

TOURISM AND CHILD LABOUR IN VIETNAM: between the law and reality

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INTRODUCTION

“Governments should not say we should not be on the streets. They should not harass us if on the streets. We should be accepted” (the view of a child)²

Vietnam has become a very attractive Southeast Asian destination for international tourists. In 2015, for example, some 7 million arrivals were recorded. Inbound tourism has been growing at an annual rate of between 11% and 12% since 2011. In addition to foreign visitors Vietnam generated 36 millions domestic tourist trips in 2015.³ In Vietnam, the total contribution of Travel & Tourism to GDP was VND 468,291.0bn (USD20,605.6mn), 9.4% of GDP in 2017, and is forecast to rise by 6.2% in 2018, and to rise by 6.1% pa to VND900,944.0bn (USD39,643.1mn), 9.8% of GDP in 2028 (WTTC, 2018).⁴ Growth in tourism of course bring economic benefits but may also have negative impacts on culture, environment and society (Mowforth & Munt, 2009; Scheyvens, 2002; Telfer & Sharpley, 2008).⁵ Negative effects include the exploitation of children in various ways. Children are attracted to work in tourism and related activities in both informal and formal sectors. Child workers commonly drop out of school (Bliss, 2006; Sánchez Taylor, 2010; UNICEF, 2012). Many child workers migrate from rural areas to cities and other tourism hubs and many are forced to live on the streets.⁶ Trade measures not only lower the returns to child labor, but also adversely affect adult income (or how credit constrained households are), and hence increase the incidence of child labor (Edmonds &

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² General comment No. 21 (2017) on children in street situations.

³ Strategy for tourism development to 2020, vision to 2030. Decision no 2473. QĐ-Ttg. 2011

⁴ World Travel and Tourism Council (2018). Economic Impact of travel and tourism: Vietnam 2018. Accessed on 13/8/2018, <https://www.wttc.org/-/media/files/reports/economic-impact-research/countries-2018/vietnam2018.pdf>

⁵ Mowforth, M. and Munt, I. (2016) Tourism and Sustainability: Development, globalisation and new tourism in the Third World. 4th edition. London: Routledge. Scheyvens, R. (2002). Tourism for development: empowering communities. Essex: Pearson Education Limited. Telfer, D. J., & Sharpley, R. (2008). Tourism and development in the developing world. Oxon: Taylor & Francis. The International Ecotourism Society (TIES), from website: http://www.ecotourism.org/site/c.orLQKXPCLmF/b.4832143/k.CF7C/The_International_Ecotourism_Society_United_Conservation_Communities_and_Sustainable_Travel.htm.

⁶ VHLSS2014 and The Vietnam Development Report by World Bank 2016.

Pavcnik (2002).⁷ Given the economic impact of tourism on child labor recognised, based on statistical analysis, there is a lack of comparison between international legal frameworks on child rights with regards to child labor and real situation. In Vietnam, there is limited research on such linkages between the commitment to child rights in child labor, through domestic legal framework and practice. Therefore, this empirical research is developed in order to address such missing links.

The research on which this paper is based has three purposes. First, as a partial literature review, to assess the child labor situation including negative effects on children of participation in tourism-related work. Second, to clarify the obligations of government in applying a child rights approach to strategies and initiatives in the tourism sector. Third, the research raises real case studies of child workers in three of Vietnam's tourist areas namely Hanoi, Hue and Sapa where it illustrates the constraints of the government to ensure that there is no child labor as per commitment to international child rights conventions and domestic law. This study also formed the basis of research reported in the previous chapter but with a different focus. The primary research on which the paper is based focuses on the situations of child workers in tourism-related activities in the informal sector in three Vietnamese locations: Sapa, a tourist hotspot in Lao Cai province, Hue City and Hanoi. Sapa is notable for the numbers of child workers who are from ethnic minorities, notably the Hmong. Forth, this paper makes recommendations to promote and protect the rights of children already in street situations.

1. The child labor situation in tourism in Vietnam

A 2012 survey estimated that children in rural areas engaged more in economic activities, amounting to 18.6%.⁸ The survey estimated an average age for children in economic activities of 12, but 10% of children were under 10 and 3% of 5-7 years old were working. Child workers have paid jobs, work in family farms and businesses whilst some are self reliant for their livelihoods. The survey further estimated a rate of 9.6% amongst children working, of which 62% represents child labor.⁹ It is estimated that some 2.83 million children were

⁷ Edmonds & Pavcnik (2002) Does globalization increase child labor? Evidence from vietnam. National Bureau Of Economic Research. Working Paper 8760 <http://www.nber.org/papers/w8760>

⁸ MOLISA, ILO, GSO. National Survey on Child Labor 2012. http://www.ilo.org/wcmsp5/groups/public/-/asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_237841.pdf

