

Is there Child Labour in the Natural Stone Industry in Vietnam?

Research Report

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List of acronyms

DCCP	Department of Child Care and Protection
DOLISA	Department of Labour, Invalids and Social Affairs (MOLISA offices at province/city level)
EA	Economic activity
GoV	Government of Vietnam
ILO	International Labour Organisation
LFS	Labour Force Survey
MOLISA	Ministry of Labour, Invalids and Social Affairs
MIC	Multiple Indicator Cluster Survey
NA	National Assembly
SAVY	Surveys and Assessment of Vietnamese Youth
ToR	Terms of Reference
UNICEF	United Nations Children’s Emergency Fund
VCP	Vietnamese Communist Party
VFF	Vietnam Fatherland Front
VHLSS	Vietnam Household Living Standard Survey

Summary

Context

Since the early 1990s Vietnam has had the combination of a market economy and a government controlled by the Vietnamese Communist Party (VCP). The country has a deserved reputation for corruption and weak regulation of markets in general, and the VCP has maintained tight control over the mass media. The former means that risks of exploitative activities are high and the latter that press reports that threaten politicians can be and are minimised. However, as the Report shows, significant efforts are made to curb child labour abuse, and there is 'space' to do so, but this is limited.

Whether child labour abuse has been increased or decreasing is, actually hard to judge. On the one hand, especially in the 1990s when the country sharply reduced poverty, steep falls in the incidence of child labour abuse were reported by various surveys. More recently, however, as the country has experienced an increasingly corrupt and ineffectively-regulated form of capitalism, the reliability of such surveys, collected as they are by officials often charged with investigating child labour abuse, has probably fallen. Press reports show that flagrant instances of child labour abuse can sometimes lead to criminal prosecutions, but far from always. Child labour abuse, reflecting as it often does hard pragmatic economic decisions by children and their families, flourishes when profit-seeking is not mitigated by employee moral decisions or by effective policing. It is quite clear from the massive program of relevant legislation and programs related to child labour abuse, however, that the ruling VCP, and officials, feel that the issue is sensitive and if often too little is done about it, something should be seen to be done. However, as a ruling Communist Party with Party cells and Mass Organisations that reach deep into Vietnamese society (into villages and city wards), and a powerful security apparatus, clearly at the end of the day continued child labour abuse reflects VCP priorities, and likely also local corruption.

This means this Report has to put together what information there is in forming its judgement as to whether there are "sufficiently firm" indications that the matters of concern exist. The report shows that our judgement is that the evidence does not allow a reliable judgement that such violations exist, but that there are very high risks that they do. This suggests that only when importers can reliably source to companies with exemplary and easily accessible records can it be reasonable to assume that child labour abuse is not involved. Defence against allegations of that products have been imported which have abused child labour may argue that it was hard to know, but the evidence suggests that it is possible to know, although this requires serious efforts.

Overview

The Report structure follows that of the Terms of Reference (ToR), and, apart from the general discussion in the text, the specific questions of the ToR are summarised and addressed in each Section.

Section 2: Section 2.1 shows that the Government of Vietnam (GoV) has promulgated a well-developed legal framework that exists on paper and that Vietnam has signed up to relevant international agreements. However, section 2.2 shows how, here as in other areas, enforcement is

weak and that this is expected, given the high levels of corruption and controls over investigative journalism.

Section 3: Section 3.1 documents evidence for child labour abuse nationally. Here the key pointer is that evidence is not widespread in terms of individual case studies, but that recent externally-funded survey work suggests that a large number (hundreds of thousands) of children are recorded as being 'at risk'. This implies that the situation is tolerated. Sections 3.2 and 3.3 present what evidence there is about child labour abuse in the stone industry. The conclusion is that evidence is limited; the overall picture is likely to be that implied by the national picture, and given the extent of 'at risk' child labour nationally, and the combination of lack of government concern reflected in enforcement (rather than legislation) with the relative lack of press reporting, risks are clearly high that imports may abuse child labour.

Section 4: Section 4.1 documents the social discourse in Vietnam on child labour abuse. This contrasts popular concerns with a lack of either powerful social pressures (in part as the media are not heavily involved) or government concern. Section 4.2 shows that government efforts to combat child labour abuse, whilst impressive on paper, do not translate into sufficient actual measures that would inspire confidence that exports have not involved abuse of child labour. Sections 4.3 and 4.4 again show that industry self-regulation is limited, in part because independent industry associations are prohibited, so that bribe-driven political interference is relatively powerful.

Core conclusions

1. The risks that imports of the relevant commodities may involve child labour abuse are high; arguments that they do not, in any particular instance, need to be treated with caution. However, there is no evidence that at present such exports are occurring.
2. In some ways, despite the presence of the large legislative program and various GoV projects in the area, conditions are deteriorating. There are so far as we can see no local independent forces acting: no independent industry associations, no active and properly-resourced state structure that can take on corrupt local officials, no combination of investigative journalists free to publish exposures of violations with active local NGOs, no public intellectuals active in pushing the issue through the mass media – though there a small number of active academics.
3. The only way for importers to be sure that imports are risk-free is to use their own independent investigators, not involved with the industry or the Party/State structures, to carry out research. It is clear from the Report and the sources that information is abundant but rather distant from key factual issues: we were unable to find national collated data – almost certainly available to the VCP – on prosecutions and convictions, on the incidence of corruption in child labour abuse monitoring, and the reporting requirements required of the lower level cadres in the Party and Mass Organisations, at village level.

Section 1 – Introduction

This Report examines the issue of child labour abuse in relation to exports of particular products. It has therefore to deal with the issue of child labour abuse in general, and then relate this to the specific issues.

When reading the Report, readers should bear in mind the following issues:

1. Section 2 examines the current legal position and enforcement. Readers should bear in mind that, very often in Vietnam, there is an accepted and wide gap between ‘text and reality’ – the very large investment of resources in legislation does not necessarily reflect an equivalent commitment to enforcement. Nor does it necessarily reflect a strong capacity to enforce laws. The reader will find in the Appendices, referred to in the Report, references to a range of studies and articles, both academic and from journalists, that illuminate ‘on the ground’ experience, and these sit beside survey data and interviews with officials and others that often seem more optimistic.
2. Often, what is significant is what is absent. Vietnam’s ruling VCP still discourages independent association, though official bodies can be ‘colonised from within’. However, the reader may note the relative absence of key potential actors related to the issue of child labour abuse in general and the specific issues the Report addresses: investigative journalists, active local NGOs, tasked special structures within the Party/State, industry associations (including those at the sub-sector level) etc. It is the absence of such indicators that heightens the risks involved in ensuring that imports have not used child labour.
3. Section 3 examines what can be learnt from surveys and individual studies. Again, caution is advised as, under corrupt conditions where, as we see in Section 2, there is an official desire to show that ‘something is being done’, and where local officials are crucial to monitoring, incentives bias data collection.
4. However, detailed examination of the case studies and the surveys suggests that whilst risks are high there is no evidence for child labour abuse in the specific areas of concern. The Report attempts to explain these risks and how informed judgements can be made by importers.

Section 2 - The current legal position and enforcement

2.1 The law applicable to child labour

The GoV, led by and on the initiative of the ruling VCP, has generated a large body of relevant legislation.

Crucially, the Socialist Republic of Vietnam (SRV) has acceded to the International Convention on the Rights of the Child and the two optional protocols. It has also acceded to related international legal documents concerning the protection of children's rights such as the International Labour Organisation (ILO) Convention 138 on the Minimum Age for Admission to Employment (June 24th 2003) and the Convention 182 on the Elimination of the Worst Forms of Child Labour (June 18th 1999). Parallel to this, the GoV has made considerable efforts to promulgate a domestic legal framework related to childcare and child protection, and the reduction and elimination of unsuitable child labour.

Of the many legal documents issued, we note the Amended Labour Code of 2012 which contained a separate chapter on juvenile labour; the Law on Children of 2016 which contains a separate chapter on child protection; the Civil Law of 2015, which, with Circular¹ 10/2013/TT-MOLISA that lists the jobs and workplaces that employers are not allowed to hire juvenile labourers; and Circular 11/2013/TT-MOLISA that lists those 'easy' jobs which can legally be taken by people under 15. The existing legal framework governing childcare and child protection, and child labour, shows the determination of the GoV and the VCP to build a legal system dealing with childcare and protection from the central level to localities as well as for the prevention and elimination of child labour, especially hard child labour in hazardous and toxic conditions. As we discuss later, the central issue is the extent to which this legislation, and the intent of the VCP that has driven it, has real impact. These legal documents are:

The 2013 Constitution

This supplements some more detailed articles on the use of labourers under the minimum age and child protection (as compared with the 1992 Constitution) as follows:

- Article 35, Point 3: Strict prohibition is applied to forcing people younger than minimum labour age to work, or to employing such people.

¹ Vietnamese legislation has a hierarchy of legal documents, with the formally highest level being Laws passed by the National Assembly (NA). Below this, in what are called 'sub-law' documents, can be found legislation passed by state bodies such as the Premier and Ministries. Below this are 'Circular Letters', typically issued by Ministries, that clarify and 'concretise' higher legislation. Superior to such documents, in practice, are Resolutions and other documents issued by Party bodies such as the Politburo and the Central Committee, which are in effect binding on the state, with implementation the responsibility of Party organisations within state bodies, reflecting and implementing the 'leading role' of the Party laid down in the SRV Constitution. So-called Mass Organisations, such as the official Trade Unions and the Ho Chi Minh Youth League, all grouped (with the VCP itself) under the umbrella Vietnam Fatherland Front (VFF), are relics of the period of hard Communism before the emergence of the market economy in the early 1990s, and are also responsible for realising the Party's 'leading role'. Such structures reach down to very local levels, such as villages and urban wards, and so give the VCP, if it wants and has the capacity, considerable 'reach' into Vietnamese society.

- Article 37 reads, “Children are protected, cared for and educated by the State, families and society and are eligible to engage in issues related to children. Abuse, torture, maltreatment, abandonment, exploitation of labour and other violation acts that violate children’s rights are strictly forbidden.”

The 2016 Child Law

This includes a separate chapter dedicated to child protection (Chapter IV), showing new commitments of the Government regarding childcare and protection.

