

# POVERTY AND CHILD LABOR IN VIETNAM: PRESENT STATUS AND SOLUTIONS

*Khuyen Hoang<sup>1</sup>  
Dung Nguyen<sup>2</sup>  
ISL – VASS, Vietnam*

## **Abstract:**

Child labour is always potential risks of child abuse and exploitation and may completely become the most serious violations of children's rights and human rights. In practice, child labour has existed, eventhough it has been governed strictly by international laws and Vietnamese legislation for diminishing. There are many causes of child labour such as limited access to education, social awareness and especially poverty. In which, poverty is the huge motivation for children to go to workplace, which led to the continued exploitation of children. Laws on children protection will be not enough to save children if poverty is not eliminated. In other words, such laws can not protect child labours, who are the most vulnerable objects in economy if poverty is not diminished. Therefore, it is nessary to clarify the relationship between poverty and child labour in order to provide the effective solutions to prevent child labour in Vietnam in the coming time.

The article will be divided into three parts, including (1) The relationship between poverty and illegal child labour; (2) Current legislation on poverty and illegal child labour in Vietnam; and (3) Solutions for preventing illegal child labour in Vietnam.

**Key words:** *Poverty; Child labour, Relationship between poverty and child labour.*

## **I. Introduction**

Child labour is the most versatile and adaptable labour in household economy, from helping their parents with houseworks to have a full-time job to earn money. Therefore, it is difficult to measure the exact economic contribution of children in their family.

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<sup>1</sup> Dr. Hoang Kim Khuyen, a researcher in the field of humman rights, children's right protection in Institute of State and Law, Vietnam Academy of Social Science (Email: hoangkhuyenisl@gmail.com)

<sup>2</sup> Nguyen Thu Dung (Daisy), a senior researcher in the field of public policy, Institute of State and Law, Vietnam Academy of Social Science (Email: zzung3385@gmail.com)

In practice, the advent of industrial revolutions led to child labor exploitation. The image of a boy suffocating on a chimney, or a small hand working at the relentless pace of a machine have become typical images of child labor exploitation<sup>3</sup>.

By the 19th and early 20th centuries, this was the time which began to a profound change in the role of children in modern society. It is “*There is no place for child labour in society. It robs children of their future keeps families in poverty*”<sup>4</sup>. In other word, poverty is considered the main problem to lead to their participation in economic activities and thereby leading to child labour in early stage. When children work early, it means that childre have to use most of their time to work instead of studying, playing, and entertaining. Generally, they have to face labor exploitaion with working for long hours per day and overloading their means. Especially, in economic market where labor capacity becomes a commodity, children are always the target of labor exploitation by profiteers.

Therefore, in above context, clarifying and evaluating the relationship between child labor and poverty is necessary for the purpose of offering solutions to contribute to preventing child labor. It also help countries to achieve Sustainable Development Goal (SDG) 8.7 through actions to eliminate child labor, particulary the context of Covid-19 pandemic has cause more serious poverty in the world, including Vietnam.

## **II. The relationship between illegal child labor and poverty**

Child labor is generally defined as work that deprives children of childhood, their potential and their dignity and that is harmful to a child’s physical and mental development. It often refers to work that is harms or is likely to cause physical, mental, moral and social harm to a child; interferes with children's schooling by keeping them out of school, forcing them to leave school early, require them to try to study while doing excessive long and heavy work<sup>5</sup>. In other words, child labor often refers to any work that

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<sup>3</sup> Colin Heywood, *Child labor*, <https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/labor/child-labor>, accessed at April 19, 2021.

<sup>4</sup>[https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS\\_766376/lang--vi/index.htm](https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_766376/lang--vi/index.htm), accessed at Feb 12, 2021.

<sup>5</sup> International Program Elimination of child labour (2004), *Child labour a textbox for university student*, Geneva, page 16.

deprives children of their childhood, potential and dignity and is harmful to their physical and mental development is child labor<sup>6</sup>.

Currently, child labor has been and is a burning problem in most developing countries. According to estimates of the International Labor Organization (ILO), in the world, there are about 152 million children (about 64 million girls and 88 million boys) from 5 to 17 years old who are engaged in labor, accounting for nearly one-tenth of all children in the world<sup>7</sup>.

In particular, in terms of industry structure, child labor is concentrated mainly in the agricultural sector (accounting for 70.9%), nearly one-fifth of child laborers working in the service industry (accounting for 17.1%), and 11.9% of child laborers working in other industry. Africa is the continent with the largest proportion of child laborers, account for 73 million child laborers<sup>8</sup>; and 62,1 million in Asia Pacific area<sup>9</sup>. Thus, the data show that the rate of child laborers being abused is still high, particularly in the cases of heavy work even though countries are constantly making efforts to prevent and gradually eliminate them and the rate of child labor has tended to decrease in the last 20 years<sup>10</sup>.