⁹ Two sources of survey on child labor: including MICS conducted by GSO and UNICEF in 2000, 2006, 2011, 2014 and National Survey on Child Labor 2012 conducted by MOLISA and ILO. MICS 2014 (TCKK) define children in labor when (i) conduct economic activities longer than allowed and age. (ii)

working, of which 1.75 million were children and of these 1/3 were working over 42 hours a week. Another source, the MISC 2014 survey, showed that 12.1% of 5-17 year old engaged in economic activities, many working hours higher than allowed; furthermore, 15% of children in the 5-11 years age group engaged in economic activities.¹⁰ Dropping-out from school is a notable consequence of children engaging in economic activities: 41% of non-school attendees engaged in economic activities, of which 55% are children. The drop-out rate is 96.4% for children who work over 42 hours a week.¹¹ The 2012 Child Labor Survey estimated that 569000 out of 1.75 million children in the 5-17 age group worked more than 42 hours a week.¹² Due to the long working hours, 96.4% of this number did not attend school¹³; 24% worked in services related activities.¹⁴ According to a World Vision's survey, 18% of informants saw children working in entertainment spots at night, 33% sees children working in tourist agents.¹⁵

Children from families that have migrated may have a better chance to find work but may drop out of school. Children of migrant families have drop-out rates 1.3 times higher than those of children from non-migrant families up to 5 years of age. The figures are 1.8 times for primary schooling and 2.4 times for secondary schooling.¹⁶

2. Regulatory gap in combatting child labour in Vietnam

Child labour under international law framework

Child labor in infomal manner

A regulatory framework is lacking to cover children working in the informal sector, including in households and family businesses, especially in rural areas. Nor is the regulatory framework

working in hazardous environment (iii) housework longer than allowed at the certain age. National survey on child labor 2012 by MOLISA only considers child labor under two circumstance (i) và (ii) of MICS 2014

¹⁰ Ibid. p. 39

¹¹ Ibid. P.39.

¹² By UNICEF and ILO both define: A child is considered to be involved in child labour under the following conditions: work 28 hours/week with house work for age group 5-11, For age group of 12-14, child engages in economic activities for 14 hours, from 15-17 age group for 43 hours a week.

¹³ Ministry of Public Security. 2016. Submission as part of the 5th and 6th State Report on Convention of the right of the Child.

¹⁴ MOLISA. Child Labor Survey 2012

¹⁵ World Vision Australia (2014). *Sex, Abuse và Childhood*, <http://www.childsafetourism.org>. World Vision, University of Western Sydney, Australian Aid. Khách du lịch an toàn với trẻ em, 2012

¹⁶ Ministry of Education and Training. 2014. Report on “Out of school children: Research on Vietnam”

clear in its definitions of child labor and children engaging in economic activities.¹⁷ This is a reason why the rate of children engaging in economic activities is high, including those in the age group, 5-11 years in the case of Vietnam.

The general situation is that there exist international conventions (notably the UN Convention on the Rights of the Child) that address the rights of children in their various forms. Some of these conventions address matters such as minimum pay rates, minimum working ages and working conditions. Whilst not dealing specifically with the tourism industry these general conventions cover work of all types and so are directly applicable to tourism work. International conventions also address rights to education, health and personal security.

CRC General Comments No. 21 require nation states to assess the impact of their working in the informal economy on children's rights.¹⁸ The CRC Committee in 2012 expressed its concern about child labor, especially in informal sectors.¹⁹ The Expert Committee for implementation of ILO recommendation (CEACR) also evinced concern for the high rate of child labor and called on government to provide information and to develop ways of reducing the incidence of working children under 15 years of age.²⁰

The rights-based approach to child labor highlights the negative impact on children's right to education and right to entertainment and leisure (UNICEF, 2008). Common settings of child work in Vietnam are the streets, in paid domestic help and in family settings where children are often overworked, especially girls. Child labor can be publicly obvious but can also be hidden, especially in the informal sector. For those who are not 'seen', sexual exploitation and slavery for debt exchange can result. 'Unseen' children do not commonly work in groups but mostly as individuals in dispersed settings. Those who are publicly identifiable include children working on streets, including street vendors, and those working in restaurants and other service providers. The VHLSS (2006) categorised child labor in Vietnam

¹⁷ On this issues, the Observation Report in 2013, ILO Expert Committee CEACR noted for art. 164(3) of 2012 Labor Code (that allows children under 13 working in some sectors as allowed by Ministry of Invalid, Labor and Social) which is not in compatible with art. 7(1) of the ILO Convention no. 138 in which only allows children with light work without prejudice to the health and development of children. See Xem, Observation (CEACR) - adopted 2013, published 103rd ILC session (2014) C138 - Minimum Age Convention, 1973 (No. 138) - Viet Nam, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>, Section II.

¹⁸ VHLSS2014 and The Vietnam Development Report by World Bank 2016.

¹⁹ CRC/C/VNM/CO/3-4, đoạn 68. CRC committee on 15/6/2012

²⁰ See. Observation (CEACR) - adopted 2013, published 103rd ILC session (2014) C138 - Minimum Age Convention, 1973 (No. 138) - Viet Nam, tại <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>, accessed 30/10/2016.

in 4 groups: paid jobs, family economic activities, combined paid job and family economic activities, self-reliant work. The survey also identified factors that force children into work: family economic difficulties, including single parent households, families without social safety net support, low educational level of parents and of the children themselves, discrimination against girls compared to boys.

