



# Country fact sheet for the CRC

## COUNTRY: Nepal

REPORT N°	N° 3-5 periodic report for the CRC
PRE-SESSION/SESSION	<ul style="list-style-type: none"> <li>▪ Pre-session: 69th (22-26 September 2014)</li> <li>▪ Session: 69th (25 May – 12 June 2015)</li> </ul>
LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)	<ul style="list-style-type: none"> <li>▪ Nepal signed THC - 1993 on 28 April 2009</li> <li>▪ Country Code of 1910 (<i>Muliki Ain</i>), Part III – Chapter 15 (Adoption)</li> <li>▪ Children’s Act 2048 (1992)</li> <li>▪ Terms and Conditions and Process for Granting Approval for Adoption of Nepali child by an Alien, 2065 (2008)</li> <li>▪ Terms and Procedures for Adoption of Nepalese Children by Foreign Citizen (2<sup>nd</sup> Amendment), 2067 (2011)</li> </ul>
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> <li>▪ Children under 18 years of age represent 42% of the Nepali population (est. 26,5 million).</li> <li>▪ Despite efforts for reducing the national poverty rates, the proportion of Nepalese living in poverty remains high (44 % for 2011).</li> <li>▪ HIV/AIDS affects an estimated 28,000 children.</li> <li>▪ According to UNICEF statistics (2009), there are approximately 650,000 orphan children.</li> <li>▪ Reliable data on children in street situation are lacking. Several NGOs are collaborating in order to start mapping and profiling children in street situation in Kathmandu, which will facilitate the development of reintegration programs and the provision of appropriate identification documents to these children.</li> <li>▪ Approximately 400,000 children have suffered from abduction and recruitment into the armed forces or militia during the armed conflict (1996-2006) and still face issues.</li> <li>▪ According to UNICEF, 3.14 million children are engaged in work (with an estimated 620,000 involved in hazardous labour). The number of girls (about 11,000 - 13,000) being involved in the “night entertainment industry” in the Kathmandu Valley is concerning.</li> <li>▪ A number of cases of child’s trafficking have been registered. The government implemented some initiatives in order to overcome that issue, such as a Child Helpline or the Village Paralegal Committees (PLC’s).</li> <li>▪ Several plans and reforms of the child protection legislation and the revision of the Child Rights Act of 1992 were planned, but the dissolution of the Constituent Assembly in May 2012 interrupted all legal reform initiatives.</li> </ul> <p>Sources: The 2011 National Population and Housing Census: <a href="http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf">http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf</a>; UNICEF 2012 annual report for Nepal: <a href="http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf">http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf</a>; UNICEF Nepal Homepage : <a href="http://unicef.org.np/our-work/protection">http://unicef.org.np/our-work/protection</a>; UNICEF annual report 2013: <a href="http://www.unicef.org/about/annualreport/files/Nepal_COAR_2013.pdf">http://www.unicef.org/about/annualreport/files/Nepal_COAR_2013.pdf</a> and 2012 <a href="http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf">http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf</a>; Central Child Welfare Board : <a href="http://www.ccbw.gov.np/projects/view/23/Mapping-and-Profiling-of-Street-Children-at-Kathmandu">http://www.ccbw.gov.np/projects/view/23/Mapping-and-Profiling-of-Street-Children-at-Kathmandu</a>; The Guardian, <i>Protecting Children who end up on the street</i>, 05/12/12 <a href="http://www.theguardian.com/global-development-professionals-network/2012/dec/05/protecting-children-who-end-up-on-the-street">http://www.theguardian.com/global-development-professionals-network/2012/dec/05/protecting-children-who-end-up-on-the-street</a>.</p>
ALTERNATIVE CARE OPTIONS	<ul style="list-style-type: none"> <li>▪ Since 2011, Nepal is implementing the <b>National Plan of Action for Children 2004/5 - 2014/2015</b> (development of coordination mechanisms, budgets and specific accountabilities in order to comply with international standards), which includes a reform of the <b>Alternative Care Guidelines</b> (UNICEF 2013 report) focusing on promoting</li> </ul>