However, the context of the COVID-19 pandemic currently is threatening the achievements of child labor protection over the years. In addition, child labor is cheap and many children are still willing to participate in labor market. These make the use of child labor fully utilized by employers. According to evaluation of ILO, United Nations International Children's Emergency Fund (UNICEF), and many countries<sup>11</sup>, child labor often originates from many causes such as the lack of suitable jobs for adults; lack of social protection and failure to ensure that all children attend school of the minimum age; limited awareness of parents, children, employers...particularly poverty. Such as, poverty is one of the main reasons for children being forced to work and poverty, inadequate education are important barriers in the

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<sup>6</sup> Asia tops child labor and human trafficking activity, <https://www.maritime-executive.com/article/asia-tops-child-labor-and-human-trafficking-activity>, accessed at April 12, 2021.

<sup>7</sup> *Child labour and exploitation*, <https://www.unicef.org/rosa/what-we-do/child-protection/child-labour-and-exploitation>, accessed at April 12, 2021.

<sup>8</sup> [https://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS\\_575539/lang--vi/index.htm](https://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_575539/lang--vi/index.htm), accessed at September 19, 2017.

<sup>9</sup> *Reaching SDG Target 8.7 on Eradicating Forced Labour, Human Trafficking and Child Labour*, <https://www.alliance87.org/wp-content/uploads/2019/09/Regional-Conference-for-Asia.pdf>, Kathmandu, 20-22 November 2019, accessed at April 12, 2021.

<sup>10</sup> [https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS\\_766376/lang--vi/index.htm](https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_766376/lang--vi/index.htm), accessed at Jan 15, 2021

<sup>11</sup> *Child labour and the youth labour market in Ethiopia*, <https://www.unicef.org/ethiopia/media/3781/file/Child%20Labour%20Policy%20Brief%20.pdf>, accessed at April 12, 2021.

abolition of child labor<sup>12</sup>. The relationship between child labor and poverty can be seen with some aspects as follows:

*Firstly, poverty is the main cause of child labor and child labor abuse.* Basically, poverty is understood as the lack of resources to provide the necessities of life such as food, clean water, shelter, utensils, and people's ability to access basic social services<sup>13</sup>. Therefore, poverty and its potential risk factors are identified as factors that are damaging the physical and cognitive health of children and their families<sup>14</sup>. It can be affirmed that child labor originates from the vicious circle of poverty. Poor parents are forced to send their children to work instead of school. In reality, the opportunity cost of going to school is quite high and poor parents cannot afford to pay tuition fees, plus living in poverty does not have access to quality education. Therefore, sending children to school is not an attractive option that poor families need instead of forcing them to work. In other words, poverty robs children of their most basic rights, from the right to enjoy in the best living and development conditions, the right to foster care for comprehensive development, the right to live with parents and be protected, cared for and educated by their parents... to the right to education, learning, entertainment, health care, social security assurance, the right to be protected from exploitation of labor, not premature labor.

In fact, with more than 1.2 billion children globally facing one of three major threats: poverty, conflict and discrimination, up to 153 million children face to all three of these threats. Poverty also leaves 6 out of 10 children globally without access to health and social security services, making them become the most vulnerable groups to the risk of falling into chronic poverty. This is the result of an investigation by Save the Children which surveyed and published in 2018<sup>15</sup>. Therefore, to reduce child labor and poverty reduction, ending poverty is the key<sup>16</sup>. Ending global poverty is one of the top priorities that the world vision has been set out in the 2030 Global Sustainable Development Goals, which sets the goal of eradicating extreme poverty for all. everyone everywhere.

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<sup>12</sup> *Child labour and domestic work*, <https://www.ilo.org/ipec/areas/Childdomesticlabour/lang--en/index.htm>, accessed at April 12, 2021.

<sup>13</sup> Global poverty: Facts, FAQs, and how to help, <https://www.worldvision.org/sponsorship-news-stories/global-poverty-facts>, accessed at April 13, 2021.

<sup>14</sup> <http://www.ascd.org/publications/books/109074/chapters/Understanding-the-Nature-of-Poverty.aspx>

<sup>15</sup> *Hơn 12 tỷ trẻ em trên thế giới bị đe dọa bởi các nguy cơ nghèo đói, xung đột hoặc biệt lập đối xử*, <https://dangcongsan.vn/the-gioi/nhung-van-de-toan-cau/hon-12-ty-tre-em-tren-the-gioi-bi-de-doa-boi-cac-nguy-co-ngheo-doi-xung-dot-hoac-phan-biet-doi-xu-485791.html>, accessed at May 19, 2021.

<sup>16</sup> Zahid Naeem, Faiza Shaukat và Zubair Ahmed, *Child labor in relation to poverty*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3533357/>, accessed at April 12, 2021.

*Second, child labor contributes to increasing poverty.* Child labor is most prevalent in developing and least developed countries (LDCs). Accordingly, poverty is the driving force that children have to work, and the child's income from work is considered very important for the survival of themselves and their families. In addition, heavy, hazardous and dangerous jobs may harm the health, safety and morality of children; and leave them to fall into situations to be abused of physics, psychology or sex. In this situations, children may become depressed and difficult to participate in labor market as well as intergrate into society. In addition, early labor causes children to drop out of school early or have a decline in learning. The above problems will increase poverty for children and their families as well as creating great obstacles, negatively impact into national human resources in general. Therefore, there is a need for regulation on the effective elimination of child labor and a ban on the worst forms of child labor. Without efforts to reduce poverty, without addressing the deprivations that children are facing, we will hardly be able to end poverty.