- Article 26: Children have the rights to being protected under all forms of work so as to avoid labour abuse; to avoid labour before the prescribed legal working age, overwork or hard work in toxic and dangerous environments; and to avoid having to work in or being assigned to workplaces that badly affect their personalities and comprehensive personal development.

The 2012 Labour Code

The Labour Code includes a separate chapter on juvenile labourers (Chapter XI: Specific regulations for juvenile labourers and other labourers). This chapter includes regulations applied only to juvenile labourers in general and to the use of labourers under 15 years in particular. The articles include:

Article 161: Juvenile labourers are defined as those under 18;

Article 164: Employment of labourers under 15:

1. Employers are only allowed to employ 13-15 year-old labourers for easy jobs as listed by the Ministry of Labour, Invalids and Social Affairs (MOLISA) (as laid down in Circular No. 11/2013/TT-BLDTBXH, ref. Appendix 3 – this Report).
2. When employing labourers between 13 and 15, employers must abide by the following terms and conditions:
 - a. Employers must sign labour contracts with representatives of the labourers and the labourers must agree with the contracts;
 - b. Working hours must not conflict with workers’ schooling hours;
 - c. All conditions for work, labour safety and hygiene suitable to the workers’ ages
3. Labourers under 13 are not allowed to be employed for certain jobs listed by MOLISA, as outlined in Point 2 of this article (# 164)

Article 165: List of jobs for which employers must not use juvenile labourers

1. Employers are strictly prohibited from using juvenile labourers for the following jobs:
 - a. Carrying or lifting heavy objects that exceed the physique of juvenile labourers;
 - b. Production, use or transportation of chemicals, gases or explosives;
 - c. Maintenance and service of machines, equipment;
 - d. Demolition of buildings;
 - e. Metal melting, rolling, casting, welding;
 - f. Sea diving and off-shore fishing;
 - g. Other jobs that harm the health, security or morality of juvenile labourers.

2. Employers are strictly prohibited to use juvenile labourers in the following workplaces:
 - a. Workplaces underwater, underground, in caves or in tunnels;
 - b. Construction sites;
 - c. Slaughter-houses;
 - d. Casinos, bars, dancing bars, karaoke services, hotels, guest-houses, sauna and massage services;
 - e. Other workplaces that may physically and morally harm juvenile labourers.

The 2015 Civil Code

Article 21 of the Civil Code 2015 defines juvenile people as follows:

- Juvenile people are those under 18 years of age;
- Civil transactions related to children under 6 years of age are conducted by their legal representatives;
- Civil transactions conducted by children between 6 and 15 years old must be agreed by their legal representatives, except for civil transactions for everyday needs suitable to their ages;

People aged between 15 and 18 years old must be registered when performing civil transactions, except for civil transactions related to real estate and chattel. Other legal civil transactions must be agreed by their legal representatives.

The Penal Code

This imposes strict penalties for crimes related to child abuse, including child labour

- Article 228 outlines the following child labour penalties:
 1. “Those who employ children to do hard, dangerous jobs or jobs exposed to toxic substances, which may cause serious consequences, on the State ban list, or those who have once been awarded with an administrative fine for similar acts now repeat the illegal acts, shall be fined between VND 5 and 50 million or awarded with non-custodial penalties of up to 2 years or sentences of between three months to 2 years imprisonment.”
 2. Those committing crimes in the following cases shall be awarded with sentences of between 2 years and 7 years imprisonment.
 1. Repeated infringement;
 - a. Crimes committed on a large number of children;
 - b. Causing serious or extremely serious consequences.
 - c. Offenders may also be awarded with fines between VND 2 million to VND 20 million.

However, in the 2009 Penal Code, the trafficking of children for the purposes of trade, sex, sex abuse etc was not clearly defined. The amended 2015 Penal Code makes the situation clearer but this Code has yet to come into effect.

2007 Law on Domestic Violence Prevention and Control

- Article 2 defines acts of domestic violence, including forcing family members to overwork, contribute financially in ways that exceed the family member's capacity, and exercise of control over family members' income to make them financially dependent.

Other 'sub-law' documents

Additionally, there are also various sub-law documents on child labour prevention

- On October 17th 2012 the Prime minister issued Decision No. 1555/QD-TTg approving the National Action Plan for Children for 2012-2020. One of the major activities of the action plan envisages building and implementing programs and plans for protecting, taking care of and providing education for children, including the program aimed at the elimination of child labour in the period 2016-2020.
- On February 22nd 2011 the Prime Minister issued Decision No.267/QD-TTg approving the National Program on Child Protection for 2011-2015. It aims to create a safe and healthy living environment where all children are provided with protection, proactive prevention, mitigation and removal of the risks of harm to children and minimization of the numbers of children in extreme difficulties.
- On February 12th 2004, the Prime Minister issued Decision No.19/2004/QD-TTg approving the Program on the Prevention and Resolution to the situation faced by street children, child sexual abuse and child labour in hazardous and dangerous conditions for 2004-2010, This aims to raise the whole of society's awareness of and action in the protection of children, reaching for a basic reduction by 2010 of the number of street children, sexually-abused children and children having to do hard jobs in hazardous and dangerous conditions, creating conditions for these children to be protected, taken care of, provided with education and comprehensively developed in all aspects.
- In 2011 the GoV issued Decree No.91/2011/ND-CP on administrative penalties concerning children's protection, care and education provide fines for acts of child labour abuse, employment of children in hard and dangerous work or work that child labourers are exposed toxic substances or work violating the law.
- In 2013 Circular 10/2013/TT-BLDTBXH listed the jobs and workplaces that employers are prohibited from hiring juvenile labourers.
- IN 2013 Circular No. 11/2013/TT-BLDTBXH listed light jobs and workplaces where labourers under 15 years of age are allowed (see Appendix 3).

Informed comment and our own analysis both argue that the legislation has the following continuing shortcomings: 1. Lack of a legal framework for the prevention of child labour in informal economic activities and protection for children working in the family environment. 2. Absence of laws to protect freelance working children. 3. The fact that child prostitution has not been classified as hazardous labour in the Labour Code.

The Ministry of Labour, Invalids and Social Affairs (MOLISA) is currently in charge of the implementation and supervision of the implementation of international treaties related to children's

rights in Vietnam. The Ministry's Department of Legal Affairs is charged to manage international reports, including reports on child labour, whilst supervision of treaty implementation is conducted by the MOLISA Inspectorate. The MOLISA Department of Child Care and Protection (DCCP) is responsible for implementing treaties and international conventions. In addition, GoV representatives at UNICEF and ILO coordinate with these organizations to perform periodic evaluations of child labour.

Child labour reports are conducted annually or every five years, depending on the nature of the reports and requests of international organizations regarding specific issues. For example, a report on the implementation of the Convention on the Rights of the Child is prepared every five years. Relevant GoV agencies such as the health, education and police (at central and local levels) contribute to the reports by gathering information and statistics to send to DCCP for classification and reporting. DCCP is the agency responsible for periodic reports.

The GoV coordinates with UNICEF to work on a joint evaluation report on children every five years. As prescribed by ILO, Vietnam has a representative office at ILO-Geneva and periodic reports are often regularly provided by the GoV to international organizations. Also, the DCCP reports annually on respective areas based on the annual reports of related ministries and agencies (Ministry of Education and Training, Ministry of Health, Ministry of Culture, Sports and Tourism, etc.).

The GoV does not provide a specific definition of the worst forms of child labour as defined by ILO Convention 182, but rather describes and lists those jobs and workplaces – see above and Appendix 3 - where employers may not hire juvenile labourers in Article 165 of the Labour Code (that is, jobs and workplaces where employers are prohibited from hiring juvenile labourers, defined as people under 18 years of age, thus including children).²

Of specific relevance to this study, Sections 20 and 21 in the list of prohibited jobs and workplaces for juvenile labourers (Circular No.10/2013/TT-BLDTBXH) explicitly mention, as legally prohibited, work in mines and quarries, such as stone mining, manual stone breaking, levering rocks on mountains (Section 20), and directly putting materials into rock crushers (Section 21).

The Labour Code defines the minimum labour age as 15, requiring that employees be capable of work, that they work and are paid under labour contracts, and are subject to management by employers (Article 3).

Labourers between 15 and 18 are identified as 'juveniles' and Chapter XI of the Labour Code provides provisions on the specific principles regulating the use of juvenile labourers and the list of jobs and workplaces where employers are prohibited from hiring juvenile labourers. However, the same chapter also defines principles for employers who are allowed to hire labourers between 13 and 15, laying down the jobs allowed for this particular age group (Circular No.11/2013/TT-MOLISA, issued on June 11th 2013 - see Appendix 3, this Report).

In Vietnam, the minimum labour age is laid down as 15. According to ILO provisions, participating countries define their minimum labour ages themselves, depending on their countries' conditions. During debates prior to passing of the 2016 Child Law, several opinions proposed increasing this age

² According to former Director of DCCP Nguyen Hai Huu, the list is in more details than those issued by countries that he knows in the region [Interview details – see Appendix 1]

to 18. However, the arguments that won the day pointed to: 1. The early puberty among children, 2. The high rate of severe crime committed by criminals younger than 18; and 3. The argument that the population under 18 years of age in Vietnam is ‘too large’ and resources to take care of the children, therefore, are insufficient if the age were to increase, and the minimum age remains unchanged, at 15 [according to Mr. Nguyen Hai Huu and Ms. Tran Thi Lien- MOLISA, who participated in the law drafting and discussions; see also Vien Su, 2016; Hoang Thuy, 2016].³

Section 2.1 - Key questions and responses

- 1) Which obligations pertaining to child labour has the country undertaken under international law (e.g. ILO Conventions 138 and 182; Convention on the Rights of the Child (CRC); optional protocols)? Were any declarations/reservations made upon ratification?
 - a) See above; the SRV has acceded to the relevant international treaties. No declarations or reservations were made upon ratification
- 2) Does the state fulfil its regular reporting obligations under international treaties? Can any specific trends/anomalies etc. be observed?
 - a) See above; regular reporting occurs. No specific trends or anomalies can be observed.
- 3) Has the country adopted a definition of the worst forms of child labour in accordance with the provisions of ILO Convention 182? Does this definition explicitly mention work in mines and quarries?
 - a) See above: yes, and yes
- 4) How is child labour dealt with in national law? For example, has the country passed legislation on the minimum age and the type of work that children are permitted to perform? Is there a general ban on the forms of child labour defined in ILO Convention 182 for children less than 18 years of age? Does national legislation deviate from ILO rules (e.g. as regards minimum age)?
 - a) See above: yes, yes, no – legal minimum age remains 15 not 18. Note the legalisation of some child labour aged 13-15 (see Appendix 3)

2.2 Enforcement

In general, enforcement remains an important issue, and the Team concludes that the efforts put into legislation are not matched by efforts put into enforcement, so that by comparison with the extensive materials on legislation, sources reporting enforcement are not extensive (see Appendix 4 for examples of what the Team has been able to discover after much effort). Further, whether it is industry self-regulation, an active media interest and investigative journalism, or the creation of specific, well-funded and well-led state bodies, the evidence suggests that the VCP takes enforcement far less seriously than legislating. As with the foreign input to ensuring that child labour is not present in processed stone exports (FairStone – see below Section 3.3), we found evidence for foreign input to enforcement through INGOs. It is worth pointing out here that, after 25 years of rapid economic growth, leading to the country’s entry to ‘middle income’ status in late ‘noughties’,

³ Full reference details can be found in Section 5.

the GoV now has a secure tax base and so the issue of weak enforcement is not likely to be at root one of resources.

