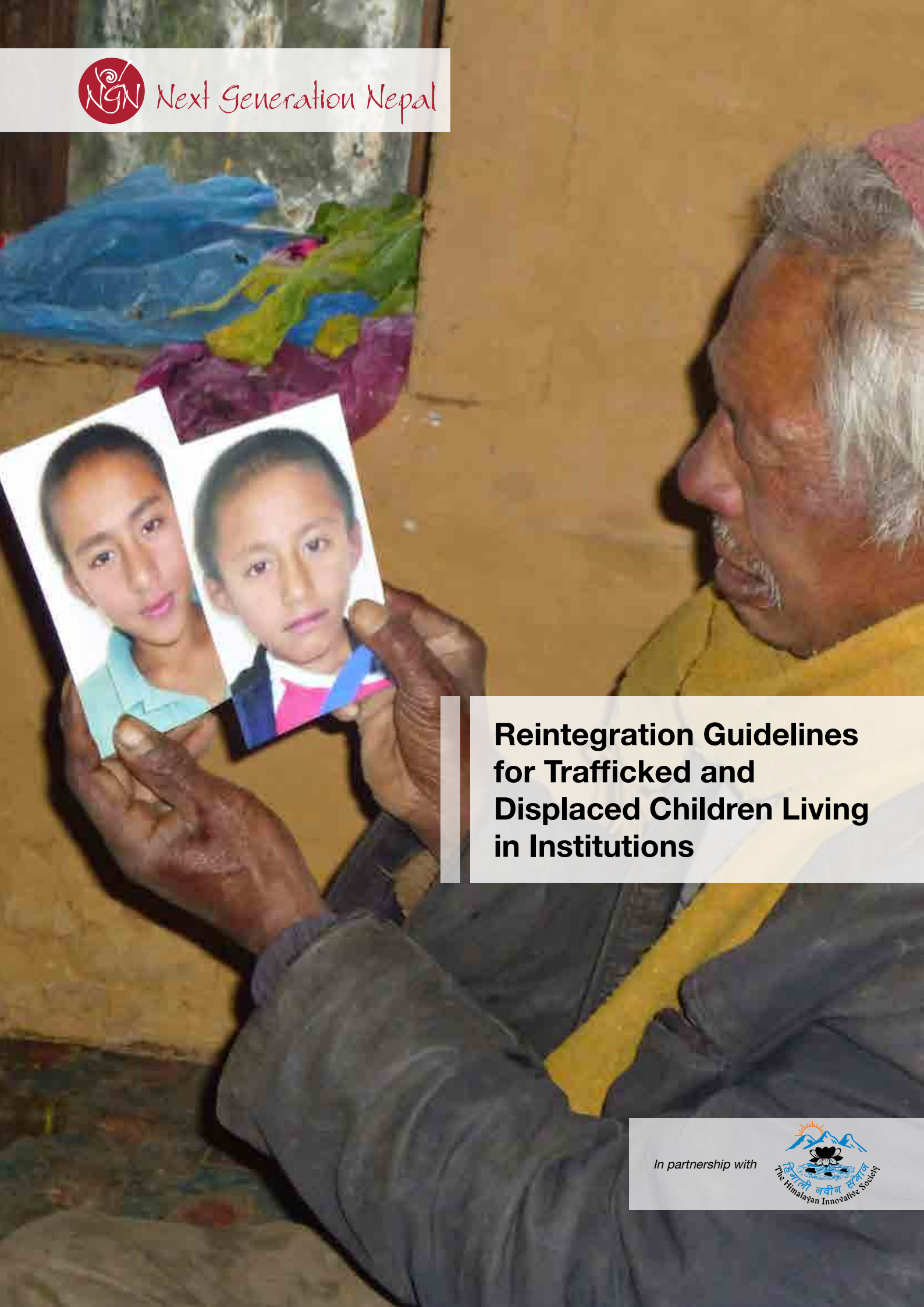




Next Generation Nepal



**Reintegration Guidelines  
for Trafficked and  
Displaced Children Living  
in Institutions**

In partnership with



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Next Generation Nepal  
Forget Me Not  
The Himalayan Innovative Society  
Where There Be Dragons  
Generous individuals from Woodbridge, Suffolk, United Kingdom

These guidelines are dedicated to every displaced or trafficked child in Nepal who has not yet been given the opportunity to be reconnected and reunified with his or her family, and every organization or individual who is helping him or her to get there.

## About the authors

**Julien Lovera** was Next Generation Nepal's Country Director from 2009 to 2011 and Program Director from 2012 to 2013. Julien has eight years' experience working in child protection and child rights in France, Nepal and Mayotte. Julien is a qualified social worker from the Social Work Institute of Montpellier, France. He also holds a Master of Arts in International Aid Program Coordination from the Bioforce Institute in Vénissieux, France. Julien is currently based in Mayotte where he works as Program Coordinator for the Regional Public Health Institute.

**Martin Punaks** is the Country Director of Next Generation Nepal. He is based in Kathmandu where he has lived for four years. Martin has 15 years' experience working in child protection and child rights and with not-for-profit organizations in the United Kingdom, India and Nepal. He graduated with Distinction from a Master of Arts in the Anthropology of Development from the School of Oriental and African Studies in London.

## Note on sources

To protect their privacy and identity, the names of all children and victims of trafficking or institutionalization that have been quoted or discussed in this report have been changed.

## Foreword by NGN Country Director

Since 2006, Next Generation Nepal (NGN) and The Himalayan Innovative Society (THIS) have built a strong working relationship with the Government of Nepal, supporting them to rescue trafficked children from abusive orphanages and reunify them with their families. Sometimes our work can feel like an uphill struggle. We reunify another trafficked child with their family, we witness the tears of joy of their mother and father, and we sleep well at night in the knowledge that we have enabled another young person to enjoy the happy childhood they deserve – then we awake the next morning to new statistics that show the shocking number of children still living in orphanages in Nepal, or we are contacted by another desperate foreign volunteer who has just realized that the ‘orphans’ she was financially supporting have living parents and she strongly suspects that they were trafficked. Sometimes we wonder whether or not we really are making a difference. Is our tiny contribution just a drop in the ocean or it is slowly moving Nepal towards a tipping point at which family-based care will win over institutionalization?

There is one change that is happening in Nepal that gives us all hope. In our work with the Government of Nepal, we are being joined by many enthusiastic and dynamic organizations and individuals who also want to play a part in deinstitutionalizing children in children’s homes, spreading awareness of trafficking, and setting up new reintegration programs. This change – above everything else – gives us hope that if we all continue on this trajectory we will reach that tipping point and trafficking and unnecessary institutionalization will really end.

We are often contacted by our new ‘friends’ in the anti-trafficking and alternative care movement and asked for advice and training on how to reintegrate children. As a small international non-governmental organization and a small local non-governmental organization with limited resources, NGN and THIS are sadly restricted in how much advice and training we can give them without it distracting too much from our essential case work with vulnerable children. These guidelines have been written with this in mind, so we can share our knowledge and experience with as broad an audience as possible and scale-out our approach and methodology. Thank you for taking an interest in our approach to reintegration. We sincerely hope that you find these guidelines useful.



Martin Punaks  
**NGN Country Director**

## Foreword by THIS Executive Director

The Himalayan Innovative Society (THIS) was founded in 2003 to work for child rights in Nepal and, in particular, for the reconnection and reunification of trafficked children with their families. In 2006 we worked closely with UNICEF, the Government of Nepal and the ISIS Foundation to rescue 136 children from exploitative orphanages in Mata Tirtha and Thankot. We were able to successfully reconnect and reunify all of these children with their families.

Our work with Next Generation Nepal began in 2008 through the opening of a transit home and the reintegration of orphanage trafficked children. It is with NGN's support that we have excelled in this area and helped NGN to develop Nepal's leading method for child reintegration. To our knowledge, NGN and THIS's reintegration approach has had a 100% success rate and no child reunified using this approach has ever been re-trafficked or re-displaced. It is as a result of these successes that we have secured successful partnerships with Terre des hommes and Forget Me Not, which have resulted in many more families being kept together and more children being reunified.

Reintegration involves many challenges. Our reintegration project officers endure hunger, thirst, fatigue, discomfort and pain while searching for children's families in the burning heat of the Terai or on freezing lonely mountain pathways. However, all of this is worthwhile when we witness the incredible experience of a child meeting his or her family again for the first time in years. We feel the parents' ecstasy at seeing their lost son or daughter and we understand the love they feel for them. It is this that gives us the hope and energy to continue searching for the families of other lost children. We will never give up our battle to return every lost child in Nepal to their family.

I would like to extend my sincere gratitude to NGN for their unwavering support to THIS these last eight years and for working with us on what has become a joint quest. I would like to thank Julien Lovera and Martin Punaks for documenting these guidelines explaining NGN and THIS's approach to reintegration. I would also like to thank the Central Child Welfare Board and District Child Welfare Boards in Kathmandu and Humla for their ongoing support and cooperation with THIS. I would like to thank Next Generation Nepal, Forget Me Not and several generous individuals from Woodbridge, Suffolk in the United Kingdom who supported the publication of these guidelines and who have given us continued inspiration to deinstitutionalize the children of Nepal.



Dhan Bahadur Lama  
**THIS Executive Director**

## Foreword by CCWB Executive Director



नेपाल सरकार  
महिला, बालबालिका तथा समाज कल्याण मन्त्रालय  
**केन्द्रीय बाल कल्याण समिति**  
**Central Child Welfare Board**  
हरिहरभवन, पुल्चोक, नलितपुर

पृष्ठ संख्या :  
चलानी नं :

मिति :  
29<sup>th</sup> Oct 2014

I very much welcome the publication of Next Generation Nepal and The Himalayan Innovative Society's reintegration guidelines for institutionalized children. CCWB has worked closely with NGN and THIS for many years. Together we have helped some of the most vulnerable children in Nepali society to return to their families where they belong.

The displacement of children from their families to live in child care homes is one of the enduring problem in Nepal. Every children have right to live with their family and community. But, due to various reasons, children are alienated from their family members and in the name of giving them good opportunity they are often put in an institutional care. It is well accepted that institutional care should be a last resort of alternative care. However, in many cases it is becoming an easy way and first option which may further push children towards other vulnerability.

National Child Policy of Nepal, 2012 clearly mentions that 'Institutional care through child care centers shall be regarded as the last resort and minimum standards for child care center shall be improved and implemented timely and effectively'. Similarly, Standards for Operation and Management of Residential Child Care Homes, 2012 also encourage for the family reintegration of children.

In this context, developing these reintegration guidelines from NGN and THIS for their own work might be a good example and reference for others to work in this issue. Everyone who would like to work with children should give top priority for children's best interest as mentioned in Convention on the Rights of the Child and other national/international legal instruments.

I would like to thank NGN and THIS for sharing their approach with wider sector and wish all the success for the protection and promotion of child rights.