### **III. Current Regulations and Practices on illegal child labor and poverty in Vietnam**

Children and child labor are always the top concern of the Communist Party, Vietnam government, society and every family in Vietnam. Vietnam has promulgated many legal documents and policies for children, participated in ratifying international treaties to ensure children's rights, and preventing and reducing child labor. It can be said that Vietnam is one of the countries in the world and in the ASEAN region that actively participates in and ratifies international treaties and promulgates many legal documents and policies to ensure poverty alleviation and poverty reduction in order to promote human rights, including children's rights. Through this policies, Vietnam has laid the legal foundation for effective and sustainable anti-child labor action from the 1990s to the present.

Up to now, Vietnam has ratified 25/190 ILO conventions, including 7/8 basic international conventions<sup>17</sup> and there are 5 Conventions directly related to child labor, including (1) the Convention on the Rights of the Child (CRC) dated on November 20, 1989<sup>18</sup>. Vietnam was the first country in Asia and the second in the world to ratify the United Nations Convention on the Rights of the Child on February

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<sup>17</sup> *International Labor Standards*, <https://www.ilo.org/hanoi/Areasofwork/international-labour-standards/lang--vi/index.htm>, accessed at April 15, 2021.

<sup>18</sup> *Convention on the Rights of the Child*, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> accessed at April 15, 2021

20, 1990, and the Convention entered into force in Vietnam on February 20 December, 1990<sup>19</sup>. With this Convention, Vietnam recognizes the rights of children and demonstrates its commitment to ensuring the rights of all children, ensuring a better future for all children. (2) On November 17, 2000, Vietnam ratified ILO Convention No. 182<sup>20</sup> on the prohibition and immediate actions to eliminate the worst forms of child labor signed on June 18, 1999<sup>21</sup>. It considers that the effective elimination of the worst forms of child labor requires immediate and comprehensive actions, taking into account the implications of free basic education system and the necessary to remove the children involved from all the worst jobs and help them recover and reintegrate into society. (3) ILO Convention No. 138 on the minimum age of employment, adopted by the ILO on July 26, 1973<sup>22</sup>. Vietnam ratified on July 24, 2003<sup>23</sup>. As required by the Convention, Vietnam has determined the age of children, the minimum age for work and established national policies on the abolition of child labor. (4) the Convention No.29 of ILO on Forced Labour 1930<sup>24</sup>, Vietnam joined in 2007. (5) The Convention No.105 on Abolition of Forced Labour Convention, 1957<sup>25</sup>, Vietnam ratified on July 08, 2020. Together with the Convention No.29, Vietnam's ratification of the Convention No.105 will contribute to preventing the risks of forced labor, protecting the legitimate rights and interests of workers, including children, helping to a stable and harmonious working environment, thereby positively affecting labor productivity, helping Vietnamese goods have more favorable conditions in accessing international markets, especially the international market such as EU and US markets, thereby helping the economy to develop sustainably and ensure better social justice in the context of globalization. Thus, with the accession and ratification of international conventions related to poverty and human rights in general and child labor rights in particular, Vietnam deeply demonstrates the international legal responsibility of a country.

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<sup>19</sup> <https://tulieuvankien.dangcongsan.vn/ho-so-su-kien-nhan-chung/luat-quoc-te/cong-uoc-lien-hop-quoc-ve-quyen-tre-em-ky-ket-ngay-20-thang-11-nam-1989-3356>, accessed at April 15, 2021.

<sup>20</sup> <https://tulieuvankien.dangcongsan.vn/ho-so-su-kien-nhan-chung/luat-quoc-te/cong-uoc-so-182-ve-viec-cam-va-nhung-hanh-dong-tuc-thoi-de-loai-bo-nhung-hinh-thuc-lao-dong-tre-em-toi-te-134>, accessed at April 15, 2021.

<sup>21</sup> *C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)*,

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182), accessed at April 15, 2021.

<sup>22</sup> *C138 - Minimum Age Convention, 1973 (No. 138)*, [https://www.ilo.org/dyn/normlex/en/f?p=normlexpub:12100:0::no::P12100\\_ilo\\_code:C138](https://www.ilo.org/dyn/normlex/en/f?p=normlexpub:12100:0::no::P12100_ilo_code:C138), accessed at April 15, 2021.

<sup>23</sup> <https://tulieuvankien.dangcongsan.vn/ho-so-su-kien-nhan-chung/luat-quoc-te/cong-uoc-so-138-ve-tuoi-toi-thieu-duoc-di-lam-viec-thong-qua-ngay-2671973-viet-nam-phe-chuan-ngay-2462003-137>, accessed at April 15, 2021.

<sup>24</sup> *C029 - Forced Labour Convention, 1930 (No. 29)*, [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029), accessed at April 15, 2021

<sup>25</sup> *C105 - Abolition of Forced Labour Convention, 1957 (No. 105)*, [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C105](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105), accessed at April 13, 2021.

