

**No. 45616 \***

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**Ireland  
and  
Viet Nam**

**Agreement on mutual cooperation concerning adoption between Ireland and the Socialist Republic of Vietnam. Hanoi, 23 September 2003**

**Entry into force:** *2 May 2004 by notification, in accordance with article 25*

**Authentic texts:** *English and Vietnamese*

**Registration with the Secretariat of the United Nations:** *Ireland, 5 January 2009*

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**Irlande  
et  
Viet Nam**

**Accord de coopération mutuelle en matière d'adoption entre l'Irlande et la République socialiste du Viet Nam. Hanoi, 23 septembre 2003**

**Entrée en vigueur :** *2 mai 2004 par notification, conformément à l'article 25*

**Textes authentiques :** *anglais et vietnamien*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Irlande, 5 janvier 2009*

\* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.  
Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive.  
La version finale RTNU n'est pas encore disponible.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT ON MUTUAL COOPERATION CONCERNING ADOPTION  
BETWEEN THE SOCIALIST REPUBLIC OF VIETNAM AND IRELAND

Done at Hanoi on 23 September 2003

Notification of completion of requirements for entry into force on 14 January 2004  
and 2 April 2004

Entered into force on 2 May 2004

Presented to Dáil Éireann by the Minister for Foreign Affairs

AGREEMENT ON MUTUAL COOPERATION CONCERNING ADOPTION BE-  
TWEEN THE SOCIALIST REPUBLIC OF VIETNAM AND IRELAND

The Socialist Republic of Vietnam and Ireland (hereinafter the “Contracting States”);

Recognising that children, for the full and harmonious development of their personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recognising that each Contracting State should take appropriate measures to enable children to remain in the care of their family of origin and children without a family to be raised in a substitute family environment,

Recognising that international adoption may offer the advantage of a permanent family to children for whom a suitable family cannot be found in their State of Origin,

Recognising that children adopted in accordance with this Agreement are entitled, in the territory of each Contracting State, to all the rights and interests to which children who are citizens or permanent residents in the territory of the contracting State are entitled,

HAVE AGREED upon the following provisions:

CHAPTER I - GENERAL PROVISIONS

*Article 1*

Scope of Application

1. This Agreement shall apply where a child who is eligible for adoption who is a citizen of one Contracting State and resident in the territory of this State is adopted by a person / or a couple resident in the territory of the other Contracting State (hereinafter called the “adopter”).

This Agreement shall also apply where a child who is stateless and resident in the territory of one Contracting State is adopted by a person or a couple resident in the other Contracting State.

2. The adoption referred in Paragraph 1 of this Article is one in which a permanent parent-child relationship between the adopter and the adopted child is created.

#### *Article 2*

##### Adoption principles

The Contracting States commit to co-operate to ensure that the adoption by the residents in the territory of one Contracting State (hereinafter “the Receiving State”) of children resident in the territory of the other Contracting State (hereinafter called “the State of Origin”) is carried out voluntarily on humanitarian grounds and in accordance with the law of each Contracting State, respecting the United Nations Convention on the Rights of the Child dated 20, November 1989, in order to ensure the best interest of the children.

#### *Article 3*

##### Protection of children

1. The Contracting States shall apply all measure in accordance with their laws to prevent and take appropriate actions against abusive acts of adoption to exploit children’s labour and violate children’s sexuality, to offer, kidnap, and smuggle children for adoption; activities for making illegal profits from adoption; and other actions of infringement of lawful rights and interests of children.

2. In a humanitarian spirit and for the protection of children, the Contracting States shall create favourable conditions to encourage the adoption of disabled children and orphans.

#### *Article 4*

##### Exemption from document legalization

Documents issued by the competent authorities of one Contracting State and public notaries to be used for adoption in the other Contracting State under the provisions of this Agreement shall be exempted from consular legalization.

#### *Article 5*

##### Language and communication cost

In the implementation of this Agreement, the Central Agencies of the contracting States shall communicate with each other in the language of the State of Origin. The communication cost shall be borne by whichever Contracting State incurs the cost.

CHAPTER II – COMPETENT AUTHORITIES AND AUTHORISED ORGANISATIONS

*Article 6*

Central Authority

The Central Authorities of the Contracting States designated to implement this Agreement are as follows:

For the Socialist Republic of Vietnam: The International Adoption Agency under the Ministry of Justice, Department of Private Law

For Ireland: An Bord Uchtála (the Adoption Board) under the Department of Health and Children.

*Article 7*

Request for assistance (with a view to implementing this Agreement)

To implement this Agreement, the Central Authorities of the Contracting States may request assistance from competent State authorities as well as adoptive organizations allowed to operate in accordance with the its laws (hereinafter the Authorized Organisation).

*Article 8*

Authorized Organisation

1. The Authorized Organisation permitted to operate in accordance with the Receiving State's law, after receiving a licence from the competent authority of the State of Origin, shall be allowed to operate as a humanitarian and non-profit organization in the territory of the State of Origin in order to provide assistance to adopters in the territory of the Receiving State who wish to adopt children resident in the State of Origin in accordance with the provisions of this Agreement.

2. When applying for a licence to operate in the State of Origin, an Authorized Organisation must fulfil the conditions stipulated by the law of the State Origin; and submit its non-profit plan, agenda and project of adoption, including humanitarian and financial assistance for nurturing institutions in the State of Origin.

3. According to the agreements of the Contracting States and written authorization of the Central Authority of the Receiving State, the Authorized Organization may perform some duties stipulated in Article 16, 17 (Paragraph 2), 18, 20, 22 and 24 of this Agreement. The authorized organisation shall operate under the surveillance and monitoring of the Central Authorities of both the State of Origin and the Receiving State.

4. The law of the State of Origin stipulates the specific rights and obligations of the Authorized Organisation in the State of Origin.

CHAPTER III – APPLICABLE LAW AND COMPETENCE TO DECIDE ADOPTION

*Article 9*

Conditions for the adopted child

Children to be adopted must fulfil the conditions stipulated by the law of the State of Origin.

The designation of individuals or organisations that are entitled to give consent to the adoption of children as well as the form of this consent must be in compliance with the law of the State of Origin.

*Article 10*

Conditions for the adopter

The adopter must fulfil the conditions stipulated by the law of the Receiving State as well as by the law of the State of Origin.

*Article 11*

Authority to decide adoption

The decision on adoption of the child shall be made by the competent authority of the State of Origin.

*Article 12*

The recognition of an adoption

A decision by the competent authorities of the State of Origin for the adoption of children in compliance with the law of the State of Origin and this Agreement shall have full recognition in the Receiving State.

*Article 13*

Legal consequences of adoption

1. The law of the Contracting State in which the adoption is completed identifies the legal consequences of an adoption in compliance with the provisions of this Agreement.

2. If the law of the Receiving State stipulates that the child who is adopted to the Receiving State has the citizenship of the Receiving State, the Central Authority of the receiving State is to inform the Central Authority of the State of Origin of the date when that child has the citizenship of the Receiving State.

The Contracting State commit to favourable conditions for children of the State of Origin, who after the adoption have citizenship of the Receiving State, to continue to