Tarak Dhital  
Executive Director



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## Acknowledgements

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Many individuals and organizations have played an important part in the development of these guidelines. Whilst it would be impossible to mention all of them by name, there are some whom we believe deserve special mention. Within NGN and THIS there are a number of key individuals who were central in developing NGN and THIS's unique approach to child reintegration, they are: Conor Grennan and NGN's esteemed board members, Anna Howe, Farid Ait-Mansour, Julien Lovera, Martin Punaks, Dhan Bahadur Lama, Samjyor Lama, Sandup Lama, Gyala Lama, Niwash Gautam, Rupa Sitaula, Pravhujan Shahi, Binod Neupane, Mahendra Bahadur Thing and Ann Loobie. Our approach has also been shaped by our close collaboration with other influential agencies including the Ministry of Women, Children and Social Welfare, the Central Child Welfare Board, Social Welfare Council, many District Child Welfare Boards across Nepal, UNICEF, Terre des hommes, Forget Me Not, The Umbrella Foundation, Karya and Bachpan Bachao Andolan. We would particularly like to express our appreciation of Tarak Dhital, Dharma Raj Shrestha, Namuna Bhusal, Jhanahari Bhattarai, Pratistha Koirala, Jason Squire, Nawjeet Karmacharya, Eva Capozzola, Lesley Brown, Brigitte Sonnois, Virginia Perez, Munir Mammadzade, Radha Gurung, Megan Jones, Evan Rai, Kailash Satyarthi, Bhuwan Ribhu, Priyanka Barak, Scott Rosefield, Katie Feit, Ryna Sherazi and Esmeralda Gaba. We would also like to thank NGN's valued donors, without which NGN and THIS's reintegration work in Nepal would never have been possible. Special thanks are also due to Forget Me Not and several generous individuals from Woodbridge, Suffolk in the United Kingdom for contributing funds towards the publication of these guidelines and providing technical advice and support, as well as the Central Child Welfare Board for its encouragement and technical advice in relation to these guidelines.

NGN and THIS would also like to thank the reviewers of the guidelines including Anna Howe, Scott Rosefeld and Katie Feit. Thanks are also due to Susan Sellars-Shrestha for copyediting and proofreading and to Sigma Press for design and printing.

Finally, NGN and THIS would like to make special mention of the hundreds of children and young people with whom we have been honored to trace their families and reconnect and reunify them. Without them, these guidelines would not have been possible. It is thanks to these children that other children and young people in similar situations will have the opportunity to be reunified and grow up in the care of a loving family. It is the combination of all these incredible individuals and agencies that have made the documentation of these guidelines a reality.



## Acronyms

AIN	Association of International NGOs
CCWB	Central Child Welfare Board
CDO	Chief District Officer
DCWB	District Child Welfare Board
INGO	international non-governmental organization
NGN	Next Generation Nepal
NGO	non-governmental organization
THIS	The Himalayan Innovative Society
UN	United Nations
UNICEF	United Nations Children's Fund
USD	United States dollar

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## Definition of terms

The following definitions are proposed by NGN and are given to help explain the technical terms used frequently throughout these guidelines.

**Alternative care:** All forms of child care that may be used as an alternative to the parental care of children including kinship care, foster care, domestic adoption, inter-country adoption and child care homes.

**Children's home:** An institution, usually set up as a non-governmental organization in Nepal, that cares for children who have been separated from their families in the absence of other family-based care settings such as parents, kinship care, foster care or adoption. The term 'children's home' is generally used interchangeably with the term 'orphanage' and 'child care home' in Nepal. These terms are also used interchangeably in these guidelines together with the more technical term, 'institution.'

**Displacement:** The act of removing a child from his or her parents, family or community, usually so they can be placed in an alternative care setting such as an institution or exploited through trafficking.

**Family-based care:** This includes all forms of parental child care or alternative care in which a child is raised by a family, rather than within an institution. Family-based care includes parental care, kinship care, foster care and adoption. Some forms of institutional care use models that replicate family-based care as closely as possible, for example, by caring for children in small units run by a 'mother figure' who is able to form close bonds with the children.

**Institution:** The technical term for a 'children's home,' 'orphanage' or other formal organizational setting that takes responsibility for caring for children who have been separated from their families, in the absence of other family-based care settings such as kinship care, foster care or adoption. This term is used in these guidelines interchangeably with 'children's home,' 'child care home' and 'orphanage.'

**Institutionalization:** The process of placing or raising a child in an institutional setting, such as an orphanage or children's home, instead of with his or her family or in other family-based care settings such as kinship care, foster care or adoption.

**Orphanage:** Technically an orphanage is an institution that cares for children whose parents are deceased. However, in Nepal, the term is used interchangeably with the term 'children's home' and many orphanages in Nepal care for children who are not technically orphans. The term 'orphanage' is used in these guidelines interchangeably with the terms 'children's home' and 'institution.'

**Orphanage voluntourism:** Orphanage voluntourism is a term used to define a spectrum of activities related to the support of orphanages and children's homes by individuals who are primarily, or were initially, tourists on vacation. In most cases, orphanage voluntourism involves a tourist who wishes to include an element of social work-oriented volunteering in



their vacation or travels and who chooses to do this by volunteering their time – sometimes coupled with financial or material support – to an orphanage. For some tourists this element of volunteering may be planned in advance of their vacation, whilst for others it may be more spontaneously arranged once they are already on vacation. It is common for the tourist to pay for this experience, either directly to the orphanage, or through a volunteer agency or tour company. Having volunteered in an orphanage, some tourists return to their place of origin and continue to financially or materially support their chosen orphanage, and may even establish more formalized fundraising mechanisms to achieve this. In some instances, the tourist may establish a registered charity or an international non-governmental organization to continue financially supporting the orphanage. A tourist who engages in any of these activities can be referred to as an ‘orphanage voluntourist.’

**Reconnection:** The process through which a child re-establishes connections with his or her family, community and culture. Reconnection usually refers to a specific step in this process, such as a telephone conversation or meeting.

NGN distinguishes between the following methods of reconnection:

**Remote reconnection:** This refers to the work undertaken by an organization to help a child re-start communication with his or her family and community through the exchange of letters, photographs, and phone calls and does not involve a meeting in person between the child and his or her family members.

**In-person reconnection:** This refers to a physical encounter between a child and his or her family and or community where individuals meet face-to-face.

**Reintegration:** The process through which a child is supported in adjusting to his or her community’s lifestyle, culture and maternal dialect through carefully managed time spent with the child’s family and community. This process usually starts from the point of reconnection and continues beyond the point of legal reunification.

**Reunification:** The action taken by an organization to move a child from an institutional care setting to his or her community of origin and to transfer his or her legal guardianship back to responsible family members.

**Social worker:** The professional person whose responsibility it is to manage a specific child’s case or act as the main focal person in relation to the child’s case. The social worker has a level of responsibility for the child from the point at which the child is identified as being in an exploitative situation, through to the point at which the child is no longer considered to be at-risk and the case is thus closed.

**Trafficking:** NGN uses the definition of trafficking provided in the United States Trafficking Victims Protection Act and United States policy on trafficking. Under this definition, trafficking must include three elements: (i) a process action, which refers to the harboring, moving or obtaining of a person (such as the moving of a child from their village to an institution); (ii) a particular means of trafficking (such as by defrauding the parents into believing that their child will go to boarding school or receive a good education or by use of force and coercion, e.g., by threatening the child in the institution that they or their family will be harmed if they



reveal that they are not an orphan or that they are being kept against their free will); and (iii) for the purpose of slavery or forced labor (e.g., forcing a child to lie about their background, change their name, dance or act in a particular way to please tourists, starve or remain unhealthy to enable the orphanage owner to commercially gain from donations made by donors, volunteers and tourists). NGN frequently uses the term 'orphanage trafficking' to refer to cases that we believe meet this definition.

**Transit home:** A temporary shelter where children can stay after a rescue, during the process of rehabilitation, family tracing, reconnection and reintegration. Transit homes in Nepal are required to meet the same government standards as children's homes. Sometimes children may remain in a transit home for up to one or two years, but transit homes should never become permanent shelters for children. If the permanent reunification of a child is not possible, then other permanent alternative care options should be sought for the child.

## Overcoming the fear of reintegration

Over 16,000 children are believed to be living in registered children's homes and orphanages in Nepal<sup>1</sup>. If children in unregistered and illegal children's homes were included, this number would probably be much higher. Whilst the Government of Nepal's Child Policy is clear – that the institutionalization of children should be a last resort and that all efforts should be made to keep children with their families or return children to their families<sup>2</sup> – the reality in Nepal is quite different. The institutionalization of children in Nepal has become the first priority for many families, even when they have the resources and skills to care for their children adequately, as many believe, or are misled into believing, that their child's interests are best served away from home.

Evidence has shown that children who grow up in an institution are more at risk of physical, verbal and sexual abuse<sup>3</sup>. Institutional care has been shown to affect a child's physical and mental development, and such children often leave the institution without the skills, education and coping mechanisms necessary to survive in the external world<sup>4</sup>. In Nepal, a young person's links to their family, community and local dialect are essential social capital, which help him or her to obtain employment, arrange a marriage and inherit land. When these links with the family are broken, it leaves the young person isolated and vulnerable in a society with minimal social welfare provisions. In Nepal, 'family' and 'community' are often the only social welfare structures young people can rely on and, when these are removed or weakened through institutionalization, it affects the entire society.

For these reasons, Next Generation Nepal (NGN) and The Himalayan Innovative Society (THIS) believe passionately in family-based care, wherever possible, and the reintegration of children with their families in situations in which they have been separated. However,

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1 CCWB. 2014. *State of children in Nepal*. Kathmandu: Ministry of Women, Children and Social Welfare, Government of Nepal

2 Government of Nepal. 2012a. *Child policy*. Kathmandu: Government of Nepal

3 Terre des hommes; UNICEF. 2008. *Adopting the rights of the child: A study on intercountry adoption and its influence on child protection in Nepal*. Kathmandu: Terre des hommes, Nepal

4 European Commission Daphne Programme Directorate-General Justice and Home Affairs; WHO Regional Office for Europe; University of Birmingham. 2007. *De-institutionalizing and transforming children's services – A guide to good practice*. Birmingham: WHO Collaborating Centre for Child Care and Protection, University of Birmingham

we recognize that the concept of reintegrating trafficked<sup>5</sup> and displaced children with their families can sometimes frighten people. Children may feel scared at the prospect of re-meeting family members who played an active part in sending them away for 'an education'; they may also feel that they will disappoint their parents if they are reconnected. Equally, the parents and families may experience a mixture of emotions at the thought of being in touch with their children again; they may feel guilt, confusion or concern that they may not be able to provide for their children. It can also frighten the child protection professionals who are responsible for the children. Such professionals may question whether or not it is really in the child's best interests to be returned to a rural village where few health and educational services are available and where family members might have played a conscious role in the child's displacement. It is frightening for everyone involved, because they rightly anticipate the challenges the child will face once reunified and the potential for new forms of distress.

Reintegrating a child with his or her family is not something that happens quickly or without careful consideration. Reintegration is a process that takes time; it is a journey that happens in close alignment with a child's personal development and along with the resolution of any problems that the child may face. When well managed, reintegration can bring about tremendous positive benefits for children and their families. Well-managed reintegration can ensure that the child's fundamental human right to grow up with a family is met; that he or she has the opportunity to form close bonds with a primary carer and, thus, experience healthy emotional development; that the child will grow up understanding his or her local culture and community; and that, as an adult, he or she will have a better chance of being happy, prosperous and sure of his or her identity.

Taking children and families through this process of reintegration involves several gradual stages. It requires getting to know the child's family intimately by understanding their living conditions, the challenges they face, their parental abilities, their level of love and affection for their child, and the financial and material resources available to them to enable them to care for their child. It requires working alongside children, families and other concerned agencies to understand and resolve any issues that could disrupt family reunification, such as economic constraints, educational needs, health problems, or a family member's susceptibility to violent behavior or substance misuse. The process requires the child protection professionals involved to have patience, sensitivity, the capacity for careful observation, and the ability to provide an adequate and impartial assessment. It requires the ability to engender trust between the family, the child, and all individuals and agencies involved. NGN and THIS are proud to say that this approach to reintegration works: of the 130 trafficked children we have reunified to date through our joint project, not a single one has been re-trafficked or harmed, to the best of our knowledge.