In addition, the policies and laws of Vietnam related to the prevention and reduction of child labor is gradually being improved and harmonized with international standards. On June 7, 2016, the Prime Minister issued the Decision No.1023/QĐ-TTg approving the program on prevention and reduction of child labor for the period 2016-2020 with the overall objective: “*effective prevention and reduction of child labor; Children at risk and children working in contravention of the law are detected, intervened promptly and supported to integrate into the community and have the opportunity to develop*”. This is a demonstration of the political determination of Vietnam for a better future for children, not letting children fall into poverty and not allowing child labor to exist.

In addition, Vietnam domesticated international commitments on child labor in the Labor Code 2019, the Law on Children 2016, the Criminal Code 2015 (amended and supplemented in 2017), the Law on Anti-trafficking 2011... For example, the Convention No.138 and the Convention No.182 stipulate that the minimum working age must not be less than 15 years old. Children under the age of 18 are not allowed to do dangerous work. Children between the ages of 13 and 15 can work without compromising their health, development and learning. It also prohibits the use of children under the age of 18 in the worst forms of child labor. Vietnam internalizes these commitments in the 2019 Labor Code, the Trade Union Law and other regulations related to the Convention No.138 and the Convention No.182.

Although the Vietnamese law is relatively completed, the implementation of current regulations on prevention and reduction of child labor is a challenging issue in Vietnam because poverty is considered the main cause to force children to participate in labor market early that lead to child labor obviously. Some detail as follows:

*The lack of legal definition on child labor*

The legal document system of Vietnam does not have a legal definition of child labor although there are many regulations related to child labor. Clause 1, Article 37 of the Constitution stipulates that “*It is strictly forbidden to infringe, torture, mistreat, neglect, abuse, exploit labor and other acts that violate rights children*”. The Labor Code (amended in 2019) was passed to strengthen the protection of workers, including juvenile workers. Section 1 Chapter XI already contains regulations related to juvenile workers

such as the principles of using juvenile workers (Article 144); employing people under the age of 15 to work (Article 145); working hours of juvenile workers (Article 146); jobs and workplaces that prohibit using workers from full 15 years old to under 18 years old (Article 147). In addition, there are several other codes and laws such as the Law on Vocational Education 2014 on strengthening vocational training for students who have left school as well as young people who have already had jobs; Article 296 on the crimes of violating regulations on the use of employees under 16 years of age of the Penal Code 2015 (amended and supplemented in 2017) which stipulates those who employ people under 16 years old to do heavy and dangerous jobs or exposure to hazardous substances according to the list prescribed by the law, shall be fined or subject to non-custodial form or imprisonment; The 2015 Law on Occupational Safety and Health and some circulars specifying the list of jobs and workplaces where the employment of child labor is prohibited; providing the work categories that employ juvenile workers under 15 years old. In particular, the 2016 Law on Children stipulates prohibited forms of child exploitation, including forcing children to work to gainst the labor law, clearly stipulating the responsibilities of ministries, mass organizations, family, community, social organizations, economic organizations in the prevention and reduction of child labor. These are specific regulations on the age of children allowed to participate in labor market; jobs and workplaces where the employment of juvenile workers is prohibited and the acts that violate or infringe on children's rights...

In general, above provisions are consistent with the conventions that Vietnam ratified, in particular, two ILO conventions, including the Convention No. 138 of 1973 on the minimum age for work and the Convention No. 182 of 1999 on the prohibition and urgent action to eliminate the worst forms of child labor. However, in order to determine exactly when a work performed by a child is considered as child labor, or to identify that not all work performed by a child is child labour, it is necessary to recognize the legal definition of child labor in legal documents.

*The challenges in implementation of regulations on prevention and deduction of illegal child labor*

Currently, according to the provisions of Article 1 of the Law on Children 2016, a child is a person under 16 years of age. Meanwhile, the Labor Code 2019 defines, an employee is a person who



works for an employer under an agreement, is paid a salary and is subject to the management, administration and supervision of the employer. Therefore, it can be understood that a child laborer is a person under the age of 16 who works for an employer under an agreement, is paid a salary and is subject to that person's management, administration and supervision. In addition, the Labor Code 2019 stipulates that the minimum working age of employees is 15 years old, except for some special cases, employees under 15 years old may be employed but must also meet the certain requirements. Therefore, children aged 15 and over must have adequate requirements such as education and health to work. Of course, labor at any age must also comply with the provisions of the law such as not working at night, not working 8 hours per day and not doing prohibited jobs, etc...

However, implementation of regulations on preventing and minimizing the risk of illegal child labor currently faces many difficulties such as unclear awareness, capacity and coordination between agencies, sectors, relevant social organizations, local authorities, organizations of workers and employers, the media, as well as children, their families and the community; not being ensured working conditions and occupational safety and health; not being timely in propaganda and dissemination of the provisions of the law related to child labor (not using children or using children but complying with the provisions of the law); not been able to support poor children to participating in vocational training or schooling opportunities<sup>26</sup>.

