



A Child's Right Campaign for Vietnam Recommendations

Recognizing the benefit of permanency services for orphaned, abandoned and vulnerable children of Vietnam, including family preservation, domestic and intercountry adoption and other child welfare services;

Recognizing that for permanency services to continue without interruption, a bilateral agreement between the Vietnam and United States governments must be negotiated and in effect prior to September 1, 2008;

Recognizing that the provision of services must be designed and implemented to serve the best interest of children and not create orphans or encourage abandonment or relinquishment;

Recognizing that child protection systems must effectively ensure that children and families are free from trafficking, corruption and abuse;

Joint Council recommends the following.

1. Memorandum of Agreement

An interim Memorandum of Agreement (MOA) will be negotiated and signed with an effective date of September 1, 2008, and will remain in force until the Hague Convention is in full force in Vietnam.

The MOA will include the following provisions designed to address issues of concern, establish best practice requirements and support ongoing children's services through a collaborative effort among the governments of Vietnam and the United States and children's service providers:

a) Hague* Principals

Understanding that Vietnam has expressed its intent to ratify the Hague Convention, the MOA will specifically state this intent and incorporate tenants consistent with the Hague, including working in the best interest of the child, transparency and accountability. The MOA will specifically require that any potential adoptive parent applying for an adoption in Vietnam utilize the services of a Hague accredited adoption service provider.

The MOA will include an approximate timeline for ratification of the Hague Convention by the Vietnamese government.

The MOA will specifically limit the total number of U.S.-based service providers to an amount deemed appropriate to the needs of the Vietnamese child welfare systems by the Vietnamese government.

b) Child Protection Systems

The governments of Vietnam and the United States will allocate appropriate resources such as human and financial resources, to protect children and families from trafficking and abuse.

The governments of Vietnam and the United States will institute a collaborative process to report, discuss and resolve actions of suspected adoption abuse.

c) Standards of Practice

In order to ensure ethical practices, secure a transparent process and prevent actions of adoption abuse, a Standards of Practice for all U.S.-based adoption service providers will be endorsed and required within the MOA.

The Standards of Practice will address all significant areas of service provision with particular attention to detailed accountability for children entering the child welfare system, full financial disclosure including an annual external audit in Vietnam, and establishment of procedures for adoption referrals.

The collaborative process noted above (see Child Protection Systems) and the regulatory powers of the U.S. Hague accreditation process will serve as the enforcement mechanism for the Standards of Practice.

2. Report to Congress

The Departments of State and Homeland Security will jointly report to Congress on the status of the bilateral agreement incorporating the above recommendations no later than June 30, 2008.

Thereafter, the Departments of State and Homeland Security will jointly report to Congress annually, beginning in October, 2008, until Vietnam fully ratifies the Hague Convention.

(*) The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption