

PROGRESS ON INTERCOUNTRY ADOPTION PROCESS OF NEPAL ON THE BASIS OF TECHNICAL ASSISTANCE PROGRAM

REPORT OF MISSION TO NEPAL 23-27 NOVEMBER 2009

NEPAL HAS MADE THE FOLLOWING REFORMS IN INTERCOUNTRY ADOPTION PROCESS:

<p>1.Develop the child protection system and understand the place of inter-country adoption .</p>	<ul style="list-style-type: none"> ● Government of Nepal(GON) has formulated National Children's policy ,2012. ● GON has made regulation for ' children's emergency support fund ,2011' . ● A toll free number 10 9 8 and 104 has been established to call at the time of when a child in crisis.
<p>2.Develop and support measures for family preservation</p>	<ul style="list-style-type: none"> ● GON has established Ministry of cooperatives and poverty alleviation ,in 2012 to eliminate poverty from Nepal. ● Established a separate 'Poverty alleviation fund' to support the very impoverished family. ● Ministry of Peace and Reconstruction has been providing 5000 .NPR per month to every child who have lost their parents in the conflict. ● District women and children's offices are involved in economic, social development program for the poor women at the village level. ● Village development committees must allocate 10 % of their total budget to the child development activities.
<p>3.Develop and support alternative care to parental care</p>	<ul style="list-style-type: none"> ● MOWCSW, UNICEF, Save the children and SOS children's village organized 'Policy dialogue on alternative child care . Proceedings of the meeting has been documented and published in a book. ● A high level team in the Mowcsw including the representative from Unicef and Tdh is developing alternative child care policy. ● There are 3915 village development committees in Nepal. Most of the family in the villages have joint family system which

	<p>has resulted in close kinship and extended child care system in their family .</p> <ul style="list-style-type: none"> ● GON provides free education till secondary level and primary health care to entire child . ● To safeguards the children from trafficking a strong anti trafficking law is in place with effective implementation. ● Priority has been given to domestic adoption. The number of adopted children within the country is 31,59 and 35 in 2010, 2011 and 2012 respectively. ● Alternative childcare provision is included in the draft of new child protection law.
<p>4. Better regulation of children’s homes</p>	<ul style="list-style-type: none"> ● GON has made 'Minimum Standards for operating and management of residential child care homes 2012' to regulate the orphanages and control establishment of new orphanages and to regulate the running orphanages. ● Regular monitoring of the orphanages are going on by the district child protection officers . Any home who is enlisted in the MOWCSW , found guilty of any irregularities delisted for 5 years by the Ministry. ● In order to discourage the institutionalization of child at child homes at least 6 years experience of running a child home is required for enlisting at the Ministry for inter country adoption. ● Developing a separate web- site www.icab.gov.np for intercountry adoption management Development Board to keep the number of adoptable children, their age, sex, in which organization they stayed before the adoption and whether they were voluntarily waived children or orphans and other relevant data.
<p>5. A new Law is needed</p>	<ul style="list-style-type: none"> ● The Country Code (Muluki Ain), is the substantive law for in- country and inter- country adoption. ● Adoption chapter of Country Code has given authority to the GON to make necessary arrangements to regulate inter-

country adoption.

- By exercising the power by chapter adoption ,clause 12 ka number, of country code , GON has made, terms and Procedures for inter country adoption.

- Honoring The Hague recommendations first and second amendments on terms and conditions has been made in 2010 and 2011 .

- Inter-country Adoption Management Development Board (ICAB)is working with priority to ratify The Hague Convention, as well.

- Considering the Hague Report, a draft is prepared to amend Country Code chapter adoption with provision of finalizing intercountry adoption case by the Court.

- About the abandoned child in the hospital ,within seven days of the admission of the child , Child Homes must publish ,a thirty five days notice with details of the child to register claim by the relatives or family and also to inform about the property of the child to Child homes or CCWB, DCWB or District Police . It is a mandatory provision.

- If not claimed within the - thirty five days , Again, after the interval of ten days of the first notice , another twenty-one days notice will be published for the claim of the child ,in a national newspaper , local daily newspaper and electronic media, as well.

- within the given time claimed by the relatives or family with necessary documents, such child will be handed over to them.

- If not claimed ,Priority will be given for alternative care of the child .

- Proper family will be searched for the child within the Country.

- If not claimed, Child Homes should submit all the documents before the concerned Chief District Officer(CDO) (As a magistrate) for further process to declare the child as orphan.

The concerned Chief district officer has the authority to declare the child orphan .

CDO examines all the documents, If the documents is complete ,CDO declares the child orphan and provides certificate of that effect .

