

CHILD IDENTITY PROTECTION

Knowing origins is a right

Technical and professional proposal for *“Evaluatie van partnerorganisaties in het kader van onderzoek van adoptiedossiers”*

Submitted by
Child Identity Protection

January 2025

Child Identity Protection (CHIP) hereby expresses its interest in supporting the *Vlaams Centrum voor Adoptie* and is submitting all requested documents through the e-submissions system in the framework of the project of *“Evaluatie van partnerorganisaties in het kader van onderzoek van adoptiedossiers”*.

CHIP is confident that its vision, mission, expertise and the extensive experience of its proposed team of staff and consultants comply with the requirements of this assignment, as:

- CHIP is the **only international not-for-profit organisation solely advocating for the protection of children's identity rights in family relations**, for which it is working with States, organisations, UN agencies as well as other stakeholders to uphold the child's right to identity in family relations, in accordance with Articles 7, 8, 9, 20 and 21 of the Convention on the Rights of the Child. The issue of identity rights is at the core of this project where the assessment of organisations providing search for origins services is closely and inherently connected. Adoptees are searching for their origins as part of their birth – and subsequently modified – identity.
- CHIP has **proven expertise in technical assistance, through research, assessment and evaluation, advocacy as well as analysis of laws, policies and practices and capacity-building relating to child protection, care, adoption and identity rights, particularly through the overarching lens of children's rights in family relations**. This has occurred through its collaboration with UNICEF and other UN agencies and treaty-body mechanisms, Central Adoption Authorities or other relevant governmental entities, the Hague Conference on Private International Law, as well as civil society partners in an expanding number of countries and regions worldwide. Amongst other examples of CHIP's work (*see further below*), CHIP has provided technical assistance to the Central Adoption Authority of Guatemala and, in partnership with the Hague Conference, to those of Paraguay and Uruguay, as well as to the Swiss, Danish and Flemish Central Adoption Authorities on a previous occasion.
- The **activities most relevant to the present project** have focused, in particular, on adoptees' right to identity, developing a policy brief and briefing notes on adoptee's access to their origins and preservation or restoration of their identity, holding a number of webinars on the right to identity in adoption, advocating jointly with adoptees and their families and victims of illegal adoptions before the United Nations bodies, developing jointly with partners tools aimed at adoptees and their families and reflecting complex issues in country assessments submitted to the UN Committee on the Rights of the Child. It has also published its signature publication, which focuses specific parts on the right of adoptees to their identity and to know their origins, which is more than relevant to the present project.
- Whilst **CHIP is based in Geneva, Switzerland**, CHIP's technical assistance projects have to date been implemented in Europe, Latin America and Africa (*see further below*), thus providing CHIP with extensive knowledge of adoption-related issues and networks in a wide range of countries and contexts.

Based on all of the above, CHIP is confident that it can **comply with the objectives of the assignment**. On behalf of the team, I remain available, should you require additional information. CHIP looks forward to the possibility of supporting the *Vlaams Centrum voor Adoptie* on this worthy mandate.



Executive Director
Child Identity Protection

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1. Institutional profile, experience and capacity of Child Identity Protection (CHIP)

This initiative, led by the *Vlaams Centrum voor Adoptie* seeks to develop an accreditation process for intermediaries – individual and organisations – undertaking searches for origins. Such an accreditation process is necessary to ensure the integrity of the search process, ethical practices and compliance with international standards. Such a process shall also be compliant with State's obligations to speedily re-establish missing elements of children's identities (Art. 8(2) of the Convention on the Rights of the Child). Already in 2010, the Committee on the Rights of the Child requested Belgium to undertake efforts in this regard, which would be relevant for 'search intermediaries':¹

'53. The Committee recommends that the State party promptly determine the specific modalities for gathering, conserving and accessing information on adopted children's origins'.

Adoptees themselves understand the importance of such a process, given the many risks and realities of current practices.² As noted by them,

*'searches have usually been left to the self-remedying actions of adoption triad members, most often adult adoptees. Even in instances where illegal practices are known or reasonably suspected, adoptees most often are left to navigate and pay for searches without significant State assistance. There is the added difficulty that, as to suspected illegal adoptions, State actors sometimes have a conflict of interest as investigation may show intentional or negligent State involvement'.*³

In 2022, Child Identity Protection (CHIP), was asked by a dozen adoptee-led organisations to join their coalition as the only civil society actor in Voices Against Illegal Adoptions (VAIA). VAIA was successful in working with all the main treaty bodies at the UN, which led to UN experts calling for end to illegal intercountry adoptions. With regards to the adoptees' rights to identity, it is worth highlighting that the statement clearly recognises that, when illegal intercountry adoptions occur, *'various human rights are violated, including the rights of every child to preserve their identity'*, while referring to the consequences that such violations may have for adoptees.⁴ This statement makes a number of recommendations about the importance of search for origins and reflects the respect that adoptee-led organisations have of CHIP.

