

## Care in Islamic Contexts Meeting Minutes

**Note:** A Zoom call took place following the face to face meeting to debrief on the visits to Muhammadiyah's projects and to agree next steps, as there was not time for this in the face to face meeting.

### **Participants:**

- Sultana Erbas (Unit Coordinator) and Gizem Kalkan of Hayat Sende (Turkey)
- Abla El Badry (Director and Board Member) and Mahmoud Abdelhalim (Programme Manager) of Hope Village Society (Egypt)
- Ihsan Tanjung (Chair of Social Services Council and Lawyer) and Ibnu Tsani (Secretary of Council and responsible for programme evaluation), Jezra (Deputy Chair of Council and responsible for research and education) and Zaky (Lecturer and HR consultant) from Muhammadiyah (Indonesia)
- Ghada Abu Al Rous (Community Centre Senior Manager and Head of Prevention Programme) and Reyad Abusharaf (head of Foster Care Programme) of Jordan River Foundation
- Ali Salaam of Naba'a (Lebanon)
- Olmas Olmaskhon Dzhumashova (Director) and Anara Kalilova (Board Member) of Family to Every Child / Semya (Kyrgyzstan)
- William Gali and Camilla Jones of the Family for Every Child Secretariat

### **Objectives of Day 1: Tuesday 19th September**

- Become clear on the issues each member wants to work on that relate to the project proposal developed by Hayat Sende
- To share information we would need to collect to develop a proposal (for a donor to explore advocacy opportunities and to learn from other countries and our own) and identify gaps in existing information.
- To gain a deep understanding of the problem and our strengths and weaknesses in addressing it and any opportunities and threats to doing so.

### **Objectives of Day 2: Wednesday 20th September**

- Develop a project concept note including objectives, activities, budget, timeframe and roles and responsibilities

### **Objectives of Day 3: PM on Thursday 21st and AM on Friday 22nd. (AM on Thursday - conference organised by Muhammadiyah)**

- Complete concept note and budgets
- Summarise what has been agreed
- Set action points and timeframe for finalising the concept note and supporting tools

## Meeting Minutes

### **Welcome**

Muhammadiyah's Vice President of the Social Services Council Mr Sularno opened the meeting. He expressed that:

- He hopes meeting will build next future collaboration
- Children are the future
- Muhammadiyah takes this initiative as very important for our future together.

- Muhammadiyah has 72 Universities, 340 hospitals / clinics and other institutions supporting their activities and the Members are welcome to visit some of these.
- Wishing the group a very fruitful workshop, conference and discussions.

**Session 1:** Re-cap of Hayat Sende concept note (discussion, questions and answers) and discussing the issues each member wants to work on that relates to the project.

- Key points from the presentation Hayat Sende shared before on the concept note were shared.
- The Lumos [study](#) in Haiti (forensic analysis of funding to institutions) was shared as below, with the point from the concept note that this kind of information led to successful advocacy with the EU around funding to institutions.
- Information on the [Childonomics](#) project was shared and it was noted that Jo Rogers from our member in Russia P4EC will be working on this project. She will be at the IFCO conference in Malta to present on this and Sultan will represent this group there. This is of particular interest to HVS who would find this kind of comparison study incredibly useful in their advocacy for system change. **Action:** Sultan to report back to the group on the conference and relevance of the initiative to this project.
- [World without Orphans](#) have done some interesting advocacy to Christian donors as have [Faith to Action](#).
- The [video](#) on the CRS, Lumos and Maestral project that is now starting was shared. **Action:** Camilla to follow-up to find out which religions and countries will be targeted by the project.

Lumos: "Funding Haitian Orphanages at the Cost of Children's Rights"

- \$70 million in **traceable** funding to 1/3 of estimated orphanages in Haiti (most significant international aid)
- Mostly **privately** run orphanages
- Predominantly **North American, Christian** funders
- Based on **research**: 1/5 severe risks, extremely detrimental conditions
- Haiti earthquake 2010 - 150% rise in 'orphanage' **crisis**
- Orphanage **business**: increasingly recognised as a form of trafficking (recruit children to raise donations)
- Contradicts Haitian **policy** and that of most donors
- Lack of **accountability** for quality standards
- Recommends national system of **inspection** and **tracking** of children
- **Successful advocacy**: European Commission and Parliament give funds to governments that only invest in De-I

**Session 2: Problems (and Solutions) Tree**

- Grouping: HVS and Nabaa; Muhammadiyah and JRF; Hayat Sende and Muhammadiyah
- Problem at centre of flip chart (or two problems if very similar)
- Put causes (one per post it note) underneath and put in order (most important or the one that influences all the others at the top)
- Impacts of the problem above the problem also one post it per problem (also arranging to show the hierarchy or how one impact leads to another)

Separate notes from the discussion were captured.

