TECHNICAL ASSISTANCE TO SUPPORT THE INSTITUT DU BIEN-ÊTRE SOCIAL ET DE RECHERCHES WITH THE REFORM OF THE INTERNATIONAL ADOPTION SYSTEM IN HAITI

TERMS OF REFERENCE

INTERNATIONAL CONSULTANT SPECIALISED IN THE AREA OF INTERCOUNTRY ADOPTION

Duty station: Port-au-Prince (Haiti)
Start date: Early autumn 2012
Duration of the contract: 6 months, with the possibility of an additional 8 month renewal

I. BACKGROUND

Haiti signed the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (“the Convention”) on 2 March 2011 and subsequently passed a ratification decree on 12 June 2012, with a view to reform its adoption system and to implement the structures and procedures that are necessary to protect the rights and best interests of the child in the context of intercountry adoption.

For several years, Haiti has been one of the main countries of origin of worldwide adopted children. For several months, its authorities have undertaken to ensure that the rights and interests of Haitian children are fully respected. However, the child protection system on which intercountry adoption is based under the principle of subsidiarity remains fragile and the competent authorities need support to fully satisfy Haiti’s Convention obligations.

Through its Intercountry Adoption Technical Assistance Programme (ICATAP), the Permanent Bureau (Secretariat) of the Hague Conference on Private International Law (“Permanent Bureau”) has supported the stages that have led to this reform, notably via the organisation of several missions in Haiti, the participation to a training seminar on the Convention (December 2011) and the continuous contact with IBESR and its main partners. In order to ensure the compliance of the Haitian adoption system with the obligations and principles contained in the Convention, the Permanent Bureau will assist the Haitian authorities in the coming months. To that end, a consultant will be sent to Haiti to provide this technical assistance in accordance with a work plan approved and funded by the Government of the Netherlands.
This assistance is part of an approach integrating adoption into the broader framework of the development by Haitian authorities and with the support of other actors, such as UNICEF and international NGOs, of an appropriate child protection system. It is crucial to ensure on the one hand that the system thus implemented is sustainable and ethical, and involves each and every actor, and that the rights of the Haitian children deprived of a family are respected on the other hand.

In early autumn 2012, the Permanent Bureau will undertake a first stage of support, pending the adoption of new domestic legislation aimed at providing a framework for intercountry adoption procedures. The approval of this legislation and its entry into force will result in a second stage of technical assistance that will support the implementation of new procedures and regulations and help define the new roles of each concerned domestic entity.

II. PURPOSE OF ASSIGNMENT

Under ICATAP, the consultant will be in charge of the daily implementation of the technical assistance provided to the Institut du Bien-être social et de Recherches (IBESR), which is the entity currently in charge of this area and designated as the future Central Authority under the Convention, as well as to other competent authorities. He/She will assist with reforms to the legislative and institutional frameworks that apply to intercountry adoption.

The consultant will work within IBESR, part of the Haitian Ministry of Social Affairs and Labour (MAST, for its acronym in French). The consultant will work under the daily supervision of the General Director of IBESR and general direction and responsibility of the Permanent Bureau. He/She will promote a co-ordinated approach in his/her work with management and staff of IBESR, as well as with the partners of IBESR and the Permanent Bureau (e.g. UNICEF and relevant international NGOs). The Consultant will also be responsible for consulting with both the Central Authorities of States of origin and receiving States interested in supporting the improvement of the Haitian intercountry adoption system.

On the behalf of the Permanent Bureau, the consultant will be responsible for gathering pertinent information and will be required to draft a detailed monthly report on his/her activities. He/She will participate in drafting activity reports to donors (namely the Government of The Netherlands). He/She could be asked to organise missions for members of the Permanent Bureau in Haiti.

III. DUTIES AND RESPONSIBILITIES OF THE CONSULTANT DURING THE FIRST STAGE

The consultant will be responsible for institutional advocacy and the development of activities aimed to support Haiti at effectively and properly implementing the Convention.

