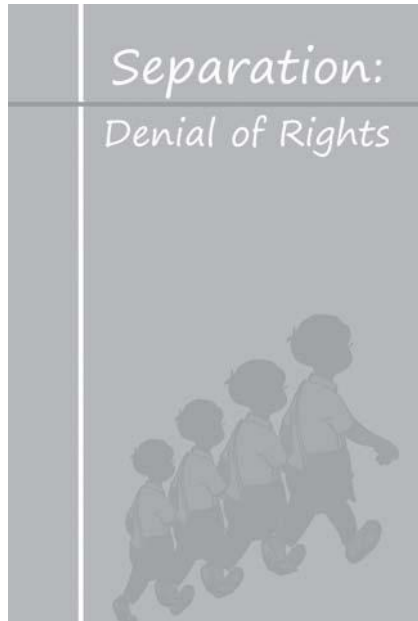


*A Study on the Issue of
Children Living Without Parental Care in Nepal*



Study by

Children and Women In Social Service and
Human Rights (CWISH)

Kathmdnau, Nepal

In Cooperation With

AC International Child Support, Denmark

Separation: Denial of Rights

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Study Period:	November 2010- February 2011 (With Updated Figures and Facts on August 2012)



Acknowledgement

Children's Right to Parental Care is a rarely discussed topic in Nepal, in spite of the problem of children without parental care being highly prevalent. Children's right to parental care is fundamental right that enables them the opportunity to have better protection, development and participation, along with the chance to grow up with appropriate care and facilities.

Various factors, including poverty, ignorance, myths and misconceptions intertwined with negative practices in families, schools and communities result in significant numbers of children being denied parental care rights. Their situation creates greater vulnerability to abuse and exploitation and puts their life at high risk.

CWISH, supported by AC International Child Support has undertaken this study to bring the issue of children without parental care in Nepal out into the open. This study report highlights the hidden issue of children's suffering in Nepal and presents recommendations for potential interventions to prevent a further deepening of the problem, as well as to respond to currently suffering children.

I would like to thank AC International Child Support for providing CWISH with technical back up and financial resources for the successful conduct of this study and

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the study team for their hard work and efforts for making this study extensive and evidence-based.

My sincere gratitude also goes to all of the children and interviewees who have participated in consultations, group discussions and interviews during the study process. In addition to this I would like to thank Milan Dharel, Writu Bhatta and the team members for their hard work and their voluntary contribution to updating the report in 2012.

We would like to request that all stakeholders seriously consider the suffering of children without parental care and take further action to ensure that children can enjoy their right to live in a caring and loving family environment.

CWISH would appreciate feedback and further contributions from readers to further strengthen the quality of, and information in, this report.

Once again thank you to everyone for their support and contributions made on this initial step.

Ms. Bimala Jnawali

Chairperson

August 2012, Kathmandu

Acknowledgement : AC International Child Support



In Preamble of the UN Convention on the Rights of the Child it is underlined that the states parties to the Convention “recognize that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”. As a humanitarian organisation we focus on securing every child’s rights, with a special focus on the vulnerable child and every child’s rights to a family .

Thus, the theme of this study report goes to the core of our organisational mission and values. Working with international development aid and inter-country adoption we encounter situations where children are separated from their parents, and sometimes for reasons, which seems to be avoidable, even within the immediate local context of poverty. This seemed to us to be the case in Nepal.

Partnering with CWISH has made the study of children separated from parents in Nepal possible as a first step to uncover the motivations, dynamics and actions at play. Understanding the situation in-depth is always a precondition to intervening in a qualified and effective way. This report constitutes a significant foundation for

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designing interventions to support processes limiting children's separation from their parents in cases where the negative consequences of such separation on the fulfilment of child rights outshine the positive impacts.

We would like first and foremost to forward our appreciation to the CWISH team for undertaking the study and bringing in their strong organizational capacities and competences from their many similar studies in the past. We also extend our appreciation to Dr. Bala Raju Nikku for his special contribution.

Secondly, and perhaps even more importantly, this report could only come into existence with the valuable participation of some of the people at stake, as well as key persons with knowledge of the real situation concerning children separated from their parents. Our sincere appreciation and acknowledgement goes to the children and adults who provided information and personal stories and views for the study.

Finally, funds provided by Danish Ministry of Foreign Affairs/DANIDA made this study possible, as part of AC International Child Support's program agreement with the Ministry.

Thanks again to everyone for their contributions and support.

Ms. Ina Lykkejensen
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31 August 2012, Aarhus

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Executive Summary



Even though intervention for the protection of children from abuse, violence and exploitation, as well as promoting their right to education, participation and health have been in place in Nepal for the past 20 years, interventions particularly targeted at preventing the separation of children and upholding their right to parental care is almost absent. This is partly because of the lack of information and status on the situation of separation in Nepal. The National Living Standard Survey III of 2010/11 has mentioned that almost 11.1 percent of all children under 15 years in Nepal are living away from home. Separated children in Nepal are not well tracked in terms of their scale and volume, however the majority of them are to be found working, in child marriages, in child headed households, on the street, in juvenile correction centers and institutional care facilities. Some others are victims of trafficking, abduction and in some cases living with armed groups too. In this context, AC International Child Support and CWISH Nepal jointly carried out this qualitative study on the separation of children in Nepal entitled “Separation: Denial of Rights” in 2010/11, which has been updated in August 2012 after receiving constructive feedback and new available information.

The study was carried out with the objectives to: assess the current situation of separated children; identify pull and push factors and actors involved in child separation and; analyze the process and underlying intentions, as well as to come up with recommendations for future interventions. For this purpose the study has applied a system analysis approach and qualitative methodologies

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that includes a desk review of documents, literature and previous studies', key informants interviews, consultations with children and social workers and also in-depth interviews with separated children. The preliminary findings of the study were consulted in a national stakeholders consultation organized jointly by the Central Child Welfare Board and CWISH, feedback from which was incorporated in the final report.

The study has mapped **nine sectors** as major settings for separated children in Nepal, among which are child labor (304,000), children in marital situations (34 percent of total marriages), trafficked children (annual estimation is 6,000) and institutional care (15,000 in children homes alone) and children living in the street (estimated at 5,000). However children living with armed forces and criminal gangs were mentioned but figures were not identified. Separated children in institutional care are to be found in children's homes, orphanages, private (school) hostels, juvenile correction homes, as well as in religious educational institutions. In the child labor sector they were found in domestic work, entertainment industries, hotels and restaurants, transport, the sex trade, and in some factories. Children living in the street and child-headed households are also found in significant numbers. While children living in street are already of particular concern to many NGOs, child-headed households as yet remain largely unconsidered. Adoption is another major reason for child separation – a particularly contentious issue in Nepal. The reason this study considers adoption as of concern is that in many cases in Nepal it separates children from their biological parents in ways where fake documentation and false promises place a decisive role.

In general, children living as separated from their biological parents, families and communities have been found suffering from various rights violations and deprivation of opportunities. In the case of nutrition and food 10 percent of children living with employers, 13

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percent of children living in child homes and 28 percent of children living in street are found deprived; similarly 10 percent of children living with employers. 10 percent of employed children, as well as 20 percent of children living in child homes and 9 percent of other children are denied any health facilities. 28 percent of child laborers, 7 percent of children in child homes and the majority of children living in the street are denied education. 56 percent of children living with their employers, 15 percent of children in child homes and 30 percent of children living in the street feel unsafe, unprotected and have suffered some sort of abuse and violence. In addition to this children separated from their families have been found to be suffering from psychosocial problems. They are also more likely to be involved in criminal activities, to be affected by HIV and sexually transmitted infections, to be young mothers (with an increased risk of maternal mortality) – and may also die younger or even be murdered. Moreover they are first and foremost found deprived of natural family care and life, motherly care, and the, love and protection which enable children to enjoy childhood and provide the building blocks for their futures.

Parents in the separated children's families have found themselves cheated by employers and employment intermediaries, have lost helping hands in the home, lost emotional bonds in family and decreased family values, suffered psychosocial problems and lost the potentiality of betterment in future.

NGOs - especially those running child homes – have complained that they are criticized for institutionalising children which they claim they have done with the best of intentions.. They cite their overloaded responsibilities, feelings of inferiority and humiliation, social ostracisation and limited opportunities to gain alternative management skills and resources. They are also struggling with legal complexities arising from their

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work, including prosecution and even life threatening situations due to their involvement in child separation.

State mechanisms and protection authorities are also experiencing condemnation nationally and internationally for their approaches to children living without parental care – including their investment in unsustainable schemes and their limited efforts to support community and family development programs.

The social leaders, Intermediaries and other individual supporters involved in separating children have also protested that they now face social censure, prosecution and punishment for their actions which they claimed they undertook with positive intentions.

It is often identified that parents, family members and relatives are visibly involved in supporting child separation from family. In addition, religious leaders and institutions, protection authorities, employers, social workers, local social leaders and child home runners are also actively involved in encouraging and supporting separation of children from family.

Similarly, intermediaries, motivators, supporters (social workers, school teachers, religious leaders, social leaders and elites, placement suppliers, family, relatives, community members) who are influential in society are either acting to support separation or stay neutral by not opposing separation.

This study has identified that various ***underlying intentions and factors*** have encouraged children and families to separate. The underlying motivations of those involved in separating children are important to consider, yet only result in children becoming separated because they mirror widely accepted social norms.. The various intentions of these actors for separating children include the belief that they are helping them to: access better opportunities; greater protection and freedom; skip

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prosecution and punishment; greater economic gain; access education; live up to familial expectations. Parents are also guided by intentions of reducing the economic burden and lure of increased earning, beliefs of superstition, fulfilling religious, social and cultural obligations and loyalty. Others with reasons for separating children are doing so with the intention of providing better opportunities and protection, acting in childrens' best interests, attracting more resources for children in the country, maintaining social obligations, and for prestige and the upholding religious and cultural values. Other less altruistic reasons were found to be the desire to exploit cheap labor, to earn money, for sexual gratification and in order to take advantage of prevailing social and political norms.

Child separation is highly systematic in its process, where each actor has their specific role and acts accordingly. However those involved do not necessarily intend to violate children's right to parental care. This study has found a variety of state and non-state actions which continue or further strengthen child separation practices in Nepal. State actions (or lack of action) include: policies which encourage the institutional care of children; few social security, family development and care policies and measures; an unwillingness to prosecute parents in separation cases; an absence of strong child protection system and mechanisms at community level; fewer than necessary skilled and trained staff in state mechanisms responsible for child protection - resulting in limited implementation of existing law and rules and a lack of effective monitoring; greater opportunity for those with a stake in separating children to influence policies, programs and mechanisms, and correspondingly loose interagency coordination at government level and a lack of adherence to a child rights perspective which has allowed the separation of children in Nepal to flourish.

Non-state actions which facilitate the separation of children in Nepal include: lucrative incentives (financial,

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opportunities, international visits, employment, top up allowances and salaries) for children, family, intermediaries and State personnel; replacing a long term empowerment focus and family based interventions with short term welfare activities encouraging separation and alternative residential care; promoting opportunities for political gain through welfare actions at community level; organized, systematic and gross interventions for separating children from families.

The involvement of separated children's families in this game are also major foundations for sustaining child separation. These actions include: providing false information; helping to create an information vacuum and non-cooperation in verification processes; supporting NGO programs more than longer term State interventions; demands for welfare and service delivery activities rather than empowerment focused interventions; loyalty to and cooperation towards approaches which encourage separation, rather than those which promote reunion. Children themselves have unwittingly supported such actions without knowing the consequences, such as by encouraging their peers to separate, and providing a rose-tinted view of what can be gained through separation.