A number of projects have helped free children from hazardous labour conditions; for example, the 2004 model "Prevention and assistance for street children and children of hard and dangerous labour," implemented under Decision No.19/2004/QD-TTg issued on February 12th 2004 by the Prime Minister approved a program on the prevention and tackling of the problems of street children, sexually abused children and children of hard and hazardous labour in the period of 2004-2010.

Reference can also be made to the various Programs listed in the section above on 'Other 'sub-law' documents: Decision No.1555/QD-TTg issued October 17th 2012 on the National Action Program for children in the period of 2012-2020; the community-based child care and protection system of the National Program on children protection for the period of 2011-2015 (Decision No.267/QD-TTg issued on February 22nd 2011); and the National Program on the prevention and reduction of child labour for the period of 2016-2020.

Rather than it simply being a police matter, enforcement of child labour laws in Vietnam is tasked to state agencies that include: MOLISA through its Labour Inspectorate, the People's Court, the People's Procuracy⁴ and the Ministry of Public Security (the police). However, MOLISA's local Labour Inspectorates are the key units in cases related to child labour. When there are concerns, MOLISA's local labour inspectors are to step in, investigate and intervene if that is decided upon. In cases where evidence suggests violations of the penal code, inspectors should pass the case to the local police for investigation. If the evidence is sufficient, the People's Procuracy can decide to bring a prosecution in the People's Court. The Procuracy also monitors the prosecution and also the enforcement of Court judgments. MOLISA can impose administrative fines itself, without reference to the Courts⁵ (Decree No. 95/2013/ND-CP on penalties for administrative violations against regulations on labour, social insurance and overseas manpower supply).

Through its Division of Child Policy and Social Affairs, the MOLISA Labour Inspectorate system is also responsible for inspecting and monitoring any violations of child labour in enterprises. The inspection is carried out in two forms: announced inspection (periodic, with advance notice, following a process that is stipulated in Decree 06), and unannounced inspections. Unannounced inspections are conducted only on the basis of ensuring 1 of 3 elements: i) there are signs of violation of the law; ii) under the special requirement of MOLISA's Minister; iii) there are complaints about the business.

In practice, interviews and other evidence argue that for MOLISA it can be difficult to detect child labour as child labour mainly exists in rural areas and in the informal sector, where there are very few labour inspectors, or trade unions and labourers' organizations (according to Ms. Tran Thi Lien - MOLISA and Chang-Hee Lee - Director of ILO Vietnam, see X. Hoa, 2016).⁶ Such sources report that

⁴ In Vietnam the Procuracy, not the Police is responsible for preparing cases taken to Court, if prosecution is to occur.

⁵ The maximum amount of the administrative fine in case of violating juvenile labour's regulations is 25,000,000VND (approx. 1,000 euros)

⁶ It can be noted, however, that the VCP continues to have considerable 'reach' into Vietnamese society, and, with improved resource availability due to economic growth, Mass Organisations and VCP structures now go

the MOLISA Inspectorate manages far better to implement its responsibility for monitoring and inspecting the employment of child labourers in formally registered businesses and relatively large production facilities. However, for local production facilities and informal businesses, lower levels of the Party-State bear responsibility for the inspection and supervision of child labour. However, in most of the cases, our evidence suggests that child labour abuse cases are spotted and reported by people and the mass media (see below, especially Appendix 4).

Another problem is that the age definition of Child Labour laid down in the Child Law is not consistent with the age of juvenile labourers in the Vietnamese Labour Code or the labour age prescribed by ILO. The Child Law defines children as people under 16 while the Labour Code defines juvenile labourers as those under 18. ILO Convention No. 138 recommends that member states define the minimum working age as 15 or older. Therefore, juvenile labourers may include children. Moreover, apart from the difference in the determination of the legal working age as being 15 but the definition of a child as being under 16 years of age, in Vietnam, ages are often not socially defined by date of birth in terms of year, month and day, but simply by year of birth.⁷ Therefore, it is hard to determine whether the group of labourers aged between 15 and 16 are child labourers or not. Further, though the legislation is extensive, interviews report that current laws and policies do **not** specify clearly enough the power, rights and responsibilities of related stakeholders in the prevention and elimination of child labour (according to Mr. Nguyen Hai Huu-MOLISA). As a result, it is alleged that there still remains a lack of specific regulations on the mechanisms to detect, report and handle violation of the rights of the child. Partly as a result, State management agencies in the field have yet to design effective tools to identify child labour as well as child labour management and assessment procedures to guide localities. In a nutshell, many interviewees argue that there is a gap between the apparently extensive legislative activity and the capacity to enforce it. This can be seen from the specific cases we found and our synthesis (discounting issues related to bribery) of interviewees' responses (see below).

As already stated, legal violations relating to child labour are mainly handled through the work of MOLISA inspection bodies, supplemented by police agencies, child protection agencies (local offices of the DCCP) and – as is the general case - local Party/State structures (including local Party cells and committees and the Mass Organisations, such as the Women's Union). Depending on the severity and perceived importance, any particular case will be handled by those authorities deemed suitable. For example, it seems that usually, if the employer violation is a first time offence and it thought not to be very serious, then the MOLISA labour inspection authorities may order the facility simply to end the use of child labour and give a warning (eg. the case of Phu Tho racetrack, see Tr. Dan, 2009). However, if there are signs that the offence is serious enough to raise the possibility of a Court prosecution, the police will become involved (eg. the case of Nguyen Hao Anh, see Tran Thanh Nen, 2010; also Le Huy Hai, 2010)⁸. Cases brought to Court are tried in the same way as other cases, though there are specific penalties in the penal code for child labour-related crimes. Financial and

down below the commune and ward levels. The Women's Union, for example, and local VCP Committees and cells can be mobilised to report on child labour issues in their areas.

⁷ This can in social practice also be further confused by A. Age – especially for younger children - being calculated as starting from conception rather than birth and B. Age being related to the lunar rather than the solar calendar.

⁸ See the reference in Appendix 4 (Child labour abuse: the story of Hao Anh)

other resources available to the inspection/security/judicial systems to conduct investigation and trials are the same as for other cases (according to Mr. Quach Hoang Chuong – Hanoi People’s Procuracy; also Ms. Tran Thi Lien - MOLISA).⁹ Interviews suggest however, that in cases of child labour or child abuse, the level of punishment is seen as rather high.

We found evidence of child labour abuse cases prosecuted in courts - for example, the case of Nguyen Hao Anh in Dam Doi district, Ca Mau province in April 2010 (see Tran Thanh Nen, 2010; Le Huy Hai, 2010 – also Appendix 4). The case led to a prosecution and criminal proceedings, with sentences totalling 49 years imprisonment for the four persons found guilty of child labour abuse. Another example is a child labour case in Phu Tho racetrack (resulting in an administrative fine and indirectly in closure of this facility, see Tr. Dan, 2009). Another is a 15-year-old teenager named Vinh, who was taken to Ho Chi Minh City to work for a garment facility. Vinh and other children there experienced child abuse as they were forced to work from 7 am to midnight without payment for two years. They were prohibited from leaving the facility and were regularly threatened and beaten. Due, however, to police arguments that there was a lack of sufficient evidence for penal prosecution, the police turned the case to labour authorities for the imposition of administrative fines for illegal use of child labour. Duy Quoc, citing a Mr Paavilainen - Chief Technical Advisor of a project on forced labour and human trafficking of ILO, and Deputy Director of the Department of Legal Affairs of MOLISA Nguyen Van Binh, forced labour is not considered a penal crime in Vietnam. Therefore, in most of the cases, administrative fines are applied or a case must be split into sub-cases for criminal proceedings. The 2012 Labour Code introduced the legal concept of forced labour, but the concept does not cover all the behavioural signs of forced labour, resulting in difficulties for the handling of violations (Duy Quoc, 2015).

Most of these and other cases were detected by the press or local people before the authorities handled them (according to Ms. Tran Thi Lien –MOLISA – Appendix 1). Further, Anh Vu quotes Ms. Thuy Nga from the Office of Legal Affairs under the Ho Chi Minh City DOLISA as follows: *“The power of the law and punishments applied to violators in this field prove to have a lot of loopholes. Local governments have yet to pay due attention to this issue; therefore, violation cases in child labour have yet to be detected in time and seriously handled”* (Anh Vu, 2015). This is quite besides issues of corruption, where we found, however, little concrete evidence.

As with other areas, the VCP in implementing its Constitutional ‘leading role’ deploys a range of agencies other than those of the GoV. Thus, a full list of governance structures tasked with child protection agencies should include: the National Assembly’s Committee on Culture, Education, Adolescents, and Children; the Department of Child Care and Protection (MOLISA); the Association for the Protection of Vietnamese Children’s Rights (under MOLISA); the Ho Chi Minh Adolescents’ Organization (“Hoi dong doi” under the Ho Chi Minh Communist Youth Union, which is part of the VFF). State agencies responsible for handling legal cases involving child labour include the Labour Court, the Police, and the Inspectorate of the MOLISA. If children need legal assistance and

⁹ The MOLISA child labour inspection activities, the implementation of conventions by the DCCP as well as the child-related activities of the Courts and the People’s Procuracy are all funded by the GoV budget.

protection, local legal aid centres¹⁰ are responsible for providing free legal protection for children in front of the Court. Social work centres¹¹ in localities (under DOLISA) are responsible for legal assistance and counseling for labour-abused children. In addition, there are also other international organizations such as UNICEF Vietnam, Plan International Vietnam, ChildFund Vietnam, Save the Children Vietnam, Blue dragons, etc., which try to protect children by implementing projects related to child care and protection in Vietnam.