Thus, in 2023, CHIP, with 14 adoptee-led associations, agreed upon a minimum accreditation framework:⁵

¹ Committee on the Rights of the Child. Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Belgium. CRC/C/BEL/CO/3-4. 18 June 2010. <https://www.ohchr.org/en/documents/concluding-observations/concluding-observations-1>

² CHIP (2023). Briefing Note: Safeguarding search for origins from illicit post-adoption practices. <https://www.child-identity.org/briefing-note-safeguarding-search-for-origins-from-illicit-post-adoption-practices/>

³ *Ibid.*

⁴ CHIP (2022). UN experts call for end to illegal intercountry adoptions. <https://www.child-identity.org/un-experts-call-for-end-to-illegal-intercountry-adoptions/>

⁵ *Supra* 2.

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'5. Third parties, whether denominated for-profit or non-profit, that offer search services and charge fees, mandated donations, etc., however described, should be regulated in the following ways:

a. Withholding information from adoption triad members, in order to guarantee payment of fees, or purportedly in the best interests of any of the parties, is not permitted; such third parties do not have the authority to withhold information from those to whom the information rightfully belongs.

b. All fees must be reasonable, taking into account comparable fees for comparable work in the places where the search and investigation are to be conducted. Profiteering is forbidden.

c. Third parties must respect the confidentiality and privacy of client information, while at the same time being obligated to share information as relevant between adult adoptees and first families (see 5a).

d. Third parties should be required to notify their clients of complaint procedures, which should be established by the State'.

To respond to these circumstances and other identity-related needs in family relations, **Child Identity Protection (CHIP)** was established in 2020 as the only international not-for-profit organisation solely advocating for the protection of children's identity rights in family relations. Whilst its headquarters are based in Geneva (Switzerland), its activities have a domestic, regional and global reach and any activity undertaken by CHIP may be delivered in English, French and Spanish.

In this context, CHIP advocates for laws, policies and practices to uphold identity rights by, amongst others:

1. Spearheading positioning of identity rights in family relations on the global agenda;

2. Promoting access to and speedy re-establishment of identity, when elements are missing and/or falsified.

These objectives align perfectly with the core of this project through the evaluation of organisations providing search for origins services. Adoptees are searching for their origins as part of their birth identity and require support whenever elements are missing and/or falsified.

CHIP is working with States, organisations and other stakeholders to uphold the child's right to identity in accordance with Articles 7 and 8 of the Convention on the Rights of the Child (*i.e.* name, nationality and family relations) and with Sustainable Development Goal 16.9 on a legal identity for all. CHIP's vision is to ensure that there is integrity, transparency and accessibility for every child's identity in birth registration, name, nationality and family relations, with expeditious restoration whenever elements are missing.

2. Organisational structure, resources and facilities of Child Identity Protection (CHIP)

In terms of its corporate structure, CHIP delivers its mission with the ongoing guidance and support of its **Executive Committee**. At CHIP's General Assembly in 2021, [REDACTED] was elected President, [REDACTED] was elected Treasurer and [REDACTED] elected Secretary to form **CHIP's Executive Committee**. [REDACTED] was the former Council of Europe Deputy Secretary General as well as UN Special Rapporteur on Sale and Sexual Exploitation from 2014 till 2020. [REDACTED] is well recognised in the world of international financial institutions and [REDACTED] was the President of the ASEAN Committee on the Rights and Welfare of Woman and Children.

Currently, **CHIP's operational team** is primarily made up of child protection professionals, some with 20 years of experience in children's rights, in particular in the protection of children in alternative care, adoption and other identity-related issues. Together, the team has worked in over 40 country contexts in all regions, providing technical support by way of legal, policy, institutional and practical reforms, professional training, research and evaluation assignments as well as technical assistance.

– CHIP's Executive Director –

– CHIP's Regional Director –

– CHIP's Head of Research and Communication –

– CHIP's Children's Rights Researcher –

– CHIP's Research Assistant –

Since its creation, CHIP has also identified a number of international experts, working in different fields in children's rights, whose guidance supports the work of CHIP. These Special Advisors work in their personal capacities in a variety of sectors, and represent different regions, although many are recognised as international experts, most with over 30 years of experience in child rights. A number of these Special Advisors are well known to professionals in the field of adoption and include [REDACTED], [REDACTED] – who would both be members of CHIP's team in the framework of the present assignment, [REDACTED] and [REDACTED], who are respectively international child protection expert, adoptee and adoptee advocate, a former member of the United Nations Committee on the Rights of the Child and a Hague Conference consultant on adoption-related issues.