**Session 3: Concept Note** The Fish Soup analogy was used to explain the project framework:

- Input / Resources: Parents who bring ingredients like food
- Activity: actually cooking the soup to make a tasty soup
- Output: children had the soup (based on activities)

- Outcome: children think soup delicious and decide to have once per week of the rest of their lives (changes brought about)
- Impact: children are healthy and grow up to be healthy adults
- Parents are in control of the input, activity, output and also have influence over the outcome. They also have a vested interest in the impact.

Goals / Objectives / Outcomes – all results but from main to more specific.

## Notes on Member Contexts Regarding Care

### Indonesia

- Kafalah refers only to the Islamic concept that you are not allowed to abandon the inherited name of the father, the child's right to inheritance. Whether you are adopting a child the Islamic court will see it as kafalah. The regulation of adoption the principle is the same but the difference is that the parents become the guardian. Only for the Muslims. The only other difference is that at the marriage of the daughter the Sheikh plays the role of guardian rather than the adoptive parents.
- Adoption is regulated via either the state (non-religious) court or the Islamic courts. **Action:** Muhammadiyah / Ibnu will share some sections of the adoption regulation with the group so they can see how this works.
- There is a need to differentiate between religion and culture. State regulation has cultural influence. E.g. regulation about inheriting father's name and not inheriting the property of the adoptive parents. This is already regulated in each state's law. In Indonesia the position is clear on adoption and kafalah, but government regulations to protect children in foster care are lacking.
- While there are children in informal foster care in Indonesia, there is no oversight from the government of this type of care. It is not formalised, monitored / regulated, followed-up or reviewed by Government. There is no data on how many children are in informal foster care.
- Members of Muhammadiyah often become foster parents, but there is no procedure for this. They just say that they would like to and take in the child. There is no screening, monitoring or intervention by the Government.
- The Government is now formulating the guidelines for foster care and have requested Muhammadiyah to start this programme, which they will be supported by Save the Children to do. This will be the initial model for formal foster care. Muhammadiyah is therefore in need of tools from others to support with this (guidelines, forms etc). **Action:** Reyad / JRF to share their tools and procedures. Secretariat to follow-up with other members to share theirs (e.g. Brazil, South Africa and India) and consider budget for translation.
- Muhammadiyah would like to learn from Turkey's experience of de-institutionalisation / transition to small group homes. **Action:** Hayat Sende can share something on this although it is a bit conceptual.
- The Government has no clear decision on what to do with orphanages - use for day care or as community centres - once care reform has taken place.

### Kyrgyzstan

- Foster care regulations were accepted in 2012 but don't work. Social workers in different regions don't know about the regulations. In February 2017 they met the Head of the Social Department in the South and shared the regulations with him. He was surprised and requested training on the regulations. They can't do this as it should be done by the Ministry of Social Welfare. They took a MoSW person to Turkey when they visited Hayat Sende but the new Minister said that

they will do the training even though Semya developed the material. If they are given permission to do the training they can.

- The Ministry of Social Development and Labour is working on a new draft (training or regulations? Regulations I think) to improve it and Semya will give their recommendations.
- For this project
  - Build a coalition: series of meetings and significant media presence. They would invite SOS Children's Villages and a few other big NGOs in Kyrgyzstan. They will hold the meetings with the Head of the 7 regions, the 7 muftis and have representatives from the 10 cities and the overall Head of the Department. This will include an initial working meeting, 2 regional roundtables (1 for the North and 1 for the South) to develop the plan and maybe another 2 at the end.
  - Institutionalise Foster Care: There are currently 10 foster families nationwide. 8 in the North and 2 in the South. The children staying with the 2 in the South were reintegrated. They may bring the foster parents from the North to the South to meet potential foster parents as a kind of exchange visit.
  - Advocacy on Care Reform: Develop M&E Framework on implementing the action plan developed by the Coalition and an associated advocacy strategy. Develop M&E Tools. (If they can't receive the Micro Grant they previously applied for) they will apply through this project to disseminate the video on the advantages of foster care that they made under a previous micro grant. **Action:** Semya to share any lessons learnt on the promotion of foster care through video funded via the Micro Grant with the group.