Nepal's existing international and national legal obligations to protect children from family separation from their family and defending the rights of children living out of family and parental care should be implemented. Nepal is party to several international human rights and humanitarian standards are supported by domestic legislation through the Interim constitution of Nepal 2063, Chapter Right of Child, Children's Act 2048, Child labor (Prohibition and Regulation) Act 2000, Adoption of Nepali Child by Alien, 2008, Bonded Labor (prohibition) Act 2002 and the Human Trafficking and Transportation (Control) Act, 2064.

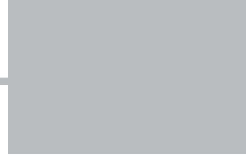
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Based on the above findings and considering the globally accepted rights of children to be in family and parental care as well as the minimum rights of recognition, identity, protection, participation, health and development, this study has concluded that the separation of children in Nepal is a serious but ignored area of intervention which needs urgent attention. A focus on these issues is also likely to aid responses to other child rights concerns in Nepal.. Thus this study recommends: policy and programs which are in compliance with international standards; the effective implementation of laws and policies on children's right to parental care; reunification of separated children with their biological parents and families; alternative family care management for orphans and parents of unidentified children; prevention of separation by fostering family values and strengthening families; promoting community care systems and enhancing capacities of state mechanisms, child rights organizations, organizations currently involved in residential care and community based child protection systems.

For this purpose concerned agencies and authorities should act to: review and revise Nepal's laws and policies; develop and implement projects relating to child sensitive social security measures and family development and strengthening programs; implement programs and projects to provide health, education and participation opportunities in rural areas. In addition to this relevant authorities and agencies should implement programs that will train and educate local authority personnel, leaders and others influential on children's rights to parental care. Relevant authorities should trace families of existing separated children and reunite them with family, as well as identify various available alternative care practices and promote them. It is also recommended to adopt measures to ensure the ethical and meaningful participation of children in designing, implementing and monitoring these interventions.

Chapter I

Introduction



1. Background

The concept of separated children is new to Nepal. Little research and few studies have been done and, as yet, no specific programs and interventions have been carried out to target these children. Separated children are children under 18 years of age who are separated from their biological parents, outside their birth origin or country. War, violence, poverty, family dysfunction and natural disasters are the major causes that lead children to become unaccompanied and separated from family. Separated children include child domestic workers, children living in street, children involved in armed forces, orphans, those exploited in prostitution and in the entertainment. While it is evident that children suffer violence, abuse, exploitation and discrimination within their own families and communities of origin, the common understanding is that unaccompanied and separated children are more prone to illness, to death, to exploitation, and to missing out on opportunities, which are vital to their healthy development.

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As in many other countries, various studies relating to children's rights in Nepal have exposed large numbers of separated children. Yet, the protection of separated children remains a secondary concern for national level organizations, ministries and government agencies in all phases of planning and the implementation of programs. However, in recent years, concern over children's institutional care, alternative parenting and family care have been raised by non governmental organizations (NGOs) working in the field of child rights in Nepal. The strong concern raised at international and national level on inter-country adoption, 'paper orphans' and popular support for the institutional care of children has lead us to re-conceptualize child protection issues through the lenses of vulnerability caused by separation, children separated from their families and alternatives available to them.

In this context, being a leading national organization in the field of child protection, CWISH (Children and Women in Social Service and Human Rights) has realized the need for immediate thoughtful, well planned and strategically organized interventions to prevent the unnecessary separation of children from their biological families and communities, as well as in managing the alternative care of children in Nepal from a child protection perspective. In light of significant debate and dispute around adoption issues, the use of child care homes, child labor and paper orphans CWISH and AC International Child Support together designed a study to capture and analyse the national picture of children without parental care in Nepal, and of the possibilities for improving their protection. This joint initiative began with a study on the causes and consequences of separated children and of possible interventions under the title "Separation: Denial of Rights".

2. Introduction

2.1 Separated Children

The UNHCR defines a separated child as “a person who is under the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier and who is separated from both parents and is not being cared for by an adult who by law or custom has the responsibility to do so” (Ayotte, 2001).

Increasingly, researchers and advocates have adopted the term “separated children” as opposed to the earlier used “unaccompanied minors”. Unlike “unaccompanied minors”, “separated children” is a broader conceptualization which identifies the centrality of the child’s separation from parents and family. In her presentation at the 2001 Trans Atlantic workshop on Unaccompanied and Separated Children, Maloney (2001) comments on the use of “separated”, stating that the term “more fittingly describes this class of children because it recognizes the underlying trauma - separation from parents or long-term primary caretakers - that renders these child migrants so vulnerable”. Additionally, it allows for a distinction between youth who seek asylum from family and youth who travel accompanied by an adult who, upon arrival in the host country, is unable or unwilling to assume responsibility for the youth (Ruxton, 2000).

The global phenomenon of child migration and separation from family is considered to be a major children’s rights challenge and impediment to reducing disparities (UNICEF, 2012). UNICEF’s State of the World’s Children 2012 report states that, “a recent analysis of census and household data from 12 countries found that one in five migrant children aged 12–14 and half of those aged 15–17 had moved without a parent. In West Africa and South Asia, where rates of independent child migration are particularly high, most child migrants leave

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home between the ages of 13 and 17. Many of these children grow up in impoverished rural areas where it is common to travel to seek work in order to supplement family income, whether for part of each year, during lean periods or for longer durations. At least 4 million children are thought to migrate seasonally, whether by themselves or with their families, in India alone.”

Nepal is also similar to other parts of the world in having children separated from adult and parental care. Large numbers of children have been separated – whether voluntarily or forcibly, coerced or manipulated, into child labor, sex work, working and living on the street, institutional care, begging and crime. The recent National Living Standard Survey III has estimated almost 1.1 million children in Nepal are separated from their families.

2.2 Standard Norms and Mechanisms

Nepal has signed and ratified the UN Convention on the Rights of Child in 1991 and its optional protocols in 2006.

Separation of children from family has violated their right to identity, culture, participation in decision-making processes, protection and in many cases to education. Such separation also further increases children’s vulnerability towards statelessness as is the case with many missing children, children living with employers, children living in street, trafficked children and children living in institutional care.

Childrens’ right not to be separated from family, for reunification, as well as their better protection and care in cases where they are living apart, is ensured by international and local legal standards.

International Conventions and Treaties Applicable for Nepal

The UN Convention on the Rights of Child, through its articles 5, 8,9,10,11,19, 20, 21, 25, 27 and 39, has called

for keeping children safe within their family settings, enabling the family to take care of the child, preventing children from separating unlawfully from their families, protecting children from sexual exploitation, trafficking and other forms of sale and exploitation. These concerns are further enforced by the optional protocols on the sale, child prostitution and pornography and on children's involvement in armed forces.

International Labour Organization (ILO) Conventions 138 and 182 clearly highlight the prevention of children from early labor involvement and, by implication, their separation from a protective and family caring environment.

The Hague Convention of 1996 which deals with separated children and children in the process of, or after, adoption. Article 3 in particular calls on States to take measures for the protection of separated children's rights, as well as children in institutional care, and to ensure that minimum rights and standards are applied.

Besides this, international humanitarian law (the four so-called 'Geneva Conventions'), as well as international customary law on human rights and other convention and treaties dealing with children's right to protection, development, participation and family care are also applicable for protecting rights of separated children and to maintain their right to be in parental care and a family environment.

Domestic Legal Standards

Nepal also has several domestic laws that could be applied for the protection of separated children and in preventing the separation of children.

A number of domestic standards, including: the Interim Constitution of Nepal; the Children's Welfare Act; the Child Labor Prohibition and Regulation Act; the Act on

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Controlling and Preventing Human Trafficking; the Bonded Labor Act; and the terms and conditions for the adoption of children by aliens (2008) are applicable for protecting children's right to parental care.

Existing national legal standards have major provisions to ensure that children's best interests are met, that children are in safer and protective environments, and that their education, health and moral development are not impaired. Children's involvement in labor at less than 14 years is completely banned, and 15-18 years are conditionally accepted. The Children's Welfare Act has authorized chief district officers to exercise the power of district child welfare board chairpersons to place any child in alternative care and guardianship as required. The Human Trafficking Act and the Bonded Labor Act ban child trafficking and the keeping children in forced and bonded labor situations.

Standards of Interventions

Various international child rights organizations and the UNCRC Committee has also issued standards for interventions and practices for preventing and protecting children from separation and at risk of separation.

The Human Rights Council Resolution of June 2009 on alternative care and protection for children could serve as a basis for all state and non-state actors to further realize and campaign on the rights of children to parental care and also to ensure that globally accepted minimum standards are met while children are away from their biological parents and families.

For the purpose of their operations, various NGOs and child rights agencies such as Save the Children, International Child Rights Bureau and others intervening on children's right to parental care have developed various practical standards and principles on intervening to prevent children's separation. The following is a

summary of these various operational guidelines and standards: best Interests of the child; non-discrimination; right to participate; bi-culturalism; interpretation; confidentiality; information; inter-organizational co-operation; staff training; durability and timeliness. Save the Children have purposed Twelve Standards for Intervention, including: access to the territory; identification; family tracing and contact; appointment of guardian or adviser; registration & documentation; age assessment; freedom from detention; right to participate; family reunification; interim care – health, education and training; the asylum or refugee determination process; and durable or long-term solutions.

All of the agencies working on the issues of separation and the right to parental care have encouraged state and local government bodies to be more accountable and responsible for preventing children's separation and better able to intervene. NGOs working in Nepal need to push for greater governmental action and responsibility, and to avoid undertaking parallel interventions. There are several principles that should be at the heart of responsible and accountable governmental actions: (1) the principle of family unity or integrity of the family; (2) the best interests of the child; (3) that a child's opinion should be listened to and given due weight in relation to the child's age and maturity; (4) non-discrimination; (5) the special needs of girls; (6) that the concept of 'protection' refers to responsive action, remedial action and environment building; (7) that interventions should be in the context of an overarching protection framework; (8) the need for complementarity and cooperation among all organizations and; (9) long-term commitment.

2.3 Introduction of the Study

This is a joint study carried out by a Denmark-based NGO AC International Child Support and the Nepal-based

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national NGO Children and Women in Social Service and Human Rights (CWISH). This study serves as baseline information on the situation of separated children. Current issues, interventions and policies in Nepal are mapped, and their relative strengths, weaknesses, gaps and opportunities analyzed. The resulting recommendations set out priority concerns and actions to improve policy and practice. It excavates the causes and consequences and pulling and pushing factors for separation along with identification of various actors suggesting little applicable and practical recommendation for action

In spite of existing studies on child labor, adoption, juveniles, trafficking etc., a compiled version of children's separated status and the violation of their rights due to such separation is absent in Nepal. This study is an initial step towards filling this gap.

It is hoped that the discussions, consultations and sharing of findings following this report will compel decision-makers to develop a standard working manual for child care centers, procedures for state monitoring of these centers. In addition, it is imperative that policies to address the problem of separated children be re-assessed, and provision for a social safety net for these children generated. It will also help in designing future planning that prevents duplication between other organizations working on these issues, formulation of effective policies.

2.4 Objectives

The study has aimed to contribute to preventing child separation and the protection and promotion of child rights for separated children through a rights-based analysis of the situation, alongside a well-consulted recommendation and plan of action. The specific study objectives are given below:

- Assess the different settings of separated children in Nepal;
- Identify factors contributing for children separation from families;
- Assess the interventions on protecting children rights to family;
- Recommend rights-based responses for protecting children rights to family.

2.5 Introduction of the Organizations: CWISH & AC International Child Support

About CWISH

CWISH (Children and Women in Social Service and Human Rights) is a human rights organization working in the field of women, children and youth since 1993. CWISH states as its mission to protect and promote people's right of equal access to opportunity, and benefits of development through creating community mobilization against the inequality, violence against women and children, social discrimination and for the respect of human rights and social justice.