Whilst we believe that every child should have the right to an attempted reconnection with his or her family, we recognize that sometimes a full family reunification is not possible. This may be because no living family members can be found or because, after careful assessment, it is recognized that the child could be at serious risk if they live with family members. Sometimes it may be because the process of reunifying a child with his or her family could

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5 NGN uses the terms 'trafficked' and 'trafficking' throughout this report to refer to situations where children have been fraudulently displaced from their families by brokers and harbored in orphanages to be used for commercial purposes – see our definition of 'trafficking' in the 'Definition of terms' section of this report. We recognize that whether or not such cases are legally considered to be 'trafficking' is contested. So, for example, while the US State Department is yet to include this phenomenon in its annual *Trafficking in persons report*, it has been recorded and discussed by Nepal's National Human Rights Commission in its *Trafficking in persons especially on women and children in Nepal: National report 2011*. Whatever the view of the reader on this issue, we hope that our choice to use the term 'trafficking' will not detract from the main purpose of these guidelines, which is to demonstrate how displaced children can be reunified with their families.



have a negative impact on the family's living conditions and put the whole household at risk. But, nevertheless, whilst recognizing that every situation is different, we align ourselves with international and Nepali laws and policies, which state that institutions should be a last resort for children and family reintegration should be attempted wherever possible.

## **Structure of the guidelines**

With the above in mind, these guidelines have been grouped into five distinct chapters. Chapter 2 explains the process whereby children are displaced from their families by traffickers, how and why they are institutionalized in children's homes and orphanages, and the negative impact that this has on the children. Chapter 3 provides an overview of the working context that organizations and individuals must work within in Nepal, including Nepal's child protection legal framework, the key Government bodies, and relevant working groups and associations. Chapter 4 contains the actual guidelines for how to reintegrate institutionalized children with their families in eight logical steps. Chapter 5 talks about when parental reintegration is not possible. Chapter 6 provides more information about NGN and THIS, including contact details and how to request support.

## **The NGN and THIS approach**

In the interests of clarity, it should be noted that these guidelines are NGN and THIS's own approach and methodology for the reintegration of trafficked and displaced children. Whilst our approach complies with and compliments the Government of Nepal's own reintegration methodology – and whilst we work very closely with the Government of Nepal on these issues – we do not wish to in any way imply that our approach is an official governmental approach to reintegration.

# 02

## Understanding orphanage trafficking and institutionalization

This chapter explains the process whereby children are displaced from their families by traffickers, how and why they are institutionalized in children's homes and orphanages, and the negative impact that this has on these children. This chapter provides a convincing argument for why children are best placed in family-based care settings and, if they have already been institutionalized, why it is in their best interests to be reconnected, reintegrated and, ideally, reunified with their families.

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### **Child displacement: From the village to the city**

The vast majority of situations in which children have been displaced from their families and placed in institutions in Nepal are not caused by the deliberate abandonment of children by their families, or by the kidnapping of children from lonely mountainsides, as may be assumed in the popular imagination. The real cause is more closely related to the belief held by parents that their children would be better cared for in Kathmandu in a boarding school or foreign-managed children's home. Many rural villagers in Nepal believe that in such places their children will receive a good education, enjoy a better living standard and, ultimately, be better off than if they remained in their village. In many cases, parents play an active part in their child's displacement, although they are often defrauded and deceived in this process by traffickers who do not disclose to them the true destination and likely outcome for their child.

Life is tough for rural Nepali families. Millions of Nepalis live in remote areas of the country, surviving on subsistence agriculture and income from small businesses. Public services are few, food security is a constant concern, and flood, famine, fire and earthquake pose a constant threat. People in these circumstances understandably hope for a better future for their children. They share a dream that involves their children obtaining a high-quality education in Kathmandu, which they believe will release them from a life of rural hardship. These parents believe that an education will lead their children into lucrative and powerful jobs, which will enable them to support their family back in the village.

Child traffickers are entrepreneurs, of a sort, who have understood the desperation and dreams of rural villagers and found a way to profit from them. By promising the family that they can guarantee a place for their child in a quality boarding school in Kathmandu they are

able to charge a fee for their services. Traffickers commonly charge between 20,000–50,000 Nepali rupees (about USD 200–500) for this ‘service’ and families often go into debt to pay this fee.

For the parents of children, the trafficker’s offer represents a ‘golden opportunity.’ Whilst the family is, of course, concerned about the safety of their child going to boarding school in Kathmandu, overall, it seems like a sensible option. The family rationalizes that whilst there are risks to their child leaving, the risks attached to remaining in the village in poverty and insecurity are also very real. Parents rationalize that, in the long-term, their child will receive an education, which will free him or her from poverty.

In NGN's experience, the trafficker is usually known to the family – he or she may be another villager or even a relative – so there is an element of trust in the promises the trafficker is making. All in all, in the minds of the rural villager – who has probably never been to Kathmandu and, therefore, has no concept of where their child is going – the trafficker's proposal makes sense. This is not to say that families make these decisions lightly, or that there are not families who choose not to send their children away, but as external observers we should at least understand the difficult decision such families have to make about their child's future. It is fair to say that, generally, families act in a way that they *believe* is in the best interests of their child.

Once the child is taken from the village, the family often loses contact with him or her. Due to the remoteness of their village, lack of communication channels, lack of transport links, and lack of funds to make the expensive journey to Kathmandu, it can be difficult for the family to stay in touch with their child. The family's only link to their child may be through the trafficker, so the trafficker can claim whatever he or she wants to about the child's welfare and the family has no way of verifying their story.

NGN and THIS believe that hundreds, if not thousands, of children are displaced from their families every year in Nepal, based on promises of a good education and a better life. Many of these children end up in institutions (children's homes and orphanages).

### Box 1

*“I was taken from my village to get a better education. When I reached the house where I would stay, I saw many children there. At first I thought it was not bad, but after one month it was getting worse and worse. There was not enough food for the children and there were not enough clothes for us to wear. After a while the food completely finished and we needed to go to the street to beg for money to buy food. On some days we did not eat any food and went to sleep without eating. We did not go to school and we did not get an education.”*

**Chhetra, a 19-year-old boy from Humla who was displaced from his home into an institution in Kathmandu at the age of 9 or 10.**

## Orphanage voluntourism: Doubling the profitability of children

There are currently over 16,000 children living in registered institutions in Nepal<sup>1</sup>. Although such institutions are often referred to as 'orphanages,' an estimated two out of three of these children are not in fact orphans<sup>2</sup>. Despite international and Nepali laws and policies against the use of children's homes, except as a last resort<sup>3</sup>, thousands of children continue to be displaced from their families into these institutions. The reason for this is that children's homes and orphanages have become a lucrative business in Nepal with profits to be made from both the families – who are deceived as to what will happen to their children – and from well-intentioned foreign tourists who donate funds in the belief that they are supporting genuine orphans.

It is not unusual for children living in 'orphanages' to be mistreated and, in fact, Government data shows that only 10% of children's homes in Nepal meet the Government's legal standards<sup>4</sup>. It is common for children in homes to be denied access to their families and forced to lie about their name and origins. In some cases, children in homes suffer physical, psychological and sexual abuse. This causes long-term psychological damage to the children concerned and puts them at a significant social and economic disadvantage as adults.

The vast majority of children's homes in Nepal are located in the five main tourist districts of the country – Kathmandu, Lalitpur, Bhaktapur, Kaski and Chitwan<sup>5</sup> – and NGN and THIS believe that this is no coincidence. Children's homes commonly try to engender sympathy from tourists in the hope that they will pay to volunteer or make financial donations. The willingness of tourists, volunteers and donors to provide funds to children's homes ensures the ongoing demand for children, who are unnecessarily displaced from their families to meet this demand.

The phenomenon of tourists, volunteers and donors supporting children's homes through donations is commonly known as 'orphanage voluntourism'<sup>6</sup>. Orphanage voluntourism usually begins with a tourist paying a volunteer agency or children's home directly for the opportunity to volunteer at a children's home for a few days or weeks. There are many volunteer and tourist agencies based in Nepal and foreign countries that offer this service (it is likely that most foreign-based agencies are unaware of the illicit businesses they are involved in). Volunteers can pay in excess of USD 200 per week to volunteer in a children's home. What may begin as an 'experience' whilst on holiday, can evolve into a scenario where the volunteer returns home to raise funds for their chosen 'orphanage' and, in some cases, to establish their own international non-governmental organization (INGO) in their home country to raise further funds.

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1 CCWB. 2014. *State of children in Nepal*.

2 The UNICEF and Terre des hommes publication '*Adopting the rights of the child*' (2008) estimates that 85% of children in children's homes have at least one living parent. Another report in 2008 by CCWB '*Report on survey of the childcare homes*,' an unpublished report submitted to Ministry of Women Children and Social Welfare, estimates that 58% of children have at least one living parent.

3 The UN *Convention on the Rights of the Child*, UN *Guidelines for the Alternative Care of Children*, Government of Nepal *Child Policy 2012*, and Government of Nepal 2012 *Standards for the Operation and Management of Child Care Residential Homes* are all definitive that institutional care should only be used as a last and temporary resort for children and that, as far as possible, children should remain with their families or be placed in an alternative family-based care setting.

4 A publication by the CCWB in 2011, '*Status of children in Nepal*,' shows that only 10.3% of children's homes meet the Government of Nepal's *Minimum Standards of Operation for Residential Child Care Homes* (2003). Note that these standards have now been replaced with new standards and the new monitoring of homes is currently being undertaken.

5 Data from CCWB published in 2012 in '*Some facts on child care homes in Nepal*,' puts this figure at 90%; whilst data from, CCWB published in 2014 in '*State of children in Nepal*,' puts this figure at 77%.

6 For more information about orphanage voluntourism, its negative effects on children, and how to combat these problems through ethical voluntourism, see NGN's publication: Punaks, M; Feit, K. 2014. *The paradox of orphanage volunteering: Combating child trafficking through ethical voluntourism*. Lalitpur: NGN

NGN and THIS have documented cases of small INGOs being deceived for years into believing they were supporting genuine orphans, only to find out later that the children were being exploited and their funds misused. When voluntourists or donors discover the truth about how their funds have been used, not only do they have to come to terms with feelings of guilt and anger, but they can face a difficult legal battle to address the problem. Foreigners who have tried to intervene against exploitative children's homes have also at times faced violent threats from the individuals and organized criminal groups that profit from this business.

For the traffickers and orphanage managers, there are profits to be made from both the naïve, but well-intentioned, Nepali families that believe they are investing in their children's future by sending them to boarding school, as well as from the naïve, but well-intentioned, foreign tourists and donors who fund children's homes without realizing that the children in such homes have been unnecessarily displaced from their families. By continuing to fund the home, the foreign volunteers and donors maintain the incentive for the children to be kept away from their families. The double profit to be made makes the orphanage business extremely lucrative and, thus, perpetuates the demand for more children to be displaced and institutionalized in Nepal.

## The effects of family separation and institutionalization

Unnecessarily separating a child from his or her family is a clear violation of a child's fundamental right to know and be cared for by his or her parents (as per Article 7.1 of the Convention on the Rights of the Child). When child separation occurs, it can have differing consequences depending on the age of the child, but these consequences are generally negative. It is usually within the context of the parent-child relationship that children accomplish developmental tasks related to their psychological maturation. When this relationship is taken away, it has a negative impact on the child's psychological development and possibly on his or her cognitive and physical development as well. If a child grows up in an environment without parents and where this risk is recognized, then support structures can be put in place to counter the loss of a primary care giver and the negative impact of separation can be minimized. However, unfortunately, in Nepal, most institutionalized children who suffer this kind of trauma do not receive sufficient support in resolving these issues, so the psychological impact of separation is almost inevitable.

Institutional care causes a wide range of other problems for children, both whilst they are children and when they mature into adults. The primary problem is that institutional care does not adequately provide a level of child-centered attention from consistent and long-term care givers, which is critical for the emotional, physical, mental, and social development of children. In a typical institution, staff turn-over is frequent (in the context of a child's life) and the ratio of children to care givers prevents the child from being able to form a close bond with a unique care giver, thus damaging the child's capacity to form healthy attachments with adults in later life. Children who have been institutionalized are more likely to be victims of sexual and physical abuse, have higher truancy rates from school, and remain culturally isolated from their communities of origin<sup>7</sup>.

