



Statement on Nepal Adoptions

23-Feb-2010

The country of Nepal reopened its intercountry adoption program in January of 2009 after closing in 2007 due to allegations of trafficking and corruption. At the time it reopened, PEAR was cautiously optimistic that Nepal would be able to follow this new program and adoptions would be transparent, ethical and in the best interests of children. Our two major concerns were whether Nepal had adequate processes in place to protect children from needlessly entering into the intercountry adoption system, and the inclusion of numerous large, mandatory fees/donations and the possible corrupting influence this would have on decisions to place children for intercountry adoption. These fees include a \$10,000 per agency per year fee to the Nepali government (the Ministry is currently requesting that this money goes to the Child's Right Fund via direct donation to CNFN), a \$5,000 per adoption donation to the orphanage or Children's Home caring for the child prior to adoption, and a \$3,000 fee per child to the government of Nepal.

Since the reopening of adoptions, over 500 dossiers have been registered with the Nepali government by families hoping to adopt a child. Only 22 adoptions have been finalized with another 40 or so prospective adoptive families being matched with a child. Those matches occurred in the summer and fall of 2009 and have sat in limbo with the Nepal adoption authorities ever since. According to the US State Department, seven of those matches were to families in the US and though the GON has promised movement on those cases since late January or early February, nothing has happened. No invitations to travel have been received by matched families and no new matches have been made.

This February, Nepal announced that it had licensed seventeen additional agencies to work in Nepal with an initial quota of 10 dossiers per year per agency. PEAR finds this decision to be irresponsible in light of the difficulty or unwillingness of the Nepal government to place waiting children with families currently matched or registered to adopt. We are calling on the newly licensed agencies to withhold recruiting families for Nepal adoption programs until such time that Nepal demonstrates a commitment to placing children in need and cleaning up the problems that led to the previous closure.

In addition to the obvious problems Nepal has in placing waiting children, PEAR is also concerned with the recent reports of continued corruption and difficulties Nepal is facing with its intercountry adoption program. The US Department of State has expressed ongoing concerns with the viability of Nepal's new program.

<http://www.adoption.state.gov/country/nepal.html><http://adoption.state.gov/news/nepal.html>

Reports also have come forth highlighting ethical and legal concerns surrounding intercountry adoption from Nepal. One report from the US Department of State indicates that the US Embassy in Nepal has denied one visa on the basis that the child in question not only had two living parents, but those parents were actively trying to find their child. <http://adoption.state.gov/news/nepal.html> In addition, the Intercountry Adoption Technical Assistance Programme - Report of Hague Conference Mission to Nepal (23-27 November 2009): http://www.hcch.net/upload/wop/nepal_rpt09.pdf indicates that problems with transparency and corruption continue even under the new laws. Of particular concern to adopting families and their future children are the findings mentioned in section 5.1:

1. Falsification of documents: there is evidence that this abuse is occurring regularly in order to declare a child adoptable and that this abuse has continued under the Terms and Conditions 2008;
2. False statements about the child's abandonment, origins, age and status: there is evidence that this abuse is occurring regularly in order to declare a child adoptable.

Falsification of documents and false histories of children are harmful to the entire adoption triad. Adopting parents cannot be sure that their children were not trafficked and may face many difficulties in parenting children with false social, medical and familial information. Original families may have had no intention of placing their child for adoption or no understanding of the concept and permanency of international adoption and may lose their children to the system. And of greatest import, adopted children may face emotional, medical and social turmoil grappling with the loss of their original family and consequences of false information about their age, identity, health, and history. They may also experience deeper grief and inability to find their place in the world when the only information they have on their origins turns out to be false and they have little to no chance of finding the truth.

PEAR is aware that Germany has suspended its programs and other countries may be in the process of doing so as well. While PEAR does not wish to see another suspension of adoptions from Nepal, we also do not want to see continued practices that place children and families at risk. PEAR commends the US Department of State for its continued dedication to thoroughly investigating all adoptions to US families and continuing dialogue with the Nepali government. PEAR hopes that this will prevent adopting families and children from entering into illegal or unethical

adoptions. We sincerely hope that the Nepal government will demonstrate its commitment to its children by taking swift action to implement the changes outlined by the Hague and the UNICEF/Terre des hommes report.

However, if Nepal is unable or unwilling to address its issues and *significant* problems continue with the transparency and legitimacy of adoptions, we see no other route to protecting children and families than suspending the program. We understand that suspending adoptions will harm children in legitimate need of families, we hope that those involved in overseeing and performing adoptions realize this as well. There are hundreds of children legitimately adoptable in Nepal's orphanages, we find it incomprehensible that children with intact families are being illegitimately and illegally placed into the adoption system. We are calling on orphanage directors, government officials, adoption service providers and adopting parents to put the children first and do everything in their power to eliminate the corruption. Children are hurt when adoption is suspended, but they are also harmed in corrupt adoptions and we sincerely hope that those advocating for keeping adoptions open no matter what realize that as well. Indeed, the harm done to the entire triad in participating in corrupted adoptions is substantial, often permanent and deeply wrong.

A Note on Solutions Being Offered by Other Adoption Related Organizations

We are disappointed to see other adoption related organizations promoting the passage of the FFOA in response to the current issues in Nepal. There is absolutely no evidence that passage of this legislation will assist families currently in process or keep Nepal open for future adoptions. What this legislation would do is significantly slow down adoptions in the near future while DOS reorganizes itself, then tie the offering of crucial humanitarian aid to a country's willingness to participate in international adoption. PEAR and other agencies concerned with the welfare of vulnerable children find it reprehensible for the US to create any dependency upon international adoption for funding social welfare programs.

PEAR is not opposed to international adoption as a viable solution for alternative care, but we are opposed to making it mandatory for the provision of aid and assistance. Current US laws and processes are in place that adequately address the social issues outlined in the FFOA, but are lacking full funding from Congress. And, the adoption and implementation of the Hague and UNCRC in all countries would satisfy the underlying social, legal and ethical problems plaguing many countries in finding alternative care options for vulnerable children, including their intercountry adoption programs. There is no need to re-invent the wheel, especially at the expense of current programs helping vulnerable and orphaned children around the world.

Approved by PEAR Board of Directors, Feb-23-2010