3. Recent executed contracts that are relevant in the light of the current public contract

CHIP works with **multi-agency partners** to promote children's legal identity rights by:

- (1) **Promoting adoptees' access to their origins** through advocacy, the development of tools, publications and briefing notes;
- (2) **Equipping professionals** with tools, resources and training;
- (3) **Undertaking robust research** to understand the phenomenon as well as identify promising practices to respond to existing limitations;
- (4) **Developing and implementing legislative and policy frameworks** that seek to protect these rights, as well as appropriate responses when these rights are contravened;
- (5) **Advocating** for these rights in international, regional and national fora;
- (6) **Ensuring voices of persons with lived experiences** are central to relevant discussions; and
- (7) **Coordinating research, legislative and policy work, advocacy and practice.**

Promotion of adoptees' access to their origins

CHIP has been called upon to provide strategic support in the delivery of the functions of child protection, care and/or adoption authorities. Most relevant of all, in 2022, **CHIP collaborated with the Flemish Government in the context of its reforms for the procedure for intercountry adoptions.** The latter mandated CHIP to undertake research on adoptees' searches for origins in 21 countries in terms of laws, policies and practices, as well as how the States of origin are addressing illicit practices. As such, the relevant legislative framework for the present assignment has already been well-analysed by the team. Likewise, the present assignment is a follow-up to this previous collaboration and would help assess whether these national frameworks are being complied with.

In addition to other briefing notes described below, CHIP has provided technical advice regarding proposed legislative reforms relevant to the child's identity in Belgium on children's name, adoption and data protection; also offered inputs into proposed amendments to Switzerland's Civil Code related to step-parent adoptions; as well as a legal memorandum on the right to know one's origins in the case of Gauvin-Fournis and Silliau v. France before the European Court of Human Rights. It has also contributed to several guides aimed at professionals and families, developed by the TransformAdopcion project (Chile/AFIN Barcelona), on children's identity in adoption (*e.g.* adoption of siblings and life story work).

Furthermore, **CHIP's series of "Experts CHIP-in", "Children and young CHIP-in" and "Persons with lived experience CHIP-in" videos** is set up as a modest version of TED talks, which reflect the views of leading experts, children, young people and persons with lived experiences on pressing issues and opportunities to better protect children's right to identity. These have also addressed children's rights to access to justice in relation to their identity rights, their participation and having their voices heard, relevant litigation and case-law at national and global level and ensuring the participation of persons with lived experiences, including in adoption (adoptees and birth families). CHIP has also joined initiatives launched by persons with lived experiences, including adoptees, adoptive and biological families, such as before the UN's human rights mechanisms with Voices Against Intercountry Adoption (VAIA).

Capacity-building of professionals, authorities and other stakeholders

In its early days in 2021, **CHIP was called upon by UNICEF Guatemala and the Consejo Nacional de Adopciones (Central Adoption Authority of Guatemala) to provide technical support and strategic assistance** to the latter. Indeed, CHIP reviewed and updated the Central Authority's internal operational guidelines, which focus on the various stages of the adoption process and further strengthen the capacity of its multidisciplinary team. The authorities benefited from CHIP's support and assistance in harmonising practices and ensuring quality and updated multidisciplinary tools for its operation.

Since 2021, CHIP has also been closely involved in **building the capacity of child protection, care and adoption authorities.** In Paraguay (2021, 2022, 2024) and in Uruguay (2023), CHIP staff and a Special Advisor from CHIP

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worked as independent consultants for the HCCH to provide technical assistance to these authorities and supported them to improve their understanding, capacity and practices. In both countries, extensive professional tools were developed to support the implementation of the administrative procedures and the management of individual cases.

In 2022, CHIP was awarded by UNICEF a consultancy to **develop a comprehensive Legal Atlas that captures and analyses the relevant laws pertaining to the child's right to identity** (birth registration, name, nationality and family relations), which will be disseminated through a specific webpage open to all UNICEF staff and other professionals, in order to provide them with technical knowledge and capacity to address these issues at national and regional level. To date, approximately 90 countries have been researched and analysed, and the right to identity of adopted children – including their access to their origins – has been specifically addressed in each of the countries analysed to date.

Finally, on three occasions, CHIP delivered a module on the right to identity to personnel of Mexico's Judiciary. Indeed, in the **framework of a diploma offered by Mexico's Supreme Court**, CHIP led a module on identity and family relations in adoption and assisted reproductive technologies, attended remotely by about 350 judicial operators at each occasion, including of the country's Casas de la Cultura Jurídica, which are public fora open to society to promote a legal culture and interact with specialists, thereby strengthening access to justice.

Furthermore, CHIP has built strong partnerships with **several other governmental authorities**, in particular in Belgium, Denmark, South Korea and Switzerland, with a view to strengthening national legislation, policies and child protection, care and adoption mechanisms from a coordinated approach.

Research and analysis

Between 2021 and 2023, CHIP undertook, jointly with the University of Geneva and in the framework of the Swiss National Research Programme 76 on Welfare and Coercion, **extensive research on coercive decision-making in foster care in Switzerland through the lens of international standards**. This research was undertaken based on literature review as well as 30 key informant interviews and the analysis of 60 individual cases and archives. As the research showed, the Swiss legal framework for removal decisions and placement has been aligned with international standards to a significant extent with some gaps remain that require attention that may lead to undue State's exercise of its protective power. This has led to multiple publications, including in several academic journals.