	<p>family support and the development of alternative care options (foreseen for 2014).</p> <ul style="list-style-type: none"> <li>▪ <u>Residential care</u>: Institutionalization of children is the most common response. As reported by IRIN (article from 2011), there were 602 child care homes housing 15,215 children, of which, according to UNICEF, 85 % could be raised by at least one of their parents.</li> <li>▪ <u>Formal foster care</u> is not developed in Nepal.</li> <li>▪ <u>Informal foster care</u> by the extended family is more common, but there is no data available and no governmental support for these families. It is important to mention that many children care for are involved in domestic work.</li> </ul> <p><i>Obs.: It is difficult to access reliable data after 2011/12, due to the dissolution of the Constituent Assembly in May 2012, which interrupted all legal reform initiatives.</i></p> <p>Sources: UNICEF annual report for Nepal 2013: <a href="http://www.unicef.org/about/annualreport/files/Nepal_COAR_2013.pdf">http://www.unicef.org/about/annualreport/files/Nepal_COAR_2013.pdf</a> and 2012 <a href="http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf">http://www.unicef.org/about/annualreport/files/Nepal_COAR_2012.pdf</a>; Intercountry Adoption Management Development Board (ICAB): <a href="http://www.icab.gov.np/adoptiondetails/domestics">http://www.icab.gov.np/adoptiondetails/domestics</a>; IRIN Humanitarian News and Analysis, Nepal, <i>Protecting children from abuser-volunteers</i>, October 2011: <a href="http://www.irinnews.org/report/94067/nepal-protecting-children-from-abuser-volunteers">http://www.irinnews.org/report/94067/nepal-protecting-children-from-abuser-volunteers</a> .</p>
ADOPTION	<ul style="list-style-type: none"> <li>▪ Nepal's government has signed THC-1993 on 28<sup>th</sup> April 2009. The ratification process was inaugurated with the creation of a High Level Committee on May 2010 and is still ongoing.</li> <li>▪ <b>Domestic adoptions</b> are often organised privately. It is based on a traditional concept of care of a child defined and described in the <i>Muliki Ain</i>. Due to the caste system, most families want to adopt very young children from the same ethnic group. The <i>Muliki Ain</i> establishes a hierarchy of potential adopters (first, a preference should be given to a family member descending from the same mother; then the closed blood relation or the belonging to the same clan is considered; if not feasible, a child can be adopted from other clans).</li> <li>▪ As mentioned above, <b>informal adoptions/fostering</b> are quite frequent, thus putting children in risk of rights' violations (child labour, child trafficking, abuses, etc.).</li> <li>▪ <b>Intercountry Adoptions</b>: The Country Code (<i>Muluki Ain</i>), the <i>Terms and Conditions and Process for granting approval for adoption of a Nepali child</i> of 2008 (2065), which were amended in 2010 with the publication of the <i>Terms and Procedures for adoption of Nepalese Children by Foreign Citizen</i> (2067) are the relevant laws and guidelines for ICA. Since 2010, the Intercountry Adoption Management Development Board (ICAB) was established under the MWCSW and is working as a Central Authority.</li> <li>▪ According to official data provided by ICAB, there are 18 recognized children homes for ICA.</li> <li>▪ Following several cases of abuses and irregularities (unreliable documents certifying abandonment, unclear conditions of child's abandonment and care) and the recommendations of the international community, Nepal suspended intercountry adoptions during 18 months between 2007 and 2009 in order to adapt its legislation. Since 2010, orphanages have no longer a role in matching children and the MWCSW is now the only authorised body to process adoptions (define children adoptability, matching process, etc.). Further changes have been decided: intensified and documented efforts by the orphanages to find an abandoned child's natural parents; promotion of domestic adoptions by Nepalese families as a preference; obligatory approval for adoption agencies by the MWCSW in order to work in Nepal and the requirement for prospective adoptive parents to apply through these approved agencies.</li> <li>▪ However, despite these improvements, since 2010 adoptions in Nepal are not recommended or suspended by several state authorities.</li> </ul> <p>Sources: Terms and Procedures for Adoption of Nepalese Children by Foreign Citizen (2<sup>nd</sup> Amendment), 2067 (2010); <a href="http://www.ambafrance-np.org/IMG/pdf/notes_sur_les_conditions_d_adoption_au_Nepal.pdf">http://www.ambafrance-np.org/IMG/pdf/notes_sur_les_conditions_d_adoption_au_Nepal.pdf</a>; French Central Authority: <a href="http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption/fiches-pays-adoption/article/adopter-au-nepal">http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption/fiches-pays-adoption/article/adopter-au-nepal</a> ; US Central Authority: <a href="http://adoption.state.gov/country_information/country_specific_info.php?country-select=nepal">http://adoption.state.gov/country_information/country_specific_info.php?country-select=nepal</a> ; German</p>

