

Forum: Human Rights Council (HRC)
Issue: Combating Orphanage Trafficking Practices in Cambodia and Nepal
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Introduction



Figure 1: *Orphanage trafficking in Cambodia and Nepal.*

Orphanage trafficking, defined as the trafficking of children into orphanages under false circumstances, is a serious violation of children's rights and dignity. Under international children's and human rights law, there is a growing acceptance that orphanage trafficking is a form of child trafficking, as recognized under the United Nations Convention on the Rights of the Child (CRC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). In the countries of Cambodia and Nepal, there has been no actual increase in the number of orphaned children to justify the growing number of orphanages. Instead, an increasing influx of foreign donations and voluntourism over

the past two decades has led to the establishment of thousands of privately run so-called orphanages or institutions that remain under very little government supervision.

Nevertheless, research by UNICEF and other NGOs estimated that at least 85% of children in these institutions do not qualify as true orphans. Specifically, in Nepal, at least 85% of children living in such institutions have at least one living parent, while in Cambodia, at least 80% of such children have at least one living parent. Children in such cases are often lured away from their parents by false promises of an education, security, or better life opportunities, though parents would later realize that their children have been sold to such institutions for financial gain.

The development of voluntourism has also exacerbated this problem. Short-term foreign volunteers, often unaware of the implications, unintentionally contribute to a market driven by the separation of children. The orphanages want more funding and more tourist visitors would encourage financial gains through increased children recruitment, breaking families and damaging existing protection systems for children countrywide.

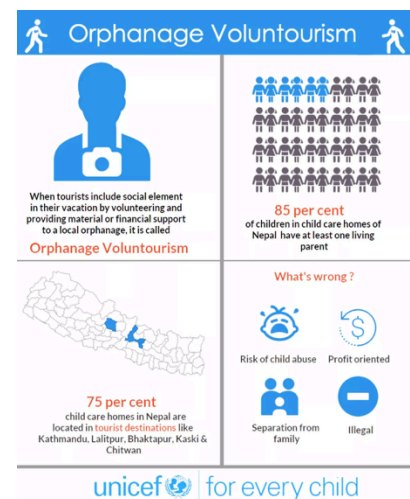


Figure 2: Orphanage voluntourism

Realizing its significance, UN Human Rights Council and UNICEF have reiterated deinstitutionalization and family care as key components of good child protection practices. The eradication of orphanage trafficking would not only serve morally and legally significant but also would have developmental implications since unnecessary child institutionalization would hinder education, socialization, and development of countries and communities.

Key Terminology

Orphanage Trafficking

A form of child trafficking where the children are recruited, transferred, or kept in residential institutions through coercion, fraud, or deception for the purpose of exploitation,

which usually takes the form of profit-making through donor funding, voluntourism, or fraudulent adoption.

Human Trafficking

Human trafficking is defined under Article 3 of the Palermo Protocol (2000) as “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception... for the purpose of exploitation.” In the case of children, coercion or consent is irrelevant as any act of recruitment or movement for exploitative purposes would constitute trafficking.

Institutional Care (Residential Care)

Group living arrangements for children where care is provided by paid staff rather than parents or kin, specified by the UN Guidelines for the Alternative Care of Children (A/RES/64/142) that such care should only be used as a last resort and for the shortest possible duration. Excessive or unnecessary institutionalization is considered incompatible with the best interests of the child because it can lead to emotional deprivation, attachment difficulties, and developmental delays.

Voluntourism

Recognized by UNICEF and UN World Tourism Organization (UNWTO) as short-term travel which combines tourism with volunteering activities in orphanages or child-care centers. When unregulated, however, voluntourism can fuel the demand for orphanages, leading to the trafficking and commodification of children.

Child Protection System

A comprehensive and nationally owned framework of laws, regulations, policies, and services, which is designed to prevent and respond to violence, abuse, neglect, and exploitation of children, including child welfare services, social protection, law enforcement, and judicial mechanisms.

Deinstitutionalization

The process of systematically reducing reliance on institutional or residential care in favor of family-based and community-based alternatives, in accordance with the Guidelines for the Alternative Care of Children and the Human Rights Council Resolution 37/20 on the Rights of the Child in Alternative Care, which emphasize that children should grow up in safe and nurturing family environments and that institutional care should be used only when absolutely necessary and under appropriate standards of care.

Background

Historical and Structural Overview

Residential care institutions, often referred to as “orphanages” in public discourse, began proliferating in Southeast and South Asia alongside post-conflict recovery and global development efforts in the late 20th century. In countries such as Cambodia and Nepal, foreign aid, faith-based missions, and humanitarian responses following civil unrest and natural disasters initially encouraged the establishment of children’s homes as symbols of compassion and reconstruction. However, by the early 2000s, the rapid expansion of these institutions became increasingly driven by foreign donations, voluntourism, and the commodification of child welfare, rather than by genuine child protection needs.