	<p>ICAB has directed to the child homes compulsory counseling to the parents of the relinquished child's parents by the social worker , about the consequences and effects of the surrender of their child.</p> <ul style="list-style-type: none"> ● A consent (deed)paper prepared by the the parents of the voluntarily surrender child , to submit before CDO to surrender their child to the orphanage. ● Birth registration of all their children is compulsory ● Recommendation letter from the concerned VDC mentioning the financial status of the family is necessary and the CDO examines all documents which is along with the application . ● After completing necessary investigation CDO certifies the deed document of relinquishment then the child will be handed over to child homes. ● With the certified document child homes requests to the family matching committee(FMC)to include the name in the roster of adoption free child . ● Presently there is no Parliament . GON has declared for new constituent assembly election in Nov 2013.
<p>6.Legal criteria for professional decision making</p>	<ul style="list-style-type: none"> ● ICAB has made a decision to prepare child study report by the social worker after getting thorough investigation of the child's background and origins before finalizing for inter-country adoption. ● Only those Foreign agencies accredited in their country will be enlisted as an agency in Nepal ● ICAB Order, has made provision on the confidentiality of information about children, and adoptive parents .
<p>7.Eliminate irregularities in the intercountry adoption</p>	<p>First international conference on inter-country adoption held in ,Kathmandu has made declaration with recommendation to</p>

	<p>the GON to fix the fees for orphanage to be paid by the adoptive parents in order to discourage irregularities in the process by the orphanage .</p> <ul style="list-style-type: none"> ● MOWCSW has fixed the fees as per the recommendation of the Kathmandu declaration to make transparent the fees. ● ICAB would honor the Hague recommendation and would like to develop child protection projects in collaboration with bilateral and multi-lateral cooperation to reduce the expenses paid by the adoptive parents in future also . ● The annual listing fees to the foreign agencies will be deposited in the bank account and make records accordingly. ● The book keeping of the fees will be maintained in a very transparent way and audit report will be made public. ● The book keeping of the contribution from Adoptive parents, will be maintained and audited by the authorised auditor general and the report will be made public by the orphanage in each year. ● This provides for minimum financial constraints for the adoptive parents .
<p>8.Capacity building is needed</p>	<ul style="list-style-type: none"> ● Capacity building is necessary for ICAB and for orphanages.MOWCSW is expecting technical assistance for capacity building through permanent bureau with receiving states in future .
	<ul style="list-style-type: none"> ● GON has given priority to reintegrate the abandoned child with their family. ● Continuous efforts has been made to deinstitutionalization of the children who are at child homes and the result is coming positive. ● Mandatory arrangements to child homes to follow the minimum standard for operation and criteria for child homes to enlist at MOWCW for inter-country adoption , has decreased the number of child homes.The number of enlisted child homes was 46 in 2010 to and now that number is 18.

- ICAB has given a clear instruction to the child homes to prepare systematic electronic documentation of the child at the time of new admission , and make thorough investigation about the child to control false documents .After this significantly decrease in the new admission of child at the orphanage.
- Ban on foundling child from the street for inter-country by the MOWCSW has controlled paper orphan and other irregularities as questioned by the receiving states.
- About the representation by the CFN in the committee as questioned by the receiving states , presently there is no their affiliation with child homes and CFN.
- ICAB has made decision ,Taking into consideration on the best interest of the child , the consent of the child (above 6 years)is compulsory. Consent will be taken by the child psychologist before making final decision.
- Establishment of two Family matching committee to maintain secrecy about the information of Prospective adoptive parents and to control financial and other irregularities. Now it is proved one of the best practice for inter-country adoption to control irregularities .
- ICAB has developed coding number to the prospective adoptive parents.
- ICAB sends with new code number of the PAP's instead of their name to FMC to match the child as demanded by the family.
- The name of the PAPs will be Kept secret , while sending request to the FMC,
- FMC has made the roster of the adoption free child .
- FMC matches the child with PAPs on the First come first registration basis ,in a very transparent way.
- After getting the matching letter from FMC ,decoding will be done by ICAB.

But for special needs child proper family will be searched .Priority will be given to them .

	<p>ICAB is continuously working to develop an ethical adoption system in Nepal and would like to extend cooperation in a collaborative manner with receiving states and with permanent bureau.</p> <p>Inter-country adoption will be conducted in accordance with the prevailing laws to make transparent and internationally-recognized standards and best practices.</p> <p>Despite the data of domestic adoption mentioned above. Now, there are 130 children in 18 child homes eligible for intercountry adoption . Out of 130 children 124 are of special needs children.</p> <p>Mowcsw would be happy to extend cooperation and collaboration with Unicef and Tdh as stated in the report.</p> <p>MOWCSW would like to appeal to Permanent Bureau and receiving states to provide opportunity to the destitute children of Nepal having a family who do not have a proper family within the country.</p>
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