

Assessment of the Alternative Families System in Egypt

Amira Abdel-Aziz

Abstract

Since 2016, the Egyptian Government has made several changes in the Alternative Families System that aims to provide children without parental care, especially abandoned ones, with families. The study assesses this flagship programme using the UN Guidelines for Alternative Care for Children as the main guiding framework, combined with qualitative methodological approaches, based on a purposive sample of key informants, consisting of governmental officials, national and international organisations, using in-depth interviews as the main tool for data collection. On one hand, the state declares its responsibility towards children without parental care. Moreover, it involved the assembly of a new national committee for alternative families. On the other hand, there are limitations which affect the increasing number of abandoned children, such as the inability of unmarried mothers to register their children and thus find proper support. In addition there was the non-existence of preventive strategies such as families' rehabilitation programmes. Finally, negative societal stereotyping towards abandoned children was identified especially by government officials administering the programme. The study recommends reviewing the existing legal framework to ensure its proper execution through allocating financial resources, upgrading the existing human capital and related systems, and developing a national alternative care strategy.

Keywords

Alternative care, foster care, children without parental care, Egypt

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Corresponding author

Amira H. Abdel-Aziz, Cairo University, abdelaziz.amira.h@gmail.com

Introduction

Families are considered the best option for a child to be nurtured and developed (UN General Assembly, 2009). Accordingly many countries worldwide have taken solid steps towards securing foster care families, whether temporarily or permanently, to avoid institutional care settings (Petrowski, Cappa, & Gross, 2017) especially for children under three years old (UN General Assembly, 2009). The importance of these guidelines is that they clearly state the role of governments towards children without parental care (Cantwell, Davidson, Elselet, Milligan, & Quinn, 2012) as Article 5 clearly indicates:

Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organisations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided (UN General Assembly, 2009).

Extant literature affirms the importance of a family setting especially efforts to support the child to remain within the original family or the extended kinship care family (Megahead & Soliday, 2013). It also highlights the important role that foster care families can play whether a child is placed within these families on a temporary or permanent basis (Keshavarzian, 2015). This is where Islamic countries adopt an analogous scheme called 'Kafala'. According to this scheme, a child can be placed permanently within a family, however, without the right to carry the family name or inherit, although some permissions are allowed in accordance with Islamic sharia (these will be explained in the results section) (Assim & Sloth-Nielsen, 2014; Spaac, 2014). Other practices include training families to deal with certain cases of children who need special care and treatment forming what is called 'specialised families' (Keshavarzian, 2015).

As for the case in Egypt, there are around 22,000 children within the Egyptian Alternative Care system; 10,000 within care homes and 12,000 within alternative families. Overall, there are six care options; four of them are listed in the Egyptian Child Law and the rest are based on the existing practices or future plans. All of the care options are under the supervision of the Ministry of Social Solidarity (MoSS) except for the Motherhood and Childhood centres. These centres take care of children under the age of two and are supervised by the Ministry of Health. The supervision entails frequent monitoring visits by government officials locally. In some cases, assessment visits take place from officials from the central level in case of complaints or abuse cases. As for the management of the social care homes, there are types which are entirely managed and owned by Civil Society Organizations (CSOs), while others are jointly managed by CSOs and government officials (Abdel-Aziz, 2019).

In Egypt, care homes are divided by age group: institutional nurseries that serve children from two to six years old and institutional care homes that serve children above six years old. As for the institutional care homes, there are two types. The first type provides care to abandoned children whose parents are not known in most cases and, in rare cases, for children whose parents are known. The second type serves children that were separated from their families willingly or unwillingly; this includes runaway children, children that live in the streets, children placed by their parents, and children placed by prosecutor decision. The total number of institutional care homes is 502 (Abdel-Aziz, 2019).

As for the family based options, there is a growing understating of the importance of the family care setting as opposed to institutional care. According to recent statistics from MoSS, the number of alternative families is around 12,000 compared to 10,000 children within 500 institutional care homes.

