

NEPAL

Thematic alternative report on the child protection, alternative care and adoption systems

This alternative report adheres to ISS methodology, ensuring a comprehensive and evidence-based approach to gathering and analysing sources, with a particular emphasis on incorporating local sources. In addition to these standard practices, the findings presented here are informed by a 5-day **in-country mission to Nepal in February 2025**, conducted within the framework of a project on identity rights and search for origins ([RACINE Project](#)), funded by the French government. During this mission, the ISS team had the opportunity to engage directly with relevant stakeholders through different meetings, exchanges and workshops, such as competent child protection authorities at national level, staff of childcare institutions, civil society organisations, international organisations, child rights activists, lawyers, care experienced individuals and groups and birth family members seeking for adoptees. Their insights and lived experiences have provided critical perspectives on the challenges and gaps in Nepal's child protection, alternative care and adoption systems, with a special focus on ensuring identity rights in the latter areas.

Pre-session/session & type or reporting procedure	101st Pre-Session (26 May 2025 - 30 May 2025)
State Report	6 th and 7 th Report on the Implementation of Convention on the Rights of the Child, 15 February 2022, CRC/C/NPL/6-7 .
Challenges and gaps	Child protection and alternative care ▪ Poverty remains a key driver for family separation in Nepal. Vulnerable families often feel compelled to place their children in institutional care under the false expectation that they will receive better education and living conditions. The lack of comprehensive family strengthening programmes further pushes families toward separation rather than enabling them to care for their children at home. Geo-social disparities also play a crucial role in family separation. Families living in remote and rural areas often have limited access to essential services, such as quality education, healthcare, and social protection schemes. Additionally, changing family dynamics and prevailing socio-cultural practices often have important consequences for women and children mainly. Indeed, single mothers, often also girls, face significant socio-economic pressures, stigma and discrimination, increasing the risk of family separation due to a lack of targeted support mechanisms. ▪ The Nepalese child protection system remains weak and underfunded, lacking the necessary human and financial resources to prevent and respond effectively to cases of child vulnerability, neglect, and abuse. The absence of a specialised and

well-coordinated workforce, especially at the local level, exacerbates these challenges. Specifically, the lack of child welfare officers, a figure introduced by the 2018 Children's Act, in many municipalities (currently 422 out of 753 have appointed a child welfare officer and only 377 child rights committees are running) significantly limits the ability of authorities to provide timely interventions and support for children at risk. Additionally, frequent changes in leadership within relevant authorities as well as a recently introduced federal system (national – provincial – municipal) further weaken efforts to implement and sustain child protection policies. Further, a clear overreliance on foreign funds seems to be another factor impeding the sustainable and organic development of the overall child protection system. Finally, the **lack of effective cooperation** among the State, CSOs, and private stakeholders remains a significant bottleneck in addressing the challenges faced by children and young people in the care system.

- **Data mapping, collection, preservation and access mechanisms:** currently, existing data on children at risk, in care and in adoption processes as well as adopted children, both internationally and domestically are either inexistant or scattered across different stakeholders without any centralisation by competent authorities.
- Despite the adoption of the Children's Act in 2018 and the previous recommendations by the Committee on the Rights of the Child ([CRC/C/NPL/CO/3-5](#), 2016, para. 43(a)), Nepal still **lacks a comprehensive and well implemented legal framework for alternative care**. So called "Integrated Alternative Care Guidelines" seem to be in development by the Nepalese government.
- **Family reintegration** work and efforts seem to be conducted by NGOs with local outreach in Nepal. Yet, there is a lack of recognised and harmonised guidelines for a nation-wide implementation.
- While **stricter gatekeeping and care admission mechanisms** were introduced (e.g. by the 2012 Standards for Operation and Management of Residential Child Care Homes as well as the 2018 Children's Act), their effective implementation still poses challenges in practice.
- While the law foresees a clear priority regarding the forms of alternative care for children, preconceived notions and social perceptions of **foster care** as a Western concept prevail, hindering children to effectively benefit from this family-based care solution. This is also confirmed by the currently known number of children in institutional care (10.882). Further, there is a lack of understanding of the measure as well as its requirements. Additionally, monitoring of children in foster care by child welfare officers remains weak which increases risks for children's exploitation (e.g. child labour).
- **Deinstitutionalisation** efforts appear to be a political commitment at the state level ([CRC/C/NPL/6-7](#), 2022, para 129), but they lack a concrete roadmap, clear orientation, or structured framework to guide implementation. Moreover, **institutional care is in practice not consistently treated as a measure of last resort**, undermining the principles of necessity and subsidiarity ([CRC/C/NPL/CO/3-5](#), 2016, para. 43(b)).
- While 396 children's homes are officially registered, there is no accurate data on unregistered facilities, raising serious concerns about **unregulated care settings** and the potential risks of child exploitation, trafficking and abuse in the country. Furthermore, children are also being placed in boarding or **education hostels**, a rising form of alternative care that exploits administrative and legal loopholes by registering under the Company Act rather than the NCRC. This effectively removes them from child protection oversight and other administrative processes hence possible safeguards creating a system where children operate in unmonitored conditions under the guise of educational opportunities.
- **Orphanage voluntourism** and foreign donations continue to drive child displacement, trafficking, and unnecessary institutionalisation, sustaining harmful institutional care models. In some cases, some Nepali parents give their children to

brokers for them to be placed in orphanages to attract donations and fee-paying volunteers. This practice, known as **orphanage trafficking**, involves the deliberate recruitment or transfer of children into institutional care, often under false pretences and towards urban settings, where they are subjected to various forms of exploitation and abuses for profit. The lack of adequate oversight and reporting mechanisms allows these institutions to exploit children for financial gain, often keeping them in poor conditions and exposing them to severe human rights abuses. Alarmingly, even registered orphanages fail to meet the government's minimum standards, with one-third of registered institutions falling short of basic standards ([UNICEF Nepal](#); local experts and activists; [van Doore & Nhep, 2022](#); [2024 Trafficking in Persons Report](#)).