Section 2.2 - Key questions and responses

1. What information is available about the actual implementation/enforcement of the legislation (see above) applicable to child labour?

Some detailed information is available but, despite a good search of the relevant sources, not very much; we unable to obtain aggregate national data reporting police investigations, procuracy activities, court prosecutions, convictions and sentences. Interviews suggest that the official child protection structures as a whole have low capacity, especially for rural and informal sector compliance. This is confirmed by Vietnam's report on the Implementation of the Convention on the Rights of the Child, which states that the GoV taken the following measures to inspect and monitor child labour in both formal and informal sectors. These are mainly normative rather than reporting actual outcomes (apart from # iii):

- I. Develop and improve a set of documents on inspection procedures to verify whether children participate in heavy, hazardous and dangerous work;
 - II. Organize training workshops and implement inspection procedures for inspectors of the DOLISAs of all provinces and cities;
 - III. Timely detect and strictly handle the illegal use of child and juvenile labour;
 - IV. Conduct information campaigns on labour law and policies;
 - V. Apart from the MOLISA and DOLISA labour inspectors, inspectors of other sectors, upon discovering signs of violation, shall act promptly according to their respective competence or recommend relevant competent inspectors to do so in accordance with the law. In addition, campaigns on crime denunciation are strongly encouraged to contribute to the effective monitoring of child labour abuse [GoV, 2012:29].
2. Is any information available about prosecutions for non-compliance, including convictions? (Please include details of the penalties imposed, if relevant: are violations treated as minor offences or are penalties likely to have a deterrent effect?)
 - a. Yes. See details of the Hao Anh case, and Sections 3.2 and 3.3, also Appendix 4. If prosecuted, penalties seem high, but some commentators argue that they are not high enough (see above).

¹⁰ These are State agencies under the local - provincial or city - Departments of Justice, present in all 63 provinces, tasked to provide legal aid to disadvantaged people, including children. They operate under the 2006 Law on Legal Aid.

¹¹ These are State agencies under the local DOLISAs. They are present in almost all 63 provinces and are tasked to provided social work services to people in need. They operate under Circular 09/2013/TTLT-BLĐTBXH-BNV.

3. Is any information available about the quality of the work of the national police/judicial system?
 - a. Are there any specific units within the police/judicial system that deal with child labour?
 - i. There are no specific units within the police-judicial system dealing with this area
 - b. What information exists about the financial and other resources available to the police/judicial system for the investigation/prosecution of violations of the child labour ban?
 - i. We found no information on the level of resourcing, however, we believe that if and when a case is transferred to the police/judicial system, it is seen in principle as being the same any other criminal case, and so treated as all others. There is no formal distinction in the justice system between child labour violations and other violations regarding the level of resourcing (see the quotation of Ms. Tran Thi Lien - MOLISA – above).
 - c. Is there any evidence of a lax approach towards contraventions: for example, are the police and judicial system prone to corruption?
 - i. In general, the police and judicial system are acknowledged as corrupt, but we found no specific evidence relating to child labour.
4. Do affected persons have recourse to any independent institutions (e.g. Child Rights Commissioners in Parliament/the judicial system)?
 - i. They do not. We note however that people can have recourse to legal aid centres and social work centres.
5. Do any civil society contact points provide legal advice for affected persons?
 - i. As in other areas, other than foreign NGOs, legal advice if present comes through structures subject to the general social control exercised by the VCP, rather than civil society organisations. Thus, if the VCP locally or nationally sees an issue, things happen.

Section 3 - Worst forms of child labour in the natural stone industry

3.1 Worst forms of child labour in the country of study – overview

The 2012 Vietnam National Child Labour Survey [MOLISA, GSO & ILO, 2014] is the most recent large scale survey on child labour in Vietnam. According to the survey, there were more than 18.3 million children in the 5-17 age group defined as the juvenile population in Viet Nam, which accounts for 20.7 per cent of the national population. More than half of the children of this age group do 5-20 hours of household chores per week.

The study reported 2.83 million children as engaged in some form of economic activity (EA). Nearly 86 per cent of these working children lived in rural areas and two-thirds belonged to the 15-17 age group. Due to low economic development in some parts of Vietnam, children can be mobilised in EA from an early age and work relatively long hours. Results from the 2012 survey found that 27.4 per cent of the child population worked more than 40 hours per week. More than 70 per cent worked in the agricultural sector and 74 per cent did unpaid household work. The majority of children's work was done at home and on paddy fields, while less work was observed in construction sites, hotels and restaurants, production establishments, offices, the street or stone quarries.

The term "worst forms of child labour" is not used in Vietnam's legal documents as well as national target programs on child care and protection and on child labour. The term "worst forms of child labour" as defined by international conventions is replaced by the term "hard child labour in hazardous and toxic conditions" (mentioned earlier in section 2.1, e.g. Prime Minister Decision No.19/2004/QĐ-TTg).

Statistics on "hard child labour in hazardous and toxic conditions" are monitored and managed annually by the DCCP of MOLISA and the DOLISAs of the 63 province/cities of Vietnam. Every year, the 63 DOLISAs send reports with statistics on the number of children working in dangerous and toxic environments to MOLISA. According to the latest statistics provided by the DCCP, in 2014 21,087 children were working under hard and hazardous or toxic conditions nationwide.

This picture is supported by various DOLISA reports accessed indirectly through various channels (see Section 5). For example, a report from the DOLISA of Bac Ninh province showed that in 2014, there were about 8,000 children in poor households, including 400 children under 16, engaging in hard labour in hazardous and toxic conditions. Most of them came from poor households and did manual jobs, mostly in rural areas, especially in traditional craft villages [Linh Yen, 2014].

According to DOLISA in Tien Giang province, in 2015 there were 236 child labourers, in which 12 children worked in hazardous and toxic conditions such as mason work, carrying job, coconut picking, etc. [Chau Hao, 2015]. In Nghe An province, in the first 6 months of 2016, thousands of children were engaged in hard labour, of whom 111 were working in industries requiring extremely hard labour such as quarrying, ore mining, shells loading, and/or were working for more than 7 hours/day. The child labourers were mainly from mountainous districts such as Tuong Duong, Que Phong, Ky Son, etc. [Phuong Thuy, 2016]. In Dak Lak province, 189 children were reportedly sent out of the province to work, down by 33 children compared with the 161 children sent to work in 2015 and 28 children in the first quarter of 2016. They mainly went to work together with relatives in their families. Those children are mostly from the districts of Lak, Ea Kar, Krong Pak, Krong Ana, Krong Bong and Cu Kuin. It is hard to gauge the accuracy of these figures but they are publicly and easily available (see Section 5).

In addition, statistics on hard child labour in hazardous and toxic conditions are also made public via programs and projects that MOLISA conducts in collaboration with INGOs or local NGOs. Particularly, according to statistics, in 2009 around 27,000 children were working in toxic and hazardous environments in Vietnam [UNICEF, 2010: 226]. A large study on popular living standards in 2006 showed that the number of 15-17 year-old children working in toxic and hazardous environments was 10.5% [ILO, UNICEF, World Bank Group, 2009:31]. However, due to the lack of data, the data on

children's hazardous work in this sense only includes jobs in the mining and construction industries and jobs where children have to work 48 hours per week or more.

Statistics from the 2012 National Survey on Child Labour showed more than 1.3 million children, accounting for 75% of the total number of child labourers, doing jobs with contents or conditions where employers are banned from using child labour, or where the working environment may adversely affect the children's development. However, the Survey judged that these child labourers should only be considered to be 'at risk' of having to do hard, harmful or dangerous jobs. The survey showed that children in urban areas were running much lower risks of having to do hard and dangerous work than those in rural areas: 13.2% compared with 86.7%. Also, the incidence for boys was higher than for girls: 60.7% compared with 39.3% [MOLISA, GSO & ILO, 2014:20]. A Survey on Monitoring the situation of children and women of Vietnam in 2014 [MICS] also studied the child labour situation. As defined by the survey, child labourers are those aged between 5 and 17 engaged in economic activities and working at home, with the working time equal to or above the corresponding time allowance defined by law for their ages (see also Appendix 3). According to the survey, the incidence of child labour is 16.5%. Though there is no difference between genders, there exists considerable difference between age groups. The incidence of child labour in the youngest age group (5-11) is 15.4%, 1.6 percentage points higher than that of the 12-14 age group. The incidence of child labour in the oldest age group (15-17) is the highest: 18.7%. The incidence among children in ethnic minority households is nearly 3.5 times higher than that of children in the Kinh – ethnic Vietnamese - households (39.3% compared with 11.7%). Schooling is strongly related to participation in child labour. More than half (50.8%) of those children dropping-out are in the child labour group, while the incidence is only 13.6% among those attending school. The survey also reveals that the incidence of children working in hazardous environment is 7.8%, whilst the corresponding numbers are 3.7%, 10.6% and 15.7% for the 5-11, 12-14, and 15-17 age groups, respectively. There exists insignificant difference between boys and girls. However, there is a huge difference among regions. The Red River Delta has the lowest incidence: only 1.4%, while the highest is in the northern midland region: 20.8%. The incidence of children working in hazardous environment is higher in rural areas than that in urban areas (9.7% compared with 3.3%); the incidence is higher among minority ethnic groups than that of the Kinh/Hoa (ethnic Chinese) groups (4.5% compared with 23.8%); that amongst children who drop out of school is also higher than that of the school-attending group (32.7% versus 5.7%) [GSO & UNICEF, 2015a:222-23].

Child Labour in Household Employment

So far, there have been no official statistics on children employed as domestic helpers. According to the General Population and Housing Census in Vietnam in 2009, however, 7.1% of the employed domestic servants in Vietnam are under 18 years old. A study on domestic servants conducted by MOLISA and ILO in 2011 in the two largest cities, Hanoi and Ho Chi Minh City, shows that 17.3% of the surveyed labourers in household employment said that they started doing the job when just under 18 (ILO, 2013a).