CWISH values working together with local organizations at district level; strengthening them and promoting their role by providing quality programs and project management. CWISH also believe that grassroots actions need to be linked with central policy advocacy in order that national organizations can work together effectively with local organizations. CWISH is based in Kathmandu but has programs all over Nepal. It has considerable experience working with central government at ministry level, the Nepal Police, the judiciary, with medical mechanisms as well as at local level with local municipal and community service centers, child protection committees, child clubs, youth clubs and schools.

CWISH has programs of education and support, advocacy and social empowerment and rescue,

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rehabilitation and care in the area of women, children and youth. Its main focus areas are child sexual abuse, child domestic labor, children's right to parental care within child protection issues, informal sector women workers, sexual and reproductive health for women, economic opportunities for youth and youth volunteerism.

CWISH is an award-winning organization: awarded by WWSF 2009, and with a number of national and local awards for working on child rights promotion and protection issues.

About AC International Child Support

AC International Child Support is a humanitarian organization dedicated to improving the conditions for vulnerable children in developing countries by securing every child's right to grow up in a caring family, who is legally and morally responsible for securing the child's right to a dignified childhood, education, food, medical care, etc. In order to reach this goal we work with inter-country adoption programmes, international development aid and child sponsorship programmes.

AC International Child Support was founded in 1969 as an adoption agency. Since then, both child sponsorship programmes and development projects have been added to the portfolio of activities to help vulnerable children. Our values coincide with those expressed in the UN Convention on the Rights of the Child, and additionally our work in matters of Inter-country Adoption is based on the principles expressed in the Hague Convention of 1993 on the Protection of Children and Cooperation as well as the Nordic adoption approach principles and the ethical rules of Euradopt.

A major point of focus for us is the children – securing every child's rights – with a special focus on the vulnerable child and every child's right to a family. A

second focus point is our partnerships around the world. AC International Child Support's partnerships are dynamic, building on intentions of equal and respectful relations and several of the partnerships go back a long way. We focus on mutual learning, exchange of experience, creating change through mutual efforts. We recognize that transparent, secure and professional processes are required in order for donors and other partners, to contribute to our work.

1. Research Design and Methods

This is an explorative study based on secondary data and qualitative methodologies. The study has applied a variety of methodologies and tools for the purpose of finding out the situation of separated children, the factors contributing to the separation of children, those stakeholders and actors involved, the children's vulnerability and sufferings as well as any positive changes in their lives and possible recommendations for future interventions.

Chapter II

Methodologies



1. 1 Mapping of Children's Separated Area

The first exercise was to map out sectors of children's separation in Nepal. After the appointment of a study team, an orientation was conducted and the possible sectors where the study team could find the separated children were identified. Team members have consulted key personnel in these sectors, the relevant literature and their own experience in the field of child protection. During the mapping exercise, the team identified the separation of children in 9 sectors:

- Children in Institutional Care (Boarding Schools, Private Hostels, Religious Institutions, Orphanages and Child Homes);
- Juvenile Correction Home/Centers;
- Child Labor (Living with Employers);
- Children living in the Street;
- Child Headed Households;
- Children Living in Groups;
- Children in Adoption with Fake Documentation;
- Children in Early Marriage;
- Children Living with Criminal Groups and Armed Forces.

1. 2 Desk Review

A desk review was one of the main methods applied in this study. During the desk review the study team consulted study reports prepared in relation to several groups of children and existing fields of study such as orphans, adoption, child labor, juveniles, children living in street etc. A variety of laws, international conventions and treaties were also consulted during this desk review. The desk review has mainly tried to list what the different literatures have mentioned about the numbers of children separated from parents in the identified sector, the pull and push factors for children's separation and what are their sufferings and susceptibility. More than 50 studies were consulted through web based documentation systems and/or published hard copies of the literatures. The list of literatures consulted for the process of desk review is mentioned in an Annex as Reference.

1. 3 Focus Group Discussions

Focus Group discussion (FGD) is another methodology applied in this study, particularly in relation to two groups of separated children. One is children living with employers and those in the entertainment sector, the other group is the child home runners. Children in the entertainment sector are mainly consulted through FGDs is because of their sensitivity in being consulted alongside other children. This was also the case for child home runners.. Nine girls working in massage parlors and ten child home runners attended Focus Group Discussions.

Girls working in the entertainment business were accessed through a local NGO working in this sector. These girls were attending an educational program run by the NGO. Child home runners were approached through networks of childcare home runners. Thus the sample participants were selected and accessed through

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convenient sampling methods due to the sensitivity of the issues.

The names and lists of participants are not mentioned in this study to maintain their confidentiality and out of concern for their protection.

1.4 Key informants Interviews

Key informants interviews are another method applied in the study. We have interviewed representatives from government mechanisms including Central Child Welfare Board (CCWB), Ministry of Women, Children and Social Welfare, and Nepal Police. Civil society groups representing INGOs, NGOs, organizations' coalition and networks, as well as child home networks and coalitions were also consulted using this method. All these representatives were working with separated children in one way or another and have strong background experience in the field of separated children. A total of 12 interviews were conducted with key informants – the names of which have been given in the Annex. The key informant interviews were based on guide questions and interviews were conducted and documented by trained study team members. During the interview session several probing questions were also asked to further explore the issues and relevant information.

1.5 Children's Consultation

A one-day children's consultation was conducted with the aim of reviewing the problem of separated children and their expectations of reunification with their families. The main objective behind the consultation was to identify the challenges and opportunities for children living without parental care and their perspectives for future interventions. A trained child facilitator explored children's perspectives, applying different child friendly tools produced by Consortium of Organizations Working for Child Participation(CONSORTIUM). A total of 17 boys

(10) and girls (7) participated, representing children from the main nine destination sectors, including: child domestic work; children in institutional care; children living in private school hostels; children living in street; children from religious institutions;, survivors of trafficking; children in juvenile care.

1.6 In Depth Interviews

The study conducted in depth interviews with 10 children living without parental care. These 10 children were from child domestic work;, children in institutional care; children living in private school hostels; children living in street; children from religious institutions; survivors of trafficking; children from juvenile care. The in depth interviews were conducted using child friendly and participatory methods, applying children's tools such as lifeline¹. The major issues for in depth interviews were children's past lives, the process by which they became separated, their life after separation, their current situation and their perceptions of their future.

1.7 National Stakeholders' Consultation

On 28th June 2011, a sharing and stakeholders consultation was organized together with the Central Child Welfare Board (CCWB). In this consultation various stakeholders representing the Ministry of Women Children and Social Welfare, Ministry of Local Development, CCWB, Nepal police, various NGOs and INGOs working in different forms of child separation attended and shared their feedback and responses to the study findings. Feedback from participants in this national consultation has been incorporated in this report and has assisted the development of key recommendations. 37 participants attended the sharing and consultation program.

1.8 Analysis and Compilation of Data

The information collected through the desk review, key informants interviews, the children's consultation and the in depth interviews were compiled together and analyzed based on the facts and evidence collected, under the following research questions:

- Where are the separated children living/staying in Nepal and what is their numerical estimation?
- What are the factors and reasons that compel children and their biological parents to be separated?
- Who are the main actors involved in separating children and what are their good/bad intentions?
- How can children and their families live together with a minimized risk of future separation?

2. Research Administration

2.1 Selection of Team Members

Study team members were carefully selected to ensure they had the relevant skills and experience. Team members had backgrounds in social research with working experience on children's issues, especially on child protection and child rights approaches. The study team was led by Mr. Milan Dharel and comprised Ms. Writu Bhatta, Mr. Sanjeev Dahal, Mr. Amit Raj Shrestha and Ms. Bikita Basnyat along with a special contribution by Dr. Bala Raju Nikku. Consultation with children was undertaken by Mr. Kamal Chapagain, Ms. Sushila KC, Mr. Sanjog Thakuri and Mr. Santosh Maharjan.

Among the study team members, Dr. Bala Raju Nikku is professor in Kadambari College and also has been a researcher on children's issues for many years. Mr.

Sanjeev Dahal did his Masters degree from TATA institute from India and has a background in social work. Mr. Amit Shrestha is a social work graduate with field experience on children's issues and holds a Masters Degree in Development Studies. Ms. Bikita Basnyat holds an LLM from Delhi University of India and works with CWISH as a Legal Counselor fighting for legal justice and protection for children. Ms. Writu Bhatta has more than 6 years experience working on children's issues together with CWISH and has been involved in several research studies. Mr. Milan Dharel has more than a decade of experience on child rights and child protection issues as campaigner, researcher and professional.

2.2 Orientation for Team Members

A one-day orientation was held on 25th of October 2010 at CWISH central office Buddhanagar. The main objective behind the orientation was to have conceptual clarity on issue and develop a research methodology. The orientation also conducted a mapping of children's separation area in Nepal.

2.3 Planning and Review Meetings

Planning and review meetings were held at different time intervals for the purpose of the smooth running of the study. The first of these meetings was held on 7th of October, 2010 with the objective of selecting team members for study. The second meeting was held on 9th December to resolve challenges faced while working. The third meeting was held on 14th December to discuss guidelines for the focus group discussions, key informant interviews and In Depth Interview. Similarly, a review meeting was held on 20th of January, 2011 to share findings, learning and challenges.

3. Limitations of the Study

The scope of this study has been limited by a number of contextual factors, as well as available resources and

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timing issues. In particular, the following factors have influenced the study's scope:

- The study has included both primary and secondary information. Primary information sources are based on focus group discussions, in depth interviews, the stakeholders' consultation and key informants interviews. Secondary data collection was based on previous studies and researches, journals etc. and to the extent available literatures as well as key informants' knowledge, experience and expertise;
- Even though there are several studies and initiatives on child protection issues, separation has not been considered as a major child rights concern in most of the available studies conducted within Nepal;
- Separation is overshadowed by other child rights violations such as labor, trafficking, abuse and violence etc in the literature and amongst interviewees. This made it difficult to collect information and resources on separation issues specifically;
- Due to the busy schedule of key informants, it took more time than was initially allocated for the study and few expected interviewees could not manage to find time for an interview;
- Only 26 children could participate in the children's consultation.
- The information is based on the collection and compilation during November 2010- February 2011, and with updated figures and facts included in August 2012.

4. Ethical Considerations

This study has considered a number of issues to make it as neutral and professional as possible. These include the following:

- The study has not revealed the identity of informants, especially children and child home runners, to respect their privacy rights and also for their protection;
- The study has been conducted with the aim of avoiding bias against those involved in institutionalizing children (relating to adoption, orphans and child homes);
- This study has not promised and not provided any kind of financial assistance to any child or agency for revealing information;
- The study has adopted an appreciative and positive approach in seeking information from the informants;
- This study has closely considered the situation of children and had plans in place to refer any cases of violence or abuse to the competent authority (But did not find any such serious cases);
- 'Off-the-record information has been respected and only been used as background information for analysis;
- This study has respected religious values, concerns and traditions, with children's rights as the top priority;
- The study team members will not use any of the information collected during this process for any negative actions towards informants in future;

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- The researchers and team members have not been given any authority to use the information in future for their personal purpose, except the published report and analysis presented here.

Chapter III

Findings



1. Population of Separated Children in Nepal

The study found that separated children were found on the streets, were missing, were working as domestic helpers, were in child care homes or orphanages, in factories and the embroidery industry, working as laborers, in transportation, workshops, eateries (tea-shops and smaller hotels), engaged in sex work, working in and around cinema halls, in trafficked situations and some were found to be illicitly transferred for adoption. There are a large number of children separated from parental care. There is no national level of study which has accurately identified or calculated the national scale of separated children in Nepal. While various figures abound, all are estimates. The National Living Standard Survey of Nepal 2011 has evidenced that 11.1 percent of children up to the age of 15 years are away from home². According to this, among the total population of less than 15 years i.e. 9.84 million, or 37 percent of 26.6 million population, the total separated child population of up to the age of 15 years is almost 1.1 million. According to the NLSS III, amongst boys the ratio of separated children is 13.3 percent while amongst girls

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it is 8.9 percent. The majority of the children were separated from family due to family problems (58.5 %) followed by the desire to seek educational opportunities (30.6 %). Even children of less than 4 years are significant by their absence in families, accounting for 11.4 percent of the total population of children under 4 (12 percent of boys and 10.4 percent of girls).