MoSS is the main entity responsible for social related matters generally, and children without parental care or children at risk specifically in accordance with the overarching legislative framework that governs all children-related issues under the Egyptian Child Law (ECL) of 1996, amended in 2006, and further amended in 2016.

The amended article No. 96 of the implementing regulations of ECL states that the Alternative Families System (AFS) serves: 'children over the age of three months who are cared for by alternative families or within the shelters of the ministry concerned with social solidarity until the age of stability in the work or marriage of females'. The role of AFS is envisaged to: 'Provide integrated social, psychological, vocational and professional care for children over the age of three months that are unable to grow within their natural families and those who are unknown or abandoned' as per the amended article No. 85 (Egyptian Factsheet Journal, 2016).

The study was designed to assess the Alternative Families System (AFS) and its associated amendments to the law, which is considered the Egyptian government Flagship programme to improve the status of children without parental care. Towards that end, it attempts to answer three questions: To what extent is the existing legal framework abiding by the UNGAC?; To what extent are the existing legal and policy frameworks being implemented on the ground?; Finally, what are the desired improvements and necessary recommendations for the AFS moving forward?

Methods

The study used the UNGAC as the main framework to assess the Egyptian legislation framework and its associated practices. This was complemented by a review of the literature in academic journals and surveying web-based databases of organisations that work in the field of child protection and children in alternative care. To narrow the focus on the results specific terms were used: 'foster care'; 'adoption'; 'kafala'; 'alternative'; 'deinstitutionalization'; and 'alternative families'. Given the recent and rather rapid changes in the ECL and the Alternative Families System (AFS), only a few updated resources were available online. Therefore, for the Egyptian context, the author depended on published studies, reports, laws and their amendments to form an overview of the overall alternative care system and how it developed over time. Moreover,

grey literature¹ and unpublished reports were used to provide additional and updated information on the current status of the programme.

A qualitative methodological approach was followed, involving purposive sampling to identify key informants in the field of alternative care. Due to the small number of officials and experts that work within this field in Egypt, the purposive sampling was the most suitable option to target key players in the field that represented government officials, and national and international organisations to assess the current situation of the programme. The sample had 19 participants; five of them were government officials with two directly involved in the Alternative Families System (AFS), three more involved with the complaint system recently developed by MoSS, and the last one responsible for institutional care homes. The other 14 participants were officers and experts within the field who worked for international and national organisations: namely UNICEF, Save the Children, and Face for Children in Need. The study mainly used in-depth interviews as data collection tool.

The inclusion of alternative families as research informants was sought, however, this was not successful due to different challenges including the unwillingness of these families to stay connected with the official system through MoSS, after having the child. This is considered the study's main limitation as will be discussed later.

For the purpose of this study, children without parental care will refer to the definition provided by UNGAC as ' all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances' (Article 29a), whereas alternative care refers to formal care as:

all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measure or informal care' and b.

1 Grey literature refers to materials and reports published by organisations such as NGOs, third sector agencies and government departments – i.e. outside of commercial and academic publishers.

Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body (UNGAC, Article 29a).

The study will use alternative care to refer to all care options, whether they are family care setting or institutional ones, formal and informal.

Results

The results fall into two broad categories: related to broader issues that affect the Alternative Families System (AFS) and other findings that are directly related to AFS.

Findings related to broader issues that affect AFS

State's role in ensuring alternative care for children

Amended Article No. 4 in the Egyptian Child Law (ECL) clearly states the role of the government in securing alternative care for children deprived of care. This reflects a major change in the state's views towards children's parental care, as it explicitly takes responsibility towards them, which comes into alignment with the orientation of the UNGAC. This amendment was introduced in 2008 as a replacement for the original article that only stated the biological family's role towards children. Another clarification of the state's role was due to the 2008 amendment to Article No. 96 in which the law states 14 cases in which the child should be considered in danger (Egyptian Factsheet Journal, 2008). The cases that are related to families are stated in 96.2 and in 96.6. In the previous version of this article, before it was amended, there was no clear definition for children at risk in general or children who might be at risk within families. This made it almost impossible to take any formal action towards families who can be classified as posing a risk to their children.