In 2022, it is worth mentioning that CHIP was mandated to provide support to the Council of Europe's Committee on Migration, Refugees and Displaced Persons, in the drafting of the report *'Protection and alternative care for unaccompanied and separated migrant and refugee children'* (Doc. 15548) . This report, which was unanimously adopted, was submitted by Rapporteur Mariia Mezentseva and benefited from significant inputs from CHIP (e.g. relevant international and regional standards, case-law promising practices and remaining challenges) relating to the protection, care and identity of these children. Finally, the Committee also tabled a motion for a resolution, also based on CHIP's suggested key points.

Development and implementation of legislative and policy frameworks

Through the **development and dissemination of legal opinions**, **CHIP intends to develop the capacity of national authorities and organisations on specific issues** related to children's rights to identity. For example, it issued a legal opinion on Ireland's Birth Information and Tracing Bill in 2022; on proposed reforms to assisted reproduction technology laws to Belgium's Committee on Health and Equal Opportunities and on the Republic of Korea's Special Act on Confidential childbirth. Most recently, it has provided inputs on the European Law Institute's position paper on the Private International Law on Filiation and the European Commission's Proposal COM/2022/695 final (European certificate on parenthood).

As part of CHIP's core policy activities, **CHIP's policy briefs** seek to complement the existing work of other stakeholders, with a view to facilitating a holistic approach to protecting children's rights to identity. CHIP's policy

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briefs focus on the child's right to identity in the specific situations raised in each brief, including several aspects relevant to the present project, *e.g.* the **children's placement in alternative care**, the **placement of siblings in care**, and identity rights in **adoption**. This last policy brief in particular is relevant to this project as it explores adoptees' right to identity throughout the adoption process and potential searches for their origins.

CHIP also periodically provides the Committee on the Rights of the Child with brief factsheets on the situation of children's rights to identity in preparation for its dialogue with governments. They offer an overview of the implementation – challenges and promising practices – at country level of children's rights to identity, including adoption. They are disseminated on the Committee's and CHIP's website. These have been taken into account by the Committee in its Concluding Observations. To date, 41 countries have been subject to research, analysis and the drafting of a factsheet.

Awareness-raising, advocacy and raising the voices of persons with lived experiences

CHIP also researched, drafted and published its signature publication in 2022 as well as a regional overview of adoption practices in Latin America undertaken by [REDACTED]. Forthcoming annexes to CHIP's signature publication, which will focus on Asia and on the Americas, are planned for 2025.

In addition, CHIP has led the **organisation** and often **co-held in-person, remote and hybrid symposiums together with other like-minded partners, aimed at addressing key issues and building the capacity of professionals in relation to children's rights to identity.** Many of these were held with the support and participation of key partners, including persons with lived experiences, and have addressed key issues of concern on the rights of children to identity, such as adoption. For example, it is worth mentioning the 2023 online event on the importance of the child's family identity as part of the marking of International Family Day and a number of events that have focused on the impact of the enjoyment – or lack thereof – of children's rights to identity on specific aspects of their everyday and family life, including access to family relations and origins in alternative care and in intercountry adoption. It has also participated in a number of other relevant events on intercountry adoption, including the Special Commission held by the Hague Conference on Private International Law and the EurAdopt conference on the sustainability of intercountry adoption in 2022.

In terms of advocacy and impact on global developments relevant to access to justice, CHIP has been active in joining initiatives, convening meetings and providing inputs for the development of key UN resolutions and documents. It is worth mentioning that CHIP convened the Expert meeting with CRC Committee on child's right to identity and access to remedies in May 2024 and presented two submissions in the framework of the forthcoming General Comment by the Committee on the Rights of the Child on access to justice and remedies. In this framework, CHIP is now coordinating the delivery of a **series of four webinars exclusively focused on access to justice and effective remedies for children whose identity rights have been contravened** (2024-2025).

Coordinating research, legislative and policy work, advocacy and practice

In addition to the above-mentioned activities, **CHIP has also implemented a number of partnerships with other organisations and authorities**, including:

- the **Hague Conference on Private International Law**, through the provision of technical assistance by one of its staff members to the authorities of Paraguay and Uruguay on child protection, care and adoption. In addition, CHIP was granted Observer Status by the Hague Conference, which enables it to attend and participate in its Special Commissions on child-rights related issues;
- the **Committee on the Rights of the Child**, with whom a number of initiatives have been developed and disseminated. These include several webinars and expert meetings, which have benefitted from the formal support through the participation of members and logo of the Committee;
- the **Council of Europe / Committee on Migration, Refugees and Displaced Persons**, by providing inputs to the report 'Protection and alternative care for unaccompanied and separated migrant and refugee children' (Doc. 15548), as well as to its related resolution (Doc. 15112);
- together with the Institute on Statelessness and Inclusion, **CHIP is also the co-Convenor of the Working Group on the Right to Identity**;

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- finally, in the **academic domain**, CHIP has undertaken an extensive research project with the University of Geneva (Switzerland), has regularly undertaken teaching-training exchange opportunities with the University of Leiden (The Netherlands) and participated in capacity-building with the Universidad Nacional Autónoma de México (Mexico).