The study identified nine main areas of separated children in Nepal. Those in child labor and institutional care represent the large majority, followed by trafficked children and children in the street. However children living with armed forces and criminal gangs were mentioned but figures were not identified. Separated children in institutional care are to be found in children homes, orphanages, school hostels, juvenile correction homes and in religious educational institutions. Children living in the street and child headed households are also found to be a major concern. Children living in the street are a major focus of NGO attention, as opposed to child headed households, which is not yet on the agenda. Adoption is a major area of child separation, attracting fierce debate and controversy in Nepal. The reason that this study has considered adoption as an act of separation is that in many cases in Nepal it separates children from their biological parents in ways where fake documentation and false promises place a decisive role. Child marriages are also rampant in Nepal, however, this issue has been considered less of a separation issue and more as a prelude to violence against children and gender based violence against girls. However, this study has taken it as one of the major forms of separated children in Nepal and needy of urgent intervention.

Separated Children in Child Labor Sector and Living with Employers: Children working and living with

employers are found to be another major area of separated children in Nepal. According the National Child Labor Report 2010 published by Central Bureau of Statistics, 34 percent of Nepali children of age 5-14 years are economically active, with 1.6 million considered to be child laborers and 621,000 doing hazardous work. 12 per cent of 5-17 year old workers (192,000) are estimated to be separated. The National Living Standard Survey III 2010/11 also identified that separation among the children of age group less than 15 years due to the reason of child labor is only 0.2 percent. Most of the separated children in child labor are found working as domestic workers, in small tea shops and restaurants, in embroidery factories, workshops, garages and in the adult entertainment business (as sex workers).

Missing Children: Missing children are identified as another major source of separated children as well as a cause for separation of children. 'Missing' has various aspects relating to separation, including children missing from home, missing from the workplace and missing due to criminal acts such as abduction and other reasons. The government of Nepal has established a National Center for Children at Risk with particular responsibility to search and reunite missing children with their families. The center also runs a 24-hour toll free hotline. The center recorded 2,431 complaints of missing children in the past one year (Fiscal Year 2067/68, 2010/11), consisting of 1,228 boys and 1203 girls. Out of the total missing children, 1,344 children (777 Boys and 567 Girls) were reported as found and reunited with family, including two children found murdered. However the volume of children still missing remains higher i.e. 1087 (Girls-636, Boys-451). According to the center this is due to the lack of reporting by parents when they find their children, so the number of still missing children could be less than mentioned. By age group, 24.76 percent (602) missing children were less than 10 years and 26.70 percent (649) were 10-14 years. Children aged 11 to 16

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years are significantly higher in number, i.e. 59.36 percent of all missing children.

On average it has been found that almost 2,500 children are reported missing every year and only half of them are reported to be found. The highest numbers of children missing are reported in Kathmandu Valley, the capital city. It is assumed that many missing children might be trafficked to India and other countries for the sex trade, begging, labor exploitation and organ transplantation.

Children in Institutional Care: One of the major settings where separated children were identified by this study was in institutional care. Types of institutional care includes children in boarding schools, private or public hostels, juvenile correction centers, child homes, orphanages and religious institution run hostels.

Institutional care here refers to the care and support; education, health services and safety; as well as protection and welfare by formal institutions (child care homes), to those orphaned and vulnerable children who are without parental care.

It is a common observation that many children are kept away from their families in residential schools or hostels. Although this is done by or with consent of the parents in the hope that the future of these children will be bright and their life chances maximized, they are separated from families and deprived of the love, care and affection of their parents – which may result in their problematic development.

According to the Central Child Welfare Board publication 'The State of Children of Nepal 2011', there are 602 child care homes recorded in 38 districts providing institutional care to 15,095 children. Kathmandu, Lalitpur and Kaski are the top most districts on operating childcare homes with 291, 125 and 52 child care homes

recorded in these districts respectively. The same report has highlighted that there are even 1073 children (531 Boys, 542 Girls) of less than 3 years living in institutional care facilities. According to the CCWB report, the total number of children less than 12 years living in institutional care is 9,717 (Boys-5,344 and Girls-4,373). There are 3,690 children (Boys-2,100, Girls-1,590) of age group 12-16 years and 1,688 children (Boys-1,004, Girls-684) of above 16 years. The overall ratio of girls and boys living in Child Care Homes is 44.04 percent and 55.96 percent respectively. A study by CCWB titled 'Report on Survey of Child Care Homes 2008', which surveyed 454 child care homes, found that out of the 11,969 children from various 37 districts living in these homes only 28 percent have lost both their parents. It has also been established that even orphaned children have possibilities of kinship or extended family care facilities in their origin community.

Child care homes were also found to house children with disabilities. According to CCWB (2008) a total of 524 children with disabilities were living in these institutions. Out of 524 children with disabilities, 156 had physical disabilities, 233 had intellectual disabilities (mental retardation), 67 were visually impaired and 68 had hearing impairment (CCWB, 2008).

The government of Nepal has been providing juvenile care home facilities for the purpose of providing better protection, care and correctional diversion services for children in conflict with law.. During the study, it has been identified that each year between 700 to 1,000 juvenile cases are reported to the police. During the study it was found that during the period of 2059 to 67/68 fiscal year 675 children (653 Boys and 22 Girls) were imprisoned and/or placed in juvenile correction homes and a further 580 were reintegrated with families. In the last fiscal year only 128 children were referred to juvenile care facilities. In addition to this the CCWB

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report also highlights that there are 83 children living in prisons together with adult offenders due to the lack of space in juvenile correction homes and facilities. Recently the government of Nepal has added three new juvenile correction homes in the Mid West (Nepalganj), Eastern (Biratnagar) and Western (Pokhara) regions of Nepal, which means more juveniles will be placed in institutional care.

Besides NGOs and government run institutional care, there are a number of religious institutions also running institutional care facilities. Religious institutions are mainly motivated to coach and transfer religious knowledge and skills. The study has found that all major religions (Hindu, Buddhist, Christian and Islam) are providing institutional care. According to the Department of Education Flash Report I 2010-11, there are 766 religious educational institutions that include 674 Madarasas, 53 Gumba/Vihar and 39 are Ashrams and Gurukul. The Christian missionary-run hostels are also counted as childcare homes as per their registration status. The number of these and the situation of children within these institutions are not well known.

Children of the Street: The street has been found as another major destination for separated children in Nepal. Referred to as street children, these children are deprived of family care and protection. The most common definition of a street child or youth is “any girl or boy who has not reached adulthood, for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become her or his habitual abode and/or sources of livelihood, and who is inadequately protected, supervised or directed by responsible adults” (Inter-NGO, 1985 in www.unicef.org)

As quoted by Pandey, Shah & Bhujju (2008), UNICEF (1992) has categorized street children into the following groups:

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- a) *Abandoned Children: Children without family and home*
- b) *Children On the Street: Children who earn their living or beg for money on the street and return home at night*
- c) *Children Of the Street: Homeless children who live and sleep on the streets in urban areas*
- d) *Most Vulnerable Children: having extremely poor condition because of armed conflict, starvation, lack of family care etc.*

Although UNICEF has talked about these four categories of street children, this study has focused only on children of the street and abandoned children because of its primary focus on separation. As discussed earlier, separated children are those who are separated from their biological parents. CCWB (2009) estimates that there are 4,448 street children across the country, out of which 3,702 are children of the street. Children of the street consist of both abandoned and most vulnerable children. According to a study of the Central Child Welfare Board, there are 796 children living in the street in Kathmandu alone (95% male and 5% Female) (Pandey, Shah, & Bhujju, 2065). The same study shows that 25% of them were from Kathmandu Valley itself while 59% are from outside the Kathmandu Valley. Similarly, 9% of the children are from India and another 7% do not know where they were born. A total of 53% of street children are 13-16 years of age, while 36% are 9-12 years of age and 11% are 17-18 years. (CWIN, 2006 as cited in CCWB, 2009). This data shows that most of the street children are teenagers. The teenage years in any individual's life is a critical period because if the changes at this stage are not appropriately understood and adequately dealt with, the individual may take wrong decisions in life and end up ruining their own life and the lives of others. CWIN (2006) as cited in CCWB

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(2009) suggests that every year at least 500 children enter the Kathmandu Valley and become street children.

Children in Early Marriage (Child Marriage): It has been established by this study that many early marriages (child marriages) take place in Nepal. Child Marriages separates children specially girl child from their biological parents. In such cases the separated children are found to live with their in-laws or with their spouses. In many cases these children have been deprived of their right to participation, development and have no choice but to follow the orders of their in-laws. UNICEF's State of the World's Children report 2007 indicates that 56 percent of women from 20-24 years of age were actually married before they reached 18 years.

Though the Nepal government has strictly banned the marriage of individuals less than 18 years with parental consent and less than 20 years age without parental consent, the figure shows that 34 percent of marriages in Nepal take place among children less than 15 years of age as mentioned by Save the Children in its Anti Child Marriage Campaign leaflets. According to the National Population Statistics the average age of marriage is 17 years in Nepal.

Child marriage is rampant in almost all parts of the country; however the ratio is comparatively higher in the Terai than in the hill and mountain regions. Religious myths and misconception and the dowry system have influenced the trend of child marriage in Nepal.

Married girls have to leave their parental homes to go to their husband's place, where they are responsible for taking care of the family and household chores. In some cases they may be left with their parents but with the understanding that they are married and do not belong to their parental family.

Children in Armed Forces and Living with Criminal Groups: Children's involvement in armed forces as combatants or for other activities have been of major concern in Nepal. During the conflict period almost 3,000 children were estimated to be serving in the Maoist Army as combatants, while many others may have served as informers and in other ways. After the peace agreement, child soldiers have been released and are in the process of being rehabilitated.

However, in the Terai (eastern hill region), gangs of criminals are suspected still to have children living with them and helping them in their activities. The study could not find any specific figures and information on their situation, though many interviewees have raised this issue during the course of interviews.

Children in armed forces and living with criminal groups are not just separated from family and parental care but are also oriented towards violence, a militarized culture and at high risk of life threats. There are significant challenges for these children to be rehabilitated and reunified in society, which may result in the further mushrooming of criminal gangs.

Child Headed Households (CHHs): It was noted that many children have been taking care of their families and thus depriving themselves of their own childhood. Among various definitions, Sloth-Nielson (2004) defines CHH as "any household where a child up to or under the age of 18 is called upon to carry care giving responsibilities." However, while defining what constitutes child headed families, the presumption is that child headed families will always be comprised of siblings and family members. However it has been acknowledged that a range of child headed families may exist, including siblings, children with an incapacitated adult, extended family or arbitrary grouping of children united in misfortune. However there may be changes over time. Furthermore, the

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concept of household, the definition of vulnerable children, and concept of childhood may vary according to countries and cultures and may not be universal. (Maclellan, 2005)

Most often CHHs are those households where practically everyone who lives there is younger than 18 years old and headed by a child that is recognized as being independent and responsible for providing leadership and sustenance for the household. This characterization needs however to be qualified. It fails to reflect the not-so-uncommon fact that such households may include an incapacitated care taker, mother or father in need of care, even if by children. So, for all practical purposes when we speak of child-headed households what we are talking about is households run by persons under 18 years-old: because they have lost both parents; or because the parents or primary caregivers are chronically ill with HIV/AIDS or with other causes; or because they have their parents away from home for longer periods of time and they are designated to be responsible for taking care of their siblings.