Working street children

Street children are those who are “living and/or working on the street”. Children may engage in such activities voluntarily, through lack of viable choices or through coercion by other children or adults. Children may conduct these activities alone or in the company of family members and friends. The Convention on the Rights of the Child (CRC), General Comments No. 21, in addressing street children, defines them as:²¹ (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities. This wider population includes children who periodically, but not always, live and/or work on the streets and children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets, often spending a significant amount of time on streets or in street markets, public parks. The CRC Committee urges states to implement the provisions of Article 32(2) of the CRC and ILO 138 to protect children in street situations from economic exploitation and the worst forms of child labor. Measures include enabling children to transition into education and guaranteeing an adequate standard of living for them and their families. It is essential to adopt a child rights approach which emphasizes respect for autonomy, including support to find alternatives to depending on the streets. States are urged to collect information about such children and to decide how best to uphold their rights.²²

Child labour with harm, hazard and risks of abuse

The CRC recognizes the right of every child to be protected from exploitation in economic activities or from others risk that may harm a child’s education. Convention No.

²¹ CRC/C/GC/21 adopted 21 June 2017

²² See: CRC General Comment 21

138²³ defines a minimum age for employment, in order to prevent and eliminate child labor, as 15 years (Art. 2), and mandates only ‘light work’ for 13-14 year olds (Art. 7).²⁴ Article 2.3 states that the minimum age for full-time employment “shall be not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years”. Under Convention 138, governments need to prevent children under the age of 15 years from engaging in hazardous work. Governments in all cases need to prevent children under 12 years of age from engaging in anything other than light work. Convention 182²⁵ mandates a minimum age for full-time working of 18. Governments are also required to prevent children from undertaking hazardous work, and to eliminate the worst forms of child labor. ILO Recommendation 190 identifies the worst forms of child labor as being those where work exposes children to physical, psychological or sexual abuse”.²⁶ CRC General Comments No. 16²⁷ raises concern about risks to children engaged in the informal sector resulting from the precarious nature of employment, low, irregular and even no remuneration, health risks, a lack of social security, limited freedom of association and inadequate protection from discrimination and violence or exploitation as well as children from attending school, doing schoolwork and having adequate rest and play.²⁸ This requires governments to regulate working conditions.

Regulatory framework on child labor in Vietnam

²³ Convention no. 138. Adoption: Geneva, 58th ILC session (26 Jun 1973 effective from 19/6/1976 National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is-“...not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes...”

²⁴Article 7 of this Convention no. 138 allows developing countries can have children from age 13 to 15 to have light work which does not affect children’ health and development, educational attendance, and participation in vocational programme.

²⁵ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No 182.

²⁶ Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour Adoption: Geneva, 87th ILC session (17 Jun 1999), para. 3

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R190

²⁷ In addition, Circular no 19/2013/QĐ-BLĐTBXH on prohibition of use of juvenile in employment and Circular no 11/2013/TT-BLĐTBCH on light work for under 15 age, apply to all companies, organisations, cooperative, households, individuals using contracted work. Apart from Decree No. 95/2013 / ND-CP, some violation against law on child labor are also sanctioned under the Government's Decree No. 144/2013 / ND-CP (October 29, 2013). (3) Taking advantage of street children to make profits;

²⁸ UN General comment No. 16. General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights <https://undocs.org/CRC/C/GC/16>

Vietnam is a signatory to ILO Conventions 138 and 182, 24/6/2003 and 19/12/2000 respectively.²⁹ Rights of children are also regulated in Vietnamese constitutions, laws and policies. The 2013 Constitution is the fundamental law of the nation and all other laws must be compatible with the Constitution. The Constitution states, inter alia: "Everyone is equal before the law;" "No one is discriminated against on the basis of political, civil, economic, cultural or social life;" "Discrimination, forced labor, the use of workers below the minimum age of employment are prohibited;" "Children are protected, cared for, and educated by the State, family and society." "It is strictly forbidden to abuse and exploit child labor. All violations are considered violations of human rights".³⁰ Compared to previous constitutions, the Constitution of 2013 explicitly stipulates the prohibition of "abuse and exploitation of labour and other forms of violating children's rights" for the first time.

Vietnam is a signatory to ILO Convention 182 which calls for the elimination of all forms of child labor. Monitoring mechanisms may work in the formal sector but in the informal sector they may not. Children who work outside the family environment, mostly rural to urban migrants, are especially vulnerable to labor exploitation and other forms of abuse.

The 2012 Labor Code sets out specific legal frameworks to prevent early childhood labor and abuse of juvenile workers. The law has a separate section on juvenile workers (Articles 161-165). Specific provisions on the employment of juvenile and child labor are: working hours of under-aged employees aged 15-18 must not exceed 8 hours in any day and 40 hours per week. The working hours of persons under 15 years must not exceed 4 hours a day and 20 hours week; overtime and working at night are proscribed.³¹

The 2016 Law on Children states: "Children have the right to protection in all forms so as not to be exploited; or to be forced to work at early age." Child exploitation is prohibited by law (Clause 2 Article 6). The Law also establishes a national mechanism for protection and caring and education for children whilst also having the function of preventing child labor and protecting and helping working children. The law defines children as persons under the age of 16 (Art. 1). This definition is considered not to be in conflict with the CRC definition but the specified age is below the minimum age specified in Convention No. 182. Since Vietnam has ratified Convention No. 182 the law is not compatible.