Mother's rights to register her child

According to article no. 23 of the implementing regulations of ECL, mothers can register their children with a marriage certificate and without a marriage certificate (Egyptian Factsheet Journal, 2010). If a marriage certificate does not exist, the mother can sign a formal written approval that this child is hers and accordingly only her name will appear in the child's birth certificate. ECL prohibits the mother from giving the name of the father unless he is also present and delivers a similar written approval. Although this right is mentioned clearly in the law, only one of the study's respondents was aware of this article, and on the contrary most of the study's respondents showed astonishment of the existence of this article. The only informant who was aware of the article was the representative of one of the national NGOs working in the field. He affirmed the practical challenge they face every time they try to support mothers with no marriage certificates to exercise this right, especially in the civil register where such procedure is normally carried out. They usually had to seek legal support in order to finalise the birth certificate of their child in such cases.

Lack of support mechanisms for families

Despite the fact the ECL clearly states the right of the child to be raised within a cohesive family (Egyptian Factsheet Journal, 2008), the law does not indicate any mechanisms to support disturbed families in practice, especially those needing rehabilitation and specialised support. Article No. 98 indicates that in any case of negative harm affecting the child, the local committee for child protection may request the child prosecutor give a written warning to the child's guardian which can be appealed against within 10 days (Egyptian Factsheet Journal, 2010). Although this committee is mandated to work on preventive measures to waive reasons leading to family separation, the ECL does not state any specific interventions to enable family rehabilitation or family reintegration. This lack of well-established systems for family support in Egypt to guarantee their cohesion was confirmed by all of the study informants.

Lack of explicit preference of family care setting

Most of the study's respondents emphasised the preference of a family setting versus an institutional setting, especially for new-borns. In addition, according to one of the few researches available on alternative families in Egypt, a family setting was preferred in the case of babies and children until aged two years old (Spaac, 2014). However, this means that children over two years old can be placed in institutional settings missing the opportunity to be placed within a family setting (Spaac, 2014). Despite this, a preference for family settings is not explicitly mentioned in the ECL or its bylaws as the main overarching framework for children in Egypt.

Findings directly related to AFS

Alternative care and alternative families are used interchangeably

The second chapter of Part three of the Egyptian Child Law (ECL) is titled 'Alternative Care' and three components are listed: Alternative Families System (AFS), Child Club, and Social Care institutions for children without parental care (Egyptian Factsheet Journal, 1996). In the AFS section, the two terms 'alternative care' and 'alternative families' are used interchangeably as if they mean the same thing which might confuse the reader. According to the UNGAC, alternative care is the umbrella term that reflects the different options of care, whether family or institutional care settings, whenever a child is separated from his/her biological family. Therefore, alternative families are merely one care option. Yet, the study respondents referred to a strategy being developed by MoSS for alternative care that only focuses on alternative families and does not include any other care option, whether existing ones, such as social care homes, or new ones, such as kinship arrangements; it reflects the ambiguity of the terms and their practical implications. The literature emphasises the importance of having clear definitions for care options (Gale, 2015) as definitions further affect the implementation strategies.

As for Child Clubs, this refers to a set of different services, including leisure time activities that target children from the age of six until the age of 14 (Egyptian Factsheet Journal, 1996). According to its given definition, there is no rationale for including this type of care option as part of the alternative care chapter;

especially as there are other chapters in ECL that are related to different social services targeting children. All the study's respondents were unaware that this type of care option exists as part of alternative care options in ECL or in practice.