Moreover, there are still many enterprises which contribute to the increase of illegal child labor through several actions such as employing children under the minimum working age, but for heavy work or businesses activities contribute to pollution of river water leading to mass fish deaths, causing farmers to lose income and have to force their children to make up additional income or some violations related to business activities, products or services through the conduct of business partners (For example: Embroidery details on clothing of a fashion brand are outsourced by the supplier from households which employ children or purchase directly or through agents of raw materials and agricultural products

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<sup>26</sup> ILO, *Phòng ngừa và xóa bỏ lao động trẻ em ở làng nghề truyền thống chế tác gỗ và đá mỹ nghệ (Tài liệu hóa mô hình tiềm năng ở xã Hiên Giang, huyện Thường Tín, thành phố Hà Nội*, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_463105.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_463105.pdf) accessed at April 15, 2021

produced by child labor. This is a violation of the processing contract and is prohibited by the policy of the retail brand)<sup>27</sup>.

In reality, according to the National Survey of the Ministry of Labour, Invalids and Social Affairs (MOLISA), the ILO and the General Statistics Office, Vietnam currently has 1.75 million child laborers, accounting for 9.6% of the total number of children<sup>28</sup>. In which, 85% of children live in rural areas and 15% live in urban areas. Child labor is mainly concentrated in three occupations, including agriculture, service, and construction. In which, agriculture accounts for the highest proportion, nearly 1.18 million children (accounting for 67%). The number of children working in occupations that are prohibited from using underage labor or with hazardous working conditions is 1.3 million children (accounting for 75% of child laborers)<sup>29</sup>. In addition, only 45.2% are still attending school, 52% have dropped out and 2.8% have never attended school<sup>30</sup>. The working time was forced by the employer from 11-12 hours, even up to 16 hours/day, an average of 42 hours/week<sup>31</sup>. Many child workers under the age of 15 have to do anything to earn money, and have to work in an unsafe environment and conditions with very cheap salary. For example, the salary of child laborers serving at restaurants is often from 1.8 to 2 million Vietnamese Dong per month<sup>32</sup>.

The main cause of the situation is due to poor status and economic difficulties. Parents are illiterate and do not care about their children's lives, as well as parents' awareness of the harmful effects of child labor is low. Children who cannot afford to go to school are forced to go to work early which lead to drop out of school or get bored of school. There still exists labor market with cheap price,

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<sup>27</sup> Tổ chức lao động quốc tế (ILO), Phòng Thương mại và Công nghiệp Việt Nam (VCCI), *Hướng dẫn phòng ngừa và giảm thiểu lao động trẻ em dành cho doanh nghiệp*, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_721942.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_721942.pdf), trang 16-17.

<sup>28</sup> *Xóa bỏ lao động trẻ em cần sự chung tay từ nhiều phía*, <https://baodantoc.vn/xoa-bo-lao-dong-tre-em-can-su-chung-tay-tu-nhieu-phia-39388.htm>, accessed at June 28, 2019.

<sup>29</sup> *Ngăn ngừa tình trạng lao động trẻ em*, <https://nhandan.org.vn/baothoinay-xahoi/ngan-ngua-tinh-trang-lao-dong-tre-em-361958/>, accessed at June 17, 2019.

<sup>30</sup> *Xóa bỏ lao động trẻ em cần sự chung tay từ nhiều phía*, <https://baodantoc.vn/xoa-bo-lao-dong-tre-em-can-su-chung-tay-tu-nhieu-phia-39388.htm>, accessed at June 28, 2019.

<sup>31</sup> *Ngăn ngừa tình trạng lao động trẻ em*, <https://nhandan.org.vn/baothoinay-xahoi/ngan-ngua-tinh-trang-lao-dong-tre-em-361958/>, accessed at June 17, 2019.

<sup>32</sup> *Tỷ lệ lao động trẻ em Việt Nam trong độ tuổi từ 5 - 17 tuổi thấp hơn 2% so với tỷ lệ trung bình của khu vực Châu Á và Thái Bình Dương*, <https://soldtbxh.thaibinh.gov.vn/tin-tuc-su-kien/ty-le-lao-dong-tre-em-viet-nam-trong-do-tuoi-tu-5-17-tuoi-th.html>, accessed at December 28, 2020.

disorganized; in some cases employers tend to hide child labor by setting up business at remote areas such as craft villages, fishing areas, seafood processing, quarrying, begging, porters, or small farms...<sup>33</sup>).

These reasons not only affect the health and psychology of children, but also affect the future of children. In the long term, children do not have the opportunity to comprehensive develop, having a decent work which lead to fall into the cycle of poverty. In other words, early labor affects children's right to access to education, making them not have the opportunity to learning and developing age-appropriate personality. These situations make children face to the risk of exploitation, abuse, even trafficking and violence. In addition, the use of illegal child labor have many unintended consequences such as negatively impacting the physical and psychological development of children, as well as hindering access to education, affecting human resources in the future.