## Turkey

- Some information from the resource on child care in Islam and the Ottoman Empire which was shared by Hayat Sende's partner was provided as follows: Family based care was historically the norm in Turkey and institutional care was only brought in later.
- Formal foster care has been in place since the 1920s but poorly implemented, until a scandal in 2005 of children being abused in orphanages when the system was reformed to enable wider use of foster care and broader care reform. 80,000 children were then reunified and supported financially and psychosocially. Poverty is no longer a reason for care.
- Children in institutional care are mainly children with special needs.
- Foster care is largely long-term foster care implemented by government social workers. They do not provide regular follow-up to children in long-term foster care, no reviews of their cares, and psychosocial support can be weak. As a result children are vulnerable to abuse and neglect.
- There is a financial stipend given until the child is at university. Insurance premiums for foster parents are paid by the government and free transportation and training is given to foster parents to promote uptake. Many foster parents keep the stipend in an account for the child when they grow up.
- The government is not transparent about the situation of children in foster care or open to sharing challenges, although they do publish national statistics.
- They also have small group care homes, but as a result feel that they have addressed the issue of care reform and there is nothing more to be done. However, these small group homes still require improvement.
- Turkey is also a key donor (one of the largest in the world) and provides funds to institutions in other countries. They also receive funding from private donors to their institutions. Hayat Sende is an advocacy organisation and would play a strong role in lobbying government to reform their funding to alternative care.
- Turkey has a similar challenge to Indonesia of education being a major pull factor for children to be placed in institutional care (as described in the Save the Children study Changing the Paradigm that was shared during the Conference). There are similar challenges / push factors

into institutions in Turkey. Hayat Sende will very soon start a campaign to highlight that education should not compromise children's right to family-based care. They had a project for teachers on how to overcome stigma towards children in care within the educational environment. **Action:** Secretariat to facilitate online sharing on this dynamic and the campaign to take place with Muhammadiyah and HVS. Include members of the education group on this.

- Hayat Sende developed a dictionary for the media to correct language around care. They have formed associations of foster carers and care leavers. **Action:** Hayat Sende to share any resources or further they information they have on this with the group.
- Resistance may come from Government but push / remind them what's best. Use social media and anonymous case studies of children. When the government doesn't share statistics on children's care issues Hayat Sende prepares their own statistics from small scale research and publishes them online to expose the issue. This would be useful to other members where Government does not share data. **Action:** contact Suzanne of CINDI in South Africa to see if they have experience to share on this and to share about how doing research can open doors for advocacy.
- Turkey needs to improve the system of foster care so that it can provide professional or therapeutic care. The different types of foster care are there to some extent but not well implemented, due to lack of coordination between ministries. Potential foster parents are targeted in the same way as potential longer-term foster parents which limits uptake as people who might be willing to provide short term care or more intensive care as professionals are not aware that this is an option. **Action:** See if any members or others are providing therapeutic foster care for a practice exchange.
- NGOs are not providing foster care. It is all done by the Government.
- There are 6,000 unaccompanied and separated refugee children in Turkey. Foster care is being piloted for the unaccompanied children, but they are mainly institutionalised.
- There is a need for continuous investment and awareness-raising to promote foster care.

## Lebanon

- Refugee children cannot access residential care (much of which is institutional in nature) as they have to pay a high fee. For Lebanese children this is paid for by the Government. They also have to be accepted by the Heads of the Institution. Institutions are funded by the government along confessional lines, to organisations of each religion that run their own institutions.
- For children without known parents they may be placed in an institution by the court and not have to pay and then receive Lebanese citizenship and all services for free. There was a case like this 2 years ago and no others since. Although they have communicated with the judge about 4-5 other cases since. (Concern: While this gives them a stable form of care it is not family-based and is institutional in nature and the change in citizenship would affect any future chance of family reunification and affects the child's identity).
- There is a need for therapeutic approaches as children are in the street and in dysfunctional families. Naba'a provides individual and group counselling to children and adults.
- There is a pilot foster care programme for Syrian refugees, which has been implemented by Save the Children or UNICEF. We need an update on the progress that has been made on it or if it could work in the Palestinian communities. Camilla followed-up with the people who have been working on this. It was apparently an programme to support and formalise informal kinship care arrangements. **Action Point:** A presentation is due to be made on the outcomes of the project, which the Secretariat will get access to and share.
- As a result of these dynamics Naba'a has no alternative care options for children at often severe risk, particularly in the refugee camps. We discussed the potential of piloting an emergency foster care programme in the camps and gathering lessons on the use of safe houses to see if Naba'a could establish one or both, but this did not seem to be appealing.

