idea of issuing a family care for alternative families was seen as a great step to facilitate the interaction of these families with any governmental or non-governmental institutions. Heba, has praised the idea of the family card; she said: "I like the idea of the card a lot as we no longer have to carry the file with us everywhere we go to prove our relationship to our caring child" (Interview, November 7, 2022). This card is expected to facilitate the interaction of alternative families with any institutions. It also gives alternative parents the educational guardianship to allow them to apply in schools for their caring children directly without having to return to the MoSS to get the needed documents that were previously requested.

On the other hand, some families have voiced some concerns about the challenges they face to allow their caring children to access the same services entitled to biological children. For instance, Alia, a *kafala* mother, complained that she can't add her daughter to her medical insurance coverage offered by her employer as there is no law regulating this (FGD, October 19, 2022). Similarly, Rabab believes that she should get legal custody over her caring child in an attempt to secure her future. She said: "we need to be able to open a bank account on her behalf and manage her finances by depositing and withdrawing money as we see fit based on our family capacity" (FGD, October 19, 2022). Along the same lines, Hala stated: "I want to open a bank account for my daughter so I can deposit money for her but I want to keep having the authority to manage the finances in this account and not have it under the MoSS authority" (FGD, October 19, 2022). It is worth noting that currently, alternative families are eligible to deposit money in their children's bank account but they don't have the authority to manage this account or withdraw from it. The MoSS remain the legal entity accountable on this bank account; which explains the alternative families' frustration.

### 6. Social Support Networks:

As the journey of *kafala* seems a bit complex, participants have referred in their discussions to the social support networks available. Most participants have referred to social networks initiated by the recently established community organizations and initiatives to be very effective in supporting them throughout the process. In fact, this makes sense as these community initiatives are working very close to families on the grass root level.

It was highlighted by participants that many of these community organizations offer a number of services to support kafala families. For example, Rabab has mentioned that Yalla Kafala has given her a pump machine to help her with breastfeeding her child under the *kafala* system; which is something she appreciated a lot (interview, October 31, 2022). She also mentioned that

she attended a Bazar that was organized by Yalla Kafala where there were children products like car seats, cloth etc. at a very minimal price. Rabab said "I like these social events that they organize as they help us to network with other kafala families who have similar family arrangements and get to see people we regularly talk to over WhatsApp groups" (Interview, October 31, 2022). Similarly, Dina has also acknowledged the efforts done by some of these community initiatives to organize events for kafala families saying: "I hope that through these events, our children will grow up together and support each other to face the societal stigma associated with abandoned children (Interview, October 31, 2022). Dina believes that through these events, they get to know other *kafala* families; which help a lot in offering emotional and social support. From the different discussions, it was obvious that these community initiatives succeeded in empowering and supporting *kafala* families to break the social stigma and disclose proudly that they are caring for children under the *kafala* system.

Overall this chapter provides valuable insights on the *kafala* journey of alternative families. It indicates several areas that need further development to strengthen the process and ease from the pressure put on these families. Additionally, it sheds the light on the significant role played by the established community initiates in complementing the government role in promoting *kafala* in Egypt, combating the social stigma and above all strengthening the social networks system among *kafala* families.

## Chapter Seven: Conclusion and Recommendations:

This chapter presents the conclusion of this research study based on the analysis of the data collected. It also includes some policy and administrative recommendations to address some of the gaps highlighted by the different participants.

After several research was published generating evidence on the negative consequences of large-scale group living on orphaned, abandoned or children deprived of family care in the short and long term; it was inevitable for UN agencies and child rights practitioners to advocate for major changes to promote the best interest of these children. Accordingly the UN Guidelines for the Alternative Care of Children issued in 2009, have urged all States to consider placement of children deprived of parental care in residential care institutions as the last resort and instead prioritize placement in family care settings. As mentioned in the previous chapters, to keep up with the global movement towards alternative care, the Egyptian government started in 2014 to direct more attention towards enhancing the *kafala* system. Over the past eight years, several legal provisions related with alternative care were revised to expand the criteria of families eligible for *kafala* and grant more rights to alternative families. In 2021, the Ministry of Social Solidarity (MoSS) in Egypt has launched a comprehensive national strategy for alternative care which goes in line with the UN General Assembly recommendations towards deinstitutionalization. In 2022, a new draft law was shared for consultation with key stakeholders before being presented to the Parliament for review and approval as planned in early 2023.