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7 See: Better Care Network website: <http://www.bettercarenetwork.org/bcn/>

## Box 2 Mukti Nepal<sup>8</sup>

Mukti Nepal was an orphanage in Kathmandu established by a Nepali woman, Goma Luitel. Luitel advertised through volunteering agencies for foreign volunteers to work in the orphanage for a fee. She was successful in attracting a large number of foreign volunteers. Luitel's apparent dedication towards her social work with children presented as 'orphans' was an inspiration to the foreign volunteers. Many of them helped her fundraise by writing funding proposals and letters of solicitation to ex-volunteers and donated material goods to the orphanage themselves. By 2010, Luitel had secured a core donor in Spain who was able to cover all of the running costs associated with the orphanage, yet she still continued to fundraise with help from volunteers. She even created a fundraising video that showed a fabricated story of how she had rescued vulnerable children from the street. Yet behind the facade of the selfless and caring social worker, Luitel would severely beat and neglect the children. She would also threaten them that if they informed the foreigners that they were not orphans then they or their families would be harmed. Parents who tried to gain access to their children were routinely denied.

In late 2010, a girl at the orphanage was hit by a vehicle on her way home from school. She became very sick and Luitel instructed that she be placed on the roof of the orphanage and beaten with metal rods and nettles by the other children. Although the injured girl was taken to hospital by a relative of Luitel's, she later died of her injuries. Luitel was able to convince the authorities that she was not in any way responsible for the child's death and no legal action was taken against her.

A few months later during a visit to the orphanage by an ex-volunteer from Germany, some of the children began to talk to the ex-volunteer about the truth of what was happening in Mukti Nepal. The ex-volunteer gathered evidence from the children and reported the case to Terre des hommes. Thanks to these efforts a rescue was enacted by the Central Child Welfare Board (CCWB) and the police in March 2011, with support from several INGOs and NGOs, including NGN and THIS. Twenty children were transferred to an NGN/THIS transit home and, over the next two and a half years, eighteen of them were reunified with their families (the remaining two children were transferred to a 'good' children's home because NGN/THIS were unable to trace their families due to lack of information). All of the children had suffered significant psychological trauma as a result of their time spent living under the guardianship of Luitel; all had been denied access to their families.

In 2012, Luitel was successfully convicted under Article 7 of the Children's Act of torturing sixteen children. Her punishment was one month's imprisonment and a fine of NPR 5,000 (approximately USD \$50), as well as NPR 10,000 (approximately USD \$100)<sup>9</sup> to be paid as restitution for the sixteen victims. Luitel was never arrested and has not paid her fine or served her sentence. Were it not for the willingness of the fee paying volunteers and donors who supported Luitel – in the genuine belief they were helping a good cause – Mukti Nepal would never have existed, the children may never have been removed from their families, and the deceased girl may still be alive.

8 NGN/THIS case records; testimonies given to NGN by an anonymous ex-volunteer; NGN interviews conducted by Rachel Krulewich in Kathmandu in 2012 and Martin Punaks in Kathmandu in 2014; medical records of child victims; various news reports; the blog of Nicolle Davis, see: Davis, N. 2006. Mukti Nepal – Week 7, [Blog] September 17, 2006. Available at: <http://www.travelblog.org/Asia/Nepal/Kathmandu/blog-86320.html> (accessed August 26, 2014)

9 Note that in NGN's previous publication, *The paradox of orphanage volunteering: Combating child trafficking through ethical voluntourism*, by Punaks and Feit (2014), this amount was misquoted as only NPR 5,000 in total.

A further problem with institutions – which is certainly very relevant in the Nepali context – is that once a financial and managerial investment is made in an institution, it becomes a ‘fixed resource’ that actors are reluctant to change. Even when viable alternatives are proposed, which may be more cost-effective and better serve the needs of the children, closing down the institution is seen as a challenge to the *status quo*; it may make fundraising more difficult if there are no longer permanent children in the organization’s care and it may threaten staff jobs and livelihoods. When institutions are not closely monitored and regulated, they can easily become profit-making ‘businesses,’ in which the principle of keeping children with their families wherever possible runs counter to the profit-making ethos of the organization. In this situation, the best interests of the child come second to the interests of the institution<sup>10</sup>.

‘Aging out’ of institutional care for a child who has spent years living within a children’s home can present serious challenges. In a family-based care situation, the process of a dependent child maturing into an independent adult takes many years and may involve temporary periods spent away from the family home and primary care givers, followed by periods spent back at home, underscored by constant support from family and community members. In Nepal, many institutions do not adequately prepare for this physical, financial, emotional and psychological transition undertaken by children in their care.

A typical focus of institutions in Nepal is on academic achievement, with the assumption that this alone will lead to independence as an adult. Academic achievement is, of course, important, but it is only one of the aspects needed to support youth into adulthood. Without emotional support through adolescence and into adulthood, relationship advice and marriage arrangements, support with career opportunities, and financial and material assistance, young people leaving institutions are vulnerable in a society with few social welfare provisions. This can lead to confusion about identity and anger directed towards institutional care givers, distant family members or other figures of authority. In the experience of NGN and THIS, young people who grow up in institutions – especially those who have not been reconnected with their families and communities – are more likely than their peers to suffer from homelessness, be involved in criminal activity, be unemployed, experience poverty, and lack proper healthcare. These problems impact on Nepal’s broader society, as much as they affect the individual, which strengthens the argument that, wherever possible, efforts should be made to help children grow up in family-based care settings or, at the very least, be reconnected with their families so that they can develop meaningful relationships with them.

## An argument for family-based care and reintegration

As this chapter illustrates, institutional care in Nepal has become part of a larger profit-making and criminal industry that involves the defrauding of vulnerable Nepali families and well-intentioned foreign tourists and donors by traffickers and orphanage managers. Institutionalization has the potential to cause long-term physical, mental, emotional and psychological harm to young people and negatively impacts on Nepali society. On this basis, NGN and THIS believe that all efforts should be made to prevent children from being displaced from their families and, where they have already been displaced, all efforts should be made to reconnect and, if possible, reunify them with their families. This is in the best interests of the individual child, their family, and society.

<sup>10</sup> Save the Children. 2009. *Institutional care: The last resort*. Policy Brief, Save the Children. Available at: <http://www.savethechildren.org.uk/resources/online-library/policy-brief-institutional-care-last-resort> (accessed August 26, 2014)

Before discussing the step-by-step process for reintegrating institutionalized children in Nepal with their families, it is necessary to have a reasonable understanding of the working context for organizations and individuals in Nepal. This chapter outlines some of the main international and Nepali laws and policies that guide the child protection system in Nepal, as well as the government bodies and other organizations working in this area.

### Legal framework

#### *UN Convention on the Rights of the Child, 1989*

The United Nations Convention on the Rights of the Child<sup>1</sup> is a treaty that details the rights of children and sets out the obligations of states to recognize, protect and promote those rights. States that are party to the convention are legally obliged to institutionalize its provisions within their legal and policy frameworks. Nepal became a party to this treaty in 1990, which implies that Nepal recognizes that children have all of the rights mentioned in the convention and imposes a responsibility and legal obligation on the Government to protect and promote these rights.

The following rights provided for in the Convention are relevant to the issue of child reintegration and reunification:

- **Right to a family environment:** The Preamble recognizes 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.”
- **Right to be cared for by parents:** Article 7.1 provides that the child has the “right to know and be cared for by his or her parents.”
- **Right to live with parents:** Article 9.1 provides that the child has the right to live with his or her parents unless this is deemed incompatible with the child’s best interests.

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1 United Nations Centre for Human Rights; UNICEF; United Nations. 1993. *Convention on the Rights of the Child*. New York: United Nations Children’s Fund



- **Right to maintain contact with parents:** Article 9.3 provides that the child has the right to maintain contact with his or her parents if separated.

### ***UN Guidelines for the Alternative Care of Children, 2009***

The United Nations Guidelines for the Alternative Care of Children were formally endorsed by the UN General Assembly on November 20, 2009<sup>2</sup>. They supplement the United Nations Convention on the Rights of the Child and aim to aid in its implementation. The Guidelines are international recognition of the fact that reintegration is sound, correct and in the best interests of the child. Article 3 states that “the family is the best place for a child and efforts should be primarily directed to enable a child to remain or return to his/her parents or, where appropriate, to other close family members.”

### ***Children’s Act, 1992***

The Children’s Act, 1992, is one of the most important laws in Nepal governing how children should be protected<sup>3</sup>. It also determines the specific legal powers of Government actors to enforce child rights. The Act, however, is now more than 20 years old and is showing its limitations, especially concerning the types of abuse a child can experience and the way the child protection system works in Nepal. In 2012, a new Children’s Bill was drafted to amend the Children’s Act, which, if it had been passed by Parliament, would have resolved many of the problems with the Children’s Act. Unfortunately, the Bill was not passed because the Constitutional Assembly was dissolved before Parliament could review it. The future of the Children’s Bill is now uncertain.

### ***Child Policy, 2012***

In 2012, the Government updated its official Child Policy<sup>4</sup>. The Child Policy now stands as one of the most progressive and powerful policies in Nepal in relation to child protection. One of the main objectives of the Policy is: “to protect the child from all forms of physical and mental violence and harms, abuses [sic], abandonment, exploitation and sexual abuse.”<sup>5</sup> The Policy recognizes that children’s homes should be a last resort and that all efforts should be made to reintegrate children with their families. While the Policy is not systematically implemented in practice, the rhetoric is positive and is used as a tool by all actors in the Government and civil society to press for positive action in relation to child rights. The Child Policy represents a continuation of the shift in Government thinking away from children’s homes and towards family-based alternative care.

### ***Standards for the Operation and Management of Residential Child Care Homes, 2012***

The Standards for the Operation and Management of Residential Child Care Homes<sup>6</sup> consists of a series of standards that all institutions in Nepal providing residential care for children should meet to ensure that they are legally compliant. The Standards are tough and it is widely acknowledged that most homes fail to fully meet them. Training for children’s

2 United Nations. 2010. *Guidelines for the alternative care of children*. Resolution adopted by the General Assembly, on the report of the Third Committee, A/RES/64/142. Available at: [http://www.unicef.org/protection/alternative\\_care\\_Guidelines-English\(2\).pdf](http://www.unicef.org/protection/alternative_care_Guidelines-English(2).pdf) (accessed August 26, 2014)

3 *Children’s Act, 1992*. Kathmandu: Government of Nepal

4 Government of Nepal. 2012a. *Child policy*.

5 *Ibid*.

6 Government of Nepal. 2012b. *Standards for the operation and management of residential child care homes*. Kathmandu: Government of Nepal

homes on how to meet the standards has been organized by the Central Child Welfare Board (CCWB) and the Alternative Care Working Group. The Standards are significant in that they consistently state that the family is the best place for children; that children should only be admitted and kept in child care homes as a final resort and temporary measure; and that all efforts should be made to maintain contact between the child and their family whilst the child is living in a child care home. These standards can be obtained from CCWB.

## **Government bodies**

It is essential when working with children in any country to have a good understanding of the legal framework and key bodies through which child protection is regulated, coordinated and managed. The child protection system in Nepal is complex and overdue for revision. This publication does not intend to provide a comprehensive explanation of how the system works, but it is hoped that the following overview will provide some basic information about the key bodies, laws and systems in place in Nepal that an individual or organization must work with in order to successfully reintegrate children with their families.

It is important to note that systems in Nepal are regularly changing and it is not always easy for outsiders to understand the official process. Whilst on one occasion, one route of intervention using Government agencies and laws may yield a successful result, on another, an alternative route may have to be sought. In Nepal, it is important to meet with and speak to relevant Government officials and build a healthy working relationship with them based on trust. Once such a relationship is in place, individuals and organizations stand a higher chance of obtaining successful outcomes for children.