In Cambodia, for instance, where there are more than half a million orphans, less than 1% live in institutional care, yet a disproportionate number of RCIs have emerged in tourist hubs. This growth correlates not with rising orphanhood, but with the increasing flow of international volunteers and donor funding. Weak regulatory oversight, coupled with the global appeal of child-centered charity, allowed privately run institutions to flourish with little state monitoring. As a result, residential care evolved into an industry sustained by external demand and misrepresented narratives of vulnerability, laying the structural foundation for practices now recognized as orphanage trafficking.

Cambodia’s Residential Care Landscape

In Cambodia, there has been a tremendous rise in the number of residential care institutions in the past two decades, particularly between 2005-2015, where there was an



Figure 3: *Interactive visits to orphanages create serious child protection risks. When a high volume of visitors is allowed access to children and opportunities to interact with them in intimate ways, it is impossible to ensure the safety and protection of the children.*

estimated 60% growth in the number of orphanages. Such institutions are profitable as they usually receive foreign donations and staff through packages of tourism activities and/or missions.

Most of the children living in institutions in Cambodia are not orphans. Approximately 80% of children in RCIs have at least one living parent. Many children are sent to residential institutions by parents for reasons of poverty, lack of educational access, and material gain.

This perception has been reinforced by decades of international development narratives that equate institutional care with child protection. However, evidence shows that RCIs often fail to provide the developmental, emotional, and security benefits of family-based care. Institutionalization is associated with a high risk of neglect and abuse and inhibited psychological development resulting from being deprived of the healthy family environment which is very essential for their growth.

COVID-19 exposed vulnerabilities in these systems. According to UNICEF, Cambodia has upwards of 350 residential care facilities housing over 9,000 children, many of whom have been separated from their parents. Risk of disease transmission and violence in crowded conditions prompted new admissions bans and alternative care directives from the government during the pandemic, thus underlining the scale of institutionalisation and the risks children face when kept in these settings.

Nepal's Experience with Orphanage Voluntourism and Child Protection

In Nepal, voluntourism in orphanages has been well-documented to have been promoting the unnecessary institutionalization of children. According to UNICEF, voluntourism in orphanages can be described as “activities in which people take part in volunteering activities mostly during their vacation time in a country where they pay fees to these institutions to sustain them financially. In most instances, well-intentioned people have been supporting activities which involve separating families by indicating to them that their children ought to be in orphanages all along.” Research reveals that in Nepal, an estimated 85% of children in orphanages have at least one living parent (UNICEF Nepal). This is an important observation to note since, apart from cases of poverty and lack of social security, voluntourism influences market forces that lead parents to place children in orphanages due to promises of better educational opportunities. For example, reports have identified several privately run orphanages in Kathmandu and Pokhara that actively recruit children from rural areas with promises of schooling and meals, yet operate primarily on foreign donations and volunteer fees rather than addressing actual care needs.

However, this not only violates child rights but also presents an opportunity for child-welfare violators to exploit such situations for profit. The child protection structures of Nepal understand that unnecessary institutionalization of children can also become one of these issues. UNICEF has identified that the intersection of violence, exploitation, and lack of child-friendly justice is a widespread concern for many children living in care institutions, streets, and vulnerable community settings. Structural challenges, such as limited government

capacity, insufficient monitoring of private institutions, and weak enforcement of existing child protection laws, have allowed some orphanages to operate with minimal oversight, making it difficult to identify and close facilities that engage in unethical practices.

Economic and Social Drivers

Economic factors underlying the institutionalization process in Cambodia as well as Nepal are largely driven by poverty. This is where parents choose to place their children in institutional care because they cannot offer them education, healthcare, or even basic livelihood. In Cambodia, the notion that orphanages offer a better level of material support as well as education to their children is a major factor underlying the institutionalization of children

Political and Policy Dimensions

Both countries have adopted key global conventions, such as the Convention on the Rights of the Child, which requires governments to safeguard children from exploitation and promote care by families and communities. Yet, there remains a significant gap in their enforcement. In Cambodia, for instance, legislation governing child care is not consistently implemented, leading to an increase in orphanages that do not fully meet child protection standards or the best interests of the family. This enforcement gap is influenced by several factors, including limited government resources for monitoring and oversight, corruption that allows some private institutions to operate without accountability, legal ambiguities in licensing and regulatory frameworks, and cultural norms that sometimes prioritize institutional care over family preservation. Together, these factors create conditions in which residential care institutions can proliferate without meeting international child protection standards.

The child protection structures in Nepal are also facing challenges related to lack of resources, decentralization of child protection services, and inadequate supervision of Residential Care Homes. Deinstitutionalization and the return of children to family care are prevalent in documents related to child rights, while the implementation of child protection policies related to

exploitation and trafficking of children for the purpose of institutionalization has not been consistent in Nepal.