Central Authority: <https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/BZAA/Aktuelles/2010/Meldungen.html>  
 Nepal Legal [http://www.legalnepal.com/index.php?option=com\\_content&view=article&id=80&Itemid=77](http://www.legalnepal.com/index.php?option=com_content&view=article&id=80&Itemid=77);  
 Intercountry Adoption Management Development Board (ICAB) <http://www.icab.gov.np/children>.

**STATISTICS**

**Intercountry Adoptions by country, 2002-2012:**

	2012	2011	2010	2009	2008	2007	2006	2005	2004	03	02	TOTAL
Australia	n/a	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	1	2
Belgium	n/a	7	n/a	n/a	1	n/a	n/a	1	n/a	n/a	n/a	9
Canada	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
Denmark	n/a	9	8	n/a	2	3	n/a	n/a	1	1	4	28
France	n/a	2	19	3	58	n/a	61	38	32	n/a	n/a	213
Italy	n/a	39	59	8	80	70	90	32	54	64	50	546
Luxembourg	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1
Norway	n/a	n/a	n/a	n/a	n/a	2	4	4	5	6	3	24
Spain	n/a	24	41	n/a	184	76	173	43	68	38	35	682
Sweden	n/a	n/a	8	n/a	n/a	1	n/a	n/a	1	n/a	n/a	10
Switzerland	4	2	1	3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	10
UK	n/a	n/a	n/a	n/a	1)	8	1)	1)	1)	1)	1)	8
USA	3	65	30	6	54	n/a	66	62	73	n/a	n/a	359
<b>TOTAL</b>	<b>8</b>	<b>149</b>	<b>166</b>	<b>21</b>	<b>380</b>	<b>160</b>	<b>394</b>	<b>180</b>	<b>234</b>	<b>109</b>	<b>93</b>	<b>1'893</b>

1) The number of adopted children is small and for privacy reasons is neither shown and nor included in the total.

**Domestic adoptions:** According to Nepali Central Authority, there have been 241 domestic adoptions between July 2009 and July 2013.

Source: Australian InterCountryry Adoption Network : <http://www.aican.org/statistics.php?region=0&type=birth> ; Intercountry Adoption Management Development Board (ICAB) <http://www.icab.gov.np/children>

**RISKS**

- Lack of human/financial resources, accountabilities and coordination mechanisms to efficiently implement child protection services and referral mechanisms at the municipality and district level.
- Lack of adequate and effective register and monitoring of residential care institutions.
- Several cases of abuses and irregularities in Intercountry Adoption: Financial irregularities (up to \$20,000 to adopt a child), direct deals between orphanages and prospective adoptive parents, adoption of not genuine orphans (creation of orphans through child trafficking and laundering, adoption without their parents' lucid consent or knowledge
- Procedures for foreign adoptions are unpredictable and Nepalese government requirements are not enforced uniformly.
- Importance of informal adoption.

**POTENTIAL QUESTIONS**

- Is there any plan to continue/finalize the necessary legal reforms?
- Which mechanism does Nepali government plan to implement in order to better control, monitor and evaluate children homes?
- What efforts are made to control, monitor and periodically review the situation of children deprived of their family?
- What initiatives has the Nepali government taken to limit child trafficking? Do sanctions have been foreseen?
- Does Nepal plan to put in place processes and mechanisms that would enable it to ratify the THC-93 and implement it?
- Regarding informal care of children deprived of their family will Nepal provide any kind of support for the families and/or monitoring the situation of these children?