### ***Ministry of Women, Children and Social Welfare***

The mandate of the Ministry of Women, Children and Social Welfare includes women and children, their protection, development and empowerment. Its implementation wing is called the Department for Women and Children. The CCWB is accountable to this Department and the Ministry.

### ***Central Child Welfare Board***

The Central Child Welfare Board is the national coordinating body responsible for child protection in Nepal. It is responsible for ensuring the implementation of legislation, rules and policies approved at the ministry level. It is specifically responsible for: (i) ensuring that the program plans of other government line ministries for children are in line with the spirit of the Convention on the Rights of the Child and in keeping with its principles and provisions; (ii) ensuring the formulation of an 'Annual Plan of Action' and 'Five Year Plan' for child protection in Nepal; (iii) supervising and assisting the District Child Welfare Boards (DCWBs) and Child Rights Officers based in each district of the country; and, finally, (iv) bringing together organizations working for children to address challenges in a coordinated and collaborative manner. The CCWB is often the first port of call for individuals wishing to commence a child protection case in Nepal. More information is available on its website: [www.ccwb.gov.np](http://www.ccwb.gov.np)

### ***Chief District Officer***

The Chief District Officer (CDO) is accountable to the Ministry of Home Affairs and is the highest Government administrative officer in a district. The CDO is responsible for the proper inspection of all the Government departments in the district and acts as the Chair of

the DCWB. The CDO is the most senior person on the DCWB and, as such, holds a very powerful position in relation to all issues related to child protection and welfare in a district. The CDO has the ultimate decision-making power in relation to the legal guardianship of a child.

### ***District Child Welfare Board***

The District Child Welfare Board holds all responsibility for child protection at the district level. It is chaired by the CDO and supervises the District Child Rights Promotion and Protection Committee. The CCWB has no direct power over the DCWBs, although it does have a role in relation to the coordination and capacity building of the DCWBs. The Women and Children's Officer acts as member secretary of the DCWB, although in practice the Child Rights Officer undertakes daily implementation duties associated with the Board. From within the DCWB, the Child Rights Officer and CDO are usually the focal persons for individuals wishing to work with the Board.

### ***Child Rights Officer***

Child Rights Officers now operate in every district of Nepal. They are accountable to the DCWBs and implement the DCWB decisions. In practice, Child Rights Officers are the people who conduct child protection and welfare work 'on the ground' in the districts. Child Rights Officers are currently funded by external development agencies and have no legal powers under the Children's Act, 1992. Child Rights Officers are subject to the decisions made by senior individuals and bodies, such as the DCWBs.

### ***Women's Development Office***

Since 2003, the Government of Nepal has designated the Women's Development Office as the district focal agency for matters concerning women, children, senior citizens, persons with disabilities and non-governmental organizations (NGOs). The Women and Children's Officer acts as the de facto Child Welfare Officer as per the Children's Act, 1992. This is a legal position of considerable power in determining children's guardianship, although in practice the CDO wields much of this power.

### ***District Child Rights Promotion and Protection Committee***

District Child Rights Promotion and Protection Committees are responsible for raising awareness within the districts about child protection issues. The District Child Rights Promotion and Protection Committee is also an efficient instrument for identifying situations in which children are at risk in their community and providing an appropriate response, either directly or through referral to the relevant DCWB.

### ***Village/Municipal Child Rights Promotion and Protection Committee***

Village and Municipal Child Rights Promotion and Protection Committees work at the village and municipal levels, respectively, and hold the same responsibilities at this level as the District Child Rights Promotion and Protection Committee holds at the district level. Village and Municipal Child Rights Promotion and Protection Committees can identify situations in which children are at risk and, within the context of a child's reintegration, can monitor the family and the reintegration process.

## Working groups and associations

The following working groups and associations may be helpful to organizations working in child reintegration in Nepal.

### ***Alternative Care Working Group***

The Alternative Care Working Group is a multi-agency cross-sector group that aims to support the development of national guidelines on the alternative care of children within the framework of the Child Policy 2012. The Alternative Care Working Group is chaired by the Executive Director of the CCWB and includes members from UNICEF and all the main INGOs and NGOs working in the field of alternative care in Nepal, including NGN and THIS. The Alternative Care Working Group plays a coordinating and advisory role in relation to all matters affecting the alternative care of children, including children's homes, the reintegration of children, foster care and adoption. For more information about this group, contact the CCWB.

### ***Anti-Trafficking Inter-Agency Coordinating Group***

The Anti-Trafficking Inter-Agency Coordinating Group (IACG) is an anti-trafficking network of donor organizations, including diplomatic missions, bilateral organizations and INGOs. The aim of the group is to raise a collective voice against human trafficking, conduct lobbying for the implementation of anti-human trafficking policies and programs, enhance multi-sectoral collaboration and information sharing, create referral mechanisms, and implement holistic approaches to eradicating trafficking in persons. For more information about the group, contact the International Labour Organization in Nepal.

### ***Association of International NGOs***

The Association of International NGOs (AIN) was established in 1996 as an informal and independent network of INGOs working in Nepal. It promotes the exchange of information and the sharing of experiences to increase coordination. It encompasses more than 120 INGOs, which work on a wide range of issues and sectors for the development of the country. AIN offers several working groups on various themes such as education, peace building and health. A Child Protection Working Group has also been formed to improve coordination between child protection actors in order to monitor possible changes in the violation of children's rights. More information is available on its website: [www.ain.org.np](http://www.ain.org.np)

Having outlined the context in which children are displaced to institutions and the harm this causes, as well as the legal and operational context in Nepal in relation to child protection, this chapter sets out NGN and THIS's practical guidelines for how to reintegrate institutionalized children with their families. The guidelines are presented in eight logical steps.

### Step 1. Reporting abusive institutions

Thousands of individuals encounter orphanage trafficking in Nepal each year without realizing it when they donate their time to volunteer in a corrupt orphanage or provide financial support to such an institution through an NGO. However, as awareness of this problem grows, more and more visitors to Nepal are becoming suspicious of any unusual activities they observe in children's homes, for example:

- Children claiming to be orphans (many children are forced to lie about their parentage)
- Children claiming that they have parents whom they are denied access to
- Donated items disappearing after visitors leave (sold for a profit)
- Children being kept in unhealthy conditions despite the high fees being paid by volunteers
- Children showing signs of being beaten, malnourished or denied access to healthcare
- Outsiders being permitted to take children away from the home without supervision

#### ***Gathering evidence***

In cases where child abuse, child displacement or orphanage trafficking is suspected, in the first instance, the individual should collect as much evidence as possible to support their suspicions. Evidence may include: testimonies from the children; photographs showing injuries or malnutrition; and documented cases of funds being used inappropriately or children being put at risk. Only if they have access to convincing evidence will the relevant authorities be able to take action to protect the children.

## ***Reporting an orphanage to the Central Child Welfare Board***

Once evidence is gathered, it should be formally submitted to the CCWB. Remember that Nepal is a poor country and lack of resources means that the CCWB may not be able to act as quickly as its counterparts in more developed nations, but it is still the main portal through which all evidence of child abuse or orphanage trafficking should be directed. By not contacting the CCWB, or by 'going around' these official systems, the individual may be acting illegally and may ultimately prevent child protection agencies from being able to help children at risk. In addition to submitting evidence to the CCWB, NGN and THIS invite individuals to share evidence with us so that we can monitor progress in individual cases and trends in orphanage trafficking and abuse.

## **Step 2. Legal transfer of children: 'The rescue'**

Every rescue of children from an abusive orphanage in Nepal is different. NGN and THIS have been involved in many such rescues and each one has followed a different course and surprised us in different ways. In this sense, there is no 'one size fits all' approach to effecting a rescue of children from an abusive orphanage, but we hope that the following will be of some help for those who find themselves working with the Government on such cases.

### ***Preparing for a rescue***

Before the CCWB is able to take any action in relation to an orphanage where trafficking or abuse is suspected, it will need to carry out its own independent investigation, or it may refer the case to a local DCWB. If this investigation establishes that trafficking, unnecessary displacement or abuse has occurred, then the CCWB or DCWB will determine what action should be taken.

If the CCWB or DCWB decides that a 'rescue' of the children is required, they will first need to identify shelters for the children to be placed in temporarily immediately after the rescue, from which rehabilitation can take place and the next steps determined. It is important to note at this point that an organization or individual with an interest in the case does not have any legal right to perform their own investigation or rescue the children without formal permission from the CCWB, DCWB or the Nepal Police. Investigations, rescues and decisions over shelter facilities remain a Government mandate and the role of INGOs such as NGN – or any other interested stakeholder – is simply to assist the Government in these processes. Despite this, INGOs, NGOs and individuals can play a decisive role in this process by providing information and evidence to the CCWB or DCWB and the Nepal Police, by supporting them in the rescue with transport facilities and human resources, and, most importantly, by offering shelter facilities for the children after the rescue. Concerned individuals or organizations may also be able to offer funding to other organizations that have some, but not all, of the necessary resources; for example, an NGO with an empty transit home, but no funding to care for the rescued children.

For many individuals and organizations that have perhaps become attached to a particular group of children and want nothing more than for them to be released, this can be a frustrating time in which progress seems slow. Government actors assigned to work on such cases often have limited resources and power and, despite their best efforts, rescues are not always possible. Independent advocates for children will need to learn patience and perseverance in their efforts to effect a rescue. Politeness, cooperation and respect towards

Government officials, who are doing the best they can in a difficult situation, should always be exercised. Nobody responds well to anger or aggression.

For the rescue to be finally approved, the CCWB will need written permission from the local DCWB and the local Police. A rescue team will need to be mobilized, usually consisting of staff from the CCWB and local DCWB, the local Child Rights Officer, members of the Nepal Police, and sometimes NGO staff, although every case is slightly different. NGN and THIS advise that foreigners should not be present during a rescue, as this can complicate the rescue process and lead to accusations by the orphanage owners of foreign interference or the 'foreign abduction' of children, and so on.

In preparation for the rescue, appropriate vehicles should be arranged to safely transport the children to safety and refreshments and first aid should be on hand in case any of the children are in need of such support. Comprehensive plans should be in place for the shelter of the children, as well as emergency rehabilitation, including medical support if any of the children are sick or injured (hospitals and doctors should be identified in advance).

### ***Enacting a rescue***

When a rescue happens, the rescue team will enter the orphanage with all of the necessary legal paperwork in hand and remove the children from the premises. Obstacles may be put in place by the orphanage staff and it is the role of the Police to effectively counter this and ensure that the children are safely removed. It is essential that the Police manage such obstacles and not other members of the rescue team, as this could lead to accusations against those individuals of acting illegally.

It is important to remember during this process that the children may be very scared; some of them may not wish to leave as they will have formed attachments with the staff and there is no reason for them to trust the new group of strangers who have entered their home. It is important that members of the rescue team explain to the children clearly what is happening to them and reassure them that they are being taken to a place of safety and security where there are people who will care for them. Groups of children who have lived together for a length of time should not be separated, but, if this is unavoidable (due to large numbers of children, for example), then it is essential that siblings and close friends are kept together at all times.

Members of the rescue team need to closely guard the children during the rescue period and avoid the risk of children running away, which is a possibility as a result of the stress and fear the children may feel. If a child runs away, he or she will be at even greater risk on the streets, so this must be avoided at all costs.

It is also important during the rescue that the building is searched thoroughly and that all documents and evidence related to the children's backgrounds, as well as their treatment whilst in the home (medical records, school records, etc.), are removed and kept safely. These documents will be essential during the later stages of rehabilitation and reintegration (and potentially for prosecutions, if these are attempted). It is also important that the children's personal belongings are removed and safely given to the children upon arrival at the new shelter facilities.