²⁹ See further on:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103004

³⁰ Constitution 2013: art 16, Clause 3 Art 35, Clause 1, Art 37

³¹ (Article 163-2) of 2012 Labor Code.

The Vietnam's Law on Tourism (2017) mandated policies to facilitate tourism. However, constraints on the implementation of tourism strategy include lack of community awareness amongst those whose livelihoods depend on tourism-related activities.³² The strategy amongst other matters addresses heritage values in the built and natural environments, festivals, culture and community tourism.³³ The Government has established a project on community-based tourism to reduce poverty and to promote rural development.

In order to implement laws and policies in the field of children's care, Vietnam has developed and implemented many social programs that directly or indirectly act to prevent child labor: such as the National Action Program for Children of Viet Nam (1991-2000, 2001-2010, 2011-2015, 2012-2020); the Program to prevent the incidence of street children, included in the National Program of Action for children covering the period 2012-2020; the Child Protection Program covering the period 2016-2020 which seeks to reduce the incidence of child labor;³⁴ and Technical Support for Enhancing the National Capacity to Prevent and Reduce Child Labor in Viet Nam (ENHANCE).³⁵

In order to protect children from predation by business operators, Vietnamese law stipulates that children are to be protected by law and that the use of juvenile workers is prohibited.³⁶ There are specific regulations applying to juvenile workers.³⁷ Laws stipulate civil, administrative and criminal sanctions for violations of human rights in general, and child rights in particular, in the fields of the environment and the provision of goods and services.³⁸ In Vietnam, UNICEF, the UN Global Compact and Save the Children, have developed the Code of Conduct on Children's Rights and Business Principles, to guide businesses as to what they can do in the workplace, in the market and in the community at large to show respect and support for children's rights. A series of seminars and workshops called ZERO Talks have been organized or co-organized by UNICEF with the participation of business leaders to discuss and identify ways that public and private sectors can work together to ensure that no child is abandoned.

³² Government of Vietnam. Strategy for Tourism toward 2020, vision of 2030.

³³ Ref. Decree no. [47/2007-ND-CP](#)

³⁴ Decision no. 1023/QĐ-TTg ngày 07/6/2016

³⁵ The project support by ILO from 2016-2019

³⁶ Labor Code 2012, Article 8, clause 7

³⁷ Labor Code 2012, Chapter XI, Article 161-165

³⁸ Law on handling administrative violations 2012, Civil Code 2015, Penal Code 2015

There present critique information about the conventions, policies, laws, regulations related to children in general and children working in tourism. It is clear that the rights of children are front and center internationally and nationally and have been for many years. What is not so clear is the extent to which these frameworks actually guide effective implementation of domestic policies, laws and regulations. The qualitative work and the literature suggest that there is still much to be done. An important follow-up project would be to evaluate policy implementation and implementation failures. The conditions for policy failure are well known and include: lack of clarity/specificity in objectives; lack of resources to disseminate information to children, parents, employers and relevant officials; lack of enforcement resources. Overriding is political will and the reality of life in developing countries.

3. Children's work in tourism sector in Vietnam: voices of working children

This part of the paper presents findings from interviews conducted with 52 children in Hanoi, Sapa, and Hue city.³⁹ Hanoi was selected because it is a large modernising city and a major hub for inbound visitors with tourism with a contingent complex milieu of services. Places where tourism is concentrated include the 1000-year old Chinese quarter. Hanoi received over 23 millions visitors overall and 4.95 million foreign tourists in 2017.⁴⁰ Sapa, a former French hill station in the mountains north of Hanoi, is major tourist destination made distinctive by its regional population of ethnic minorities. Sapa is one hub for tourism on the route tour with 3.5 millions visitor to Lao Cai province in 2017. The rapid increase in tourist numbers there has engendered high demand for workers in restaurants, hotels, souvenir shops, markets and even street food providers and other businesses. Hue, the former Imperial Capital in central Vietnam is a long time established tourist city that attract both foreign and domestic visitors with 3.8 visitors to Hue in 2017. However, in Hue the tourist sites are not concentrated but scattered across different parts of the city.

Reasons for children working: by choice or coercion?

³⁹ Given time and budget constraint, 52 children are selected from 3 cities/town. The researcher designed questionnaire. Question related to background of children and their family, Reassons forced children to work, Living and working conditions, Social safety, protection and support to children including health care, and children' wish and want for future. Researchers randomly find children working at spot (streets, restaurants, markets, tourist spots etc) from selected cities.

⁴⁰ Statistic reported by Hanoi Department of Culture, Sport and Tourism.