#### **IV. Some solutions to prevent illegal child labor in Vietnam**

Vietnam has made a lot of efforts related to the prevention and reduction of child labor such as perfecting laws and policies to effective implementation of programs and projects from central to local levels, from government agencies, sectors, organizations and social communities. Therefore, in order to protect children's rights and solve the problems of illegal child labor, some measures should be taken as follows:

*Firstly, it is necessary to recognize and define the concept of "child labor" in legal documents.*

The aim of the regulation is clarifying the legal discrimination of child labor. Normally, children participating in age-appropriate work should be encouraged to enhance life skills. However, if children participate in housework for a long time, from 10 to 12 hours, including dangerous and toxic jobs that

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<sup>33</sup> *Hãy để trẻ em nuôi dưỡng những ước mơ*, <https://e.baonghean.vn/suy-ngam/quanh-thuc-trang-lao-dong-tre-em/>, accessed at April 15, 2020.

For example, at seafood processing facilities in coastal communes of Dien Chau district, Nghe An provinc, on summer days or weekends when children don't have to go to school, they go to shrimp and fish fillet processing establishments to apply for part-time jobs and earn money for personal expenses. The main job at these establishments is to steam shrimp, peel it for drying, the shell after peeling is collected and weighed to pay, workers receive about 10,000 VND/kg. If you work hard, each person can earn several hundred thousand a day. "Works such as peeling shrimp, scraping fish scales and fillets are not heavy and have an attractive income, so they take advantage of the summer break to work part-time before the new school year."

In mountainous areas, in Muong Noc commune, Que Phong district, Nghe An province, in the past few years, every time it is in the harvest season, many lychee gardens appear to have summer vacationers come to pick fruits. Some pupils are only 10 years old but have been doing this job for 2-3 seasons. The lychee harvest usually takes 2-3 hours, the children climb ladders, climb trees to pick lychees and then bundle them into bunches, each kilogram of lychee is paid 8,000 VND. The income is meager, and you can get injured if you fall from the tree, but this is still an ideal summer job for students in mountainous areas.

affect physical and mental development as well as affecting learning and playing time, it is not small. Although, Vietnam's current law has classified the age and the jobs that prohibit the use of children from 15 to under 18 to work, child labor should be understood as follows: children and juveniles do jobs that are against the law on labor which means that children engage in a work that hinders or negatively affects the physical, intellectual, personality and comprehensive development of children.

The legal recognition of the concept of child labor is not new around the world. For example, the Fair Labor Standards Act of 1938 in Chapter 33<sup>34</sup> of USA. Accordingly, child labor is identified through the criteria of age, working hours, type of work and workplace which are considered hazardous for people under 18 years of age. Oppressed child labor is subject to the following conditions: any worker under the age of 16 must be engaged in any occupation required by the employer or a worker between the ages of 16 and 18 is employed by an employer in any profession that, by regulation, is considered particularly dangerous to the health or well-being of that person. This is listed the worst form of child labor.

*Secondly, it is necessary to develop and regularly implement programs on the prevention and reduction of illegal child labor by stakeholders.*

The aim of the solution is to contribute to the prevention and elimination of child labor and accelerate the implementation of the State's goal of multidimensional, inclusive and sustainable poverty reduction by 2030<sup>35</sup>. Accordingly, action plans and programs must address the following issues: (1) Raising awareness and capacity of authorities at all levels, employers and employees, and organizations unions, mass media agencies, communities, working or at-risk children and their families; (2) Direct support for the child labor group and children's families in order to prevent, protect and remove children from heavy, hazardous and dangerous jobs; (3) Improve the village's environmental sanitation to reduce harmful and dangerous factors for children, families and communities.

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<sup>34</sup> Chapter 33 Child Labor, the Fair Labor Standards Act (FLSA) of 1938, [https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH\\_Ch33.pdf](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FOH_Ch33.pdf),

<sup>35</sup> *Đẩy mạnh thực hiện mục tiêu giảm nghèo đa chiều, bao trùm, bền vững đến năm 2030*, <http://baochinhpvu.vn/Chinh-sach-moi/Day-manh-thuc-hien-muc-tieu-giam-ngheo-da-chieu-bao-trum-ben-vung-den-2030/430430.vgp>, accessed at May 06, 2021. Vietnam has 8 times promulgated the national poverty standards according to the model of poverty reduction pyramid in order to meet the needs of the poor from low to high and suitable to the country's socio-economic context in each period. Vietnam is one of the first 30 countries in the world and the first country in Asia to apply the multidimensional poverty model.

*Thirdly, strengthening the awareness on child labor law for poor family, employers, and community*

Increasing understanding about the consequences of recruitment and use of child labor is considered an important solution in eliminating the problem, contributing to the initiative in saying no to illegal child labor from both sides as well as improving the main perceptions from the children's families, especially households in rural areas such as traditional craft villages who often have the mindset of forcing children to work early as a form of inheritance.

In addition, it is necessary to coordinate with vocational counseling agencies to create jobs and improve family income so that children, especially children in rural, remote and isolated areas have time to study, training. The solution also aim to not letting children have to work for a living and they must have free access to education and allow them to dream of a better future with a decent work and make a positive contribution to society, to their family and to the community.

*Fourthly, enhancing effectiveness of livelihood support programs for poor families for the purpose of helping them to increase their access to vocational education and training services.*

The programs will be a channel for children and their families to share knowledge and skills to stabilize their livelihoods and increase income, especially in communes, wards and townships or traditional craft villages, production and business establishments in the informal economic sector.