Rescuing children from an abusive institution is a traumatic experience for children. Every effort should be made to reassure them and explain to them what is happening, throughout

the rescue. After the rescue, the NGO that is taking legal guardianship of the children should ensure that all paperwork has been completed by the CCWB and DCWB to ensure that legal guardianship has been officially transferred (the CCWB and DCWB will be able to advise on the details of the paperwork required). The location of the shelter facilities where the children will be taken should be kept confidential and only shared with those individuals for whom it is necessary to know this information.



Photograph credit: Next Generation Nepal/The Himalayan Innovative Society

Children arriving at the NGN/THIS transit home after a CCWB and DCWB Kavre-led rescue from Garab Sudhar Manch children's home in Kavre in November 2013.



## Step 3. Transitional care and rehabilitation

### *The transit home*

A transit home is a temporary shelter where children stay during the process of rehabilitation (after a rescue), family tracing, reconnection and reintegration. Transit homes in Nepal are required to meet the same Government standards as children's homes<sup>1</sup>.

We will assume at this point that any children rescued from an abusive orphanage (as discussed in Step 2) have been taken to a shelter facility that also acts as the transit home. Alternatively, it may be that the children are initially housed in a temporary shelter facility and later transferred to a transit home (this is acceptable if absolutely necessary, but too much transitioning of the children may cause them additional stress and should be minimized). Yet another alternative is that the existing children's home may choose to voluntarily reintegrate its children and, therefore, no rescue has happened. In this scenario, the 'children's home' automatically becomes the 'transit home' for those children.

### *Rehabilitation as a process*

The first stage of transitional care after a rescue is about rehabilitating the children. This includes reassuring the children as to what has happened to them; diagnosing and treating any health conditions; providing psychosocial counseling to diagnose and address any psychological conditions; enabling play and other creative activities; and providing informal and formal education. Rehabilitation begins the moment the children leave the abusive orphanage and continues throughout the process of reintegration, and possibly even after reunification (for example, continued medical treatment). Trafficked and institutionalized children regularly suffer high levels of trauma, which is often not apparent to the untrained eye. Rehabilitation interventions are, therefore, essential to help the children regain a state of balance in their lives. Rehabilitation activities build trust between the staff and the children, which is an essential element of reintegration. Without rehabilitation support, children will not be ready for reintegration. It is not uncommon for emergency rehabilitation activities to take place for up to one to three months before reintegration work can even begin.

### *Emergency rehabilitation*

The following areas of emergency rehabilitation support are advised immediately after a rescue:

- **Medical check-up:** Within the first week of care, all children must go through an extensive medical check-up including, but not limited to, blood tests, sensitive organ testing (ears, nose and eyes), vaccination updating, and any other physical tests deemed necessary by medical professionals. It is not uncommon for children to be malnourished, have intestinal worms and parasites, or even be suffering from illnesses such as typhoid. An individualized medical folder must be created and kept up-to-date for each child.
- **Psychological assessment:** Ideally for all children, and certainly for children displaying obvious signs of psychological problems, a psychological assessment should be conducted by trained professionals, closely supported by staff members who are in

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1 Government of Nepal. 2012b. *Standards for the operation and management of residential child care homes*.

regular contact with the children. It is not uncommon for children who initially seemed happy immediately after a rescue to later show signs of post traumatic stress (e.g., anger towards care givers, periods of non-communication, disobedience, etc.), and these need to be taken seriously and discussed with professionals.

- **Psycho-social support:** In the first few days and weeks after a rescue it is necessary for all staff involved in a child's support to focus on building trust with the child. This can be done by being open to the child's opinions and feelings, playing with them, feeding their curiosity, answering their questions about what has happened to them and what will happen to them (without raising unrealistic expectations), and encouraging their participation in the daily routines of the transit home.

### ***Informal education***

During the first week or two after a rescue, and even up to a month in some cases, it is not recommended to admit children directly into formal education (school). During this time emergency rehabilitation is the priority. This does not mean that no education is needed; instead, children should be provided with informal education within the security of the transit home. Temporary teachers or tutors will need to be hired for this purpose.

The informal education should focus on the following areas:

- **Play, leisure and creative activities:** This will help the children to rebuild their self-confidence and self-expression. Games, toys, stories, painting, drawing, dancing, singing, acting, walks in the countryside, and contact with animals are all helpful.
- **Sensitizing children to their rights:** As trust begins to develop, it is important for staff to take time to discuss with the children their experiences in the abusive orphanage. Staff should ensure that the children understand that they did not deserve the abuse they suffered and that they do in fact have rights, which means that the abuse should not have happened. This will help the children deal with the trauma they have suffered and give them the confidence to assert themselves if similar events happen again.
- **Rebuilding the habit of learning:** In preparation for a return to formal education (school), it is important to encourage the children to spend some time sitting formally in a classroom setting, listening to a tutor or teacher, and concentrating on activities.
- **Assessing academic abilities:** Before admitting or re-admitting the children to school, it is important to start assessing their likely academic level and abilities. It may be helpful to engage in a conversation with the school that they are most likely to attend, as the school may be able to advise on tests or other ways to assess the children in preparation for deciding which class they should join.

### ***Formal education***

When the children are settled into the transit home and the period of emergency rehabilitation is over, a transfer into formal education at a local school is recommended. The children may be nervous about entering or re-entering formal education, and may be concerned about questions from fellow classmates about where they are from and why they have only recently joined the school. It is important that staff in the transit home are aware of these risks and able to counsel and support the children with any problems they may face.





Photograph credit: Next Generation Nepal/The Himalayan Innovative Society

Rescued children at the NGN/THIS transit home being tutored before being formally enrolled in a school.

Sometimes, for example, due to exam periods, it is not possible for children to slot into a local school in the middle of the school term. In this situation the children may need to continue with private tutoring or teaching at the transit home until this is possible. Such tutoring should follow the local school curriculum as closely as possible and should be run formally, i.e., in a formal classroom setting in the transit home with strict class times and so on.

### ***Healthcare***

Even after the period of emergency rehabilitation is over, it is important to regularly monitor the children's health and start addressing any chronic health conditions that may have been left untreated. Of course, new health conditions may arise whilst the children are staying in the transit home. A weekly visit to the transit home by a doctor, nurse or health assistant is essential.

It is important that an open and non-judgmental space is created for the children to share feelings, opinions and issues. After spending so long in abusive conditions, the child may not consider their physical or emotional symptoms important enough to be shared. It is only by building the children's trust and self-confidence that they will eventually want to discuss these things. All staff in the home, not only the health assistant, have a responsibility to create an environment in which children feel they can talk openly about their feelings without recriminations and in which action will be taken in relation to any concerns they raise.

Finally, it is important to consider the gender of the health assistant and other staff in relation to health or other problems the children may face. Girls, in particular, may only feel

comfortable talking with a female member of staff. If some of the children are teenagers then the gender of staff is even more important.

### ***Culture and traditions***

After months or years of institutionalization in Kathmandu or another city, the children may have forgotten or repressed their cultural traditions and religious practices. Nepal is a country of many different cultures, dialects, religions and traditional practices. The cultural traditions and practices in the rural villages – from where many trafficked children originate – are often very different from the traditions and practices in cities such as Kathmandu. In some cases, a child's name and religion may have been deliberately changed by orphanage managers in an effort to make them forget the 'inferior' culture or religion from which they came.

Helping a child re-learn his or her culture, dialect and religion is no easy task and is not fully possible within the confines of a transit home. Most of this work will have to happen at a later stage of the reintegration process, but there are some important steps that can be taken at this early stage to help a child, including the following:

- **Exposure to maternal dialect:** If a child's maternal dialect is identified, then it may be possible to start exposing the child to that dialect again through staff in the home who speak it or volunteers from the child's ethnic group.
- **Respecting religion:** Every child has the right to practice his or her own religion and all efforts should be made to support a child to do this, e.g., by allowing a child to observe religious festivals and practices and by paying attention to dietary restrictions. If a child has forgotten their religion and shows an interest in re-learning it, then efforts can be made to reintroduce them to their religion through staff who follow the same belief system. If a child was born with one religion, but during the course of institutionalization was converted to another religion, then the child's current religious preference must be fully respected.
- **Adjusting facilities in the transit home to a similar level to those in the community of origin:** A common mistake made in transit homes and children's homes is to believe that because the children have suffered in poor communities or abusive orphanages they deserve as high a quality facilities as possible. This view is born out of a genuine and sincere desire to help the children. However, if a child is to successfully reintegrate into a poor community where 'Kathmandu' style facilities are not available, giving the children too many 'nice things' will only make this process harder. Whilst, of course, the transit home should provide for all of the children's essential needs (such as food, clothes, health and education), it is not advisable to provide them with too many Western clothes, allow them to spend extensive hours watching television or use too many electronic devices, and so on. In fact, we recommend encouraging the children to play an active role in household activities, such as supporting the staff in cooking, cleaning their rooms, washing their clothes by hand, and so on. These are all essential survival skills they will need once they are reunified with their families in rural areas. Sometimes the children may need to be actively reintroduced to rural traditions, such as wearing traditional Nepali clothes or eating dhal baat with their hands whilst sitting on the floor.

## Step 4. Family tracing

Family tracing is conducted by social workers with the aim of locating the family of the child. It actually starts as soon as the children are sheltered in the transit home, through the informal process of building trust with the children and casually gathering pieces of information about their past. However, the formal process only starts once a good relationship has been established between the children and the social workers and the emergency rehabilitation period is over. At this stage, the social workers can begin holding more formal discussions with the children to document their memories and consider their origins. Family tracing consists of two main tasks that need to be conducted simultaneously: data collection and field research.

### **Data collection**

The objective of data collection is to gather as much information as possible about each child's background. This can be done through documents that hold information about the child, direct conversations with the child or through any individual who might have information about the child (which in some cases might mean having to cautiously contact the trafficker or abusive orphanage manager).

One of the most obvious sources of information about the child's background is the documentary evidence taken from the abusive orphanage at the time of the rescue (see Step 2). However, this information has to be processed with caution, because it is not uncommon for this information (name, district of origin, information about deceased parents, information about how the child came to be staying at the orphanage) to be false. However, sometimes the information is accurate, so it should certainly be followed up and investigated.

Other sources of information are the children themselves, the staff at the transit home (who might have heard the children talking about something important), meetings with people who might be able to provide further information (e.g., someone who knew the orphanage manager and did not agree with their practices). If the social workers choose to interview the trafficker or orphanage manager, this can be a great source of information, but has to be balanced against the risk of that person finding out where the children are now located or trying to take retribution for the loss of the children in his or her care. This decision should be handled with great care and the risks 'for' and 'against' weighed carefully before a decision is taken to proceed.

Once reliable sources have been confirmed, the job becomes like a classic police investigation: piecing together rag-tag bits of information and leads and identifying people who know the children so that they can be located and interviewed. Basic information that needs to be sought includes:

- The real name of the child
- District of origin
- Name of village
- Name of parents, uncles, aunts, grandparents, brothers, sisters or cousins
- Date and circumstances of displacement from the village to the children's home
- Person responsible for displacing the child

### **Field research**

Once the social workers have collected enough data to identify a child's likely district, or even village, a field trip is necessary to verify the data. These trips are often to remote



An NGN/THIS social worker (left) shows a photograph of a displaced girl, who was rescued from an exploitative orphanage, to a family as part of the family tracing and reintegration process.

districts and sometimes involve a tough physical journey; social workers may need to walk long distances, sometimes for several days in a row. For safety reasons, NGN and THIS recommend that two social workers go on these journeys together or that a lone social worker is joined by a field assistant. Porters and guides should also be hired where necessary. Social workers sometimes risk their own lives to find the families of children. Therefore, all efforts should be made to protect their welfare whilst working on such cases, for example, by taking out medical and accident insurance in their names.