- There is growing awareness of the lived experiences of care leavers, thanks to their activism and self-organisation. However, significant challenges remain unaddressed in a systematic manner. From coping with past traumatic experiences to transitioning into independence and reintegrating into their families and communities, many young people leaving residential care continue to face critical barriers. Indeed, a critical gap is the **lack of preparation and aftercare policies and services** for children and young people transitioning out of institutional care. The absence of structured and tailored support mechanisms, such as vocational training, financial assistance, and mental health services, places these young adults at significant risk.

Adoption

- Important legal and practical gaps exist in relation to adoption, regulated by the 2017 Civil Code (domestic and intercountry adoption). Indeed, on various aspects, the existing framework is not compliant with the international standards. Notably concerns prevail e.g. no reference to the principle of subsidiarity nor the habitual residence as distinction between domestic/intercountry adoption; exceptions regarding the obtention of the biological parents' consents; absence of a clear decision-making body responsible for determining the child's adoptability; ambiguous processes for the matching.
- There is also unclarity on the advancement of the creation of a Central adoption authority (*Inter-country Adoption Board* as per the 2017 Civil Code) as well as the drafting of guidelines for adoption.
- Domestic adoption does not seem to be a widespread option considering delays in administrative and judicial processes. Further, the current system allows for adoption candidates to submit petitions towards the district court for an identified child chosen by the candidates themselves ([2024 national Press article](#)).

Identity rights and search for origins

- Awareness and understanding of identity rights are present among CSOs and child rights activists. However, the government's **lack of political will to fully assume its mandate and responsibilities** in this area has resulted in the absence of a **specific framework and procedures** in place to guarantee this right. This disconnection or gap extends beyond addressing past illicit and illegal practices related to identity falsification and child trafficking through or for the purpose of adoption ([Paper Orphans documentary](#)), it also includes the obligation to uphold current legal provisions that enshrine children's right to identity (see, for instance, articles 4 and 6 of 2018 Children's Act).
- Following the suspension of intercountry adoption in 2012, **no further steps have been taken to prevent and address past and current illicit and illegal adoption practices**. At the government level and from a systemic point of view, there are no concrete mechanisms to restore and protect identity rights and support search for origins processes. Currently search for origins services are offered by different NGOs, professionals and diverse intermediaries in a highly fragmented manner. This clearly increases the risks associated to independent search endeavours and

	is leading to the emergence of a developing business around search for origins, contributing to the commodification of a fundamental right. ▪ Significant challenges were also reported to ISS related to the obtention of the Nepalese citizenship by care leavers with important consequences on a young person's life, including access to higher education, employment, and other essential rights. These difficulties often stem from false or incomplete documentation recorded upon their admission to the child protection system or a childcare institution, with the burden of proof unfairly placed on the young person, further exacerbating their vulnerability.
Recommendations for the State party	▪ Ratify the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC) to strengthen international legal commitments to children's rights (CRC/C/NPL/CO/3-5, 2016, para. 73). ▪ Following previous recommendations by the UN Committee on the Rights of the Child (CRC/C/NPL/CO/3-5, 2016, para. 45(e)), consider the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Nepalese government should understand the importance of ratifying the 1993 Hague Convention as the key instrument introducing minimum standards giving effect to article 21 of the CRC Convention, not solely in view of reviewing its legal framework applicable to adoption but also assuming its mandate to deal with post-adoption matters including search for origins. ▪ Facilitate and ensure the meaningful participation of care-experienced children and youth in legal and policy planning, design and implementation. Their voices and perspectives should also be central to raising awareness within families and communities about the risks of orphanage trafficking (2023 5th BICON report). ▪ As the NCRC is now drafting the Integrated Alternative Care Guidelines, incorporate the 21 recommendations formulated the Alternative Care Group of NGOs to align with international and national standards and best practices. ▪ Data mapping, collection, preservation and access mechanisms need further strengthening in accordance with stricter data confidentiality and protection rules and protocols. Currently, existing data on children at risk, in care and in adoption processes as well as adopted children, both internationally and domestically are either inexistant or scattered across different stakeholders. ▪ Review, reform and strengthen current monitoring and reporting frameworks to ensure robust oversight of all child protection measures, with particular focus on institutional care. ▪ Following the political commitment to strengthen the local child protection system and end deinstitutionalisation, develop a clear roadmap or action plan to guide the deinstitutionalisation process, not only focusing on closing children's homes but also on three key pillars: 1) community and family strengthening and preservation; 2) family-based responses; 3) family reintegration. This action plan should also adopt a rights-based approach, addressing the root causes of family separation, such as poverty, lack or unequal access to education and other social services. This is crucial to overcome the prevailing welfare approach among many stakeholders and ensure the system is child-centred. ▪ There is a clear need to revise the current adoption framework to ensure decision-making processes in the best interests of a child. Once the legal framework is compliant with international standards, further regulations and guidelines are needed to ensure proper implementation. It will then also be crucial to provide trainings and raise awareness to professionals but also the Nepalese society to promote domestic adoption also a permanent child protection measure.