In the case of Nepal, Child Headed Households (CHHs) have seemed to be an emerging phenomena, particularly as a result of the labor migration of parents and the HIV epidemic. Though, estimates of child headed households are lacking, CCWB's annual report on the State of Children of Nepal 2011 indicates that CCWB has received a record number of children losing parental care and protection in 48 districts of Nepal (21,436); out of which 2,311 children are living in a child headed households - mainly in the far western hill part of the country i.e. Achham, Dailekh, Bajura, particularly where the HIV epidemic has caused the collapse of adult parental care.

Trafficking Victim Children: Child trafficking has remained a major challenge for child protection action in Nepal. There are various facts and data identified by various agencies in terms of in country and cross-country

trafficking of girls into India. The International Labor Organization in 2001, through its rapid assessment on trafficking, has estimated that some 12,000 women and girls are trafficked to India every year. With the changing pattern of modernization and labor migration tendency, trafficking of children is affecting both boys and girls, who are being trafficked to other countries besides India. The purpose of trafficking has also widened from sex work to labor exploitation, begging and organ transplantation. In addition to this, a study conducted by the Nepal Government Ministry of Women, Children and Social Welfare in 2008 identified that there are at least 16,000 girls under 18 years working in the entertainment business - mainly facing sexual exploitation.

Children sent for Adoption: Despite many controversies and discussions on child adoption problems and issues in Nepal, child adoption resumed in 2009 with new rules for adoption by foreigners. In addition to this the government of Nepal also committed to improve the practices related to child adoption and to promote and formalize domestic adoption. The government of Nepal signed the Hague Convention on Child Adoption, but has still not ratified it. Still, there are debates going on related to child adoption practices and problems related to this. However, according to CCWB report since 2009, 344 (224 Boys and 120 Girls) have been sent abroad for adoption. The recorded number of children sent for adoption abroad has now reached 2,578 in the past 18 years.

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Type of separated child	Total Population	By Age	By Sex
All separated children (Up to 15 years) (Children Away from Home)	1.1 Million	0-4 Years- 11.2% of total population	Boys-13.3% of total population Girls-8.9% of total population
Living with employers (Child Labor)	304,000	5-9 Years - 20,000 10-13 Years- 96,000 14-17 Years- 189,000	Boys-119,000 (39%) Girls- 185,000 (61%)
Missing Children	2500 (Average Annual Reported case)	Less than 10 years 24.76% 10-14 years- 26.70% 11-16 years- 59.36%	Boys- 50.51% Girls- 49.49%
Children in Early Marriage (Child Marriage)	34% of total marriage is estimated amongst children of less than 15 years in Nepal. 17% school going children are dropped out due to early marriage.		
Children living in street	4,448 (Estimated)	9-12years-36% 13-16years-53% 17-18 years - 11% of children living in street	Boys - 95% of total estimated Girls- 5% of total estimated
Children in Child care Homes (602 Homes)	15,095	0-3 years-1073 3-6 years-1717 6-9 years-3214 9-12 years-3713 12-16 years- 3690 16 years and above 1688	Boys-8448 Girls-6647

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Table 1 : Scale of Separated Children in Nepal

Type of separated child	Total Population	By Age	By Sex
Children in Juvenile Detention	130/ Annually 675 (Till 2010/11)	N/A	Boys-653 Girls-22
Children in Prison	83+67 (Depen- dent)	N/A	Of Depen- dent Chil- dren, Girls- 38, Boys-29
Child Headed Households	2311	N/A	N/A
Children living with Armed Forces and Criminal Gangs	3000	Mostly of 12-19 Years	Majorities are Boys and Very Less are Girls
Trafficking Victim	12000 Girls	N/A	N/A
Adoption Sent Children	2578 (till 2010)	N/A	N/A

**Dependent children are children living in prison together with their father/mother as there is absence of facilities to care for these children in Nepal.*

**The total numbers of children away from home is estimated to be some 1.1 million by NLSS III, yet the total calculation presented for the different types of separation and estimated children may not reach same number due to the various sources for such estimation.*

Source: National Child Labor Report, 2008, The State of Children of Nepal 2011, National Living Standard Survey 2011

2. Situation of Separated Child and Its Effects

Children separated from parents and living without parental care are denied the primary care and support of their families, especially their mothers. Separated children are found to lose emotional bonds with family and their psychological attachment, expression of care and support to others suffer as a result.

“Every child spending 2.6 months in child care homes loses one month of development because there is not the same degree of love, affection and intimacy available as they get when they are with their parents and siblings”

– **Key informant**

In addition to this, separated children are found to be at high risk of various forms of abuses and their childhood have been negatively affected. However, while some children from institutional care backgrounds were found to be successful in their adult careers, the study indicates that significant numbers of children have been unable to adjust and reintegrate in community and family later on. They lose family values and the experience of living together in a family, instead becoming used to a somewhat mechanical and routine life, which prevents their creativity and leadership. Besides these the vulnerability to abuse, violence, and exploitation, HIV and drugs abuse were also found very high.

The situation of children separated from family and living in various settings has been assessed in terms of their accessibility and enjoyment and potential risk and vulnerability to harm. This assessment has mainly

“The children in hostels are vulnerable to all kinds of abuse and there is no one to raise voice for them against such act.”

focused on health and nutrition, sanitation, education and recreational opportunities, including participation exercise and protection from violence and abuse at the place of their stay.

– A child in IDI

The effects on separated children's lives have been observed, particularly in relation to their added vulnerability to physical, psychological and sexual abuse, violence and exploitation. They are deprived of their basic rights including health and education, and are more likely to have psychosocial problems and get involved in criminal activities. Similarly HIVs/STI infection is also higher among separated children and young people, along with increased chances of younger motherhood followed by high risks of maternal mortality. In some cases children are found victim of brutal violence and even murdered.

Health and Nutrition

The status of health and nutrition of children in Nepal in general is not very satisfactory - in spite of some progress in the past years. Low numbers of children access health services, centers, immunization, nutritional diets and sanitation care at home and community including schools.

Separated children are found much more denied of such opportunities. A study among the children living with employers by Save the Children, Crehpa and Terre Des Hommes titled "Asylums of Exploitation Internally Displaced Children in the Worst forms of Child Labor Due to the Armed Conflict" has mentioned the following findings regarding child laborers' health and nutrition status:

"Almost all children had access to medicines through their employers, but few had access to health care services, Few children said that the expenditure for treatment was deducted from their salary. Sanitation, Space and Comforts were lacking in the physical living situation of almost all children."
(Tamang & Frederick, 2006)

A recent study conducted on child labor in six municipalities of Nepal by CWISH during 2011 and 2012 has identified that 95 percent child laborers complained about the environment and comfort and sanitation

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related to their workplace and almost 10 percent of them have mentioned not accessing health facilities. (CWISH, 2012)

Regarding children living in child homes and institutional care, a study conducted by New Era among child care homes in Nepal identified that over 7 percent of children had some kind of health problems that required ongoing medical care. The five most frequent health problems among children in these homes were related to ear, nose, throat, skin, waterborne diseases, arthritis and mental illness. Over 41 percent of children in the homes were stunted while 29 percent were underweight and about 4 percent of these children were chronically malnourished (New Era, 2005).

According to a report by CPCS (2007) street children *“reported a wide range of basic health and hygiene problems – 74 percent usually or often having lice, 22 percent skin infections and 18 percent worms. 60 percent reported having been seriously ill, while 9 percent reported having been refused treatment by a medical authority. In terms of hygiene 12 percent reported washing less than once a week and 55% of respondents never or rarely wore underwear. 28 percent of respondents reported usually or often experiencing hunger, while in contrast most respondents ate meat at least once a week (93%) and fruit at least once a week (74%). The data overall indicates a core group of children who do not have access or habit of basic hygiene or nutrition and are prone to basic health problems.”* (CPCS NGO Nepal and CPCS INT Belgium, 2007)

However, there were no studies or reports found mentioning the sanitation, nutrition and health status of separated children particularly in correction centers, trafficked situation, in prison and in child headed families. We can assume that with the situation of trafficked children and prison status in Nepal children in

these area of separation are also suffering deprivation of right to adequate health care and sanitation facilities.

Educational Opportunities

Separated children are also found denied of educational opportunities at the place of current residence, despite governmental commitment to, and legal norms and policy standards relating to, educational for all in Nepal.

The National Child Labor Report 2008 has indicated that 28 percent of child laborers living with employers are out of school. TDH (2008) says, of the total 11,969 children living in 454 Child Care Homes established in 37 districts of Nepal, a total of 754 children (6.29% of the total) are not going to school. Child victims of trafficking and those who are missing are obviously denied of educational opportunities. However, the study has found that children of child headed households and children living in juvenile correction centers are enjoying education, though the quality and time availability for these children to study with a free and fresh mind in an enabling environment is found lacking.

Among children living in the street, some were found to be supported for education by a few NGOs through informal schooling and literacy programs. 83 percent were enrolled in primary education before arriving on the street.

In addition to this, children in correction centers and those in prison as dependents and those who are married are deprived of quality education opportunities and at least a friendly environment for learning and sharing that enable them to attain their goal and career.

Protection from Violence, Abuse and Exploitation

Another major concern from this study raised is the abuse, violence and exploitation of separated children. According to key informants and children, separated

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children are deprived of protection. Reports and studies have indicated that separated children in child labor are highly vulnerable to, and have suffered from, abuse, discrimination and exploitation including physical punishment and sexual harassment. In institutional and residential care, corporal punishment, discrimination and lack of complaint mechanism are found to be major concerns. Similarly, in the past few years a number of cases of sexual abuse have been reported in childcare homes. According to a study conducted by Terre Des Hommes in 2008, 7 per cent of children interviewed reported physical abuse and 15 per cent reported 'scolding' and verbal abuse, It can be argued that this happens in family as well, however of serious concern is that these homes are supposed to be providing protection and children are confined.

Similarly, this study has found that, for example, two missing children have been brutally murdered. There are likely to be several cases where children are physically and sexually abused and used for trafficking of harmful substances. Although 1344 children were reported to have been found and reintegrated into their families in past years, the whereabouts of 1,087 children across Nepal are still unknown.

Participation

Children's right to participation is another major denied right in those who are separated, although child clubs have been formed in juvenile correction centers and in few child care homes where children are encouraged to conduct child-led programs and activities. TDH (2008) has mentioned that 29 per cent of children reported that they were not allowed to go out of the childcare homes at all and this is also accepted by 19 per cent of childcare homes staff. In many cases children were asked to follow a single religion and cultural practices, they are not consulted in designing policies of the childcare homes and their views are not heard during decision-making process. More than those children in child labor, children

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Type of Separation	Nutritional Status	Health Facility	Education	Protection	Participation
Average National Statistics	Malnourished - 11% of children, Stunted-49% of under 5 years. Underweight - 39% of under 5 years	13000 deaths of under five year annually due to Diarrhoea 13000 deaths annually due to acute respiratory infection	Average National Net Enrollment Ratio is 95% of school aged children and 5% are out of school	Each year almost 1000 plus cases related with child victim or offenders are reported to local police stations	32% have no access to media 13291 child clubs with more than 250000 child member.
Children Living with Employers	10% of children living with employers receives not enough food to eat	10% receives no health service	28% are out of school	56% children have face some sort of abuse and violence	Boys:28% Girls:3% are in child clubs and Participatory processes
Children Institutional care	13% are malnourished	20% do not receive health service	7% have no access to education	15% are suffered abuse and violence	12% have been consulted in programs and policies of child homes.
Children of the street	28% of respondents reported usually or often experiencing hunger	Usually or often having lice-74%, skin infections 22%, and refused for treatment 9%	Accessing only literacy and informal schools	70% are sexually abused	N/A
Others	During the study, there was no specific study or statistical report found that could present the statistical figures on the situation and facilities mentioned above. However, through focus group discussion, consultation and in depth interview the study has indentified the unsatisfactory situation of separated children, which is mentioned in this report.				

Sources: National Child Labour Report 2008, The street Children of Kathmandu (2007) and Survey Report of Child Homes in Nepal (2008)

in care homes and juvenile correction centers are found not to be consulted in making decisions about their placements.

