1. At the end of August, UNICEF and the Swiss INGO Terre des hommes called on the Government of Nepal (GON) to tighten laws and procedures governing intercountry adoption, which they say has been open to abuses by orphanages and children's homes. Their recommendations were released August 29 in a 62-page report based on a six-month joint investigation that revealed widespread weaknesses, limited government influence, and inadequate transparency and accountability in the process. They concluded that intercountry adoption should not be allowed to resume without appropriate safeguards being put in place at all levels. In related news, Nepali police arrested three
persons in August after a Nepalese woman accused a child's home of selling her daughter without consent to an American family for four thousand dollars. End Summary.

KEY FINDINGS
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2. Key findings of the UNICEF and Terre des hommes report:
   - Across Nepal there are some 15,000 children in orphanages but 60 percent have living biological parents and as many as 80 percent have families.
   - Biological parents are not provided with accurate information on the adoption process and informed consent is not sought or documented.
   - When Nepal opened to intercountry adoption there was only one state-run facility, Nepal Children's Organization (also known as Bal Mandir), sending children to be adopted abroad. As of May 2007 the number had grown to 47 orphanages.
   - Only four out of every 100 orphaned children are adopted by Nepalese families due to legal, sociological and cultural barriers to domestic adoption.
   - GON monitoring of children's homes is not systematic; absence of monitoring puts children at risk of abuse. Fifteen percent of children's homes are not registered with the GON and thus evade inspection and monitoring;
   - Quality of care and protection in many children's homes is substandard and not provided in the best interest of the child.
   - The demand and supply effect is illustrated by the fact that the number of child abandonment notices published in Gorkhapatra newspaper (a GON prerequisite for a child to be declared an orphan) drastically decreased after the suspension took effect in May 2007.

3. Demand for Nepalese children has increased in recent years as countries such as India have improved or tightened legal access to children for adoption or have placed greater emphasis in adoptions within their own country. Spain, France, Italy and the United States have been among the main sources of demand. The study also revealed instances of abduction of children and babies being adopted without their parents' consent. It also found that families were often divided, with siblings, including twins, being separated to increase their chances of adoption.
4. Secretary of the Ministry of Women, Children and Social Welfare (WCS) Punya Prasad Neupane welcomed the report, saying it highlighted the need for reform. He said that Nepal has begun the process leading to ratification of the Hague Convention and is in the process of drafting a new comprehensive law to govern intercountry adoption. He admitted that the monitoring mechanism has been inadequate and said the Central Child Welfare Board was being strengthened to provide the GON with a clear picture of the child centers operating throughout the country.

BIRTH MOTHER SAYS CHILD GIVEN WITHOUT CONSENT; THREE ARRESTED

5. In related news, an article printed August 13 in the Far West National Daily titled "Orphanage Sold Child for Four Thousand U.S. Dollars" alerted Post to the arrest by the police of three individuals accused by Urmila Tamang of selling her one-year-old daughter Laxmi to an American adoptive family. Tamang claims she had given consent to move her daughter Laxmi from Asahaya Basti (AB) Orphanage (where she was residing and working as a cook and child caregiver) to Swastic Women and Children's Protection Organization (SWCPO) only for the provision of education and care tailored to younger children. She told police she never intended to give the child up for adoption and was not informed that her child would be taken away. She says she had been visiting her daughter regularly and last saw her in February 2008. The next time she went to visit, she was told her daughter had been sent to the United States. Ms. Tamang wants her daughter back.

6. Mr. Pramod Poudel, director of SWCPO denied knowing Ms. Tamang and claimed the police brought Laxmi to their facility with no details of any known parent. He further stated that he himself gave her the name Laxmi by pure coincidence.

7. (SBU)
INVESTIGATIVE NEWS TEAM ARRANGES TO BUY CHILD FOR $7000

8. Nepali Times editor Kunda Dixit told Information Officer that, while researching an investigative report on adoption, investigators offered to buy a child for USD 7,000 and were successful (they stopped short of actually giving any money). The report has not yet been published.

COMMENT

9. (SBU) While the UNICEF/Terre des homes report does not reveal new information, its conclusions call into question whether Nepal is ready to restart intercountry adoptions.

10. The Ministry is still in the process of vetting the applications from agencies that wish to participate in intercountry adoption in Nepal (over 60 applied, half of
which were American agencies, according to [UNCLASSIFIED] and there is no further information as to when intercountry adoptions will reopen. As recent news stories, the UNICEF report and even Ministry officials' opinions show, Nepal still has a long way to go before its intercountry adoption process is transparent and safeguarded from fraud.

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