The number of child labourers in domestic employment is on the rise due to the fast increasing need for domestic workers in urban areas and the poverty of families with many children in rural areas who cannot find a better solution. These jobs include house cleaning, washing, washing-up, cooking and/or babysitting... Child domestic servants spend most of their time in their employers'

households; their living and working condition is a major concern for their parents and relatives, local communities and the authorities. In a good number of cases, employers do not register the children with the local authorities, making it harder for the authorities to manage. This makes such children more vulnerable to labour abuse and makes it hard for the authorities to provide timely intervention or help [MOLISA & UNICEF, 2009:63].

This picture, of children working as domestic servants, being highly vulnerable to labour abuse, is confirmed by other studies. An ILO survey conducted in 2009 estimated that there were 2,160 children working as domestic helpers in Ho Chi Minh City. Of these, 70% were girls and 30% were boys. According to the survey, they had to work 13 hours per day and 7 days per week. Moreover, interviews also showed that most of them had moved from other provinces to Ho Chi Minh City and were not registered as temporary residents with the local authorities, which increased the risk of child labour abuse. The study also points out to one figure that only 11% of the children working as domestic helpers attended school [UNICEF, 2010:228].

Street Children

At present, there are no accurate statistics on the number of street children. However, estimates suggest that the total number of street children may be about 50,000. Most street children live and work on the streets, basing themselves at markets, bus stations, train stations, restaurants, pagodas and temples, tourist attractions and business venues. They do various different jobs to earn their living, such as working as street vendors, lottery ticket and newspaper sellers, shoes polishing boys, and trash pickers. Street vendors and lottery ticket sellers are the two most common jobs among street children in Ho Chi Minh City, while in Hanoi, most of them work as shoe polishing boys and street vendors. Most of the street children come from rural areas and gather in urban areas [UNICEF, 2010:228].

Mining and related activities

Child Labourers in Mining Sites: an aggregate picture

Documents prove that mining sites are where children are seriously abused and exploited. They have to work in an extremely toxic environment, especially in gold mines in Na Ri (Bac Kan province), Phuoc Son (Quang Nam province), and Phu Yen [MOLISA & UNICEF, 2009: 64]. According to the National Survey on Child Labour 2012, the number of children working in quarries and mines stood at 191, aged between 15 and 17 [MOLISA, GSO & ILO, 2014:22].

Child Labour in Small Handicraft and Construction Material Production Sectors

Evidence is somewhat scattered.

A basic survey on child labour was conducted in 2011 by the Institute of Labour Science and Social Affairs under MOLISA as part of the project “Support for the development and implementation of programs on removing worst forms of child labour” in a commune specialised in fine art woodwork and stone processing. The results showed 240 children between five and 17 years of age engaged in and/or running the risk of being engaged in hard and hazardous labour, accounting for 24.76% of the total population of the 5-17 year-old children in the commune. The number of girls participating in and/or at risk of having to participate in hard and hazardous labour was 109, or 23.9% of the female 5-17 age group. Over 70% of the labourers engaged in, or running the risk of being engaged in, hard

and hazardous labour among the surveyed samples was 15-17. About 25.3% of the surveyed samples were 12-14. The number of 5-11 year-old children engaged in and/or running the risk of being engaged in hard and hazardous labour accounted for about 4.1%. According to the surveyed data, the child labourers of the commune mainly worked with fine art woodwork (48.3%), fine art stone (35.8%), and embroidery (9.6%) [MOLISA & ILO, 2013d:2].

In addition, there are two studies on child labour at stone processing villages in Thanh Son and Thi Son communes of Kim Bang district, Ha Nam province and at a fine art stone production facility in Ninh Van, Ninh Binh province. Both studies have detailed description of the working conditions, the impact of labour to the children's life and health but have yet to give a detailed number of the child labourers in these localities [Vietnam Association of Occupational Health & ILO, 2009; Nguyen Ngoc Nga et al., 2009].

Local media reports argued that the situation of child labour in the production of construction materials was a problem difficult to solve in Nghe An province. According to a newspaper article, Nguyen Thi B. (15) in village 9 of Quynh Thach commune, Quynh Luu district dropped out and at the time of the report has been working as a brick porter at a production facility in Quynh Van commune for more than 1 year. As her father had died young and her mother worked away from home, B lived with her old and sick grandparents. Her circumstances forced her to drop out to earn a living. She said, "Every day I work for 8-10 hours to earn about VND 50,000 to add to the money to buy food and medicines for my grandparents." According to the author of the article, there were more than 20 porters in the group where B works, including 8-9 children of the same age with B. For loading a full truck, the group was paid about VND 200,000 (Hong Hanh, 2014). Such figures contrast with the aggregate report discussed in the previous section.

Child Labour in Inappropriate Workplaces

The workplaces considered inappropriate to the spiritual and psychological development of children are those such as hotels, restaurants, bars, and massage services. According to the Survey on Child Labour in 2012, about 1.47% of child labourers worked in hotels, restaurants, bars [MOLISA, GSO & ILO, 2014:22].

Conclusions

Thus, the statistics on child labour provided by MOLISA and those on hard child labour in dangerous and toxic conditions collected by surveys contrast with the information gathered from the mass media. Whilst there is some information about child labour in the mining industry and quarrying industry, there is not very much.

Section 3.1 - Key questions and responses

1. Which worst forms of child labour, as defined in ILO Convention 182, are reported? (Has the government published a list? Which forms are mentioned, e.g. in state reporting processes?)
 - a. The GoV does not provide a specific definition of worst forms of child labour as defined by ILO Convention 182, but rather defines them as "heavy, hazardous, dangerous work" and describes and lists those jobs and workplaces where employers may not hire juvenile labourers in Article 165 of the Labour Code (see Appendix 3 and Section 2.1)

2. Can any trends be identified (decrease/increase/stagnation)?
 - a. According to Nguyen Hai Huu - Former Director of DCCP (MOLISA) the incidence of child labour has been tending to decrease, but the rate of children working in hazardous and toxic environments remains high. Also, Pham Thi Thanh Ha - Vice-Director of Department of Child Care and Protection, MOLISA, believes that the incidence of child labour has been tending to gradually decrease due to the effects of the series of policies and programs on the prevention and reduction of child labour. This trend is evidence if the 1990s are compared with current incidence rates, and the 1990s are themselves considered, for the results of the two Vietnam Household Living Standard Surveys (VHLSS) in 1993 and 1998 showed that child work activity was substantial but exhibited a significant decline between the two surveys [O. O'Donnel et al. 2003: 6]. The results from Multiple Indicator Cluster Surveys (MICS) in 2000 and 2011 also reported this trend of a decline in the incidence of child labour [L. Guarcello et al., 2015]. Some analysts explained this decline by referring to the impressive improvement in living standards that Vietnamese households experienced [Edmonds and Turk, 2002]. We stress, however, that despite such a decrease the incidence of children 'at risk' and working in hazardous and toxic environments remains high.

3. Are there any reports of child labour being used in the extractive sector, mines or quarries?
 - a. Yes.

3.2 Child labour in the natural stone industry – situation before 2010

There have not been clear-cut data on child labourers, especially those working in quarries from large-scale surveys officially conducted and announced by the Government of Vietnam. Large-scale national periodical surveys related to labour and employment are the National Surveys and Assessments of Vietnamese Youth (SAVYs), the Vietnam Household Living Standard Surveys (VHLSSs) and the Labour Force Surveys (LFSs).

Among the surveys, SAVYs (2003, 2009) contain the most information related to child labour. The survey report includes a description of the age when juvenile labourers start work, fields of work, workplaces, work satisfaction and future wishes of child labourers. Among those aged 14–17 in SAVY 2009, 29% of males and 23% of females mentioned that they had ever worked for money (compared to 35% of males and 30% of females in SAVY 2003). However, the report does not specifically refer to juvenile labourers in the natural stone industry. Some occupations mentioned in the report may include those in the fine art stone production businesses, such as private stone production facilities, small businesses, and cooperatives, but there have been no specific data describing child labour in the fine art stone industry.

The second biggest survey conducted every two years is the Vietnam Household Living Standard Survey (VHLSS). Each survey reports the number of labourers aged between 15 and 19 working in seven basic economic sectors, namely agriculture, forestry, fishery, industry, commerce, construction and services. According to the VHLSS 2008, among those aged 15-19, the majority (59.4%) were engaged in agriculture followed by industry (18.7%) and services (6.1%). However, when in paid

employment, the majority of adolescents (44.3%) were in the industry sector, followed by agriculture (17.1%) and construction (15.1%) [GSO 2009]. However, there has been no separate surveyed information on juvenile labourers and juvenile labourers working in quarries (VHLSS 2009).

Another big survey conducted annually is the reports on Labour Force Surveys. Findings from the surveys include detailed statistics on the structure of labour and jobs defined by economic sectors, age, income, etc. However, there have also been no statistics on juvenile labourers in general and juvenile labourers in quarries and fine art stone production facilities in particular. Data related to working age described in the survey report are only about labourers under 30 years of age working in different sectors and the group of labourers aged between 15 and 19 going unemployed or not participating in any economic activities [GSO & Ministry of Planning and Investment, 2010].

Other surveys and studies conducted by the Government of Vietnam, by the Government of Vietnam in collaboration with INGOs and NGOs, or by NGOs in Vietnam before 2010 paid little attention to child labour in quarries. In those fore-mentioned surveys, there are no large-scale studies on children working in the natural stone industry. Therefore, there is no comprehensive data system describing child labourers in quarries, such as the total number of child labourers, age of child labourers, areas of work, genders, regions, education levels, economic status, family conditions, etc.

There are two small-sample studies on child labour in stone industry conducted by the Vietnam Association of Occupational Health and ILO in 2009, focusing on the working environment and the health conditions of child labourers in the villages. They are: 1) Research findings on the working conditions and occupational health of children and adolescents engaged in work in carpentry, stone carving and traditional textile production [Vietnam Association of Occupational Health & ILO, 2009]; and 2) Preliminary assessment of working condition of children working in rubbish dumpsite in Nam Son (Ha oi), rush production village in Kim Son (Ninh Binh) and stone quarrying and processing area in Thanh Son (Ha Nam) [Nguyen Ngoc Nga, et al., 2009].