Cultural and Social Impacts

Culturally, the family and the community have traditionally stood as the main caregiving institution for vulnerable children in the two countries. The extended family networks, hitherto, acted as safety nets in the informal care sector. But nowadays, the effects of migration, urbanization, and economic inequality are disrupting the traditional safety nets, hence forcing families to institutionalize as the apparent alternative. This is further reinforced by the ideology of the humanitarian role of Western voluntarism under the global discourse of tourism destinations.

Voluntourism also adds a new dynamic to the situation. Children form attachments with the transient caretakers that come in with voluntourism activities, only to be abandoned again. Regarding the development of the children, UNICEF points out that the experiences may negatively influence development due to the lack of attachment and linkages.

Child Rights and Legal Frameworks

Internationally recognized standards like the United Nations Guidelines for Alternative Care of Children clearly stipulate that alternative care in institutions should be a last resort and in alternative care outside of family and community environments. It could be argued that unnecessary separations of children from their families in some countries in a bid to support the continuation of funding and volunteer activities in orphanages inadvertently affect the principle of best interests of the child as stipulated in Article three of the United Nations Children's Rights Guidelines on the Rights of the Child Convention.

Some legal experts assert that orphanage trafficking should instead fall under exploitation in human trafficking, in which children are misled about being orphans in order to profit off donations and tourism entry in institutions.

Major Parties Involved

Government of Cambodia

Child protection in Cambodia is managed by the Royal Government of Cambodia (RGC) via the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY).

Cambodia's position on child institutionalization emphasizes the principles of deinstitutionalization and reintegration. However, unlicensed orphanages continue to exist, especially in touristic sectors such as Siem Reap and Phnom Penh. RGC works hand in hand with UNICEF to ensure regulated childcare facilities and create awareness about the negative aspects associated with institutionalization. Poverty persists as a significant driver of orphanage trafficking.

Government of Nepal

The Government of Nepal also addresses orphanage trafficking through the Ministry of Women, Children and Senior Citizens and the Central Child Welfare Board. It has ratified both the Convention on the Rights of the Child and the Palermo Protocol, committing it to protect children against trafficking and exploitation.

United Nations Children's Fund (UNICEF)

UNICEF is very involved in the fight against orphanages related to trafficking through research and advocacy. Its general purview includes promoting the rights and well-being of children worldwide, providing humanitarian assistance, supporting education and health programs, and strengthening child protection systems. Specifically, it advocates for care within families, supports deinstitutionalization, and assists in developing child protection systems in both Cambodia and Nepal. UNICEF is also active in raising awareness about the harms of orphanage voluntourism and promotes institutional care only as a last resort for children. In

addition, it helps shape both local and international policies on issues related to children’s rights and alternative care.

One Track International (OTI)

One Track International (OTI) is an organization that promotes the “Transition to Home” approach and the reunion of families and care transformation in Cambodia. It is part of a global child advocacy project that originated from the CameroonONE orphan-care model, which was developed by a board of directors including Shaun Bamforth, Todd Finklestone, Nicolas Angwafo, David Shnitzer, and Jon Moncrieff and expanded internationally beginning in the 2010s. OTI promotes its family-based care philosophy by actively campaigning against the trafficking of orphans in care, educating sponsors about the negative effects of “orphanage tourism,” and implementing programs that support placing children with biological or extended family members rather than in institutional settings. The organization’s work is supported primarily through donations from individuals and foundations, and it partners with and advises local NGOs that practice family preservation and community-based care methods. In Cambodia and other countries where it operates, OTI highlights the need to retain children in a familial setting whenever possible and provides funding for essential services such as education and health care to support these transitions.

Timeline of Events

Date	Description/Note
June 15, 2005	Early reports from NGOs and UNICEF have revealed that some Cambodian orphanages have recruited children under false pretense which marked the beginning of documented orphanage trafficking.
September 23, 2009	The first national directive on child residential care institutions was issued by the Cambodian Ministry of Social Affairs which attempted to regulate orphanages.
May 12, 2013	The Child Rights Act was enacted by Nepal, which strengthened legal protections for children and established frameworks against trafficking.

April 25, 2015	The Nepal earthquake devastated the country which left thousands of children separated from their families. The traffickers exploited this crisis by placing the children in fake orphanages.
February 2, 2016	Reports claimed that more than 70% of children living in Cambodian orphanages have at least one living parent.
October 18, 2017	The Australian government banned orphanage tourism after recognizing it as a form of modern slavery, which brought international attention to Cambodia and Nepal.
March 14, 2018	The growth of “voluntourism” was highlighted by media investigations in Nepal and Cambodia, where foreigners pay to work in orphanages that profit from child exploitation.
July 30, 2021	The COVID-19 pandemic led to the closure of orphanages and increased vulnerability of children to trafficking because families lost income and support.
November 9, 2022	UNICEF and local NGOs in both Cambodia and Nepal launched campaigns to promote family-based care and the reintegration of children with their biological families.
August 5, 2023	With the support from UNICEF, authorities in Cambodia conducted joint inspections and closed 16 unregistered orphanages suspended of trafficking-related violations.

