

FREQUENTLY ASKED QUESTIONS (FAQ)

INSTITUTIONALIZATION OF CHILDREN AND ALTERNATIVE FAMILY-BASED CARE OPTIONS FOR CHILDREN IN KENYA



REPUBLIC OF KENYA
DEPARTMENT OF CHILDREN'S SERVICES







INTRODUCTION

Kenya is estimated to have 3.6 million children who are orphans or otherwise classified as vulnerable. Of these, 646,887 children are double orphans¹, and approximately 40,000 children live in over 800 Charitable Children Institutions in Kenya¹ deprived of the love and support of a family and community life.

These institutions are often referred to as Children's Homes, orphanages, and child care centres.

“Over 80 years of evidence has shown that institutions are damaging, unnecessary, and a poor investment for the society.”



THE PROBLEM

Over 80 years of research from across the globe has shown that institutionalization can cause significant damage to children's cognitive and physical development, and social and psychological well-being.²

Additionally, it is estimated that around 80% of these children are not 'orphans', and have at least one living parent.³ Many children are sent to live in institutions due to poverty, lack of accessible community-based services for children with disabilities and their families, child abuse and neglect.⁴

THE SOLUTION

When the right support is provided within the community, family separation can often be prevented, giving vulnerable children the opportunity to remain with their birth families.

¹ Global Affairs Canada, UNICEF, Government of Kenya, 2015, Taking Child Protection to the next level in Kenya. A double orphan, mentioned in the study, is a child who has lost both parents.

It also means that children in kinship care, foster care and supported independent living can access the support they need locally. Crucially, by staying within their communities and families, children avoid the harm caused by institutionalization.

Collectively we need to tackle the factors that lead to the separation of children from their families. The government of Kenya is working towards a society that ensures every child is brought up and supported in a family and community. A society where there is inclusion and not exclusion from community life, families where there is love, continuity of care, and where children's sense of identity and belonging is protected.

“Only families can provide love, a sense of belonging and identity that children need to grow.”

Question: Why families and not institutions (orphanages, children's homes, childcare centres)?

Answer(s)

- ✦ Families provide better outcomes for children than institutions. The development of children in institutions is often delayed mentally, socially, physically and emotionally.
- ✦ Families are safer than institutions. According to research, children in institutions are six times more likely to be abused than their peers in families. This includes; physical, emotional, and sexual abuse.
- ✦ Families provide sustainable, consistent, and personalized care. Institutions deprive children of the consistent and personalized care that is needed for them to thrive.



² Berens, A. & Nelson, C. (2015). The science of adversity: Is there a role for large institutions in the care of vulnerable children? *The Lancet*. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61131-4/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61131-4/abstract) [accessed 8 Aug 2016]; Pinheiro, P. (2006). *World Report on Violence Against Children*. New York: UNICEF

- ✦ Families provide a sense of belonging and identity to children. Institutions often separate children from broader community and family experiences.
- ✦ Families socialize and mould the next generation of families. A majority of young people who have been brought up under institutional care struggle to raise and keep their families together due to factors such as lack of
- ✦ Families help preserve cherished values, cultures and traditions. A majority of children and young people raised in institutions struggle to integrate within communities because of challenges in understanding the language and
- ✦ Families help to equip children with problem-solving and coping skills for their resilience. Institutions create a pattern of dependency and disempowerment for children and their families.

³ Csáky, C. (2009). *Keeping Children Out of Harmful Institutions: Why We Should Be Investing in Family-Based Care*. London, UK: Save the Children, p5. ⁴ *Ibid.* p7.



Question: What other options are there for institutions that want to re-purpose the buildings they currently use for alternative care?

Answer(s)

- ✦ Be transformed into community resource centres, where families and care givers can access training and information on parenting, farming, nutrition, financial management etc.
- ✦ Be transformed into schools, health centres, training centres, libraries and other community service centres.
- ✦ Become centres where care givers who have children with disabilities can bring children for a few hours as they go to work and attend other livelihood activities.
- ✦ Be transformed into community rehabilitation centres for children with disabilities where they can access physiotherapy and orthopedic services.



- ✦ Institutions can provide after school activities to children, like recreation sessions and life-skills training.

Question: What about the job losses for staff currently working in institutions?