Accordingly, this study had this main research question: to what extent the case of the alternative care reform in Egypt while focusing precisely on *kafala* could be considered as a successful framework of child rights' governance; which could inform future public sector reforms for children in Egypt? Although, more time and comprehensive child governance analysis

framework are needed to fully assess the efficiency of the *kafala* system reform under study, the findings indicate that the on-going coordination and collaboration mechanisms established between the government and civil society actors are contributing to a great extent in strengthening the alternative child care governance framework in general and the *kafala* system in particular because of the following reasons. First, based on the findings, it was evident from the different discussions that over the past few years there have been significant changes in the *kafala* system that succeeded to increase the overall interest of more families to apply for *kafala* in Egypt and generate more discussions on the rights of children deprived of parental care in the Egyptian society. Second, the system is currently informed by a comprehensive national strategy with an overall objective to govern the whole alternative care system. Third, several legislative amendments have been conducted based on evidence generated in addition to consultations with the key entities on the draft law. Fourth, there have been a lot of efforts exerted to build the capacity of governmental staff and develop useful guidelines and tools. Fifth, it was shown that members of civil society organizations are involved in the monitoring process. Six, it was clear that there is two-way communication between the MoSS, the government entity, and the relevant stakeholders that aim to strengthen the whole alternative care system. Lastly, the efforts and commitment of the MoSS leadership overseeing the *kafala* system was highly recognized by several actors of the civil society organizations and initiatives; which is a common thing to find these different groups in alignment with the government performance in Egypt. Despite the positive indicators mentioned above, it is essential to acknowledge that it is still necessary to continue in developing the system as per the feedback shared by alternative families based on their actual experience with the system.

- Policy and Administration Recommendations:

The study shows that there are several areas that require further development to strengthen the alternative child care governance framework, ensure that the best interest of these children is realized and to enhance the alternative families experience throughout the *kafala* process. This can be summarized in the following points:

1. **Strengthen the Coordination Mechanisms:** Establishing a strong coordination platform across key stakeholders is listed as an indicator of a good child rights governance framework (Grant, 2012; "General Comment No. 5", 2003). Engle et al. (2011), conclude their research by recommending that "a coordinated effort of researchers, policy makers, practitioners, and advocates must be formed to protect the rights of these children [deprived of parental care]" (p. 217). This also goes in line with the UN guidelines on alternative care recommendations that calls for strengthening, promoting and enhancing the cooperation among States' authorities and civil society associations ("UN General Assembly", 2010). Accordingly, it is essential to capitalize on the on-going coordination efforts established with different stakeholders to ensure that civil society actors' efforts complement each other's and avoid duplication of efforts. Additionally, it is important to unify the objectives across community initiatives to minimize the sense of competition between organizations.
2. **Ensure the Timely Implementation of the Alternative Child Care National Strategy Action Plan:** While developing a comprehensive national strategy is a key indicator, it is equally important to ensure the effective implementation of the national strategy action plan. Accordingly, it is very important to develop realistic and timely milestone for the implementation of the strategy while ensuring participation from all relevant stakeholders.

3. **Always Rely on Evidence when suggesting Legislative Changes:** Although it has been recognized that the MoSS was very responsive to amend several legislative clauses to accommodate the demands of many families to be eligible for *kafala*. It is important to look at these changes from the child centered lens and how they realize the best interest of the child and not as if it is a service for families who want to care for children. The UN guidelines on alternative care stresses on the notion that any decisions taken related to children deprived of parental care should be based on the "best interest of the child" principle ("UN General Assembly", 2010). Now that there are more families interested in *kafala*, it is a good opportunity to revise the criteria of families eligible for *kafala* and update it based on evidence generated with putting children at the center of the decision making. Having said this, my recommendation is to ensure that all changes occur based on evidence generated and after taking some time to test them on a smaller number of families before moving forward and generalize these policies to ensure that all changes are informed based on evidence. This also goes in line with the UN Guidelines for the Alternative Care of Children; which advice that "policies should be based on sound information and statistical data" ("UN General Assembly", 2010, p.12).

4. **Build the Capacity of Social Affairs Workers and Committee Members:**

   As per the available literature, it has been recommended that "the expansion of alternative families' program must be accompanied with extensive efforts to qualify the existing social workforce to be able to provide adequate support and supervision for children and their families" (Abdel-Aziz, 2022, p. 97). A gap between the social workers' skills was demonstrated through this research as not all social workers showed the same level of skills and attitudes towards families applying for *kafala*. Therefore, it is essential to capacitate all social workers with the needed skills to be competent to play such a sensitive role. Also,

since the members of the alternative family care committee are not all child protection experts, it is mandatory to train all of them on the child protection principles before taking part in any committee.