4. List of relevant publications (institutional and individual)

Child Identity Protection:

- Bachmann, C., Bordier, L., Droz-Sauthier, G., Gianella, E., Nanchen, C. and Rossier, M. (2024). *Me and My Family : A Guide Explaining What I Can Do And What My Rights Are If I Can't Live With My Family*. Switzerland: SNSF, University of Geneva, University of Fribourg, Institut de Recherche et de Conseil dans le domaine de la famille, Canton du Valais, PACH, CHIP, Comune di Biasca and Association Vulgarisation & Diffusion. <https://www.child-identity.org/wp-content/uploads/2021/07/FOSTER-CARE-GUIDE-ENG-DIGITAL-VF-1.pdf>
- Results of the research on coercive decision-making in foster care in Switzerland published in: Dambach, M., Droz-Sauthier, G. and Levy, A. *Placement en famille d'accueil en Suisse. Limitation des décisions coercitives « injustifiées » grâce à un meilleur alignement avec les normes internationales*. In Häfeli, C., Lengwiler, M. and Vogel Campanello, M. (Eds.). *Entre protection et coercition. Normes et pratiques au fil du temps*. Schwabe. Available at: https://www.schwabeonline.ch/schwabe-xaveropp/elibrary/media/06C87FBD59AD5A9726CB7D661330DE2C/9783796549038_46484.pdf;
- Mezentseva-Fedorenko, M. *Protection and alternative care for unaccompanied and separated migrant and refugee children*. Doc. 15548. 2022. Available at: <https://pace.coe.int/pdf/8c09c540f1445d3ab4435abdf6d120aa12df32e9c3e10a564722fd0d6cee6439?title=Doc.%2015548.pdf>.
- Dambach, M. and Jeannin, C. (2021). *Policy Brief 1: Respecting the child's right to identity in intercountry adoption*. Geneva, Switzerland: Child Identity Protection. Available at: <https://www.child-identity.org/policy-brief-1-respecting-the-childs-right-to-identity-in-intercountry-adoption/>.
- Dambach, M. (2022). *Policy Brief 2: Child's right to identity in alternative care*. Geneva, Switzerland: Child Identity Protection. Available at: <https://www.child-identity.org/policy-brief-2-childs-right-to-identity-in-alternative-care/>.
- Levy, A. (2022). *Policy Brief 4: Child's right to identity in alternative care for siblings*. Geneva, Switzerland: Child Identity Protection. Available at: <https://www.child-identity.org/policy-brief-4-childs-right-to-identity-in-alternative-care-for-siblings/>.
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Mia Dambach (in addition to above):

- Dambach, M. Foreword. In Taylor, N. and Freeman, M. (forthcoming). *Family Law and Identity*.
- Dambach, M. and Droz-Sauthier, G. (2024). Accès à la justice et à des remèdes efficaces pour les enfants « placés » en Suisse. In *Revue de la protection des mineurs et des adultes*. Schulthess
- Dambach, M. and Jeannin, C. (2021). Respecter le droit à l'identité de l'enfant dans le cadre de l'adoption internationale. Note de politique générale de Child Identity Protection, In *Journal du Droit des Jeunes*, no. 407 – September 2021, pp.24 - 32. <http://www.jdj.be/jdj/>
- Baglietto, C., Cantwell, N. and Dambach, M. (2016). *Responding to illegal adoptions: A professional handbook*. Geneva, Switzerland: ISS. Available at: <https://bettercarenetwork.org/sites/default/files/Responding%20to%20Illegal%20Adoptions%20-%20A%20Professional%20Handbook.pdf>.
- Dambach, M. and Baglietto, C. (2010). *Haiti. "Expediting" intercountry adoptions in the aftermath of a natural disaster ... preventing future harm*. Geneva, Switzerland: ISS. Available at: https://www.iss-ssi.org/storage/2023/04/Haiti_ISS-ANG.pdf.

Christina Baglietto (*in addition to above*):

- Baglietto, C. (forthcoming). *Preserving family relations: An essential feature of the child's right to identity in the Americas*. A regional approach and supplement to Child Identity Protection's signature publication Preserving "family relations": An essential feature of the child's right to identity. Forthcoming publication
- Baglietto, C. (forthcoming). Care and adoption reforms: A review of promising practices. Analytical insights for policy making with a focus on children with disabilities. UNICEF China. Forthcoming publication
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- Aragón Sánchez, G., Baglietto, C. and Jeannin, C. (2019). *Guía para la valoración de las actividades de los organismos acreditados en los países de origen*. International Social Service and Dirección General de Servicios para las Familias y la Infancia. Ministerio de Sanidad, Consumo y Bienestar Social. Spain
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- Dambach, M. and Baglietto, C. (2010). *Haiti. "Expediting" intercountry adoptions in the aftermath of a natural disaster ... preventing future harm*. Geneva, Switzerland: ISS. Available at: https://www.iss-ssi.org/storage/2023/04/Haiti_ISS-ANG.pdf.