Previous Attempts/Solutions



Figure 4: *Senator Reynolds addresses the 147th IPU Assembly in Angola 2023 about orphanage trafficking, stating that it is a hidden crisis aided by good intentions.*

- In Cambodia, to address concerns for children’s care and protection within orphanages and residential care institutions in general, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) established minimum operating standards for residential care institutions in 2011. These standards required orphanages to register with the government, employ qualified caregivers, ensure proper health and safety protocols, maintain accurate records of children’s family backgrounds, and undergo regular inspections to verify compliance with child protection and welfare requirements. They also set guidelines for appropriate living conditions, limits on the number of children per caregiver, and requirements for child-centered education and psychosocial support services. Although this seems to have been a positive initiative on paper, its success was limited to some extent because many orphanages operating outside the actual standards have not been closed. This happened because of corruption, lack of enforcement, and weak monitoring systems, which allowed some institutions to continue operating without meaningful oversight or compliance with the standards.

- In Nepal, efforts were made to improve legal frameworks in 1992 with the Children’s Act, which was revised in 2018, in addition to having a National Child Policy in 2019. The Children’s Act granted children the right to care by their families and to avoid institutionalization when it’s not necessary. However, with this achievement, implementation in rural areas, where government monitoring is less and poverty rates are high, could not be easy.
- UNICEF, Save the Children, and Friends International engaged in initiatives that focused on the reunification of these kids and their biological families, in addition to the promotion of awareness concerning the risks associated with voluntourism. These initiatives have led to the successful reunification of hundreds of kids in a safe and secure family environment and the reduction in the number of institutionalized kids in major urban centers. However, these initiatives lacked sustainable funding, which limited their long-term impact and the ability to scale support to more children and families in need.
- The United Nations General Assembly Resolution 64/142 in 2010 recognized the “Guidelines for the Alternative Care of Children” in terms of its global relevance and significance in favor of care in family and community settings rather than in institutions. Subsequently, in 2017, the Australian government became the first to recognize orphanage trafficking as a definition of modern slavery, and consequently, laws were adopted to limit the travel of volunteers to exploitative orphanages in foreign countries. These events may have increased global awareness and led to a new global framework and standards but may not have greatly impacted the circumstances in Cambodia and Nepal.
- The problem of exploitative orphanage tourism has been highlighted in the past few years, with the launch of some advocacy initiatives, investigation articles, as well as documentaries since 2015. These have contributed to the reduction in volunteer tourism, as current donors have shifted their behaviors accordingly. Yet, the business model associated with the problem of orphanage tourism still exists as before.

Potential Solutions

- Countries should consider focusing on enhancing legal and government supervision by establishing proper national registers that list all orphanages and ensure registration and

regular inspections are compulsory. Collaboration between multiple governments could involve information-sharing agreements, joint monitoring initiatives, and coordinated enforcement efforts, particularly when fraudulent practices involve both the country where the orphanage is located and the home country of the voluntourism organization. Such collaboration could be facilitated through intergovernmental organizations like Interpol, regional bodies, or formal bilateral agreements, allowing authorities to track cross-border funding, volunteer recruitment, and potential child exploitation.

- Countries should gradually transfer from institutional care models to ones that involve families and their communities, including the provision of micro-grants and social support services to families at risk of separation and effective and monitored foster care. This tackles the problem of institutionalization by empowering the families to take care of their own.
- The international community should regulate and reframe voluntourism through the introduction of certification standards for volunteer organizations, which identifies the full transparency of the institutions that they support.
- Consider empowering local communities and civil society to play a greater role in monitoring child welfare, with response strategies including governments and NGOs training community leaders, teachers, and religious figures to identify and report signs of trafficking or exploitation. The engagement of community stakeholders ensures culturally relevant and sustainable responses.
- Strengthening regional and international cooperation through ASEAN-level dialogues and partnerships with donor countries can enhance data sharing, track the source of foreign funding, and prevent international donations from reaching abusive orphanages. Such collective action at the regional level would help remove some legal loopholes that the traffickers frequently exploit.
- Data collection and research should instead be reliable to inform evidence-based policymaking. Governments could invest in technology-driven tools, including things like digital reporting systems and anonymous hotlines for whistleblowers. Consistent, transparent data would monitor progress, track abuses at the institutional level, and guide future reforms.

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