Lack of family care options

UNGAC emphasises the importance of having a range of family care options and in particular encourages the kinship and community-based options that ensure care is provided within the same social and cultural settings that the children were used to when they were within their original families (McGuinness & Arney, 2012). While no disaggregated data is available regarding the origin of children within social care homes, whether they were abandoned or have known families (Africa & Heights, 2012), the study's respondents confirmed that in Egypt there are children with known families but where there are no established mechanisms or specialised social workers to work with extended families or establish community-based solutions. Finally, the Egyptian system does not include foster families programmes that can serve as a temporary care setting as suggested by literature (Keshavarzian, 2015).

Assembly of Higher Committee for alternative families

This was a new addition by MoSS that has been formalised in 2016 through the addition of article No. 94, into the implementing regulations of ECL (Egyptian Factsheet Journal, 2016). The establishment of a higher committee for alternative families encompasses representatives of different ministries, social solidarity, education, justice and interior, as well as some national organisations. According to the study's respondents there was a need for such a national higher committee as the previously formed local committees did not have unified standards on how to select, support, monitor, and supervise families. The new committee is now serving as a policy-making entity to standardise families' selection criteria, contractual procedures between MoSS and families, and different mechanisms for supporting, monitoring and assessing the alternative families. The committee is also in charge of investigating complaints, which is considered a good measure to avoid conflict of interest, since previously the local committees were the ones that issued acceptance or refusal decision of

families and at the same time investigated the appeals. Now there is a separation; local committees make the decisions, the higher committee investigates the appeals.

Changes in the Alternative Families System

In 2016, and as part of the different amendments that involved the Alternative Families System (AFS)-related articles in ECL, the new articles decreased the required marriage duration to host a child, and become an alternative family, from five years to three years with a possibility of waiving this requirement if the couples provided proof that they cannot have a child of their own. Also, the new articles reduced the required age for single females; whether they are divorced, widowed or unmarried from 45 years old to 30 years old under the condition that the committee approves their eligibility (Egyptian Factsheet Journal, 2016b). When it comes to facilitating the procedural steps, according to the study's respondents, especially from the governmental officials group, MoSS started an online system to start receiving families' requests to be able to track all cases starting from submission of the request until a decision is made communicating approval or rejection. MoSS also has a future plan to completely automate the submission process for requests to ensure that all requests are given fair opportunity and are not refused at a local level without valid reasons. Another change which is not indicated in the ECL, yet mentioned by one of the government officials groups, is the change in the required educational level of couples or single females that apply to the AFS, from being merely literate to having at least a high school certificate. The same participant indicated that after this change, the number of requests went down, yet there is no formal study that was carried out to verify the correlation between both events. Finally, one major change introduced is that families are not allowed to receive financial rewards as per article No. 99 in the implementing regulation of the ECL, as was stated in the previous articles of the ECL.

Lack of competent and sufficient workforce to assess, monitor and support families

In Egypt, there is a persistent challenge in relation to the social work workforce in terms of sufficiency, efficiency, and sense of motivation to carry out daily tasks (Forden Carie, 2016). Most of the study's respondents showed their concern about having a competent social work workforce that is able to track and monitor families after the child placement. Furthermore, they also questioned the official work force's abilities to support and assess these families throughout the process. As a solution, MoSS is considering starting a new partnership programme with local NGOs to assist government officials in the whole process starting from family assessments, monitoring visits, and conducting support programmes (the programme is still under development). As another instrument, MoSS through its higher committee for the Alternative Families System (AFS), has partnered with two organisations to develop a procedural guide that explains clearly all processes, templates, programmes, and competencies that are related to AFS. The guide will be used as the main reference for government officials and NGOs who will be trained on once finalised. Yet a related challenge which was pointed out by most of the study's respondents, especially the ones that were affiliated to MoSS, is that within the coming five years most of the government officials in position will be retired. Although there is no exact number for the retired employees in each year, an expected gap in the number of employees is foreseen especially with the current decision of the Egyptian Government not to appoint new employees in any post across all governmental entities.