An advantage of using local porters and guides is that they can facilitate communication with the local community. They speak the local language and will be more readily trusted by local people than a social worker from Kathmandu.

It is important to remember that when parents or relatives are located, they will most likely be under the impression that their child is living comfortably in Kathmandu at a boarding school. They will probably not have even considered the abuse and trauma their child has gone through. Therefore, informing them bluntly that their child was a victim of trafficking and abuse will come as a shock. A natural response to this shock is denial and the parents may claim not to believe the things these 'strangers' from Kathmandu are telling them. To instantly accept the stories they are being told would be to completely accept that sending their child away was a mistake and that they have put their own child at risk. Of course, the truth must be relayed in good time, but it must be carefully and sensitively communicated.



To help in this process it is recommended that the social workers carry recent pictures of the child and letters from the child addressed to their parents. In these letters, the child should explain in his or her own words what happened. This will help the parents believe the social workers' story and engender trust between the social workers and parents. It is very important that the parents are not made to feel at fault for what has happened; they bear some responsibility of course, but they did not send their child away with the intention of him or her being abused. It is important that the social workers are able to convey to the parents that they understand this and that they have empathy with their difficult situation. This stage of family tracing is perhaps the most challenging and it can take a long time to get the message through to the parents, possibly even over several different field trips.

## Step 5. Family reconnection and reintegration

### *District and village assessments*

Once a family is located, the next step is to conduct a series of assessments to better understand the family's living conditions, the resources and services available in the local area, the reasons the parents decided to send their child away, and their ability to care for their child in a potential situation of reunification. These assessments should include the following:

- **A district assessment:** The objective of the district assessment is to understand local living conditions in terms of access to food, education, health and transport. It is also to identify and make contact with local child protection actors, such as the Child Rights Officer. It is important to locate these actors in order to solicit their views about reunification and to secure, wherever possible, their support and help. In time, these local actors will play an essential role in the reunification and monitoring of the child.
- **A village assessment:** The objective of the village assessment is the same as the objective of the district assessment, but at a more local level. It is important at this stage to make links with the Village or Municipal Child Rights Promotion and Protection Committee.
- **A family assessment:** The family assessment has several objectives. First, it is about assessing whether or not the family has access to enough food, health services, education services and transport to take care of their child. Second, it is about assessing whether or not the family constitutes a risk to the child and has the skills and abilities to care for the child, as well as to establish that there is no risk of them displacing their child again to another institution. This assessment cannot be completed within a single meeting with the family, but has to be made over several meetings, discussions and observations, sometimes over a lengthy period of time. It is essential that trained and experienced social workers undertake this assessment, as a wrong decision could put the child back into a dangerous situation.

### *Remote reconnection*

Remote reconnection is about starting to re-build broken links between a child and his or her family, community, culture and traditions. This step starts as soon as the social worker delivers the letter and pictures from the child to his or her parents. The key moment in the process of remote reconnection is when the social worker telephones the transit home and facilitates a telephone call between the parents and their child; possibly the first



A remote reconnection: A displaced child located at the NGN/THIS transit home is able to talk to her family for the first time in years.

communication the family has had in years. This telephone call alone can break down tough emotional barriers between the parents, social worker and child.


It is important that the social workers ask the parents to write a letter to their child to take back to the transit home (or, if the parents cannot write, then the social worker can write the letter for them). The social workers should also take as many pictures as they can of the parents, siblings, house and village to show the child on their return to Kathmandu. These pictures and the letter will be critical in helping the child remember his or her family, sparking memories of his or her childhood in the village. This will help the child in the healing process, by giving him or her back a sense of belonging to somewhere, to a family and to a community. This part of the process is critical for the child's reintegration and can be repeated as many times as necessary before in-person reconnection is attempted.

### ***In-person reconnection***

In-person reconnection starts from the first meeting between the child and his or her parents, closest siblings, uncles, aunts or grandparents. It may take place in the transit home, a neutral location, or in the child's village of origin. Because this event is emotionally challenging for the child, it is recommended that he or she be accompanied by a social worker whom they feel particularly comfortable with. We recommend the following process be followed for each of the various meeting locations:

- **Child and parents meet at the transit home:** This meeting should happen under the direct supervision of a social worker who can facilitate the meeting. When the parents





meet the child at the transit home it can indicate to the child that his or her parents want to see him or her, and this can be helpful. Of course, for parents living in remote areas of the country, this is not always possible.

- **Child and parents meet at a neutral location:** There are, unfortunately, times when social workers suspect that parents have close links to the trafficker, orphanage manager or other people who might want to cause problems for the organization managing the case. In these situations it is not advisable to bring the parents to the transit home as it will reveal the home's location. Nevertheless, a meeting between the parents and the child may still be a good idea and can provoke feelings of love for the child and a desire to take the child home again. Of course, in these situations, the social worker has to make a careful assessment of the situation and decide whether or not to proceed with the in-person reconnection.
- **Child and parents meet at the parents' home under direct supervision:** This meeting may last for several days and should be closely supervised by the social worker. During this period it is recommended that the social worker stay outside the parents' home and keep some physical distance from the child, whilst at the same time keeping constant watch over him or her. The objective of this visit is to assess the child's ability to readjust to his or her community and lifestyle. The social worker must be prepared to step in at any time if the child is facing significant challenges.
- **Child and parents meet in the parents' home without supervision:** This type of meeting is only performed after a supervised in-person reconnection with family members has been particularly successful. Furthermore, the social worker must be confident that the child will be able to readjust to the local lifestyle during the reconnection period and that the parents are able to care for the child and not put him or her at risk. When possible, this step is hugely beneficial as it puts the child and parents in a situation of temporary reunification, if only for a short time. The social workers may even consider giving the parents a temporary transfer of legal responsibility during this period, as this will reinforce the seriousness of the role of being a parent again.

## Step 6. Family reunification and initial support

### *Convincing parents*

Family reunification is often the most difficult part of the reintegration process for parents to accept. Even when the reconnection between the child and his or her family has gone well and the gradual reintegration has been positive, some parents still do not wish to take full legal responsibility for their child. Perhaps deep down they want to believe the dream that their child can be better cared for in Kathmandu, in a boarding school or by an NGO. Ironically, the interaction they have had with the professional social worker may only reinforce their belief that the social worker is better qualified than they to care for their child.

It is never recommended to force a family to accept legal reunification with their child. However, it is important to make the parents understand the long-term negative impact of denying a reunification with their child and to help them build a long-term vision of what their relationship with their child could become. It is important for the parents to understand that if the child is not helped to maintain this connection, and if he or she has no possibility of adapting to the lifestyle of his or her community, then there is a high chance that he or

she will never come back to the village again, even after completing his or her studies. If the family refuses a reunification, there is a real risk that the child will feel abandoned and refuse to return to their family. Similarly, the child may be afraid of not being able to adjust to their community in the future, which could also prevent them from wanting to return. In most situations, where the parents have a genuine interest in the welfare of their child, these arguments will be enough to persuade them of the need to accept a legal reunification. However, sadly, in some situations, this is not enough, and alternative care options may have to be sought for the child, along with ongoing reconnection meetings with their family, if this is still possible.

### ***Transfer of legal guardianship***

Once a family and child are ready to be reunified, legal responsibility or guardianship has to be transferred. The first stage of this process is between the parents and the organization that currently has legal guardianship of the child. The parents have to state in writing their willingness to take back responsibility for the child and that they understand the implications of this. It may be possible to make the parents mention in this letter that they understand the risks involved in sending their child away to an institution and that they will not do this again. Although this second part of the letter has no legal status, it can be useful in making the parents understand the commitment they are making.

Once the letter has been signed by the parents, it has to be submitted by the social worker to the local DCWB for legal approval. The Women and Children's Officer or CDO are the official persons responsible for acknowledging this legal agreement, although in practice the social worker may be able to work more easily through the Child Rights Officer (who is often more accessible). Nevertheless, it is only the Women and Children's Officer and CDO who have the legal authority to approve the transfer of guardianship.

It is important to note that each DCWB has its own procedures and some Women and Children's Officers or CDOs request that the parents, child and organization gather in the DCWB office in order to complete the process. It is, therefore, always helpful to have established a relationship with the local DCWB (CDO, Women and Children's Officer or Child Rights Officer) during the early stages of the reintegration process so that the DCWB expects the reunification when it happens and so that the social worker is prepared for the local procedures.

DCWBs will sometimes recommend that legal guardianship is not transferred permanently to begin with, but only temporarily, by including legal wording that the organization may take the child back at any time. This may be a sensible option if there is still some doubt in the social worker's mind as to the capacity of the parents to fulfill their responsibilities. In such situations, a three-month temporary transfer of legal guardianship is recommended, which is enough time for the social worker monitoring the situation to assess the welfare of the child during a future monitoring visit (see Step 7). In cases where there is risk to the child, and where this method has been used, the removal of legal guardianship from the parents can be processed quickly.

### ***Initial support***

Initial material support is only provided to the family in exceptional cases. It can be given either before the reunification, during the reconnection process or immediately after reunification. Initial support is offered when there is a pressing need to help the child readjust





Photograph credit: Next Generation Nepal/The Himalayan Innovative Society

A girl attending the local school in her village after being successfully reunified with her family.

into their new environment with their family. However, support must only be given when the social worker is sure that it will not impact negatively on the living conditions of the family. For example, initial support may be the provision of a new bed for the reunified child, and perhaps new beds for their brothers and sisters to ensure equality. Initial support could also include kitchen equipment, housing repairs and blankets. Material support is always preferred, rather than direct financial support.

When providing initial support it is essential to consider the impact this support may have on the family and wider community. Too much initial support can create jealousy amongst other members of the local community or send the message that if your child is trafficked it results in free gifts from NGOs. This has to be avoided at all costs to prevent further child trafficking and community conflict.

***Enrollment in formal education***

A final and important part of the reunification process is to ensure that the child is enrolled in a local school. It is important that provisions are made for the child to realistically be able to attend the school and that the parents are committed to ensuring that the child will be supported in attending school. It may be that material support, such as school uniforms, text books and stationery, are provided towards this.

## Step 7. Monitoring and temporary family support

After a child has been legally reunified the responsibilities of the organization managing the case are by no means over. Ongoing monitoring of the child is the only way to assess whether or not the reunification has been successful. Monitoring is about assessing and supporting the reintegration of the child, as well as assessing and supporting the ability of the parents to adjust to this and helping them move towards independent responsibility for their child.

### **Monitoring**

Monitoring involves a scheduled visit to the village of the reunified child to assess the child's safety, welfare and overall happiness. It is also about understanding, advising about and taking necessary action in relation to any obstacles that may be preventing the family from caring for the child to a satisfactory level. To achieve this, the social worker will need to informally interview the child, parents, siblings, other relevant family members and other people in the village or local area who have a role to play in the child's welfare (such as school teachers and the Child Rights Officer). The social worker will also need to use their more subtle observation skills to pick up relevant information. Whilst it is important for the social worker to exercise a degree of authority during this process – to impress on the family and other local people the fact that the child is still under the watchful eye of an external organization – this has to be balanced with a friendly and supportive approach to encourage people to be open and honest about any genuine problems that they or the child may be facing. Several criteria can be used to assess the child's welfare and, ultimately, the success of the reunification:

- Overall physical appearance of the child and their family
- Overall behavior of the child and their family
- Child's own account of their current level of safety, welfare and happiness
- Other local stakeholders' accounts of the child's current level of safety, welfare and happiness
- Regularity of attendance at school
- Evidence of any health-related problems and their causes
- Family's reaction when the child faces health-related issues
- Quality and quantity of food provided to the child
- Degree of involvement of the child in household/agricultural work
- Degree of corporal punishment used to discipline the child

Detailed monitoring reports should be written-up by the social worker and the findings discussed with peers to determine the following: (i) how successful the reunification is; (ii) whether or not further monitoring is needed and, if so, when and how often, or whether the case can be closed (see Step 8); and (iii) whether or not any other forms of intervention are needed to protect the child including other forms of support for the child and their family (such as family support or educational support – see below).