Most child informants said that they experience life difficulties in their families and have opted to work to help support them. Most children said they do not want to work but because they are poor and born into large families so their parents' incomes are not adequate. Parents expect children to work to earn income for their education and living expenses. A 12 year-old girl living in Y Lay Ho commune, Sapa, said: *"I want to do this work because I need to help my parents and have money to pay for my schooling. On weekends and out of school, when Sapa has many tourists, I walk 12 km from home to Sapa to sell souvenirs. I work from early morning until the night market closes and so I can earn about 100.000 to 200.000 dongs.⁴¹ I want to pursue my dream of staying in school so I have to work like this"*.

G.T.T is a 10-year old girl from Lao Chai village, Sapa. She is number 5 in a family of 7 siblings. She joined her sister selling souvenirs in Sapa when she was 9 years old selling souvenirs. She said: *"I am happy because I can earn money to give to my parents to buy food. My mother beat me twice because I did not meet the target she said for sales, to be 60.000-100.000 dongs per day"*.⁴²

In Sapa, most of the 24 informants were from ethnic minorities and they came from large families of 4-10 children. Child informants said that working part-time was normal and that most village children, from as far away as 15km, are working in town. The economic activities of children varied with age and gender. In addition, gender typing may contribute to different age/gender distributions of the economic and household activities of children. In Sapa, H'mong ethnic minority girls work more than boys and boys who are expected by parents to stay in school, while girls are opted out of school to work earlier than boys. A 15 year-old girl working in Sapa, said: *"we live in Tả Van village, a 'suburb' of Sapa. There are 5 siblings. Only girls have to go to sell in the market in Sapa and boys do not have to."*⁴³

Children are forced to work by their families to afford the cost of living, including food, and families have many children. A 10 year-old boy in Ta phin, Sapa, born into a family of 12 siblings, had to work since he was 7 years-old. He goes to school in the morning and in the afternoon, he takes his younger brother on his shoulder to go to market and sell souvenirs in

⁴¹ Interview #10/T.T. S/Sapa.

⁴² Interview #14/ G.T.C / Sapa

⁴³ Interview G.T. S, Sapa. Dated 24/3/2018. The same revealed by G.T M., 13 year old from Giàng Tả Chải Mây village.

the street until midnight. He said: “*Sometimes I have to beg for food from tourists because there is not enough food at home for me. I think I can only do this job for another 3 years to help my parents out of the difficulties. I want to be a policeman.*”⁴⁴ Some small children, who go along with their mothers to do street vending, said that they are forced to do so. Mothers expect children to actively sell and earn high so they work long hours. Many parents demand that their children work to have extra income. The income from one child can range from VND 1,800,000 đ to 3.500.000 per month with average daily earning of VND 100.000.

In Hue, large numbers of children have been working in street for many years. They belong to the ‘re-settlement communities’ from river dwelling to land. The households were given land and house to live but parents lack the means to earn sufficient income to live in new areas in the city. Thus, children are asked to work to earn more income because families often have many children, and families commonly have only one parent who can work so they can not afford for living expenses and educational expenses.

Many younger children work more than they are legally allowed to do. Some commence work from as young as 7 and have been selling in the market for 2 years by the age of 9. Informants have worked for an average 2-3 years. Twenty two of 52 child informants are below 12 years old. Most work as street vendors in restaurants in Hue or sell souvenirs in the street and market in Sapa. One informant had been working since the age of 4-5.⁴⁵ Some have to work 7 days a week and average 5 hours a day. This is not compliant with either the ILO convention or the Vietnam Law on Children 2016.

Education is closely linked to the child labor situation. Of the 52 children, two had dropped out of primary school, five from secondary school and one from high school; five never go to school. A 14 year old girl Xi Pán, of Tả Van village, Sapa, never goes to school because her parents do not have her birth registration papers. She said: “*I have to go to market to sell, if not, my parent will shout at me.*”⁴⁶ The rate of school dropout is high when children work in the city because they have moved from rural and mountainous areas to work. None of the children interviewed in Hanoi of out 4 interviews had completed high school. In Sapa,

⁴⁴ Interview #15 G.A.S/Sapa.

⁴⁵ Interview #16 H.T.T/Hue

⁴⁶ Interview# 5 /Sapa. Dated 24.3.18

because ethnic minorities are encouraged and supported to attend school, only two out of 24 had dropped out of secondary school. In Hue, 6 out of 24 children have dropped out school, especially high rate of children never go to school. Most of the girls are forced to drop out and go to work. Some have to drop out at the age of 9 (grade 4) and boys in the family do not have to go to work. Their parents say, girls do not have to study high. A 16 year old girl of H'mong ethnicity from Sapa said, when I was in grade 9, I stopped schooling and went to town to work. She said: *“My parents only stay in the village and never go out. In my family and the village, boys can go to school until grade 12, girls only can attend to grade 9. Although I am very good at school and been awarded, I have to stop schooling. I wish I can be a teacher.”*⁴⁷

A girl of 14 years from Su Phac village, Sapa reveals:⁴⁸ *“Because my parents do not send me to school, I have had to work since I was 11 years old. My family is poor with 6 siblings so I am forced to go to work to earn money and I can only do this work from now on. On weekends, Sapa is full of tourists, so I walk to market in the early morning and work until late at night to sell souvenirs.”* This supports research by UNICEF finding that children are forced to drop out school so they can work. Children have to take economic work continues eve.⁴⁹ Many children do however go to school until when they reach high school. So they can spend 2-3 days a week, mostly weekends, to working, mostly during peak time of tourists and visitors. But the work affects their health and study because it is tiring.