Neither study provides specific statistics on child labour in the villages by age, gender, income, or working hours, but rather thoroughly analysed the working environment, working conditions and physical health of children working in the fine art stone craft villages. According to findings from the “Study on the labour conditions, occupation health of children and juveniles engaging in labour at traditional fine art woodwork, fine art stone, and weaving craft villages” [Vietnam Association of Occupational Health & ILO, 2009], children in the quarries do not undertake extremely hard jobs, such as stone cutting, stone drilling, or stone apportioning. They only take on easier jobs in stone facilities or private fine art stone production businesses, such as chiselling, carving, and drawing. Although children only tend to undertake easier jobs in these stone craft villages, studies also show that working environment monitoring indicators, such as temperature, light, dust, noise exceed permissible standards. The working conditions do not meet requirements as the noise is too loud; children have to sit in cramped positions and run a high risk of accidents and injury. Short-term memory (visual memory) tests, attention tests (Landolt test), IQ tests (Raven test) were also performed in the studies, which show that the indicators among child labourers in Ninh Van craft village are lower than those of other surveyed villages. However, the size of the samples was not large enough to come to a statistically significant conclusion. However, despite the fact that the data were drawn from a small size of samples, health examinations and surveys on health conditions, diseases, and occupational accidents in the studies also show the bad effects that the working

conditions are imposing on child labourers, such as rashes, allergies, sore throat, respiratory infections, musculoskeletal discomfort, etc.

The study “Preliminary assessment of working condition of children working in rubbish dumpsite in Nam Son (Ha oi), rush production village in Kim Son (Ninh Binh) and stone quarrying and processing area in Thanh Son (Ha Nam)” also brought similar results [Nguyen Ngoc Nga, et al., 2009]. The study was carried out in Thanh Son and Thi Son communes of Kim Bang district, Ha Nam province with a very small sample of eight children aged between 14 and 17. Information in the study related to the stone production that the children participated in showed that it included the production of decoration stones, stone drilling and stone blasting, stone loading, stone breaking and work assistance. The study also describes in details various harmful effects of the work on child labourers such as extremely hard jobs like hill-climbing, working as porters and heavy physical tasks like hammering, stone breaking, stone shovelling, being exposed to dust, having to work outdoor, exposed to the risk of labour accidents and other hazards like loud noise, vibration and vibration disease that stone-drilling labourers often contract. Surveys on child labourers’ illness in the two stone craft villages above conducted in the study show that 100% of the child labourers there experienced musculoskeletal discomfort and thought that the work is too hard for their health. In addition, 50% of the child labourers have had chest pain, dizziness, sore throat, bronchitis due to the dusty working environment.

In contrast to the findings from studies in the stone industry, the press provided clear and specific examples of child labour in quarries in provinces and cities such as Ha Tinh, Kien Giang, Da Nang, and Ha Nam. Children described in press articles are aged between 14 and 17, working directly in the quarries. The children work mostly as porters carrying rocks and raking stones, earning very low wages. The cases mentioned in press articles before 2010 include:

- Children found carrying rocks in the quarries of Tri An hydropower plant. They loaded trucks with rocks and earned VND 20,000 (USD 0.9) to VND 30,000 (USD 1.35) per day (exchange rate as of September 8). [Nguyen Huu, 2009].
- Children found picking up rocks in Kien Khe quarry in Thanh Liem district and quarries in Kim Bang district and Phu Ly town, where the But Son Cement Plant is located. Most of the child labourers there are children of former workers of the local stone plant which has been closed. When children were still allowed to enter quarrying areas, they followed their parents and worked from 2am-4am to lever, break and load rocks onto trucks, earning about VND 30,000 (USD 1.35) per day. When banned from these tasks, they changed to picking up lime and coal slag in lime kilns. Lime was sold to kiln-owners for VND 5,000 per basket and slag was brought home for fuel [Mai Tam, 2008].
- Children loading rocks at Ru Moc quarry, Thach Ban commune, Thach Ha district, Ha Tinh province. Child labourers there shovelled rocks into baskets and then carried the baskets on their heads to load the trucks. For each stone truck, the owner of the quarry paid VND 20,000 (USD 0.9). Each day, a child earned about VND 15,000 (USD 0.675). Although the commune People’s Committee had requested the quarry owner and the stone production cooperative not to hire child labourers, they still hired children due to the dire economic conditions of the children’s household and the low labour cost [Hoang Tuan Anh, 2008].

- Children working with rocks in Hon Soc Mountain, Hon Dat district, Kien Giang province. Child labourers chiselled rocks and gathered stone rubbles. In Hon Soc hamlet of Tho Son commune, Hon Dat district, Kien Giang province, there were over 500 households with about 1,000 stone workers, including the elderly and children. Most of the labourers there worked in the lack of safety, labour protection and hygiene. Due to the dust- and noise-contaminated working environment, most of the stone chiselling labourers were contracting lung diseases [Hoang Tri Dung, 2003].
- Children involved in rock-cutting in Hoa Son commune, Hoa Vang district, Da Nang city. Hoa Son commune had about 60 large-scale stone household production facilities (paying taxes since early 2006), attracting nearly 1,000 employees, including both adults and children. Rocks were collected from quarries at the prices of VND 30,000-35,000/m³ (USD 1.35-1.57). When cut into types with different styles to suit tastes of consumers, the prices were about VND 60,000-70,000 (USD 2.7-3.14) per m³. Many children often joined the cutting during summer holiday to earn extra money for buying school supplies and clothes for the new school year [Nguyen Xuan Hoai, 2007].

Reflecting on the information found in the mass media, we conclude that child labour in the natural stone industry was mentioned in studies and the mass media largely in the hardest working stages, such as stone blasting, stone breaking, stone cutting, etc. There were two common and established forms of child labour in this industry, namely working at fine art stone production workshops and private stone production facilities, and picking up and loading rocks in quarries. However, according to a representative of FairStone in Vietnam, Vietnamese processed stone exporters that he knows employ no child labourers [Ha Chi Dong – FairStone]. We have found no data suggesting that children are employed in sub-sector of the industry where natural stone processing produces gravestones. Also according to this FairStone representative, the production of gravestones requires expensive equipment and high technologies; therefore, child labourers cannot be employed.

In conclusion, child labour in the natural stone industry has been mentioned in studies and the mass media covering the period before 2010. There were two common forms of child labour in this industry: A. children work at fine art stone production workshops and private stone production facilities to cast statues or to make fine art jewellery; and B. children pick up and load rocks in quarries. However, child labour was hardly detected in forms of stone blasting, stone breaking, stone cutting, etc. According to a representative of FairStone in Vietnam, Mr. Ha Chi Dong, among those stone processing enterprises that he knows, no one has ever used child labour.

Section 3.2 - Key questions and responses

- Were there any reports of child labour in the natural stone industry in the past (i.e. before 2010)? (Any reports dating further back should also be mentioned here)
 - Yes. See above.
- How was child labour in this sector described in the past? Please specify the forms and extent of child labour, type of work, and any information that may be available about the employment of children, e.g. age, working hours, health risks, etc.
 - Yes, see above.

- Was there any evidence of child labour being used in the quarrying, working or processing of types of natural stone which are particularly suitable for the production of headstones, etc. (see list at start)?
 - Somewhat inconclusive: no direct evidence on child labour use directly in headstone production, no evidence related to types of stone particularly suited to such production but not actually used for it.

3.3 Child labour in the natural stone industry – current situation (since 2010)

Child labour in the natural stone industry, mines and quarries nationwide has rarely been mentioned in studies on child labour. The Vietnam National Child Labour Survey 2012 can be seen as the largest-scale survey that includes child labour in mines and quarries. According to the survey, there were 191 children aged between 15 and 17 working in mines and quarries. Unfortunately, the survey does not provide any additional information about labour time, working and health conditions of those child labourers.

In 2011, MOLISA and ILO carried out a pilot survey on child labour in a suburban commune in Hanoi, where there is a stone carving village. According to the survey results, there were 240 children in the commune engaging in and/or running the risk of hard labour or working in toxic conditions. The figure accounted for about one fourth of the whole commune's child population aged between 5 and 17. More than one third of the commune's child labourers worked with the stone fine art industry [MOLISA & ILO, 2013d: 2]. According to the survey, the average working hours of those child labourers during peak periods was 6.03 hours/day compared with 4.08 hours/day during normal periods. On average, children worked 21.04 days/month. 85% of those children were still of school age and their work was considered as supplementary labour to assist their families. Similarly, in Phu Thanh commune, Lac Thuy district, Hoa Binh province, the decoration stone craft attracts a lot of labourers in rural areas, including children. Depending on different production facilities, children may work in stoning mining or stone grinding sections. Because of high income compared with agricultural production, not only children of needy families, but also those from better-off families join the craft. As they are still in their school age, they often spend days off school going to work [Hong Nhung, 2011].

According to the official regulations on the jobs that children are allowed to take, children aged 13 and above can work in traditional crafts (see Section 2.1). Therefore, there exists a potential conflict between the law and local practices. **If** the stone-carving job is defined as a traditional job of the locality, then children from full 13 years old to under 15 years old are allowed to be employed. From the legal perspective, however, this craft is considered to be hazardous. Therefore, when relevant authorities inspect production facilities in this village, they could not apply fines to those facilities. What they do is to provide information and require the facilities to either terminate the use of child labour or improve working conditions in order to minimize danger and toxic environment to child labourers. If they failed to commit a change, they will be fined in the second inspection [according to

Nguyen Hai Huu and Tran Thi Lien- MOLISA. Ms. Lien even stresses the roles of inspectors are to providing information for the public and advisory services for enterprises¹²].