Adverse Effects on Stakeholders and Related Actors

The adverse effect due to the separation for family is not only related to children, rather separation severely affects the life and position of all actors involved in separation. It has severe negative impacts on family, society, and state bodies and even for civil society organizations practicing institutional care.

From interviews and discussions with parents and family members, the study identified several negative effects on parents and family due to the separation of their child. The major adverse effects from the separation are that often the families and parents are deceived by employers and Intermediaries, they lose helping hands in their home and the emotional bonds among family and child becomes very loose, along with decreased family values for children. In many cases mothers are found with psychosocial problems due to separation from their child. Some family members indicated that even those children who have benefited from separation could have done even better if they had lived in a family environment.

Community members and social/community leaders are also involved in helping along the process of child separation, but they are also negatively affected by child separation. *The* effect on community and community/social leaders are that: they get trapped in legal complications, and can be prosecuted and punished; they often face being socially discarded, defamed and fined as a consequence of such prosecution and legal complexities and; they found themselves guilty for losing human resource and potential growth in society due to the placement of a child and young people in other places.

State authorities and agencies are also highly adversely affected due to the separation of children, which puts children into severe vulnerabilities. Due to the complications and adverse effects on the lives of children, family and community, state bodies are accused as key players in harmful practices or in allowing harmful practices to continue. This ultimately has resulted in criticism at national and international levels, particularly through, investing resources in unsustainable and harmful practices, a limited focus on wider community and family development programs, complications arising from problems of separation and child welfare, and presiding over an increased violation of child rights and continuation of impunity.

The non-state bodies, including the agencies involved in institutional care, placement services and adoption facilities, also face heavy criticism amongst rights advocates and others due to the negative consequences of separation of children and families. The effects on non state bodies / institutional care providers are listed as: blamed as practitioners of harmful practices; overloaded with the responsibilities; feelings of inferiority and humiliation; restricted from alternative skills, management and resources; life threatened situation; social abstraction; legal complexities and prosecution; fear of losing family harmony, wrong habits among family members.

*“Even people like
parliamentarians who earn
50-60 thousand legally,
come to the agencies asking
to keep their children”*

–Key Informants

3. Actors Involved in Separation

The study has identified various actors’ involvement in separating children from parental care. The actors may not necessary have bad intentions or want to take advantage from separating children, however, their

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actions have harmed children.. Those involved include actors found in state mechanisms, in communities, in families and also among child rights campaigning civil society organizations.

Children's family members and parents are found very actively involved in separating children from parental care. According to data found amongst children separated from parental care, there are number of factors influencing the actions of family members and parents. The search for better opportunities for their children have encouraged the parents to send to them to these institutions. In this regards, there are several incidences where parents themselves have provided false information, pretending that their children are 'orphan' in order to get them into child care homes (CCWB, 2008). The main intentions by parents and family members to separate children are in order to: reduce economic burden on the family; increase economic gain for the family; skip social stigma due to disability and victimizations of crimes; provide access to better opportunities for children; fulfilling religious obligations; superstition and beliefs on supernatural power; continue family loyalty, legacy and traditional practices. The involvement of family members are particularly significant in moving them to live with employers (CWISH, 2009) and in relation to those living in institutional care. In cases of children living with employers more than 80 percent have involved parents, family members and relatives, while in institutional care such facts are not available, however key informants and children in consultation indicated similar issues.

This study has also found that *community leaders, socially influential persons and professional intermediaries (traffickers)* are also very active in separating children from parental care. Involvement varies in different sectors, however the trend is similar

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in many sectors. This group's direct involvement is prevalent amongst children living with employers and children in institutional care. However there are number of cases identified that children are intentionally trafficked into harmful situations and separated from family by Intermediaries seeking income and other benefits. Not always are intermediaries intending to benefit from the separation however.. The study has identified a variety of intentions such as: fulfilling social responsibility; conducting holy action; establishing social prestige and political support; creating opportunities for community resource development; providing better opportunities for poorest of the poor and economic and opportunities gains for oneself are the major intentions for them to separate children.

NGOs and other associations, specially those running child homes and promoting institutional care, functioning as businesses are also involved in separating children from family.. Quite often these associations have positive intentions and concern about childrens' welfare. These agencies cited that that they do it for: providing better opportunities for children; for fulfilling their institutional mandates and objectives; to continue the existence and functioning of their agencies; and expanding the coverage of their service. They also refer that institutional care is one simple way to generate funds for children. Among religious institutions the intentions are: continuing religious values has been found the major motives. Besides these, in case of children living with employers or victim of trafficking the intentions are mainly for financial gain; exploitation of cheap labor. At the same time, children are also found used as an alternative to adult workforce and even to fulfill employers and clients' sexual gratification.

State Agencies/officials/Protection Authorities are also found involved in the process of separation of children. In fiscal year of 2065/66 alone 110 children were referred

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to juvenile care facilities (by State Agencies) and only 59 joined it and 51 were returned due to lack of spaces (CCWB, 2011). There are number of reports and stories that state officials are involved in

“I want to live in the organization because my future will be bright if I stay here. If I go home I may be in bad influence and waste my time unnecessarily!”

– A Child in IDI

making ‘paper orphans’ through false certifications and mistakes in the verification process. Quite often these agencies’ involvement is found to promote children in institutional care. The various factors mentioned in previous chapters, including: legal mandates; general perception that sending child in institution is a welfare action; and lack of skills in other alternatives have been found motivating them to help knowingly/unknowingly separate children. Most often the interest of such state agents are found generally trying to help poor families and child, fulfilling the objectives of founding welfare organization, trying to prevent social problems and also to be recognized in society with welfare activities. They often do it due to limited alternative options and a lack of skills in developing and managing alternatives.

4. Pull and Push Factors in Separation

The study has identified several factors related to individuals, social, family and market & economy that have ultimately contributed to the separation of children from their biological parents, family, origin community and caregivers.

Separation of children from their parents is caused by complex social, cultural, political and economic factors. The NLSS III has pointed out that children are away from home mainly for work, education and due to the family factors such as violence, discrimination and poverty. According to this report, 58.5 percent of absentee children (0-14 Years) are absent due to family reasons,

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30.6 percent are due to education and 0.2 percent is for labor and employment purposes.

It was found that most often poverty was amongst the most decisive causes for the separation. Children were found to be separated from their parents because their families could not afford the costs of maintaining them and they had to fend for themselves. Lack of female empowerment has also been emphasized as a cause of

My parents never encouraged me to study although I loved studying. So when I was 9, I ran away from home.”

– *A child in IDI*

separation of children and most of these cases are also related to the economic situation of the families.

Domestic violence was another serious issue that caused separation of many of the children

from their parents. Mostly, children separated due to domestic violence landed up in the streets where they became further vulnerable to exploitation and deprived of even more of their rights, let alone their right to family. Domestic violence could be seen as violence within the family, e.g. wife battering, or could be faced by children themselves. It was also pointed out in the interviews that much of this violence or abuse does not come to the surface because it is considered improper to talk about these things in Nepal. Associated with the family dynamics is the fact that many people remarry because of the death of a spouse. Medical care has been within the reach of a few in the country, but is out of reach for the majority of people. So there are many deaths and remarriages. Most of the children in streets shared that they left their home because of ill treatment or discriminatory treatment received from their stepparents.

The discrimination faced by the girl child in the household has also been identified as a cause of

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separation of girl children from their families. Most of the girls in Nepalese families are overworked while their male counterparts are enjoying the fruits of their hard labor. Nepalese society still prefers sons to daughters as the popular belief is that a son holds the key to the door to heaven. Although females have increasingly been getting education and exposure these days, there is still a long way to go. For the same reason it has been difficult to repatriate girls back to their families as they prefer to work outside their homes. Furthermore, the belief that the earlier the daughter gets married the more piety is showered on the parents is still prevalent and early marriages are common sights in many places in rural Nepal. Although early marriage is a serious child protection concern, little has been done to address this issue.

Armed conflict in Nepal has also been pointed to as a major cause of separation of children from their parents. During the decade long Maoists' war with the State; many children were orphaned, injured and separated from their families. Many children were sent away from their families due to the fear of abduction, forced enrollment in the Liberation Army and the unfavorable circumstances with regard to education. The instability of political situation in Nepal is also accounted for the separation of many children from their parents. Because of the unfavorable political situation in the country, many industries have closed down or cut-down their staff which has had a huge impact on low-income families, especially when there is single bread owner in the family. This has caused many children above 10 years of age leave their home for themselves.

Attraction to cities has also been seen as a pull factor for causing separation of children from their families. Many children themselves have advocated to their peers the easy life to be found in cities, and the luxuries and freedom to be enjoyed - resulting in many children leaving home in search for a happier life. Most of the children leaving their homes are found to be adolescents, who already spend less time with their families.

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Increased mobility of people due to road construction and increased vehicular movement in the country has also been spotted as the cause of increased separation of children from their parents. The increased ease of mobility has also helped the adults to move around for jobs and this has also led to children being deprived of parental care.

Lack of awareness among parents has also been talked about as a major cause of separation of children. This might have multi-fold effects; uneducated parents do not have work opportunities which pay them well and so children can be taken care of, uneducated and unaware parents do not know the consequences of separation of child from their family and so they send the children way to find a better life when they cannot guarantee it themselves. Interestingly, some of the key informants shared that children also run away from their parents when they fall in love and feel that their parents will not accept and deprive themselves of their right to family.

Natural disasters and emergencies like floods, landslides, fires etc. have also been found to be causal factors for the separation of children. Marriage at an early age is also an important factor, unwanted pregnancy (caused by illegitimate relationship, rape or incest), love marriage, etc. Although there is the presence of the Abortion Law on paper it is difficult for people to use it, e.g. without the consent of the husband, abortion cannot be undertaken, so a lady working in restaurant who becomes pregnant gives birth to a child and gives it up on the streets.

Because of minimal economic opportunities in Nepal many young people have left for foreign countries. This is an increasing trend which has deprived children of parental care. In many cases, the children are left with only one parent and if something happens to the parent

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and is therefore unable to care for the child, the child is left to fend for himself/herself.

It is important that the causes of separation vary based on the age of the child. Children of 2-3 days found on the street are in many cases children born due to incest, rape, unwanted pregnancy, sexual abuse, etc. whereas children of 2-3 years are separated due to polygamy, social ostracization, foreign employment, early marriages and economic hardship. Children between 5 and 10 years of age tend to be separated from their parents because of natural disasters, conflict, crime committed by parents, or elopement of either of the parents.

“I was brought to Kathmandu for treatment by my family and was kept in a hostel. When they found that my condition could not be treated they abandoned me”
– A child in IDI

The education system in Nepal too has not been able to keep up with developments. The double standards of education, public schools and private schools, in adequate supplies of educational materials in rural area and lack of child friendly teaching learning skills among teachers including the low understanding on aim of education and assessment system has also contributed for child separation. Recently a data has evidenced that 49 children out of 100 child enrolled in grade one is dropped out by the time they reach grade 10 (Flash Report 2011). These dropped out children are vulnerable and tapped for separation purpose.

Religion has also been an important contributor to the separation of children from their families. Be it Hindu or Buddhist or Christian, children are sent to residential

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schools to study religious texts and learn religious practices at an early age. Many of these children never return home and they are turned into religious practitioners. For example the middle son in Buddhist families will go to study in a Gumba (Monastery) and become a monk; the male children in Brahmin families are sent to Vedic Schools to receive an education and for that they have to stay away from home in Gurukul or Ashrams. Sending children to study in Vanaras was a rampant practice in earlier times when there were not many options of educational institutions in Nepal.