Children commonly reported family difficulties because their parents cannot meet living and education expenses. Children feel that they need to earn money to support their education so they accept work. A 12 year girl from Y Lay Ho village, Sapa, said: *“I work on weekends from 6 am to 11 pm in town, selling souvenirs to tourists. I can earn 100.000 dongs to 200.000 dongs per day so I can pay for my education because my parents are poor. I have a dream to finish my education.”*⁵⁰

Table 1: Reasons for children going to work (based on research findings)

| Immediate | Direct | Policy |
|--|--|---|
| Family lack of money to buy food and education | Parents’ lack of awareness of the importance of children’s education | Lack of child care and other support mechanisms |

⁴⁷ Interview # 8/Sapa. CTP/ Van Den Su II village

⁴⁸ Interview #9/Sapa dated 23.3.18

⁴⁹ UNICEF. 2018. Vietnam Out – of – school Children Report 2016.

⁵⁰ Interview # 12/sapa/TTS

| | | |
|--|---|--|
| Family accidents leave parents without ability to work and/or single parent households | Family prejudice against girls based on belief that boys deserve to carry on education more so than girls (especially in ethnic groups) | Attraction of free market and other opportunities to children to support earnings |
| Children invited to work | Children tempted by idea of earning money from an early age | Enforce education policies, provide social safety nets for the poorest by local authorities and communities to prevent children dropping-out of school and being unable to afford schooling. |
| Children in difficulties (orphan or left without family environment and any social child care) | Children drop-out from school | Communities do not see child labor as harmful and illegal |

Working conditions

Most children work long, tiring hours. Most informants said they have to work 12 hours in restaurants shops or until late at night in the streets. This may affect their health as well as school attendance. Of the 52 child informants, seven were of 15-18 but had to work full time every day, in some cases in restaurants for 14-15 hours a day and 7 days a week.⁵¹

Most of the jobs are as street vendors, selling souvenirs in markets, servants in restaurants, sales in souvenir shops near tourist places. Working in the street for long is tiring for early aged children. A girl of 16 years, who started selling souvenirs in the street at 13 said:⁵²

⁵¹ Interview HVH/Hanoi, interview CTP/Hanoi, Interview C.T.P/Sapa., 16 years old, work in a restaurant in Sapa. She stay in restaurant. “ One day I work 2 shifts, morning shift from 6 am to 14 pm. Afternoon shift from 17 pm to 23 pm and I work 7 days a week. I have payment from 3 millions dongs per month. The second month I got pay of 3.5 millions dongs”.

⁵² Interview # 9 L.T.D/ Sapa. , Lao Chai village. Interview dated 23/3/2018

“I have been doing this work for 3 years now. I have to travel, walk and sit for long hours and that makes me feel dizzy. I think I can only work until end of this year”.

Working conditions in the streets and restaurants are generally not safe. There are robbers. Smaller children have to be accompanied by mothers or elder sisters until they become confident and know to protect themselves. Many reveal that they are scared of being trafficked but they learn how to approach tourists. A 10 year-old girl shared: *“I go to school from Monday to Thursday. From Friday to Sunday, I go to Sapa to sell from 6am to 10pm and sleep in the market. Sometimes, I experience stealing and threats from gangs. I know that I must be careful because there is trick to take us over the border [to be trafficked] and security guards at tourist site try to take away our goods. I think this work harms my health and my education. Before I started working I had good grades at school but in the year since I start working, I do not have good grades.”*⁵³

Many children live far from their work places so they stay overnight during weekends so as to work a full weekend. They sleep in temporary places near the tourist places, like markets, amongst other child vendors and their mothers. A 10 year-old girl often stays with her elder sister in a rented place near the market in the tourist hub in Cat Cat village, Sapa, because they work selling souvenirs here. She started working like that two years ago when she was only eight years-old.⁵⁴

There are many risks to working children, from tourists and from business owners in especially for children without parents. Most children go to town to work but they do not go in groups, they go with parents. Although mothers or siblings are together there are still times when children are left alone to work in the streets, raising their fears of being trafficked.

No support by, or interaction with, local authorities for child welfare or protection services was found. Although in some places local authorities do report on street vendor children. In Sapa, in 2016, the local Labor Department reported the existence of about 265 street vendor children, 10% of whom move around and do not live with families. In Hue, where there is much evidence of street working children, the local Child Protection Authority does not engage with child labor and there is no official report on or monitoring of the situation.