In addition to child labour statistics from studies conducted by the MOLISA and ILO, information about child labourers in the natural stone industry is also provided by press agencies, focusing on the issue of child labour in a number of localities with natural stone industry. Some examples are:

Stone quarries

- Initial statistics posted on the website of the Nghe An provincial Police show that in the first six months of 2016, thousands of children were involved in hard work in the province, of whom 111 worked in special sectors, such as stone and ore mining. These child labourers are mostly from mountainous districts, such as Tuong Duong, Que Phong, Ky Son... [Phuong Thuy, 2016].
- According to the provincial Population, Family and Children Committee of An Giang, there were more than 12,000 children in the province having to work before the working age, including a good number of them engaging hard work like stone-cutting. In Chau Thanh district alone, 478 children had to drop out for early labour. At present, there are over 600 brick and stone production facilities employing child labourers in An Giang province [Bao moi, 2016].
- In the area of Hon Soc hillside in Tho Son commune, Hon Dat district, Kien Giang province, there are dozens of quarries, attracting hundreds of labourers. The work is hard, harmful, dangerous, and accident-prone. Children there also join stone piling, chiselling and loading [Duong Hoi, 2015]. Many children have been industriously working every day there, hoping to earn enough to pay new school year fees. For example, in 2010 Son was only 13, but he had worked with his father for two years then as a stone-cutter. Born into a poor family, he had to work to earn money for schooling. Another example is Nguyen Huu Dai, who had to quit schooling and work as a stone-cutter when he was only 14 years old to help his father. Due to poverty, he had to drop out at grade 6 [D. T. Chanh, 2010].
- The stone production facility of Nguyen Thi Cam in Phu Thuong stone craft village of Hoa Son commune, Hoa Vang district, Da Nang city employs 12 labourers, of whom eight are female, including Nguyen Thi Cam and her daughter, Quynh Giang – a year-11 student. She works every summer holiday to earn extra money for school supplies for the next school year [Ha Kieu, 2014].

Working as rock porters

- Tru Hai stone cliff in Quynh Van commune of Quynh Luu district, Nghe An province is about two km long. There are gathering sites for stone-loading approximately every 50 meters along the stone cliff. Mining activities here supply stone for the whole district. Groups of people gather along the road there; most of them are women and children. They sit on the fences and by the roadside, waiting to be hired. Truck drivers call the place the “stone porter

¹² See more on http://www.ilo.org/hanoi/Informationresources/Publicinformation/feature-articles/WCMS_463258/lang--en/index.htm (accessed on 27 September 2016)

market.” The market came into being thanks to the demand for stone-loading onto trucks. Almost all of the stone porters are children and women. Every time when a truck gets in the village, they come rushing out and agreeing upon a price with the driver [Nguyet Anh, 2010].

Stone processing

- The decorative stone craft in Phu Thanh commune, Lac Thuy district, Hoa Binh province attracts a good number of rural labourers, including children. Children work at stone mining or grinding sites. Due to an income higher than in agricultural production, at about VND 80,000/day (USD 3.54, exchange rate as of September 2016), not only needy children, but also children from better-off families join the work. Those who still go to school work during off-school days. Most of the child labourers are from Lu 1 hamlet, the poorest hamlet in the commune. According to the Hamlet Chief of Lu 1 hamlet Nguyen Thanh Thao, there were about 20 child labourers in the hamlet at the time of interview, most from poor and near-poor households. Jobs in the natural stone industry were hard. The children may have to work at quarries or as stone grinders [Hong Nhung, 2011].
- The mountainous commune of Hai Luu (Song Lo district, Vinh Phuc province) is where iridescent stone, green stone, yellow stone are found and can be used as materials for local people with their stone carving craft. In addition to agricultural production, local people work with stone as an extra job during time between rice crops. All 19 villages, but mostly seven villages, namely Dua Ca, Dua Le, Dong Cham, Lang Len, Go Dai, Lung Lon and Dong Tro in the commune work with stone, with about 400 to 500 permanent stone labourers. They have been doing the job for many generations. Most of the children in the village know how to make simple household items from stone when they are only about 15 years [Vinh Phuc provincial Department of External Affairs, 2011].

The impression from these scattered reports is that child labour in violation of legislation exists in the hundreds in areas where there is significant related production activity, such as quarrying. This suggests that accurate national data would generate rather large numbers. It also suggests that economic and commercial logic both drives children and their families to seek such labour, and encourages their employment. The sources cited also suggest that such activities are ‘normal’, and, perhaps, hard to prevent as both parties to the employment relationship see it as preferable to alternatives.

Information from press agencies on the illegal use of child labourers as mentioned above is collected on a weekly basis by the Inspectorate of MOLISA and the Communication Office under the DCCP [according to Ms. Tran Thi Lien- MOLISA]. The Inspectorate then sends the collected information to the inspection bodies under the Departments of Labour, Invalids and Social Affairs (DOLISA) of provinces where the violation takes place and requires the DOLISAs to verify the information. After the verification, depending on the seriousness of the violation, inspection bodies of DOLISAs will make official records and issue administrative fines or send the cases to the police for investigation if signs of violation of the Penal Code are seen. Ms. Lien said that almost all information from press agencies were accurate as checked by the DOLISAs. However, according to the municipal People’s Procuracy of Hanoi and the People’s courts of several districts of Hanoi, since 2010, there have been no trials and prosecutions related to child labour. Due to the shortage of time and resources, we have yet to look into the judicial situation related to child labour in other localities.

Every year, labour inspection agencies of MOLISA and DOLISA also inspect production facilities regularly with child labour being one of the important inspection contents. According to representatives of the Inspectorate of MOLISA, each year the agency carries out inspection on different fields. For example, in 2016 the inspection focuses on the construction industry, including the quarrying sector. Since early this year, the agency has conducted a number of scheduled inspections at designated businesses. The results show that large enterprises comply relatively well with labour regulations, not prioritizing the use of labourers under 18 years of age. Child labour is mostly found in household businesses. These inspections – the ones actually carried out - did not find child labour in hard jobs or jobs in hazardous and toxic conditions. Especially, there is no child labour in stone production businesses. However, interviewed representatives of inspection agencies also noted that scheduled inspections (with notice sent to businesses) as regulated by the Inspection Law make it hard to detect severe labour violations [Ms. Tran Thi Lien, Mr. Nguyen Anh Tuan- MOLISA].

According to Mr Ha Chi Dong, a representative of a stone export and construction material business and a representative of FairStone Vietnam, no child labourers are employed by stone exporters. He reports that businesses who are members of FairStone have to comply strictly with international standards and regulations because it affects the consumption of these businesses' products. As the representative of FairStone said, it is costly to join FairStone and importers abroad are the ones to pay fees for the approved providers on the basis that both sides commit to comply with the regulations of FairStone. Violation of the commitments affects the interests of both providers and importers. Moreover, FairStone exercises a strict and independent process of inspection and supervision over providers (each year Ha Chi Dong reported that he inspects seven businesses participating in FairStone in Vietnam 3-4 times without notice).

Also, Ha Chi Dong pointed out that the natural stone export market in Vietnam at present can only secure export orders for relatively low-grade products such as pavement stones or rocks for outdoor projects. The technology of the natural stone industry in Vietnam has yet to reach the standard required for exporting gravestones, which requires expensive equipment and high technologies, thus requiring skilled and well-trained labourers. Therefore, child labourers cannot be employed.

Section 3.3 - Key questions and responses

- What recent information (i.e. from 2010 onwards) is available about child labour in the natural stone industry? Please provide full and detailed information (including the forms and extent of child labour, type of work, and any information that may be available about the employment of children, e.g. age, working hours, health risks, etc.).
 - Done
- Are there any descriptions of individual cases? If so, they should be summarized or described in sufficient detail, and relevant reports should be appended.
 - Done – see Appendix 5 for specific reports
- Is there any evidence of child labour being used in the quarrying, working or processing of types of natural stone that are particularly suitable for the production of headstones, etc. (see list at start)? Please provide detailed information, and list sources in the appendix.

- Yes, up to a point but there is no evidence that this is used for the production of gravestones for export

Section 4 - Measures to reduce and eliminate child labour

4.1 The social discourse on child labour

Section 4.1 - Key question and response

Question: How is child labour viewed in the social discourse? (Does it feature at all? Is it accepted/rejected, etc.? Have there been any recent developments?)

A generation after the emergence of the Vietnamese market economy in the early 1990s and after the rapid growth of Vietnam's 'economic miracle' a range of social problems can be found in Vietnamese social discourse. With a politically-controlled mass media, however, evidence for this discourse is limited. It is likely that without political change to 'civilise' Vietnam's market economy, of which these discourses will be part, this situation will continue.

The 2014 ILO report was publicised, but searches of the Vietnamese-language internet show few discussions of specific cases, likely because, as we show in other parts of the report, implementation of the law is limited. Researchers and officials are well aware of the issues and the extent of numbers at risk. The picture is therefore rather simple:

- Child labour is viewed as something that is wrong and should not happen. Detailed study of the legislation and policies shows this; the issue is implementation. Reports in the press exist and the public is therefore aware of the issue, and it seems that the numbers of reports are rising slowly, pushed by the 2014 ILO survey and the realisation that Vietnam's existing capitalism 'needs to be tamed', but that this is hard under current political conditions.
- Child labour is not accepted, and occurrences of it are linked to wider but related issues such as human trafficking. The issue is that mechanisms to enforce existing legislation are weak, in part, most likely, to do with corruption.
- Recently, it appears that popular distaste for the situation has increased, adding to pressure on the ruling VCP to actually act.

4.2 Efforts by the government to combat child labour

As an early signatory to the International Convention on the Rights of the Child (1990) and the ILO Convention on the Worst forms of Child Labour (2000), Vietnam has enacted a series of legislation that restricts the conditions under which a child, at various ages, can work [Edmonds and Turk, 2002]. In law, opportunities for a child to work outside of the household unit are more constrained than work on behalf of the household. The latter is legal provided it is not "harmful, dangerous or exploitative" (ibid, p. 15). Child work on behalf of the household has deep cultural roots and is often considered to have positive effects on the development of the child [O. O'Donnell et al. 2003:7].

At legislative level and through various programs, the VCP, though the GoV, has made efforts to combat child labour, mainly through the building and completion of a broader and deeper

framework of policies for child care and protection; the issuance of specific programs on child care and protection and the prevention and elimination of child labour; the approval of programs and projects on child care and protection and child labour elimination; the building of a child care system from the central to the grassroots levels and the promotion of the inspection and supervision of the Government's inspection system over businesses and production facilities that employ child labourers.