As shared by employees of National Center for Children at Risk (NCCR), during the discussions with children who once were missing, it was reflected that lack of parental care, fear of parents, poverty, search for job and abuse by family members were mainly responsible for forcing children to leave their biological parents. Children with these problems had a tendency of running away from home time and again. Other factors responsible were poverty, elopement, the influence of friends, the attraction of the town and those searching for jobs who had lost their way back to their home. But, none of this information has been quantified. It is important to note that some children were found to be missing repeatedly

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Type of separation	Reasons/ Causal Factors
Children Living in Institutional Care	<p>81%—Poor Economic Condition of Families 23 % – Natural Death of Parents 13 % – Remarriage of Live Parent to other person 9 % – Conflict related displacement and death Other reasons were Physical Disability (5.6 percent), Mental Problem of Child (5.7 percent), Legal Imprisonment of Parents (3.1percent), Juveniles, Religious cause and Emergency Disasters were also mentioned which is less than 1 percent in total volume. (Source: Study of Children in Children Homes in Nepal, 2005) * Percent is of 8,821 identified and respondent children in study (New Era, 2005)</p>
Children Living With Employers	<p>7.7 % due to early marriage. 71.8 % due to various family reasons. 15.9 % for study/training opportunity. 1.2 % simply looking for job opportunities 1.1 % easier life style. <i>Source: National Child Labor Report 2008, Percent is of 304,000 child laborers living with employers.</i></p>
Children Living on the Street	<p>65 % - To look for a job, 55 % - Had dreamed of coming to Kathmandu/Cities, 54 % - Under the pressure of friends 51 % - Violence at home as a reason for leaving home. 27 % - Lack of food at home as a reason for leaving and only 12 % – Conflict and political situation 29 % - to stay in an NGO. <i>Source: The Street Children of Kathmandu, 2007, Percentages are of 430 children interviewed in the study BY CPCS</i></p>

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Type of separation	Reasons/ Causal Factors
Children in Early Marriage	<p>Discrimination against girls in education and developmental opportunities.</p> <p>Misconception and myths about teenage and adolescents behavior. Socially deeply rooted dowry system.</p> <p>Misconception of religious benefits if a child is married before puberty.</p> <p>The dowry system that often put parents in dilemma and of excessive amount of loan or property loss.</p> <p>Lack of life skills knowledge, lack of understanding about adolescent period, sexual and reproductive health rights and appropriate adolescent counseling has also pushed many young girls and boys to marry at an early age.</p>
Missing Children	<p>As shared by employees of NCCR, during the discussions with children who were once missing, it was reflected that lack of parental care, fear of prosecution and punishment by parents, poverty, search for job, abuse from family members were mainly responsible for forcing children to leave their biological parents. In addition to this criminal offences such as abduction for ransom and purpose of trafficking for organs trade and exploitation is also found.</p>
Children in Juvenile Correction Centers	<p>Poverty, lack of life skills, psychosocial suppression and lack of adequate care and guidance and influence of post conflict environment are found major reasons.</p>
Children Victim of Trafficking	<p>Poverty, lack of awareness and adequate information, conflict, violence and discrimination in society are found as major pushing factors.</p>
Child Headed Households	<p>Lack of extended family to take care or reluctance of the extended families to take care of the children</p> <p>Distance- extended family may be living far away for work and other purpose. Parents' dying wishes were considered as major factors for children for heading households. The need to protect land, dwellings owned by the parents may oblige the children as in many cases children's inherent properties are snatched by their extended family members.</p>

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and the majority of them were living with a disability. According to NCCR (2065-66) there were 4 children who went missing more than once and 3 out of these 4 had some kind of disability.

A child's personal perception, attitudes, interest and curiosity could also lead them to be separated from families. Specially those children who are missing, who are on the street and or living with employers are found with influenced by peers, curiosity and conception about urban life. The significant individual factors for a child to decide to separate are: sense of responsibility at an early age, an interest in exploring, individual-group value conflict in the origin society and family.

In addition, family factors are another major cause promoting children's separation from family. The family factors generally constitute intra-family behavior and practices with child. This includes affection and care or violence and discrimination within family, abandonment by parents, death of one or both parents, Families economic status, health and age condition of adults in family, Sexual abuse by members within the family, perception and level of knowledge among family members or parents.

Similarly other many pushing factors such as: absence of formalized kinship, foster and community care system in a legalistic and systematic way; cultural misconception regarding child's fortune for making parents' death; discrimination based on cast, physical status and parental status (widow/single parent); stigma related to physical status HIV and other problems; social elites' perception of doing well by referring placement for children in institutions; and corporal punishment practices are found compounded by poverty, discrimination and increasing gaps as well as welfare programs and interventions by state authorities and non government organizations (NGOs).

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As general people think that if the child can go to another country then she will have a better life. The founders of such homes have a thought that they can earn a lot of money by sending children for inter country adoption. Therefore, it is like a business” - Key Informant

Market and Economic Factors

The separation of children has also been influenced by the market and economic factors and interactions happening in society. The market factors include the economic relation between rural and urban communities; general economic gap between the origin place and staying place of children separated from families; the differences on rate and chances of economic growth in various society; corporatization of social development sector are also found influential in terms of separating children.

The growing concentration of industries and business in urban areas and the increasing inequalities between urban and rural areas are important factors in the separation of children. Other factors including the growing per capita income gap of the poor, the middle class and the rich, an increased middle class population, capitalization of human resources through labor migration and increasing consumerism, and wrong information through media technologies have contributed on separation of children from family encouraging them to be away from home and origin communities for a better life opportunities. It has also given a rose-tinted view of opportunities in other parts of society..

In line with this, neo liberal policies, the emergence of NGOs concentration in curative rather than preventative actions, , a lack of empowerment and limited state accountability have also further fueled the problem.

For instance, the major five districts supplying child labor to Kathmandu are Kavre, Dhading, Nuwakot,

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Sindhupalchowk and Dolakha (CWISH, 2009), which has a direct road and bus contact with Kathmandu. Majority of the children in institutional care are found from Karnali and poor rural side of the districts.

When fake papers are created for the admission of the children into child care homes there are no way that the children will know about their parents. Unfortunately these papers are created in village level itself.”

- A Key Informant

Makawnpur and Sindhupalchowk are source areas of trafficking in girls.

Policy and Legal Factors

The state's policy and legal mechanisms are also found indirectly to be loosening the nuts on children's separation from family. The study has identified a lack of child sensitive social security/protection provision and a lack of grassroots programs by local government on preventing children at most risk. Re-integrating children with family and fostering family values are major policy contributions that have directly influenced children's separation. Similarly, a lack of consideration on the impact on children, poor families and at risk group by infrastructure development program such as road construction, mega projects etc. have also diminished the possibility of responding to social factors in the community that ultimately affected the lives.

Similarly, the non ratification of the Hague Convention on adoption, as well as the institutionalization of adoption practices, the ambiguous role division among state agencies, limited space for rights based developmental civil society in policy influence, insufficient resources for mechanisms to effectively implement existing legal provisions have all limited the scope, efficiency and effectiveness on prevention of children's separation.

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The current policies that may respond to children's separation are: National Plan of Action for Children by CCWB, Child Friendly Local Governance Guideline by Ministry of Local Development, National Master Plan to End Child Labor by Ministry of Labor and Transport Management, National Plan of Action to Combat Trafficking in women and Children by Ministry of Women, Children and Social Welfare.

The major domestic legal frameworks at the moment are: the Children's Welfare Act and the Child Labor Prohibition and Regulation Act, the Human Trafficking Control and Punishment Act, as well as the Terms and Conditions for Adoption by Aliens and Minimum Standards for Children's Home.

Nepal has signed various international treaties and conventions. Those international human rights law relevant to child separation which are applicable in Nepal due to its ratification status are: the UN Convention on the Rights of Child and both of its

Chapter IV

Conclusions and Recommendations



Optional Protocols, the UN Convention for the Elimination of all forms of Discrimination against Women and the ILO Convention on Worst form of Child Labor. Nepal has not ratified the Hague Convention on Inter-country Adoption of the Children to date.

Overall, Tthe study has found that, though separation has not been considered as a child rights agenda among child rights campaigners in Nepal, the problem is widespread and is having a negative impact on the lives of children including a negative effect on various social actors including parents, families, community, non state actors and state agencies. The major conclusions and recommendations drawn from this study are discussed in the following sections.

1. Conclusions

Children without Parental Care: Hidden Issue Ignored Agenda

Children without parental care have been identified as a hidden issue and ignored agenda in Nepal. Overall the problem is significantly higher, scattered and deeply rooted in society as identified by various reports, facts and quantitative estimations, yet the issue has not been

raised as of concern in Nepal. The advocacy interventions on children's right to parental care is completely absent, leading to very few initiatives relating to alternative care management, child sensitive social protection for child laborers, alternatives to adoption and child homes.

High Prevalence of Children without Parental Care

There is a significant number of children to be found living out of parental care, often with employers, in institutional care or out of their origin being trafficked, in street and in a group. As the NLSS III has mentioned almost 1.1 million children up to the age 15 years are away from home, This is a significantly high number given the context of family system and anthropological review of Nepalese socio-cultural practices. Numbers of children living out of parental care could also go higher given the increased commercialization of society, increased income gaps and misconceptions about the northern world and adoption, and other poverty indicators including increasing rate of labor migration.

Systematic and Gross Organization of Separation

Child separation activity in Nepal is systematically planted and in gross number widespread across the country. The omission of states' action, existence of ineffective and welfare based policies and laws encouraging child separation, inadequate resource on family and community development, absence of child sensitive social security together with less capacitated state officials and strong influence at policy level for continuing child separation are enough basis to declare that the government of Nepal has been involved in violating child's right to parental care.

Children's Separation: Increasing Poverty and Social Anomalies

Child separation has contributed to increasing the vicious cycle of poverty and anomalies through putting separated children into high risk, deprivation from fundamental rights, educational opportunities, participation and dignified life. In many sectors such as child labor, trafficked, living in street and child marriage separated children rarely get chances of good education and to be equipped to cope with future challenges. As a result this generation is denied opportunities to grow in an enabling environment and may not feel that they belong within the society and that further encourages them to follow anti social orders and behaviors.

Absence of Social Security and Alternative Care

The absence of social security and alternative care management system with positive care choices has contributed to the problem of children's separation in Nepal. Though there were few social security programs for children living with their family through various agencies, they are quite scattered, focusing on their own thematic achievements, yet the social security/protection with the perspective of keeping children safe within the family has not been found implemented in Nepal. It is also informed the government is preparing a plan of action for the implementation of child sensitive social protection program. There are only few interventions identified as alternative care in a systematic model run by agencies (state and non state), in absence of skill, concept, plan and program for promoting alternative care management that reduces institutional care, care at risk places for children has not been implemented. As a consequence of this vacuum a large number of children are bound to separate permanently, for a long time or fall under spider web of negative practices.

Reuniting Children: A Mountain Challenge

The number of separated children in Nepal, deeply rooted perceptions about the various forms of separation, the socio-economic, cultural factors related to the child's separation and involvement of various actors from various facets of the system, has mounted the challenge to reunite currently separated children and to prevent the separation of children. However there are possibilities and number of possible interventions to hit this rooted problem, still it demands a stronger, comprehensive, passionate hit.

Responding Children's Right to Parental Care: An Urgency

Children's right to parental care has been ignored in the Nepalese child rights diaspora and the high prevalence figure of children living without parental care has called for immediate action. Such immediate interventions could prevent other many children's from separation and could progress in the lives of other many children currently living a separated life. Various negative effects on the lives of children and serious vulnerability of separated children raise the need for immediate action in the field.

Establishing Children's Right to Parental Care: Shooting Many Birds at Once

Working through the perspectives of children's right to parental care not only benefits children's reunification with family, and is not limited to the right to family care only. The programs and actions with core idea of children's right to parental care could respond at once to the problems of various forms of abuses that children

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are facing through living in institutional care, with employers, trafficked, in street. This intervention also promotes parents' role and accountability as a preventive and community role and support and reformative action. This could further create local social safety nets for children. Thus keeping children's right to parental care at center could help combating other various forms of child rights violation in Nepal that ultimately contributes for a safer and better life for children.