⁵³ Interview # 14. G.T.T /sapa

⁵⁴ Interview #10. S.T.M/ Sapa

When asked about what to do with street vendor children, they said, “we do not encourage that and school is told not to discriminate against those children because they are from poor families, they have to work. Schools accept them and encourage them not to drop out.” As note above, migration from rural areas creates a large pool of people who cannot find proper livelihoods. Nor can local government provide adequate social security and safety. Again, poor families have to send children to work for income a situation that is not easily resolved.⁵⁵ In Hue City, there is a measure to prevent children selling at tourist sites whereby police move them away or take them to a child protection center. The city authority also runs a call campaign to discourage children from selling at tourist sites since they present an ugly face of the city that may reduce its attractiveness to tourists.⁵⁶

Some child-support services are offered by non-government organisations. In Hue, Codes provides support to street working children through a club that supports education and by raising awareness about child rights for development and education. The child informants who received such support acknowledge that they have a dream for becoming a good person with and a better job in the future, by being able to complete school.

A 9-year old girl called P. is in a family of 5 siblings being raised by a single parent (mother) because her father is in jail. She only knows that her life is on the street selling with her mother and then, when she returns home, she has to take care of her brothers. She never goes to school. She only knows that her mother told her to go to the streets to sell to expense herself and raise her siblings. Come rain or sunshine, her mother takes her to town from 4 pm to 9 pm every day and, at the end of the day, her mother takes all money she has earned. She walks past restaurants to sell street foods, tired and enduring shouted threats by restaurant owners who resent the competition. She receives no care from local authorities. She wishes to have a better job, like working in garment factory, when she grows up and does not want to continue with her current work.⁵⁷

Though they say it is tiring and they wish to stop soon, most children have opted to continue with street work until they reach the official work age. Then they may hope for a stable job with decent working conditions and they wish to take on a stable profession. Sadly,

⁵⁵ Interview with Child protection bureau of Hue. Dated 4 March 2018.

⁵⁶ Read more: <http://dantri.com.vn/du-lich-kham-pha/du-lich-hue-di-roi-moi-biet-bat-cap-1356734303.htm> accessed 15 May 2018

⁵⁷ Interview #22/ NTNP/Hue

most realise that they lack the education needed to get a good job. Many of the children thus wish to attend school and do not want to work as street vendors or restaurants for more than a year. Some want to go back to school for better schooling. They have hopes for good jobs, such as teaching and tourist guiding. A 14 year-old girl street selling in Sapa town does not even know how to spell her name correctly. She never went to school because her parents did not have her birth registration. She said: *“I have no choice other than going to the street to sell like this. I want to go to school or work in a hotel. But even to work in a hotel I need to learn and go to school. I do not want to work in the fields with the buffaloes.”*⁵⁸

Some children who are new to town and are offered a job, typically in a shop or a restaurant, do not know how much they are supposed to be paid. But they still accept this because they want to take the job. A 13 year-old boy moved with his mother to Hanoi when he was grade 6 and began working in a restaurant. His family faced difficulties after his father died. His mother and himself work from 6 am to 11 pm. He can earn only about VND 2,000,000 per month. He said: *“because I am still small so I only have little pay.”* He said: *“I miss my hometown and want to go to school. I want to play. But because my mother is in difficulties, I have no other choice.”*⁵⁹

From the real research of street children working in Sapa, Hue, and Hanoi, it is clear that poverty is the main reason for children working at an early age. Most are forced to work for their living and to support sibling. They are unskilled and labor is abundant so their financial returns from either paid work or street selling are very low. The growth in the tourist sector certainly provides opportunities for poor families. Parents are strong influencers for children to go to work, with the expectation that working in a tourist town they can earn more money easily than they can by doing farm work in the village. Therefore, parents support and encourage children to work as much as possible, even if this means dropping out of school early. One of the reasons for child labor is a lack of awareness of the importance of education on the part of parents. Children are also not aware of their rights to education and the effect of working vis-a-vis their rights, so they are dragged into work and run a high risk of drop-out from school. Other factor is where children are in families with one parent and where there are sick adults without ability to work. There is discrimination between boys and girls because parents prioritise education for boys. The study also found suggestive evidence that the

⁵⁸ Interview #5/Sapa.

⁵⁹ Interview #1/ HVH / Hanoi

incidence of child labor might persist in households with lack of agricultural land and/or low skills.

Impact of child working is that there is opportunity cost for child workers is truncation of their education. Children choose or are forced to work by parents to support incomes in poor households. The only solution to this constraint is government subsidies to households that would enable children to stay in school. There is also the issue that even when children do attend school, if they work (say on nights and at weekends) they are often too tired to be able to learn effectively. In this case a child's decision to work means that education is either foregone or its quality is reduced. In the long run education is likely to yield a better financial return than is working a low wage, low security job at a young age.

Children commonly work in unsafe settings and in unsafe ways. In the case studies restaurant workers deal, for example, with sharp edges and are exposed to potential burns. In travel agencies and hotels children may have to carry loads that are beyond their strength levels. There was no evidence, however, that these were acute problems. To some extent this is the reality of manual work in developing economies that lack the work safety standards and enforcement mechanisms taken for granted in advanced economies.

4. How to combat child labour engaged in tourism sector?

The research on which the paper is based reveals gaps in the legal framework regulating child labor and enforcement failure. In this part of the paper four proposals to address the gaps are made.

