THE MINISTRY OF EDUCATION AND TRAINING

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INFORMATION ON NEW RESEACH FINDINGS OF THE DOCTORAL DISSERTATION

Dissertation title: Improving the law on child adoption involving foreign elements in Vietnam - theoretical and practical issues

Speciality: International Law Code: 9.38.01.08

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Supervisor: Assoc. Dr. Vu Duc Long

Training Institution: Hanoi Law University

SUMMARY OF NEW RESEARCH FINDINGS

The thesis is the first research work at the level of doctoral law thesis which examines comprehensively and systematically the theoretical issues and legal practice of child adoption involving foreign elements of Vietnam. The thesis has brought the following new contributions to the knowledge:

First, the thesis has systematically examined the law on child adoption involving foreign elements of Vietnam in relation to international treaties about child adoption and the domestic law on child adoption in order to assess its effectiveness and level of improvement and conformity with the 1993 Hague Convention and other related legal provisions.

Second, the thesis analyses the connection between legal provisions on child adoption and those on children in the implementation of alternative care measures and access to child adoption measures as child care and protection measures. On that basis, the thesis proposes to replace the term "substitute family" with the term "adoptive family" and to formulate policies on maintaining families and encouraging the priority for domestic child adoption in accordance with the Hague Convention No. 33.

Thirdly, the thesis analyses the main legal provisions on adoption involving foreign elements such as the conditions of prospective adoptive parents, children adopted abroad and defining the law applicable to conditions and consequences of adoption involving foreign elements; and especially, the thesis examines the law of some countries that adopt Vietnamese children and thereby finding out the lacked legal provisions, difficulties and shortcomings in recognising decisions to adopt Vietnamese children for foreigners.

Fourth, the thesis also indicates the degree of improvement of the law on child adoption involving foreign elements in Vietnam and the impacts of the legal improvement on the practice, and identifies basic demands for improving the law on child adoption with foreign elements such as the number of children in need of finding a substitute family, the need to improve policies and mechanisms and the need to use child adoption services.

Fifth, on the basis of analysing the current situation of improving the law and the inadequacies of the law, the thesis proposes solutions to improve the law on child adoption involving foreign elements in Vietnam by internalising the Hague Convention No. 33, abolishing some legal provisions that hinder the implementation and restrict the children rights and improving provisions on conflict of laws.

Finally, on the basic of pointing out the limitations of the results of law implementation and professional capacity of human resources, the thesis offers a number of measures to advance the effectiveness of law implementation by changing and strengthening policies and mechanisms on child adoption, especially financial mechanisms; designing titles of social workers for child adoption; developing an legal institution of designated child adoption organisations and strengthening the functions and tasks of the central authority in charge of international adoption (Department of Adoption, Ministry of Justice).

Supervisor	**Doctoral Candidate**
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