Dr Nigel Cantwell:

- Cantwell, N. (2017). The Sale of Children and Illegal Adoption. DCI-NL and Terre des Hommes-NL, based on a research paper commissioned to inform the report of the UN Special Rapporteur on the Sale of Children to the 34th session of the Human Rights Council
- Cantwell, N. (2017). Are 'best interests' a pillar or a problem for implementing the human rights of children?. In Liefwaard, T. and Sloth-Nielsen J. [Eds]. *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*. Leiden, The Netherlands: Brill, pp. 61-73
- Cantwell, N. (2016). The concept of the best interests of the child: what does it add to children's human rights?. In *The best interests of the child – A dialogue between theory and practice*, Council of Europe Publications, pp. 18-26
- Cantwell, N. (2015). The Human Rights of Children in the Context of Formal Alternative Care. In Vandenhoe W., Desmet E., Reynaert D. & Lembrechts S. (Eds). *Routledge International Handbook of Children's Rights Studies*. London, United Kingdom: Routledge, pp. 257-275
- Cantwell, N. (2014). The best interests of the child in intercountry adoption. Innocenti Insight. Florence, Italy: UNICEF Office of Research
- Cantwell, N.; Davidson, J; Elsley, S; Milligan, I; Quinn, N: (2012) *Moving Forward: Implementing the Guidelines for the Alternative Care of Children*. Centre for Excellence for Looked After Children in Scotland. <https://www.alternativecareguidelines.org/Portals/46/Moving-forward/Moving-Forward-implementing-the-guidelines-for-web1.pdf>
- Cantwell, N. (2010). Issue Paper #11 on "Adoption and children: a human rights perspective". Commissioned author for the Commissioner for Human Rights of the Council of Europe
- Cantwell, N. (2008-2009). Guidance Note on Intercountry Adoption for country offices in the region – preparation of fully-revised version. UNICEF Regional Office for CEE/CIS

Lynelle Long:

- Blogs: <https://intercountryadopteevoices.com/author/lynellelong/>
- Book: The Colour of Time: A Longitudinal Exploration of the Impact of Intercountry Adoption in Australia (2017), <https://intercountryadopteevoices.com/2017/03/02/the-colour-of-time/>
- Contribution to: Easterly, S., Vander Vliet Ranyard, K, Holden, L. (2023). *Adoption Unfiltered: Revelations from adoptees, birth parents, adoptive parents and allies*

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- Contribution to: Hayasaki, E. (2022). Somewhere Sisters: A story of Adoption, Identity, and the meaning of Family
- Contribution to: Hagland, M. (2021). Extraordinary Journey: The Lifelong Path of the Transracial Adoptee
- Rossen, S. (2019). The Adoption Coverup in Sri Lanka (English translation provided by Lynelle Long)
- Pieces of Me: Who do I Want to Be? Voices for and by Adopted Teens (2009)
- The Colour of Difference: Journey's of Transracial Adoption (2001)
- See also: multi-media and numerous articles at: <https://intercountryadopteevoices.com/adoptee-voices/lynelles-writings/>

5. References with an attestation of good performance



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Service de l'action sociale et de la
jeunesse

Route des Chevaliers-de-Malte 5
1228 Plan-les-Ouates

Genève, le 6 mars 2024

Concerne : **certificat de financement en faveur de l'association Child Identity Protection (CHIP)**

Madame,

Le service de la solidarité internationale (SSI) du canton de Genève connaît l'association Child Identity Protection depuis juillet 2022.

CHIP est une jeune association. Dotée d'une équipe compétente en matière de droits de l'enfant, elle travaille dans le domaine important de l'enregistrement des naissances à travers le système éducatif et pour un meilleur accès à l'éducation. CHIP collabore étroitement avec l'UNICEF ainsi qu'avec les autorités locales du pays d'intervention, notamment les Ministères de l'Education.

Le canton a soutenu CHIP courant 2023 avec un montant avoisinant 60'000 F pour un projet pilote de "Renforcement de l'enregistrement des naissances au Sénégal pour un meilleur accès à l'éducation".

En janvier 2024, au vu de la qualité de ses prestations, il a été convenu avec le service de la solidarité internationale que CHIP solliciterait une aide financière cantonale pour un nouveau projet au Cameroun et en Côte d'Ivoire.

Le service de la solidarité internationale est donc satisfait des activités menées de ce partenaire. Notre service relève également la qualité du suivi.

Restant à votre disposition pour de plus amples renseignements, je vous prie d'agréer, Madame, l'expression de mes salutations distinguées.

Directrice

Other potential references for CHIP's experience

Due to time constraints and the busy schedules of the following referees, we have not been able to contact them prior to including them in the present application. Should you wish to contact them, please let us know beforehand, in order to inform them and to share with them this application and any relevant information on the process.