Answer(s)

- ✦ Some staff employed in institutions can be retrained and redeployed to support services to vulnerable children and families following reintegration, for example, monitoring their safety and well-being, nutrition, health, etc.
- ✦ Staff can be re-trained as child protection workers and social workers and deployed to community outreach programs to ensure vulnerable and at-risk families are supported.
- ✦ Staff can support training within the centres on child protection, child rights, parenting etc.

- ✦ Staff can be trained to become foster carers within the community.
- ✦ Staff can become advocates for the welfare of children within families, schools and in the child protection/juvenile justice system.

Question: What about children with disabilities, don't they need to be cared for and protected in the institutions?

Answer(s)

- ✦ Children with disabilities have the right to be cared for and nurtured by their parents and not to be separated from their families.
- ✦ Children with disabilities should be supported to enjoy all rights on equal basis with other children.
- ✦ Children with disabilities are at a higher risk of violence (physical, emotional, and sexual violence) within institutions than other children.

- + Children with disabilities who can't be cared for by the immediate family can be supported to live with an extended family and within the community.
- + No child should be separated from his/her parents on the basis of a disability of either the child or the parents.
- + Studies have shown that children with disabilities thrive best when they are cared for and supported within their own family environment as opposed to institutions.

“... the child, for the full and harmonious development of his or her personality should grow up in a family environment and in an atmosphere of happiness, love and understanding.”

UN Convention on the Rights of the Child

Question: Are there Laws, Guidelines and Policies, Strategies that Guide Alternative Care in the country?

Answer(s)

- + The Children's Act, 2001 (currently under review).
- + Children (Charitable Children's Institutions) Regulations, 2005.
- + Children (Adoption) regulations, 2005.
- + National Standards for best practices in Charitable Children institutions, 2013.
- + The Guidelines for the Alternative Family Care of Children in Kenya, 2014.
- + The National Plan of Action for Children in Kenya, 2015-2022.
- + The National Care Reform Strategy (currently under development).

- ✦ The UN Convention on the Rights of the Child.
- ✦ The UN Convention on the Rights of Persons with Disabilities.
- ✦ The UN Guidelines for the Alternative Care of Children.

Question: What family and community-based care options are available for children without adequate parental care?

Answer(s)

✦ **Kinship Care:**

Agprivate arrangement within the family environment whereby the child is looked after on a temporary or long-term basis by his/her extended family from either the maternal or paternal side, without being ordered by an administrative or judicial authority.

+ **Foster Care:**

Placement of a child with a person who is not the child's parent, relative or guardian and who is willing to undertake the care and maintenance of the child.

+ **Kafaalah:**

The Islamic mode of alternative childcare in which a person or family voluntarily commits himself/herself to sponsor and care for an orphan or any other child deprived of family care.

+ **Adoption:**

Is the complete severance of the legal relationship between a child and his/her biological parent(s) and birth family, and the establishment of a new legal relationship between the child and his/her adoptive parent(s).

+ **Guardianship:**

A person is appointed by will or deed by a parent of the child or by an order of the court to assume parental responsibility for the child upon the death of the parent of the child either alone or in conjunction with the surviving parent of the child or the father of a child born out of wedlock who has acquired parental responsibility of the child.

Question: What is the government doing to ensure that children are protected in families and communities?

Answer (s)

- + The government continues to enhance cash transfer programmes to reach the most vulnerable in the society. They include; Cash Transfer for Orphans and Vulnerable Children (CT-OVC), Older Persons Cash Transfer (OPCT), Persons with Severe Disabilities Cash Transfer (PWSD-CT), The Hunger Safety Net Programme (HSNP) and most recently, the Universal Health Coverage.
- + With support from UNICEF and other stakeholders, the government is currently developing a National Care Reform Strategy that is aimed at strengthening family-based care and reducing reliance on institutions.



- + The government in collaboration with UNICEF is piloting the Guidelines for the Alternative Family Care of Children in Kenya, 2014 in Kisumu. Additionally, *Changing The Way We Care* in collaboration with the government is piloting care reform in *Kisumu*, Nyamira and Kilifi.
- + The government currently has a moratorium in place on the registration of new institutions.
- + The government continues to encourage donors to invest in family and community-based care and not institutional care.
- + The government continues to raise awareness in the society on the importance of family and community-based care for orphans and vulnerable children.
- + Fondazione L' Albero della Vita together with the government and other stakeholders through APPIRE project is piloting alternative family care (Kinship and Foster care) in the counties of Nairobi and Nakuru.





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