The challenge of tracking some of the children placed within AFS

MoSS representatives, on their regular monitoring visits, could not track around 5% of the children that were placed in the Alternative Families System (AFS) according to one of the governmental officials. According to this study's respondents, most of the families do not want to keep any relations with MoSS after they receive the child. They mainly attributed this to social reasons related to stigma towards abandoned children or families that care for children that they are not theirs (Ali, 2016; Spaac, 2014). This leads some families to change their home addresses after finalising the process of getting the child, which makes it impossible for MoSS to track the child (Spaac, 2014). In an attempt to tackle

this challenge, MoSS now requires as part of the contractual agreement between them and the families to have two witnesses appointed in government positions to sign as a guarantee for the family. This new procedure will facilitate tracking the family even if they change addresses as the two official employees could always be reached through their contacts in official databases. This procedure is rather new and not mentioned in the ECL. Another challenge is that some families change the name of the child legally through filing a case of proportionality of the child (Spaac, 2014). This also leads MoSS in many cases losing track of the child as they are not informed of such court cases or other incidents leading to change in the adopted child name. As a countermeasure, MoSS started a new procedure requiring all courts responsible for proportionality cases to first consult with them to ensure that the child being considered is not in the AFS database. A final challenge, which remains unresolved to date, is when these families decide to travel abroad. Though the ECL mandates in article No. 91.3 an official permission from MoSS to be granted and the diplomatic mission in the visited country to be informed to facilitate the family monitoring, this is not enforced.

Social stigma of abandoned children

Many of the study's respondents highlighted the challenge of the social stigma associated with abandoned children. Society does not welcome families having children, other than their own, living with them at the same place for religious reasons. This is despite having an Al-Azhar association, which is mandated to issue religious permission ('fatwa' in Arabic), allowing this kind of home care. This causes many families to exert a lot of effort to hide the fact that a child is not theirs, even among their extended families (Spaac, 2014). Furthermore, there are some government officials who administrate the Alternative Families System (AFS) at local levels that are not convinced by the programme and find it religiously untenable. This in turn affects their placement decisions and sometimes reflects negatively on the requesting families, which are most of the time in need of more support rather than someone making them hesitant with their care decisions. Also, Al- Azhar has issued another religious permission (fatwa) for the possibility of giving the last family name to the child but not the

full name. The rationale of this fatwa is to strengthen the sense of belonging of the child to the family and to enforce his/her status within society, yet without changing the proportionality of the child something that is prohibited both religiously and legally. Another fatwa issued by Al-Azhar, and stated in the law, is that the family is allowed to allocate a certain amount of inheritance to the child as per article No. 99 in the implementing regulation of ECL.

Discussion

Working on the root causes

Based on the findings of this study, the Egyptian government is exerting minimum efforts when it comes to preventive measures, including family support programmes, family rehabilitation and reintegration programmes, which are crucial strategies (UNICEF, 2009). Besides, tackling the issue of abandoned children is made from one angle, which is securing an alternative family for the child, instead of addressing the reasons that led to separation in the first place. One reason for this is the inability of unmarried mothers to officially register and thus provide care for their child, despite the legislative framework that enables them to do so. The piece of information is neither widespread nor accepted by the relevant governmental officials, such as civil register employees. This suggests the need to communicate this article across related governmental entities and NGOs that work in the field of child care and women's rights.

Another procedure introduced by MoSS to overcome the disappearance of some children is that requiring every applying family to have two government officials as a guarantee. This is newly implemented, and accordingly it will be difficult to assess. Yet, working on building positive perceptions towards the programme in general and for children without parental care, especially abandoned ones, in particular, should make it more sustainable.