## Egypt

- There are two forms of kafalah: 1) financial sponsorship and 2) providing care.
- Foster care is for two years and then the child has to be placed with another family. It is mainly for babies.
- Government don't pay foster carers. So need poor families to be supported.
- Short-term foster care is needed.
- The families are prone to letting the child believe that they are the parents. So this leads to identity crisis in later life.
- Adoptive families need to be very wealthy. So it is rather exclusive.
- Parents choosing the child. Same as when they come to orphanages and choose the child they want to sponsor.
- The government also runs the foster care service. It is for long-term fostering and sometimes prone to abuse (similar to Turkey).
- It mainly supports children born to 'unknown' parents, which includes children who are born to unmarried parents.
- They are readily accepted by foster parents who generally believe that foster care is designed to target this group of children.
- There are national guidelines for alternative care that have been drafted including with HVS's participation but they are not yet passed.
- There is a lack of clarity on care reform in Egypt. **Action:** Camilla to contact people in UNICEF Egypt Office to see what the government's strategy on alternative care is.

## Jordan

- In Jordan kafalah refers to financial sponsorship of a child. There is Islamic adoption called Ehtidan (which roughly translates to bear hug / full embrace!) where the family becomes the guardian of the child.
- In the foster care programme the parents 'choose' the child they want to foster. This originates from when they come to orphanages and identify the child they want to sponsor.
- The foster care programme has been piloted for 6 years.
- It started with young children of mothers who were incarcerated or mentally ill, and was run in a very similar way to the adoption service to ensure acceptability.
- Following this it has been expanded to also target other categories of children. It targets children from dysfunctional or 'broken' families, 'unknown children' (children who have been abandoned or where the father does not accept paternity which is a cultural taboo) and single mothers who have relinquished their children to institutions.
- It runs country-wide apart from in one region in the South where foster care is automatically provided by the clan or tribe.
- The government has a list of children in institutional care (around one quarter of the total population) who have been assessed as ready to be fostered (280 out of the approximately 800 children in institutional care).
- There are challenges identifying foster parents as there is a sense (often from the extended family rather than the nuclear family) that these children may bring shame on the family due to their background (often 'unknown' children or children from broken homes) and their behaviour.
- JRF are working closely with the government and so information sharing is strong.
- Need to create clear Standard Operating Procedures.
- In process of developing a training package to encourage good care and child rearing practices.
- Parents need ongoing support not just initial training.
- At stage of creating an association to share successes (group support, community of practice).

### ***Encouragement of fostering and adoption in Islam:***

- Hadith: The prophet said, both me and the person sponsoring the orphan are in heaven (thereby equalising the prophet and the foster carer). Also says that there is no stigma of children with anonymous parents - no 'bastard', 'child of sin' or 'unknown' child. Muslims can foster non-Muslim children (although Muslim children cannot be fostered by non-Muslims).
- Islamic law is clear when it comes to adoption but what we need is clarity on how to regulate foster care.
- 'Foqaha' is the historical interpretation of the Qur'an by the four main 'madaheb' schools of thought. This is then compared with incidents at that time vis a vis what happens now. Each country publishes its own and it informs legislation.
- In Jordan adoption was practiced before Islam, but Islam forbade the child taking the name of the adoptive parents. The child's name can be kept or changed but the adoptive parent's name cannot be taken to protect the right of appeal of the parents.
- Adopted children can inherit through the will of the adoptive parents but it is not automatic. If a young child is orphaned, Islam says that kinship can be assumed if the child is breastfed by the new caregiver (whether kin already such as an aunt or even by adoptive parents).
- In 1968 adoption was forbidden as wealthy people used to buy children.

### **Indonesia**

- Currently drafting national guidelines on foster care, as part of wider on-going care reform efforts. They request examples of the case management forms from other contexts to support this.
- Indonesia's legal model

### **Conference**

Participants came from an Alliance formed by Muhammadiyah, which includes 23 organizations that focus on children's care. The Alliance is called ASUH SIAGA: Family Based Care Alliance. It was inspired by Family for Every Child and is supported by Save the Children in several activities, particularly advocacy on children's care. Speakers came from: UNICEF Indonesia (Astrid) on the history of foster care in Indonesia, which included presentation on the various national studies and publications that have been made; the Social Ministry who focussed on adoption procedures; one of Muhammadiyah's Universities who spoke about children's care in Islam. Abla, Reyad and Sultana made presentations. Members were able to comment on their work during the question and answer session at the end.

### **Programme Visit**

The Members met with the Director of the Department of Social Welfare who gave them information and statistics on the situation for foster care in Indonesia and shared plans for future work on foster care. They then visited a Rehabilitation Campus for children in conflict with the law and met the Manager who gave information about the numbers of children that reside there, challenges and showed them the facilities inside. **Action:** Hayat Sende is writing up some reflections from the visit which they will share.

### **Questions for Ongoing Practice Exchange**

- What does kafalah look like across the different countries
- How can long-term foster care be supported better or made permanent?
- How can more diverse forms of foster care be made available: short-term, therapeutic, respite, emergency?

- What do good foster care procedures look like?