- [REDACTED], President of CHIP and former United Nations Special Rapporteur on the sale of children [REDACTED]
- [REDACTED], Member of the Committee on the Rights of the Child and Défense des Enfants International (Belgium), [REDACTED]
- [REDACTED], Secretary, The Hague Conference on Private International Law, [REDACTED]
- [REDACTED], Member of the Committee on the Rights of the Child, [REDACTED]
- [REDACTED] Senior Adviser Child Protection, Programme Group, UNICEF, [REDACTED]
- [REDACTED], Child Protection Specialist (CRVS and Legal Identity), UNICEF, [REDACTED]
- [REDACTED], Head of the Committee on Migration, Refugees and Displaced Persons Secretariat, Council of Europe, [REDACTED]

6. Approach to and plan of action of the present assignment

Based on the **expected products**, CHIP offers to undertake the following **activities and actions** for each **product/phase**:

1. Development of a screening tool, which will ensure that potential research partners will always be assessed in the same way based on the same methodology.

CHIP will draft a matrix of maximum two pages, which will offer a generic outline of aspects to be addressed and assessed for each of the proposed partners. In particular, it would include the following aspects: operation of the partner (individual/organisation) and its registration in the relevant country; legal framework allowing/prohibiting searches of origins, sharing of personal information, data protection, etc. in the country of operation; evidence of professionalism and ethics (mission, vision, purpose) as well as accountability (i.e. compliance with international standards relating to child protection and adoption); experience and management of individual cases (including collaboration with local partners); experience with the adoption triad (adoptees, adoptive families, biological families); financial aspects (costs of searches and related expenses); structure and human resources (qualifications, staff, training, representatives/network at local level, etc); geographical scope of operation within country; past and current experience of Central Authority with potential partner in country; past and current experience of adoption-related authorities in country with potential partner; past and current experience of adoption triad in country with potential partner. For each of these aspects, criteria and questions will be drawn, with a simple and generic assessment system (colour, rating, etc.).

The delivery date expected for this product is 28 February 2025.

2. Development of a roadmap/quality manual detailing the assessment method and procedure, which is transparent to all parties involved.

CHIP will draft the instrument of the mechanism of assessment and approval of potential partners, which will address and include the following elements and have maximum 10 pages plus annexes: a protocol for the assessment and approval of potential partners; the assessment and approval procedure itself; the documents necessary to be submitted by the potential partner; the periodicity and validity of the approval (initial, periodic review); an implementation mechanism for the assessment and approval (i.e. the potential establishment of an 'evaluation committee' with participating authorities, CHIP, experts, persons with lived experience); the

identification of potential necessary legal instrument and/or reforms at country level, e.g. Memorandum of Understanding between the Central Authority, partner and any potential other partner in country; and the approval of the procedure and mechanism by the Central Authority.

The delivery date expected for this product is 28 February 2025.

3. Assessment reports per research partner, on the basis of which a decision can be made on collaboration.

Each **report prepared by CHIP – which would take the form of a two-page checklist plus three pages of explanation of the assessment and recommendation on approval and capacity strengthening of the potential partner** – would address the elements set out in principle in Phase/Product 1 and in accordance with Phase/Product 2, which would entail responding to the criteria and questions included in the matrix for each potential partner; review questionnaires submitted to and responded by Central Authorities, in-country authorities and adoptees/adoptive families/biological families; assess the replies in each section by CHIP and the working group; participate in discussions/consultations within the working group; and offer guidance and recommendations as to potential approval of the assessed partner for an initial limited period.

It is fundamental here to mention that CHIP will assess individual applications from potential partners in search for origins, and all budget mentioned here and in the relevant document (*see Bijlage A and Bijlage B*) is based on the **work undertaken per potential partner, not per country**. Indeed, the amount of work can only be reflected by partner. Thus, given the budgetary restrictions set in the Terms of Reference of the present consultancy, CHIP commits itself to carry out the **assessment of 12-16 potential partners**, including two assessments undertaken on a *pro bono* basis. The final number will depend on the time it takes to assess the partners, information that is provided and other factors, and if some of these assessments do finally take less time than expected (due, for example, to an incomplete application, a lack of documents on the partner, the absence of replies to questionnaires, etc.), CHIP is flexible to including a limited number of additional assessments of partners.

In terms of the partners given priority to in this selection, CHIP takes note of the list offered in the Terms of Reference and would start the process of assessment of potential partners in Belgium, India, the Republic of Korea (South Korea) and Ethiopia. CHIP remains open to those countries that the Flemish Central Authority wishes to prioritise next, most probably depending on the availability and interest of potential partners in those countries as well as those countries for which it has already received requests for searches of origins.

The delivery date expected for the reports on the first four partners is 28 March 2025; the reports on the minimum eight other potential partners would be expected progressively between 28 March 2025 and 31 December 2025 at the latest.

4. Elaboration of capacity-building/training modules to further develop and strengthen the quality and professionalism of the selected partners in searches of origins

Whilst CHIP itself considers this phase to be essential to the positive operation of the selected partners for searches of origin, this phase would need to be considered at a later stage and the amount of time to be committed to this activity and the corresponding budget does not fit in the maximum amount set in the present Terms of Reference. Nonetheless, we would be open to rediscuss this and plan accordingly for these activities to be carried out in 2026, together with the remaining potential partners to be assessed.