5. **Strengthen the Monitoring and Evaluation System and Develop Diversified Accountability Mechanisms:** The UN guidelines on alternative care note that "children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement" ("UN General Assembly", 2010, p.15). Based on the discussion, it was noticed that there are very limited accountability channels that the government has established to supervise the *kafala* system in Egypt. Accordingly, it is key to establish multiple accountability child friendly channels and conduct interviews with children directly to capture their voices and promptly identify any possible harm or risks that children placed in alternative families could face. Also, it is essential to strengthen the monitoring and evaluation mechanisms available within the MoSS to ensure the on-going development of the *kafala* system through analyzing the data collected.
6. **Conduct more Research and Generate Information:** Although this topic was not mentioned by several KIs, it was highlighted mainly in the literature, especially that there is very limited research conducted on the topic to date in Egypt, it is essential to enhance the research aspects related to the alternative care system in Egypt ("UN General Assembly", 2010). Some of the potential topics related to the context in Egypt are: reasons for returning children to care institutions after some years, after they have been placed within alternative families. It is important to collect feedback from children and families on their experience and conduct comparative study between the situation of children who

have been raised by one alternative parent who is non-Egyptian versus those who have two Egyptian parents or those who are cared for by single mothers.

7. **Develop an Electronic Data Management:** As per the available literature, there is inaccuracy on the data available globally on children deprived of parental care, which is also the case in Egypt due to the absence of an electronic information management system (UNICEF, 2020; Engle et al., 2011). Accordingly, the MoSS should prioritize the development of an information management system. Having access to data will help to generate information that could help the different entities to identify trends and root causes of some problems and accordingly inform the government and other actors interventions (Engle et al., 2011). Also, since the executive regulation stipulates that all applications should be submitted via the MoSS website; then it is essential to ensure that there is available human capacity to address these requests and enforce the system as it marks the beginning of the data management cycle.
8. **Ensure Access to Accurate Information**: It was highlighted that many families struggle to find up to date information on the different procedures and the documents needed throughout the *kafala* process. Accordingly, it is essential that the MoSS ensures that it regularly updates the information available on its website with clear and accurate information on the *kafala* process. Also, it is worth considering developing a visual flowchart for the whole *kafala* process with the expected time frame of each step to be distributed for families that approach the directorates to ask for information on the process. Furthermore, due to the on-going changes undertaken by the MoSS to enhance the system, it was noted that many of the social workers are not all the time up to date with these changes. Henceforth, it is important to ensure that there are effective channels of

communication between the central level and other governorates that guarantee the travel of accurate information among governmental staff.

9. **Enhance the End-user Experience:** Although it is evident that the *kafala* process should be detailed and comprehensive, it is essential to develop the end user experience of alternative families to remove unnecessary delays in the process. Accordingly, it is important to finalize the standard operating procedures of the *kafala* system and put a reasonable time frame for each step. Additionally, it is necessary to establish effective communication channels within the MoSS to respond to inquiries from alternative families or those who are interested to inquire about the system as it was noted by many families that they struggle with the available communication channels from the government side and accordingly rely on the community initiatives when they have any inquiries. My suggestion is for the government to either officially delegate an entity to play such a role on its behalf or establish effective communication channels to respond to families inquiries possibly through relying on social media channels like Facebook as it was shown to be an effective channel of communication for many of the alternative families I talked to.
10. **Grant Children Deprived of Parental Care their Rights as other Egyptian Children:** The UN Guidelines stresses on the fact that children deprived of parental care should not be discriminated against and should enjoy their full rights ("General Assembly, 2010). Accordingly, it should not be acceptable that children deprived of parental care in Egypt do not get to enjoy their rights on equal footing like any other biological Egyptian child. Thus, it is recommended to revise all legislative clauses that limit children deprived of parental care from enrollment in the military and police academy as according to the current law they are denied these rights. Also, legislative changes should facilitate their access to

social clubs like their parents and give them access to medical insurance as biological children.

11. **Ensure that Children without Appropriate Care are well Recognized in the Government Budget:** It is necessary to advocate and ensure that children without parental care are visible in the government budget to maximize their protection and access to the public resources on equal footing like other Egyptian children.
12. **Continue to Promote *Kafala* in Egypt:** As it was indicated in this study that over the past few years, there have been a lot of discussions on *kafala*, it is essential to capitalize on this moment and continue raising the public awareness on the existence of the *kafala* system relying on creative and innovative techniques that have shown their effectiveness like social T.V. drama and showing real life stories and examples of successful children who were brought up in alternative families.

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