*Fifthly, it is necessary to step up the supervision, inspection and sanctions of violations*

Currently, the sanctions for violations are relatively adequate, both in terms of administrative sanctions as well as criminal sanctions. The 2015 Criminal Code (amended and supplemented in 2017) has a sanction for the use of juvenile workers. However, in order to detect child labor violations, law enforcement agencies and inspectors needs to be more active in inspecting and examining businesses, economic establishments and households because a country with many poor households in rural and mountainous areas like Vietnam, the problem of using child labor cannot be avoided or it is not easy to completely eliminate.

Therefore, the supervision and inspection needs to soon promote its strengths in order to ensure enterprises and business establishment to comply with regulations on child labor. The child labor is not simply a human right, but it also one of content which strict control in many international commitments of Vietnam such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the EU-Vietnam Free Trade Agreement (EVFTA), and the EU-Vietnam Free Trade Agreement (EVFTA) and in some strict markets such as Europe, the US, and Japan. Therefore, this solution help employers to be aware of child labor to follow strictly standards of Free Trade Agreements (FTAs), directly affecting their market share and country's comparative advantages. Therefore, for enterprises in the formal sector, in order not to be violated on above commitments, it is necessary to comply with the provisions of the labor law from the recruitment stage to the process of using labor.

Sixthly, it is necessary to provide businesses and economic organizations with knowledge to identify child labor issues and help them to understand the regulations on the use of child labor follow to Vietnam's labor law. In addition, business establishment must be warned about the seriousness of non-compliance with child labor regulations such as unethical and illegal matters.

Seventhly, it is necessary to improve the socio-economic life of the community, especially in ethnic minority areas, poor areas and disadvantaged areas through hunger eradication and poverty reduction programs and other programs such as employment, health care and better population work, family planning. Economic policies to get rid of poverty are likely to have many effects on addressing child labor<sup>36</sup>.

## V. Conclusion

It can be said that many programs and measures have been successfully applied in countries and territories to eliminate child labor<sup>37</sup>. However, the Covid-19 pandemic has affected many aspects of social life, in which the decline in the labor market has led to the loss of job opportunities for parents, leading to the possibility of many households employing children as a method to cope with job loss, pushing them to

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<sup>36</sup> Truong Thi Ngoc Lan, National Administrative Academy, *Xóa bỏ lao động trẻ em: Kinh nghiệm ở một số quốc gia trên thế giới và tham khảo cho Việt Nam*, <https://www.quanlynhanuoc.vn/2019/09/25/xoa-bo-lao-dong-tre-em-kinh-nghiem-o-mot-so-quoc-gia-va-gia-tri-tham-khao-cho-viet-nam/>, accessed at September 25, 2019.

<sup>37</sup> Truong Thi Ngoc Lan, National Administrative Academy, *Xóa bỏ lao động trẻ em: Kinh nghiệm ở một số quốc gia trên thế giới và tham khảo cho Việt Nam*, <https://www.quanlynhanuoc.vn/2019/09/25/xoa-bo-lao-dong-tre-em-kinh-nghiem-o-mot-so-quoc-gia-va-gia-tri-tham-khao-cho-viet-nam/>, accessed at September 25, 2019.

work to earn money for their families. In other words, the risk of falling back into poverty of near-poor families, poor households leads to an increase of child labor. It means that children still have to share the burden of work and family responsibilities in both rural and urban areas.

In order to emphasize the urgent need to accelerate efforts to eliminate child labor, the United Nations General Assembly has chosen year 2021 as the International Year for the Elimination of Child Labor. In response to the agenda, overcome challenges as well as fulfill its role as a pioneer country, Vietnam has been developing a roadmap for the implementation of Goal 8.7 to eliminate child labor in all forms (SDG 8.7) and the Child Labor Prevention and Mitigation Program for the period of 2021 – 2030<sup>38</sup>. The action plan is a possible policy, but this problem requires an overall strategy with the participation of the whole political system, domestic and international community so that Vietnam can prevent and reduce child labor in the coming time.

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<sup>38</sup> <https://nhandan.com.vn/tin-tuc-xa-hoi/ty-le-lao-dong-tre-em-cua-viet-nam-thap-hon-2-so-voi-trung-binh-cua-khu-vuc-628562/>, accessed at December 18, 2020.