Balancing between short term and long term interventions

Based on the several interventions that the Egyptian government had made, it is clear that there is a lack of balance between short term and long term

interventions. Most of the interventions being introduced are on the legal and procedural level and are quick and very much needed. Yet, the other interventions that require more time and resources are not moving forward at the same pace. For example, establishing a national database for both children and caregivers serving as a disaggregated data set for further use in decision-making would permit better understanding of the issue, yet it is not happening as it requires time and resources.

AFS expansion versus incompetent and insufficient workforce

There is a clear direction at MoSS to increase the numbers of alternative families across Egypt. Yet, literature suggests that countries have to take into consideration their readiness for such expansion (Bombach, Gabriel, & Stohler, 2018; Keshavarzian, 2015). Increasing the number of families without having proper infrastructure of human capital, information systems, well-established procedures and supporting mechanisms may lead to negative consequences rather than positive ones.

Building positive perception towards alternative families and children without parental care

The Egyptian government has to take more solid steps and allocate financial resources towards building a positive perception towards families that provide care for children without parental care. The current efforts are limited to a set of Frequently Asked Questions on a webpage affiliated to MoSS and some information sessions conducted by members of the higher committee of Alternative Families System (AFS). These efforts are insufficient in terms of the outreach achieved and depend on the efforts of very few people to travel around spreading the word.

Formulation of a national strategy for alternative care

It is highly recommended that a strategy is formulated that clearly articulates the state's direction towards family care setting as highlighted several times by the study's respondents. The strategy should also have a clear definition of

alternative care, work on developing a wider range of care options, and establishing a strong connection and linkages among these options. It is imperative for the strategy to have clear, measurable indicators regarding decreasing the numbers of social care institutions, in addition to a clear plan of utilising existing institutions as a resource in the state's deinstitutionalisation strategy. This is in addition to working on the challenge of having a sufficient and competent workforce whose individuals are well compensated and exhibit a positive perception towards children without parental care and the Alternative Families System (AFS).

Conclusions

The alternative care system in Egypt has different challenges affecting the government's flagship programme for the Alternative Families System. The programme has had several improvements since 2016, most prominently the assembly of a higher committee to regulate the system, formulate national policies and investigate complaints. Though this step is considered a major improvement, the system still faces several challenges. These include the inability to track some of the children, the lack of competent and sufficient workforce, the negative stereotypes and stigma towards abandoned children who are one of the main target groups of the programme, and the inability of mothers to register their children in case of not having a marriage certificate. Accordingly, the main recommendation of the study is to formulate a national strategy for alternative care in Egypt that tackles all these challenges and provides a framework for different stakeholder to coordinate and collaborate. This is in addition to reviewing the existing legal framework and ensuring its proper execution through allocating needed financial resources and upgrading the existing human capital and related systems.

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About the author

Amira Abdel-Aziz has 13 years of experience in the fields of Public Policies, alternative care for children, youth development, social entrepreneurship, and organizational culture.

Currently, Amira is a Ph.D. candidate at Cairo University, Faculty of Economics and Political Science, Public Administration. Her dissertation focuses on assessing alternative care system in Egypt. In 2017 she was awarded by Open Society to expand her Ph.D. research into both Jordan and Morocco. Amira worked in the field of alternative care for more than 8 years starting 2011; in which she provided technical advice to the Egyptian government on developing quality standards for institutional settings. In addition, she designed two technical programs related to institutional capacity development for care homes in 2014 and youth program for care leavers in 2011. Worth mentioning, that this practice was awarded by "Dubai international award" in 2014.

In addition Amira was the lead researcher for a new strategic initiative undertaken by UNICEF that focuses on Public finance towards children in Egypt in 2018. On the regional and international level, Amira has work experience in Jordan, Lebanon, Yemen, Morocco and Libya. And participated in different international events; i.e. Alternative care Conference in 2016 and World Economic Forum in 2008.

Amira holds a master degree from Tor-Vergata University, Rome in Economic Development and Bachelor degree in Economics from Cairo University.