In agreement with and in order to continuously provide support to IBESR, the duties and responsibilities assigned to the consultant will include the following:

1. Develop an Implementation Plan for the progressive implementation of the Convention, which includes:
   a. Developing a mapping of actors and services currently involved in the Haitian adoption procedure;
b. Assessing the domestic situation in the light of the changes to be considered;

c. Developing an Implementation Plan with short, medium and long term measures and the timeline (expected date of realisation) for each.

2. Facilitate the reform of the legislative and regulatory framework of intercountry adoption, which includes:

   a. Assisting the Haitian authorities with the effective entry into force of the Convention;
   
   b. Possibly providing technical support to the drafting of new adoption legislation (acts, regulations, circulars);
   
   c. Organising and taking part in training of and awareness / outreach activities, in relation to the draft law and Convention.

3. Develop tools aimed at reinforcing the safeguards in the area of intercountry adoption, which includes:

   a. Preparing for the establishment of the future Central Authority (organisation, training, etc.);
   
   b. Promoting a better information regarding adoptees’ biological families pursuant to Article 4 b) of the 1993 Hague Convention, notably through the drafting of an information leaflet and the provision of support to the Cellule multidisciplinaire implemented by IBESR;
   
   c. Strengthening tools to examine applications for adoption and related tasks (e.g., strengthening the methodology for the processing of adoption cases and the existing database);
   
   d. Strengthening the authorisation procedure for foreign adoption accredited bodies, including a pilot project consisting of a limited number of entities being given authorisation to work in the country according to real needs.

4. Implement a co-ordinated training programme on the 1993 Hague Convention and the changes it requires, in particular for magistrates and other relevant judicial officials.

IV. DUTIES AND RESPONSIBILITIES OF THE CONSULTANT DURING STAGE 2

In addition to pursuing the activities of the first stage yet to be finalised and any additional work necessary to complete the objectives of the project, the consultant might be required to (for example):

1. Assist the Haitian authorities in the application of the Implementation Plan;

2. Support the creation and development of the Central Authority, which includes:

   a. Defining and organising training courses;
   
   b. Implementing tools (e.g., an operating manual) and procedures for the management of individual cases;
   
   c. Implement a system aimed at monitoring financial channels etc.
3. Organise and provide training courses for other competent authorities (notably the judicial authorities) in cooperation with relevant partners.

V. REQUIREMENTS

The consultant should have the following knowledge and competencies:
- Advanced university degree in a relevant discipline (preferably Law);
- Thorough knowledge and proven experience in the area of intercountry adoption, child rights and child protection systems (a minimum of 8 years);
- Advanced knowledge of the 1993 Hague Convention and the current issues affecting intercountry adoption;
- Experience in project management (a minimum of 3 years);
- Fieldwork experience in foreign countries;
- Institutional advocacy experience;
- Experience organising and providing training courses;
- Fluency in French (written and spoken);
- Excellent oral communication and diplomacy skills;
- Excellent ability to work as part of a team;
- Very good ability to analyse and summarise, very good writing skills;
- Autonomy, organisational skills, spirit of initiative;
- Excellent ability to adapt to a complex environment.

The following particulars will be considered as assets:
- Experience within a Central Authority in charge of adoption;
- Knowledge of the social, political and cultural factors that affect child protection and intercountry adoption in Haiti;
- Understanding of Haitian Creole language.

VI. WORKING CONDITIONS

- Consultancy agreement under Dutch law for 6 months, with the possibility of an additional 8 month renewal;
- Net monthly salary for consultancy, commensurate to the consultant’s experience and qualifications;
- Monthly living allowance;
- Return flight after stage 1 and stage 2;
- 2.5 leave days per month.

VII. APPLICATION PROCEDURE
Applications should be sent to the following address: secretariat@hcch.net, and mention the following object “Haiti: application for the position of Adoption International Consultant”.

The applications should include a comprehensive CV, a cover letter and two reference letters.

Selected applicants will be invited for an interview in The Hague (Netherlands) or via Skype around mid-September 2012. Desired departure date: ideally early autumn 2012. A pre-departure training might be organised in The Hague (2 or 3 days).

We will acknowledge receipt of every application. However, please note that only candidates selected for interviews will be contacted.