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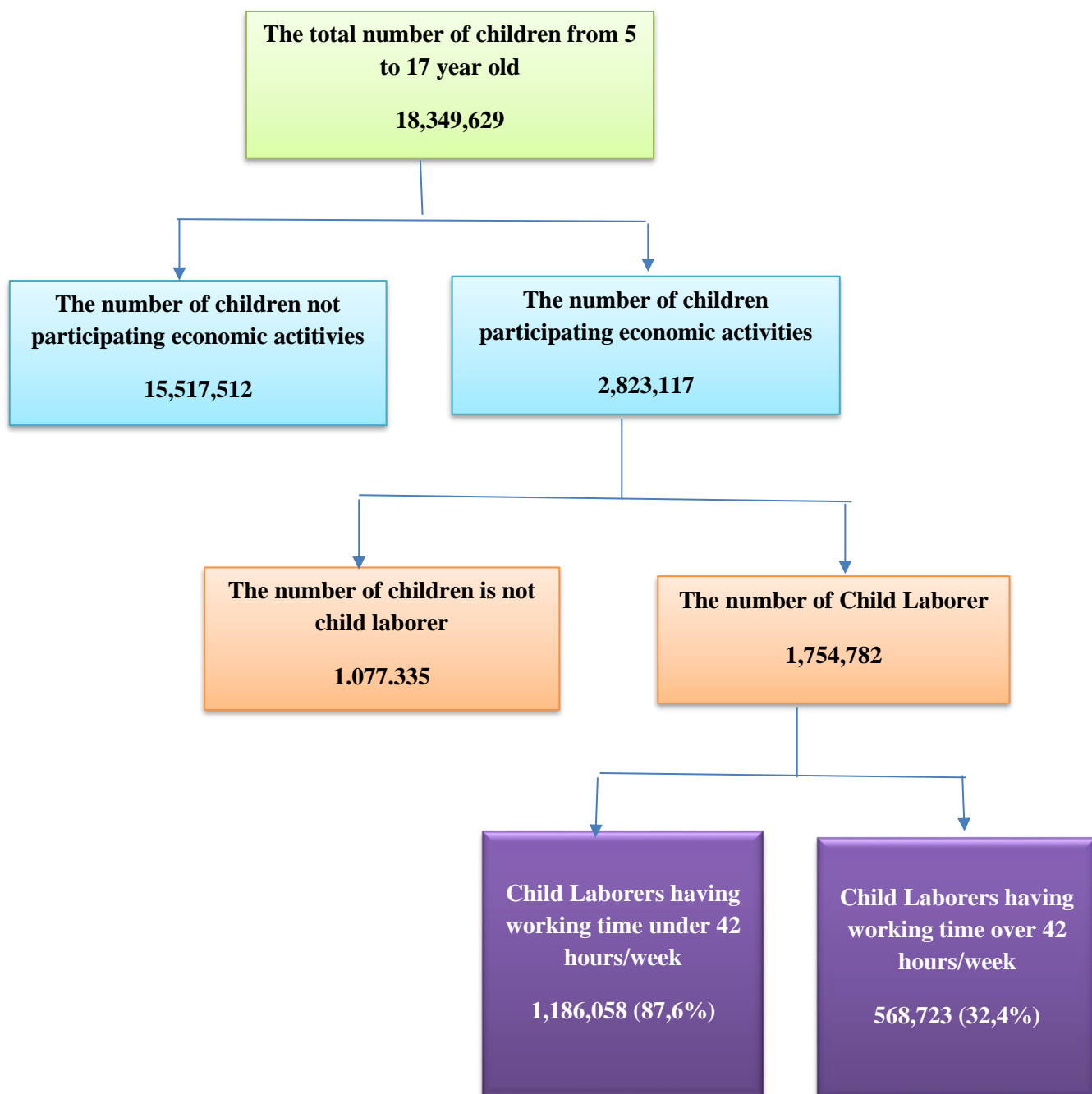
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**APPENDIX 1: The list of countries which the highest proportion of child labor** (Source:

<https://www.basicplanet.com/top-10-worst-child-labor-countries/>)

Order	Country	The rate of child labor (Age: 10-14)
1.	Mali	51,14%
2.	Bhutan	51,10%
3.	Burundi	48,50%
4.	Uganda	43,79%
5.	Niger	43,62%
6.	Burkina	43,45%
7.	Ethiopia	42,45%
8.	Nepal	42,05%
9.	Rwanda	41,35%
10.	Kenya	39,15%

**APPENDIX 2: The map on the number of children from 5 to 17 year old participated in economic activities** (Source: National Survey on Child Labor in Vietnam).



**APPENDIX 3: The list of jobs for workers under 15 age** (*Circular No.11/2013/TT-BLDDTBXH on June 14, 2013 of Ministry of Labor, War Invalids and Social Affairs*)

<b>I. List of works allowed using persons under 13 years old</b>	1. Actors and actresses: Dancer; singer; circus actors; movie actors; theater actors, traditional musical theatre actors, reformed opera actors and puppetry actors (excluded water puppetry).
	2. Gifted athletes: gymnastics, swimming, athletics (except chained dumbbell), table tennis, badminton, basketball, handball, billiards, football, martial arts, kicking shuttlecock, takraw, chess, China chess, and volleyball.
<b>II. List of works allowed using persons at full 13 years old and under 15 years old to work</b>	1. Works allowed using persons full 13 years old and under 15 years old to work
	2. Traditional jobs: drawing dots on ceramic, sawing clams, painting lacquer, making poonah paper, conical hat, making incense, drawing dots on hat, mat weaving, drum making, brocade weaving, making rice noodles, bean sprouts, making rice noodle (vermicelli).
	3.Arts and crafts: embroidery, art wood, make horn comb, weaving net, making Dong Ho paintings, molding toy figurine.
	4. Wicker, making home appliances, fine art crafts from natural materials such as: rattan, bamboo, neohouzeaua, coconut, banana, water hyacinth
	5.Rearing silkworms.
	6. Packing coconut candy