Cross-cutting actions to Products 1, 2 and 3

In order to ensure prompt and close collaboration with the Flemish Central Authority, as well as the timely delivery of the expected products, CHIP suggests undertaking the **following actions in each of the phases of activities** mentioned above:

- **Ongoing communication** with the Flemish Central Authority as well as potential other interested Central Authorities, which the Flemish Central Authority may have approached in relation to this process, and The Hague Conference on Private International Law;
- Undertake **periodic discussions in the framework of an informal advisory group**, made up of the Flemish Central Authority, CHIP, representatives of the adoption triad and potentially the Hague Conference on Private International Law;

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- **Submit all preliminary drafts to the Flemish Central Authority for review and inputs** prior to finalisation of the products in Phases 1 and 2 as well as offer detailed explanations of recommendations issued in Phase 3;
- **Offer arguments and support in the process of approval of the expected products at internal level** of the Central Authority, by participating in any necessary debates.

Based on the above, it is important to set out the **roles and responsibilities in the present partnership**. Thus, the lead actors would be responsible for the following:

- **CHIP** would lead and would be responsible for the **drafting of the preliminary documents** and ensure its timely finalisation based on the inputs of the Flemish Central Authority. The lead would be [REDACTED] with support from [REDACTED] and other team members;
- In addition to the participation of two experts in the process of drafting of the products of this consultancy, through the **involvement of [REDACTED], an International Child Protection Expert and [REDACTED], an adoptee herself and solid and well-recognised advocate in this field**, **CHIP intends to identify and explore the participation of potential adoptees, adoptive families and biological families**, with the support of the above-mentioned two experts and their networks;
- Based on the latter, **CHIP suggests creating an informal advisory group** – made up, amongst others, of members of the adoption triad⁶ – on a periodic basis, given their own experience of searches of origins, and for holding potential meetings of interest or participating in relevant multi-country initiatives (*e.g.* ICAN, EurAdopt) to disseminate the process being undertaken by the Flemish Central Authority and to attract the interest of potential other partners.
- The **Flemish Central Authority** would provide access to all relevant documents to the process and offer timely feedback and inputs to the preliminary documents submitted by CHIP; and would lead on the approval of the expected products at national level, with the support and guidance of CHIP;
- The **Flemish Central Authority** would lead consultations and negotiations with other Central Authorities as well as other potential actors of interest (*e.g.* Afstammingscentrum), in order to explore potential interest in joining the initiative and making it available to other European Central Authorities on adoption.

Cross-cutting principles of work

CHIP is fully committed to undertaking its work in line with **principles of neutrality, interculturality, non-discrimination, a gender and human-rights based perspective, a systemic approach as well as accountability and transparency in its activities and actions**. Likewise, it is fully committed to responding to the needs and expectations of the Flemish Central Adoption Authority, whilst also taking into account the needs and rights of members of the adoption triad, therefore suggesting their involvement in the present assignment, principally by including Lynelle Long on CHIP's team.

In this respect, CHIP adheres to the European Union's values and ethical standards. To date, the **work undertaken by CHIP and its quality are regularly reviewed** and benefits from the guidance of its Executive Committee and of its Special Advisors. Its financial accounts are audited annually (*see attached CHIP's annual reports and accounts for 2021, 2022 and 2023*), including its latest available 2023 financial situation, which was unanimously approved at CHIP's General Assembly in May 2024, upon the recommendations issued by external auditors. Furthermore, in July 2024, CHIP was subject to a spot check by BDO, an independent organisation mandated by UNICEF, in the framework of its ongoing project with UNICEF in Western and Central Africa. The audit recognised CHIP's compliance with financial and human resource use. The Canton of Geneva, which partially funds CHIP's work in Africa, also noted it was satisfied with the work undertaken and provided a letter of recommendation for its work to other funders (*see above*). Thus, in the years since its inception, CHIP's services have periodically been subject to quality assurance processes by various partners, whose positive outcomes reflect the quality of work undertaken. For further information, please see [CHIP's latest Impact Report and corresponding accounts](#).

⁶ Amongst others, CHIP would potentially approach Marie Marre, Chandra Kala Clemente, adoptees involved in the TransformAdopción project, biological families in Uganda, and explore their interest in participating in this process, in addition to confirmed team member Lynelle Long.

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Finally, **ethical issues** will be taken care of with the utmost seriousness and using sound ethical research design to ensure the rights and dignity of all participants, and in particular the safeguarding of participating children and their families. Relevant potential ethical issues and mitigation strategies relating to informed consent, privacy, and confidentiality will be considered and communication guidelines for consultation with children, adoptees and their families will be applied. A professional and ethical approach will also be employed to **data collection**, which includes consideration of informed consent, issues of confidentiality, data security and safeguarding. Likewise, some of the information collected as part of this process could be **sensitive information** and the Flemish Central Adoption Authority will therefore be consulted to try to address these issues with much diligence and diplomacy.

Proposed team

Please note that CHIP's team in the framework of this assignment would be composed of [REDACTED], [REDACTED] [REDACTED] thereby offering a solid team of child protection, care and adoption experts that can comply with the expectations of the present project as well as the tight timing and deadlines set in the Terms of References.

[REDACTED]

[REDACTED]

[REDACTED]

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