2. Recommendations

Based on the above findings and conclusions, the following recommendations are drawn to further strengthen the family and enhance children's right to parental care in Nepal. As we have found that separation happens not just due to a single cause and problem, rather it has been compounded by number of problems and rights violation at community, family and state level. As a result, isolated actions responding to individual problems may not help enough to resolve the problem of separation in Nepal. Therefore, the recommended actions are complimentary and interdependent on addressing the challenge of child separation in more efficient, effective and comprehensive way.

The government should bring the alternative care policy very soon”

– **Key Informant**

Breaking the Rule of Game on Separation: Hit on the System

The separation of children is based on the social structural problem as highlighted by the National living standard survey 2003. According to the report, the proportion is the highest in the West (8 percent) and the lowest in the Far-west (3 percent). Among ecological zones, Hills account for the highest proportion. More children from rural areas compared to urban areas are

reported to have been absent from the household. Among “

consumption quintiles, the richer groups tend to send a higher share of children “away” from home compared to poorer groups. Among the age groups, this share is the highest in 10 -14 years. On the other hand, higher percentage children from female -headed households are away. The study has also identified that the separation is not just an isolate action rather protected by various actors’ involvement and systematically built on, for this reason it is very important to break the rule of separation game. For which the following interventions could be useful:

- Implement the recently adopted national children’s policy to ensure and promote children’s right to parental care and other care opportunities in line to the globally accepted standards and considering separation as last option.
- Develop and apply family strengthening programs under education, poverty reduction and reproductive health program as they have direct link to the family strengthening and care.
- Promote parenting education in rural and urban communities and also family value education targeting children and young people.
- Educate state agencies authorities and non state agencies about the international and domestic standards of right to parental care and application methods in practical reality.
- Educate larger communities about the possible harm to children, family environment and social and economic progress in the community due

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to the children's separation and available alternative care opportunities

- Educate current institutional care providers about the right based children's programming, right to parental care and available alternatives and also motivate them to implement new skills.
- Educate sponsors and adopting family and individuals about children's right to parental care, adverse effect of institutional care and the possible magnifying result of their contribution in right-based programs.
- Train and mobilize media to expose adverse effect of separation and also positive practices of alternative care and strengthening family environment program.
- Establish and mobilize national group of campaigners on children's right to parental care and provide support for their campaigns.

Strengthen Family: Socially, Economically and on Access to Right Information

One of the major problems identified by this study is quite often family and parents themselves are found involved in and or supporting children's separation from the family as result of their weak social and economic status and misconceptions they have about the possible destination for the child. Therefore, it is very important that parents and family should be targeted to strengthen not only economically but also socially and they should have access to right information, information verification and complaint procedures. For this the following interventions could be beneficial:

- Implement adult literacy program incorporating parenting education that also educate about

rights of children, better parenting skills, myths and reality of separation and the benefits of keeping children in family.

- Incorporate family values and myths and reality of urban and rural life in children's education curriculum.
- Train families and parents to enhance their existing livelihood practices to sustain their life in better way than before enabling them to keep their children in family
- Establish and promote trained family and social work facility through local government where family could access, verify the information and also enjoy the available opportunities to progress and protect their children.

“Until and unless the community is involved in addressing the issue of separation of children there cannot be significant changes in their status, e.g. trafficking cannot be stopped at the borders! It should be dealt within the community itself”

– ***Key Informant***

- Develop and widely communicate in local languages and animated format about the rights of children on family care, myths and reality about the destination of separated children and available alternatives.

Promote Social Security for Children

Children are found highly vulnerable and victim of separation practices is one of the results of absence of social security for children. In absence of social security

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for children, quite often parents and family members are encouraged to send them in a destiny which is not very known to them in a belief they will send better earning and or will have better life. The provisions of social security for children could enable parents for considering children as not an additional burden of expenses and also empower children to claim the basic facilities and rights within family and community. At the same time the conditionality of accessing social security could better help children to stay in the family and enjoy parental care. For the effective implementation of social security for children, following interventions could be useful:

- Compile and channel through one door (could be local government) the entire existing social protection scheme for children run by various state and non state agencies.
- Develop and implement social security provisions for children through appropriate budgetary allocation starting from the most vulnerable area of child separation that could be from the population living in lowest hierarchy of the Nepalese society and population staying far distanced from development opportunities.
- Communicate parents, children and responsible authorities and non state actors about the available social security and enable children and parents to access such facility in genuine sense.
- Establish and mobilize family care and social security section deploying trained social worker in the local government for easy accessing of the targeted population.
- Link children's social security program for preventing separation and reintegrating separated children in the family simultaneously.

Provide Alternatives for Families, Children and the Actors

Lack of alternatives for families, children and the actors involved separation are found one of the major foundation that helps their active involvement in children's separation. The calculation of cost of investment and cost of outcome in a shorter term is the major influencing attitude among these actors for children's separation. There should be feasible and convincing alternative for families and parents, children and agencies involved in children's separation for helping them to come out of the spider webbed game of separation. For this following interventions could be useful:

- Build linkages of families those are highly vulnerable or interested to reintegrate separated children with the available income generation and poverty reduction program at local level.
- Develop livelihood package, social awareness package and communication strategies for local government, families and parents and children to enhance attention towards this issue, provide support for them and do not threaten them for further prosecution or for falling in trap of burden and expenses.
- Develop communication and training strategies targeting to the non state agencies involved in child separation such as institutional care providers, social and religious leaders, local social workers and others who are not intentionally exploiting separation for personal benefits, for making them realizing the wrong practices, opportunities to improve and motivate to apply new methods.

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- Establish provisions of certified training and start up grant for alternative programming on children's parental care substituting institutional care and other wrong practices.
- Establish provision of government funded care taker at family or in community for taking care of children having multiple disability and orphan status.

Strengthen Effective Implementation of Right Based Approach

Lack of right based programming seeking accountability; promoting responsibility and helping effectiveness and efficiency of the interventions are also causing the separation of children in Nepal. This context is resulted specifically in lack of trained personal on child rights based programming at local level, lack of right based approached in state officials and persons, Global social work marketing on welfare sponsorship model and presence and influence of welfare actors on state policies and program than the right based campaigners. Thus to reverse this situation could help preventing large number of children from further separation from the family and also reintegrating current separated children in a successful way. For this following interventions are purposed by this study:

- Develop and implement a certified training package on right based approach and children's programming separately targeted for NGOs, government officials and local government officials.
- Promote globally a project or community sponsorship model for sponsoring children programs within families and communities rather individual child sponsorship models.
- Provide more space for right based campaigner than welfare workers on state policy formulation position and consultation process.

- Review and revise existing government laws, policies and programs to make it more right based, developmental and accountability oriented.
- Develop state lead monitoring and evaluation of child rights programming in country with periodic review and independent evaluation system.

“Another step is to sensitize the right holder to claim their right and to build the capacity of the duty bearer”

– Key Informant

– **Key Informant**

Promote Children’s Meaningful Participation

Without children’s meaningful participation, the implementation of such programs and action is not going to be right based, sustaining and responding to the current needs, similarly it is children’s fundamental rights to be a part of the decision making process where they can express their concern in free and protective environment and their voices are considered during the decision making process. For this purpose following interventions could be useful:

- Develop and widely circulate children’s informational materials such as hand book, cartoon animation or songs on children’s right to parental care and their role to promote it.
- Train and work together with children’s organizations (Children’s club) for raising this concern at community level and national level through their own consultation and child lead campaign.
- Promote children’s participation practices in family and community by educating parents and community people on how to enable children’s voices in family and community and how it would benefit them and children.
- Establish children’s right to parental care and not be separated in children’s national forum (if not existing) could organize that.

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- Promote nation children's forum on right to parental care as an advisory body for national group of campaigners on right to parental care and state authorities.

Recommendations mentioned in this report are limited to the findings from the study process, thus these are not alone the interventions that could enhance children's right to parental care. The theory of change, innovative practices and new models of interventions on the dynamics of separation with evolving exercise should be considered in further interventions.

Bibliography

Ayotte, Wendy, Williamson, & Louise. (2001). *Separated Children in the UK- An overview of the current situation*. London: Save the Children and British Refugee Council.

Bryan, C. A. (2008). *Mobility, Risk and Closure: Unaccompanied and Separated Child Assylum Seekers and the CONstruction of Risk Identity*. Canada.

Central Bureau of Statistics. (2011). *NEPAL LIVING STANDARDS SURVEY 2010/11 STATISTICAL REPORT VOLUME ONE* . Central Bureau of Statistics Nepal. Kathmandu: Central Bureau of Statistics .

CPCS NGO Nepal and CPCS INT Belgium. (2007). *THE STREET CHILDREN OF KATHMANDU Study, approaches and comments on the daily life of street-based children of the Nepalese capital* . Kathmandu: CPCS NGO Nepal and CPCS INT Belgium.

Ghimire, N. C. (2012). *The State of Children of Nepal 2011*. Central Child Welfare Board, Government of Nepal . Kathmandu: Central Child Welfare Board, Government of Nepal .

ILO Central Bureau of Statistics, Nepal. (2011). *Nepal Child Labor Report*. Kathmandu: Central Bureau of Statistic Nepal.

A Study on the Issue of
Children Living Without Parental Care in Nepal

International Labor Office. (2005). *A study of Girls and Women Employed in the Restaurants of Selected Cities in Nepal*. Kathmandu: International Labor Organization.

IRIN. (n.d.). Retrieved April 17, 2011, from IRIN REPORT: www.irinnews.org/report.aspx?reportid=94067

KC, B., Gurung, Y. B., Adhikari, K. P., & Subedi, G. (2001). *Situation of Child Rag Pickers: A Rapid Assessment*. Kathmandu: International Labor Office.

New Era. (2005). *Study of Children in Children Homes in Nepal Vol. I 2005*. Kathmandu: New Era.

Tamang, A., & Frederick, J. (2006). *Asylums of Exploitation Internationally Displaced Children in the Worst form of Child Labor Due to the Armed Conflict in Nepal*. Save the Children, Crehpa and Terre Des Hommes. Kathmandu: Save the Children, Crehpa and Terre Des Hommes.

UNICEF. (2012). *The State of the World Children 2012, Children in Urban World*. New York: United Nations Children's Fund.

CCWB (2008). *Report on survey of Child Care Homes*. Kathmandu: Central Child Welfare Board.

CCWB (2009). *The State of children of Nepal 2009*. Kathmandu: Central Child Welfare Board.

CWISH. (2009). *The Invisible Workers A survey Report on Domestic Workers' Situation in Kathmandu -2009*. Kathmandu: CWISH.

MacLellan, M. (2005). Child headed households: Dilemmas of definition and livelihood rights. Cape town : 4th world congress on family and children's rights.

Pandey, Shah & Bhuj (2005). Kathmandu Upatyaka Sadak Balbalikaharuko Awastha ra Byabasthapan Bisayak Adhyan Pratibedan- Study Report on the Condition and Management of Street Children in Kathmandu Valley. Kathmandu: Central Child Welfare Board.

Separation: Denial of Rights

TDH (2008). *ADOPTING the rights of the child- A study on inter country adoption and its influence on child protection in Nepal*. Kathmandu: Terre des Hommes-Child Relief.

http://www.unicef.org/evaldatabase/files/ZIM_01-805.pdf

<http://www.mowcsw.gov.np/inter-country-adoption-15-en.html> Retrieved on 15th January, 2011

(Footnotes)

¹ Lifeline is a child participatory tool used in research process, where child explain his/her story of lived experiences of a certain period linked with a line.

² Children away from home

are those: who were family members before leaving home, who are less than 15 years old at the time of enumeration, who left home for more than six months, who are expected to return back again, who are missing from the household, who are living in hostels

or boarding schools for study, and who come back home occasionally.

(Central Bureau of Statistics, 2011)