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**Canada
and
Viet Nam**

Agreement between Canada and the Socialist Republic of Vietnam on mutual cooperation concerning adoption. Ottawa, 27 June 2005

Entry into force: *15 December 2005, in accordance with article 16*

Authentic texts: *English, French and Vietnamese*

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et
Viet Nam**

Accord de coopération en matière d'adoption entre le Canada et la République socialiste du Vietnam. Ottawa, 27 juin 2005

Entrée en vigueur : *15 décembre 2005, conformément à l'article 16*

Textes authentiques : *anglais, français et vietnamien*

Enregistrement auprès du Secrétariat des Nations Unies : *Canada, 22 janvier 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

CANADA and THE SOCIALIST REPUBLIC OF VIETNAM (hereinafter referred to as the Contracting States):

RECOGNIZING that, for the full and harmonious development of his or her personality, the child must grow up in a family environment, in an atmosphere of happiness, love and understanding;

RECOGNIZING that each Contracting State should take appropriate measures to enable the child to remain in the care of his or her family of origin;

RECOGNIZING that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of Origin;

CONVINCED of the necessity to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction of, the sale of, or traffic in children;

RECOGNIZING that, in Canada, adoption is a provincial and territorial jurisdiction;

DESIRING to establish common provisions to this effect, taking into account Canadian bijuralism and the principles set forth in international legal documents, in particular the United Nations Convention on the Rights of the Child, of 20 November 1989;

HAVE AGREED as follows:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Objects of this Agreement

The objects of this Agreement are:

- (a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;
- (b) to establish a system of cooperation between the Contracting States to ensure that those safeguards are respected and thereby prevent the abduction of, the sale of, or trafficking in children;
- (c) to secure the recognition in the Contracting States of adoptions made in accordance with this Agreement.

ARTICLE 2

Definitions

In relation to Canada, a federal State which has various systems of law with regard to adoption applicable in its provinces and territories:

- (a) a reference to habitual residence in Canada shall be construed as referring to habitual residence or domicile in a province or territory of Canada;
- (b) a reference to the law of Canada shall be construed as referring to the law in force in the relevant province or territory of Canada;
- (c) a reference to the competent authorities or to the public authorities of Canada shall be construed as referring to federal, provincial or territorial government authorities, or any other authority, that are authorized to act on matters of intercountry adoption in the relevant province or territory of Canada;
- (d) a reference to the accredited bodies of Canada shall be construed as referring to bodies accredited in the relevant province or territory of Canada.

ARTICLE 3

Scope of Agreement

This Agreement shall apply where any child, habitually resident in one Contracting State ("the State of Origin") has been, is being, or is to be moved to the other Contracting State ("the Receiving State"), either after his or her adoption in the State of Origin by a couple or a person habitually resident in the Receiving State, or for the purposes of such an adoption in the Receiving State or in the State of Origin. The child must be eligible for adoption pursuant to Article 8 of this Agreement.

ARTICLE 4

Protection of Children

1. The Contracting States shall take measures in accordance with their domestic laws and regulations, to prevent the abduction, the kidnapping, the smuggling, the sexual exploitation or the sale of, or trafficking in children, for the purposes of adoption.
2. The designated Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of this Agreement.

ARTICLE 5

Language of communication

The Central Authorities of the Contracting States shall communicate with each other in the or an official language of the State of Origin of the child or in the or an official language of the Receiving State, to which communication, wherever necessary, a translation into the or an official language of the State of Origin of the child shall be attached.

CHAPTER II

CENTRAL AUTHORITIES AND ACCREDITED BODIES

ARTICLE 6

Central Authorities

1. The Contracting States shall designate Central Authorities to discharge the duties that are imposed by this Agreement upon such authorities. With respect to Canada, a federal State, it shall designate both a federal Central Authority and a Central Authority for each of its provinces and territories to which this Agreement shall apply. The designated Central Authorities for Canada will be communicated to the Socialist Republic of Vietnam by diplomatic note. With respect to the Socialist Republic of Vietnam, the designated Central Authority is the Intercountry Adoption Department of the Ministry of Justice.
2. In implementing this Agreement, the Central Authorities of the Contracting States may seek assistance from relevant competent authorities of each Contracting State, or accredited bodies that have been approved by the competent authorities to facilitate adoptions in accordance with the laws of the Contracting States.

ARTICLE 7

Accredited Bodies

1. An accredited body shall pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation.
2. A body accredited in one Contracting State may act in another Contracting State only if the competent authorities of both States have authorized it to do so.