### **Temporary family support**

In addition to initial support given at the time of reunification, ongoing family support may be provided in some circumstances to ensure that the reunification is successful. In a similar

way to initial support, the implications of giving ongoing family support have to be considered very carefully before it is awarded. As the ultimate aim of monitoring and family support is the independence of the family to look after their child by themselves, support should always be time-bound and restricted so as not to cause dependency on the organization or jealousy amongst other members of the community.

Social workers will often be asked for support by the family, as there may be an expectation in the community that NGOs should support them in this way. The social worker's responsibility will not only be to negotiate a reasonable level of support that will lead the family towards independence, but also to look for opportunities for the family to be linked with other NGOs and development projects offering livelihood training schemes, income generation projects, kitchen garden projects, educational scholarships and so on. These will assist the social worker in his or her endeavors to make the family independent. Child protection is, of course, only part of a broader development agenda; by helping a family to sustain an independent livelihood, one is helping them to care properly for their children.

Material support (such as the provision of cooking stoves or blankets) may be offered on a once-off basis with no expectation of ongoing support. However, in relation to food support or medical support for family members, NGN and THIS recommend that support in this form should only be provided on a short-term basis and in conjunction with other livelihood schemes, so that the family does not become dependent on the organization.

### ***Educational support***

The only exception to the rule against giving long-term support may be the provision of long-term educational support in some circumstances, which should be presented more as a scholarship. However, even this form of support can have positive and negative implications for the community. Educational support by way of a scholarship will often be expected by the family, and we must never forget that it was the dream of their child 'getting an education' that led to the child being trafficked in the first place.

Ideally, the social worker should try and find a way for the family to fund educational costs themselves. However, if support is given by the organization, it should be given in the form of material support, such as uniforms, books and stationery, as far as possible. However, where a family cannot afford schools fees, these should be considered as part of long-term scholarship support. In this situation, the social worker should agree a cut-off point with the family after which the support will no longer be provided – for example, after one or two years or up until school leaving certificate level – and then keep to this agreement with the family. If the social worker does not agree on a healthy cut-off point with the family, then the family may expect the support to continue up until +2 level, or even beyond. The culture of patronage remains strong in Nepal and families will almost certainly see the organization in this way and hope to take advantage of it. Finally, NGN and THIS advise that educational support always be paid directly to the school, rather than to the family, as the risk of it being misused by the family is high.

### ***Assessing levels of support and sustainability***

All in all, assessing what support to provide and when and how to wean a family off this support is an art, not a science. It is a highly-skilled task that requires a nuanced knowledge of the family and the local community, good judgment in relation to where to draw the line so that the child is not put at risk, and use of the 'carrot' and 'stick' approach to simultaneously support and pressure the family to become independent.

A good way of giving support is to agree to 'partial support' from the organization; this means that the family is encouraged to pay a proportion of costs and the organization agrees to pay the remainder for a particular item or expense. This will help the family take more ownership of their future.

Finally, there may be times in the future when the organization has to provide emergency support to the family or the child, for example, if several years later the child becomes seriously ill and requires hospitalization. Ultimately, it is for the organization to decide when they officially stop supporting the family.

### ***Frequency and implementation of family support: Work plans***

Monitoring visits and the delivering of family support should be scheduled regularly and in advance, as far as possible, considering the seasons (some remote areas may not be accessible when there is winter snow or during the summer monsoon), as well as other events such as festivals, holidays and school term times. Parents must be made aware of this schedule and agree on it with the social worker in advance so they can plan around it. This planning in itself will help the family to become more independent.

NGN and THIS strongly recommend that these plans be formalized into a work plan, which will help the social worker to set clear measurable objectives for the case and also instill in the family the seriousness of these objectives. Provisional time-limits for support and monitoring should be included in the plan, which can always be amended at a later date if necessary.

There is no fixed rule for determining the duration and frequency of monitoring and family support, it depends on the situation at hand. However, the ultimate aim is for the organization to eventually end support for the family and the monitoring of the child.

## **Step 8. Ending monitoring and closing the case**

### ***Ending monitoring***

Ending monitoring happens when the family and the child have reached a point at which the social worker is confident that the child's welfare is secure. Ending monitoring by the organization is an important step that has to be prepared carefully in advance. Monitoring can only be ended when the objectives fixed in the work plan agreed with the parents have been met (see Step 7). Assessing whether or not to end monitoring will require the social worker to: (i) review all observations and notes made throughout the monitoring period; (ii) consider the overall progress made with the family; and (iii) ideally, consult with other social workers and managers to obtain a broad range of perspectives. Only having taken all this into account can the social worker make a decision as to whether or not to close the case.

### ***Preparing the child... and the social worker***

Preparing the child for the end of monitoring and family support is very important. The child may have spent years benefitting from the care and support of the social worker and his or her organization and developed a close bond with the social worker. Ending monitoring – and probably support as well – does not necessarily mean breaking the bond that exists between the child and the social worker, but it is important to let the child know that the visits will soon cease and set a clear date for this to happen. Before the final visit occurs, the social worker





Photograph credit: Next Generation Nepal/The Himalayan Innovative Society

A successful and happy reunification of a boy with his mother, stepfather and sister in his village.

should schedule one or two visits during which the child is aware that the monitoring will soon cease, so that he or she has time to psychologically prepare for this.

Sometimes ending an intervention can be more difficult for the social worker than it is for the child and the family. Social workers can become attached to the child and the family and have difficulty in admitting that they are not needed anymore. It is important to keep in mind that the overall goal of this process is to allow the family to live independently, as was the case before the child was displaced. Continuing to monitor a family when a child is safe only contributes to keeping the family dependent on the organization and does not help the child, the family or the social worker.

***Involving local authorities***

The end of the intervention does not necessarily mean that no more support and monitoring can be provided to the family and the child. As the responsible child protection agency working at the district level, the local DCWB is responsible for coordinating with the District Child Rights Promotion and Protection Committee and Village or Municipal Child Rights Promotion and Protection Committee to continue to monitor vulnerable children and families. This will remain an important link for the family and the organization through which information can be exchanged and the organization can have some reassurance that the family has not been left totally alone. It is important for the social worker and the organization to invest in building relationships with these local agencies so that coordination and information sharing can continue, even after closing the case. If the family has problems in the future, it is likely that the organization will be contacted and asked for advice or support.

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## When parental reunification is not possible

In some situations, parental reunification is, sadly, not possible. This may be because the parents of the child cannot be traced or an assessment by the social worker determines that there is too great a risk for the child to be reunified with his or her parents. In this situation, kinship care, foster care, domestic adoption or placement in a children's home that uses family-model care can be considered. No matter what type of care is used, wherever possible, links with family members and place of origin should be maintained.

### **Kinship care**

Reunification with a child's parents is not always possible in practice. Both parents may be deceased; one of the parents may be deceased and the other may not have the resources to care for the child; the father may have disappeared and the mother may have remarried a man who will not allow her to care for a child from a previous relationship; or the parents may be too mentally or physically ill to care for the child. In NGN and THIS's experience, these situations happen quite often. In these scenarios, children can be successfully reunified with aunts, uncles, grandparents, siblings or cousins. The process for kinship reunification is exactly the same as explained in the eight steps in Chapter 4, with the obvious difference that the social worker will have to identify appropriate kin to consider for reunification with the child.

### **Other forms of alternative care**

If a child cannot be reunified with parents or kin, other forms of alternative care must be sought. Temporary foster care, domestic adoption and children's homes that use family-based care models are slowly developing in Nepal. Individuals and organizations are advised to contact the CCWB or the Alternative Care Working Group for information about the latest developments in these areas. If none of these forms of care are available, then an institution really does become the 'last resort' and the social worker would be advised to identify one that meets the Government's Standards for the Operation and Management of Residential Child Care Homes (this can be checked with the CCWB); in which he or she is satisfied that the child will be properly cared for; and that has plans in place to help the child to 'age out' in a sustainable and supportive way. It is important that the child is able to settle in one place, rather than risk being moved repeatedly, which further disrupts their ability to bond with care givers.







Photograph credit: Next Generation Nepal/The Himalayan Innovative Society

A girl reunified with her paternal grandparents being monitored by an NGN/THIS social worker.

### **Maintaining a link with family members and place of origin**

When a child is unable to be reunified, but their family has been identified and they have been reconnected, then it is strongly recommended that the child be allowed to continue to have a relationship with their family, so long as it does more good than harm. Even when a child is an orphan and has no living relatives, the place where he or she originated from plays an important part in forming his or her identity and supported visits to that area should be encouraged.

### **A word on management and financial planning**

These guidelines do not cover the management systems within the organization that must be in place to ensure that these activities can be run smoothly and sustainably. However, this is of course of equal importance. Children do not work by project cycles. Once an individual or organization makes a commitment to a child or group of children, they are potentially committing to that child and his or her family until the child reaches adulthood. This is especially true if the child cannot be reunified and needs long-term alternative care. Before any individual or organization commits to the welfare of a child or group of children, they should have the confidence that they will be able to support the children financially for as long as needed, or they should at least have a plan for alternative ways in which the children can be supported if the organization finds itself no longer able to do so. If an organization does not believe it will have the management and financial resources to sustainably support a group of children in the long term, it should consider whether or not it is in fact appropriately placed to support those children from the outset.

### More about NGN and THIS

Next Generation Nepal (NGN) is a non-political, non-sectarian, non-governmental, non-profit, humanitarian organization based in the United States of America. It was established in 2006 to further child protection activities in Nepal, particularly in relation to children who have been displaced or trafficked into institutions. NGN was founded by Conor Grennan, author of the bestseller, *Little Princes; One Man's Promise to Bring Home the Lost Children of Nepal*. NGN works in several ways: we search for the families of displaced children and reunify them; we raise awareness of the links between orphanage voluntourism and orphanage trafficking; we provide scholarships and mentoring for a small group of ex-trafficked youth; and we advise and mentor others in our approach. NGN implements its programs through local Nepali NGO, The Himalayan Innovative Society (THIS), which is registered with the Social Welfare Council and Chief District Officer of Kathmandu. NGN and THIS work closely with Government stakeholders such as the CCWB and DCWBs, and with local NGOs, INGOs, embassies and tourists.

### Requesting support from NGN and THIS

NGN and THIS are unable to lead on new cases involving child abuse or trafficking unless they are officially referred to us by the CCWB or a DCWB – this is why it is so important that the CCWB or a DCWB is contacted in the first instance. NGN and THIS are small organizations tackling a huge problem in Nepal, and whilst we wish we could take on every case of orphanage trafficking that comes our way, sadly this is not always possible. However, with the limited resources we have, we will always try our best to offer advice and support where we can. Areas in which we may be able to offer advice include: working with the CCWB and DCWB, orphanage rescues, family tracing, reconnection and reunification, and ethical voluntourism. Individuals requiring advice should email NGN in the first instance

to explain what they need advice on and, in response, NGN will do one or more of the following:

- We may send you advice by email and provide you with guidance materials to support your needs (we have a range of user-friendly guidance materials).
- We may recommend a more appropriate organization or agency you can contact.
- We may offer you a technical advice meeting to discuss your concerns in more detail.

NGN can be contacted at: [info@nextgenerationnepal.org](mailto:info@nextgenerationnepal.org) or visit [www.nextgenerationnepal.org](http://www.nextgenerationnepal.org).

THIS can be contacted at: [thisngonepal@gmail.com](mailto:thisngonepal@gmail.com) or visit [www.thisngo.org](http://www.thisngo.org).

***Thank you for your interest in child rights in Nepal.***

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