First, concerning the legal framework, as noted, Vietnam has ratified the UN Convention on the Rights of the Child. Two conventions, 138 and 182, relate specifically to the prevention and elimination of child labor. In accordance, laws should be developed further to deal with child labor issues. Administrative and criminal sanctions should be strengthened to deal with child labor cases, particularly the worst forms of child labor exploitation.

Second, eliminate the acceptance of child labor from the mindset of children, parents and local communities through awareness raising. It is especially important to retain children at school, especially those under the age of 16 and especially in rural areas and amongst ethnic

minorities. Measures must be taken to promote the role of the family in the prevention and elimination of child labor through appropriate legal propaganda, education and dissemination measures. It is necessary to raise the awareness of households on the mobilization of children in production and business activities, and to develop packages of conditional education support for households to send their children to school. Parents should be aware of the effects of long working hours on the physical, mental, spiritual, moral health and social development of children. Government should take a cross-sectoral approach to the reduction of child exploitation, education policy being a key sector. The state and parents are required to ensure education for children under 16. Parents should be made aware of the problems of using children in economic activities. Government must regulate working conditions and ensure safeguards to protect children from economic exploitation.

Third, it is necessary to strengthen the effectiveness of the child labor monitoring mechanism, including the statistical system, to monitor child labor incidents in informal sectors. Government should ensure that social and child protection policies reach all, especially families in the informal economy. In cases where children have to work in the street because the state should abolish any provisions allowing for the round-up or arbitrary removal of children and their families from the streets or from public spaces. At the same time, the state should support NGOs and social workers, including street-based workers, in early detection, providing support to families with children at risk and to children in street situations.

Fourth, government should introduce law and regulations that specifically address children in street situations. It is critical for the state to offer protection for children and to reduce the likelihood of children ending up in street situations. To discourage children working in the street, the state needs to facilitate children staying in education by ensuring that going to school is affordable. Direct material support is needed to stop children from dropping-out, or getting children away from work and returning to school. Measure include reduction of school fees, provision of learning materials, educational assistance funds etc.. Such measures should be applied depending on situation, gender, age and family conditions. In parallel it is important to address family problems, notably the low incomes that force children to work.

REFERENCES

- Bliss, S. (2006) Child Labor in Tourism in Developing Countries. Paper presented at Social Educators' Association of Australia Biennial National Conference. Brisbane.
- Edmonds, E. and C. Turk (2001). "Child Labor in Transition in Vietnam." Mimeo.
- Eric Edmonds Nina Pavcnik (2002) Does Globalization Increase Child Labor? Evidence From Vietnam. National Bureau Of Economic Research. Working Paper 8760
<http://www.nber.org/papers/w8760>
- Nguyễn Hải Hữu (2010) . Report on Training on design and monitoring and evaluation of national action plan for children, organized by ILO in Hanoi on August 2010.
- Ministry of Culture, Sport and Tourism (2017) Tourism statistics.
www.vietnamtourism.gov.vn/english/index.php?cat=012041&itemid=6308.
- Ministry of Labor, Invalid and Social Affairs. Child Labor Survey 2012
- Ministry of Culture, Sport and Tourism (2017) www.vietnamtourism.gov.vn/english
- Mowforth, M. and Munt, I. (2009) Tourism and Sustainability: Development and New Tourism in the third world. 3rd edition. London: Routledge.
- Kneebon, S. and Partners (2013). *Child Labour & Migration: From Hue to Saigon, Vietnam*,
- Sánchez Taylor, J. (2010) Tourism and Inequality. In Coles, S. và Morgan, N. (Eds) *Tourism and Inequality: Problems and Prospects*. Oxon, CABI. Britan.
- Save the Children (2014). *Child Rights Situation Analysis*.
- Scheyvens, R. (2002). *Tourism for development: empowering communities*. Essex: Pearson Education Limited.
- Telfer, D. J., & Sharpley, R. (2008). *Tourism and development in the developing world*. Oxon: Taylor & Francis. The International Ecotourism Society (TIES), from website: http://www.ecotourism.org/site/c.orLQKXPCLmF/b.4832143/k.CF7C/The_International_Ecotourism_Society_United_Conservation_Communities_and_Sustainable_Travel.htm.
- UNICEF. 2018. Vietnam Out – of – school Children Report 2016.
- UNICEF. *Multiple Indicator Cluster Survey. MICS*.
- UNOCD (2014). Child sexual exploitation in travel and tourism: Legal analysis.
- World Vision Australia (2014). *Sex, Abuse và Childhood*, <http://www.childsafetourism.org/>
- World Vision (2012). Child Safe Tourism. See more at www.childsafetourism.org/wp-content/uploads/2013/10/Tourist-Perspective-report.pdf.

World Vision, University of Western Sydney, Australian Aid. Khách du lịch an toàn với trẻ em, 2012

World Travel and Tourism (2013d) Economic Impact of travel and Tourism 2013: Vietnam. www.wttc.org/research.

Grootaert, C. and R. Kanbur (1995). "Child Labour: An Economic Perspective," International Labour Review, 134, 187-203.