The legal system of Vietnam is adjusting to increasingly fit the terms of child labour defined in international conventions that Vietnam has signed and committed. Laws of Vietnam with specific provisions related to child labour include the 2016 Child Law; the 2012 Labour Code; the 2015 Civil Code; the 2009 Penal Code; and the 2007 Law on Domestic Violence Prevention and Control. In particular, the 2016 Child Law 2016 has a separate chapter regulating child protection and the 2012 Labour Code has a chapter designated for juvenile labourers. Amendments and supplements to the 2015 Penal Code have been completed, which include more specific provisions on children trafficking for commercial, children pornography and children sexual purposes; the amended and supplemented code will come into force soon. Besides, the 2013 Constitution has specific provisions concerning employment of labourers under the minimum working age and protection of the child. Besides laws, other legal documents guide implementation or add to the laws; for example, the Decree No. 71/2011/ND-CP detailing and guiding a number of articles of the law on child protection, care and education; Decree No. 95/2013/ND-CP on penalties for administrative violations against regulations on labour, social insurance and overseas manpower supply and Guidance on the implementation of policies for social protection beneficiaries. Relevant ministries and sectors such as the MOLISA, the Ministry of Finance, the Ministry of Public Security and the Ministry of Justice have also issued their legal documents so as to concretize the laws related to their sectors (see Appendix 2).

As for the implementation of international conventions on the rights of the child, the GoV of Vietnam has issued directives regulating the enhancement of the protection and care for children (Directive No. 55-CT/TW dated June 28th 2000, Directive 1408/CT-TTg issued on September 1st 2009, and Directive 20-CT/TW dated November 5th 2012).

The outcomes of these directives' implementation have led to a gradual strengthening of state management over the protection, care and education of children. Resources have been mobilized and employed more effectively to care for children. Cultural, recreation, and entertainment activities have been increasingly focussed upon children while children's rights have been ensured more effectively.

However, despite these efforts, there still exist limitations in the child protection work, and child offenders, street children, child-accidents, HIV/AIDS-affected children remain pressing social problems. The dropout rates in remote areas and areas populated by ethnic minorities stay high and weakness still remains in the mobilization of communities, especially in rural areas, to join the protection, care and education of children.

Along with the completion of the legal framework, the Government has also approved national programs for the protection of children and prevention and elimination child labour, such as the program to prevent and deal with the problems of street children, sexually-abused children, and children having to do hard work in toxic and hazardous conditions for the 2004-2010 period (Decision

19/2004/QĐ-TTg). Thanks to the program, 28,746 street children have returned home; nearly 6,000 children have been supported with schooling; 5,600 have been provided with vocational training and jobs; 4,900 supported with measures to deal with their problems in life; 3,798 victims of child sexual abuse assisted in various forms (accounting for 87% of the detected cases); 4,308 children running high at risk of being sexually abused supported; 6,440 children engaging in hard labour in hazardous conditions provided with vocational training, subsidies, scholarships, schooling support and school supplies; more than 800 children contracting occupational diseases screened and classified according to diseases; 55 child labourers caught in accidents treated and provided with rehabilitation therapies. MOLISA has inspected 279 enterprises and production facilities. Out of the 104,588 inspected labourers, 108 were under 16 years of age, of whom 15 having to do hard work in toxic and hazardous environment. The number of child labourers engaging hard work in hazardous conditions tends to gradually decrease, from 68,000 in 2005 to 25,000 in 2010 [MOLISA, 2011].

However, has been no sign of decrease in the rate of sexually abused children. Every year, there are between 900-1,000 children sexually abused and the extent of the abuse tends to get worse. Though the number of child labourers having to work in hazardous conditions has gradually declined, the rate of children engaging in worst forms of labour remains high and has yet to be put under control [MOLISA, 2011].

Thanks to the National action program for children in Vietnam in the 2001-2010 period (Decision No. 23/QĐ-TTg), the number of children in special circumstances who received care and support has been increased to about 75% for 2001-2010. Ratio of children who have received support under the Decree 67/2007/NĐ-CP or the amended Decree 13/2010/NĐ-CP has been increased twice (increase from 270,000 in 2001 to 500,000 at present). “More than 42,000 child labours, 60 turns (sic) of street children and those at risk and their families have been accessed to various support such as returning home and school, health care, vocational training and employment, income generation. More than 10,000 children of sexual abuse and violence have been identified and supported promptly. About 9,000 children of drug abuse have received support for community based or institutional drug treatment. 100% of children in special circumstances, poor children and ethnic children received free legal support when needed” [MOLISA, 2011a: 9-10].

The National program for child protection in the 2011-2015 period (Decision No. 267/QĐ-TTg dated February 22nd 2011) sought to enhance the protection of children with a new approach. It was claimed that as a result the incidence of children in extreme circumstances fell from 6% in 2011 to 5.6% in 2015; reports stated that 70% of children found to be in danger of falling into extreme circumstances had enjoyed interventions to reduce and eliminate risks; and 85% of children in extreme circumstances had received assistance and care to reintegrate and enjoy better development opportunities [Dao Hong Lan, 2016: 1]. We stress, that this program has not been evaluated by independent experts; thus scepticism concerning the success of the program remains given the fact that the number of children living and working under extreme circumstances remains high.

The national action program for children for the 2012-2020 period (Decision No. 1555/QĐ-TTg) aims to: reduce the rate of extremely needy children to below 5.5% of the total number of children in 2015 and to 5% in 2020; increase the rate of extremely needy children supported, cared and having chance to reintegrate and develop to 80% by 2015 and 85% by 2020 through communications,

education, social mobilization activities to raise public awareness and change of the behaviour in the implementation of the rights of the child; develop and implement programs and plans for child care, protection, and education; improve the legal and policy system related to child care, protection, and education and the implementation of the rights of the child; encourage socio-political organizations, economic organizations, social organizations, socio-occupational organizations, families, communities, people and children to participate in the protection, care and education for children; provide protection, care, education, recreation, entertainment, sports, tourism, information and communications services for children. At present, the program is in progress and there has yet to be any performance report.

The National program for child protection in the 2016-2020 period (Decision No. 2361/QĐ-TTg dated December 22nd 2015) aiming at ensuring that all children are protected to reduce the risk of falling into extreme circumstances focuses on protecting children from being abused. Children in extreme circumstance will enjoy assistance and care for their rehabilitation and reintegration into the community and development opportunities. This program was kicked off in early 2016 and at present there has been no performance report.

Particularly, the national program on the prevention and minimization of child labour for the 2016-2020 period (Decision 1023/QĐ-TTg) sets clear objectives to raise awareness of child labour, competence and responsibility of authorities at all levels, sectors, relevant organizations, employers, communities, parents and children and assure that 100% of the cases when the use of child labourers violates the law are promptly dealt with and the child labourers are supported. This is the first program of the Government especially designated for the elimination of child labour. This program has just been approved by the Government on June 7th 2016 and started to be implemented in July 2016. At present, this program has been implementing training activities for the staff in charge of child care and protection in 63 provinces and cities; other activities have yet to be carried out.

The Government has also cooperated with international organizations such as ILO and UNICEF to implement several projects related to child care and protection and child labour. In 2012, the MOLISA in collaboration with ILO conducted the largest survey to date on child labour titled “National Survey on Child Labour.” This is the first national-level survey on the situation of child labour which provides a relatively comprehensive and systematic data of child labour. The report of the survey has been published on the official website of the GSO.

In addition to projects carried out in collaboration with INGOs, MOLISA has also implemented supportive projects and models for child labourers such as the alternative vocational training model for street children to return homes, which is the one that the Street Children Support Project (the MOLISA) developed in three years (2009-2011) in 51 communes of eight provinces of Vinh Phuc, Hung Yen, Thanh Hoa, Ha Tinh, Thua Thien - Hue, Phu Yen, Khanh Hoa, Quang Ngai. With an aim to support street children to return home, have access to schooling, and integrate into community, the project has provided alternative vocational training support for parents, brothers, sisters, or those who directly take care of street children so that they can afford to help them return to their homes. Alternative vocational training model has helped street children return homes, capable of continuing their schooling and helping their families reduce economic hardship [Quach Thi Que, 2013].

In addition to the legal framework and the implementation of specific programs and projects, the Government has also paid due attention to the labour inspection system, designed to strengthen the inspection to find out businesses, organizations and individuals employing child labourers, especially those forcing child labourers to work hard and work in harmful and hazardous conditions. In 2012, the Government in collaboration with ILO provided training for the inspection staff of the MOLISA and training was provided for labour inspectors in 2013. The documents “Child Labour Inspection” and the training material on child labour “Understanding about child labour 2010” have been developed and released nationwide. The Government continues to cooperate with ILO to officially develop and debut the child labour monitoring system.

There still exist issues to be solved in the legal framework. The inconsistencies still exist in the system of laws and policies; the development and implementation of programs and projects for child care, protection, and education are fragmented; children-related issues are assigned to different ministries and management agencies, but there has yet to be a coordination regulation; therefore, collaboration and information sharing have not been carried out regularly while there has been the lack of close interdisciplinary coordination; the slow issuance of instructive documents has been affecting the implementation of the rights of child in Vietnam; the inspection and enforcement of laws on labour have yet to be conducted in a uniform, comprehensive and strong manner, leading to violations of law on juvenile labourers going undetected, especially in the informal sector. That is due to the fact that those facilities do not registered their production activities and are only administered and monitored by localities, which is not in the management authority of the labour inspection bodies (as mentioned in Section 2.2); and due to the lack of a coordination mechanism between law enforcement agencies and children protection and support establishments to ensure that children are safe from labour exploitation and enjoy protection and support to reintegrate into community and to address existing problems and strengthen the protection of children from hazardous forms of labour.

We conclude that there is a disjunction between the strong legislative and programmatic efforts of the VCP through the GoV and what can be gleaned from the data on what is actually happening on the ground. Some aggregate data suggests that child labour abuse has been falling, but the evidence from the particular case studies in Section 3.1 suggests that there are strong economic drivers that encourage abuse of child labour, and that there are many instances of situations where these appear to continue, despite efforts made. We note the comments already mentioned that child labour mainly exists in rural areas and in the informal sector, where there are very few labour inspectors, or trade unions and labourers’ organizations (according to Ms. Tran Thi Lien - MOLISA and Chang-Hee Lee - Director of ILO Vietnam, see X. Hoa, 2016). This means that relatively formal, high-tech sub-sectors such as fine arts or gravestone production are not likely to be affected.

Section 4.2 - Key questions and responses

1. Which policies has the national government adopted to combat child labour, especially its worst forms?
 - a. See above
2. If children are known to be working in mines and quarries, are any specific measures in place to combat this use of child labour?

- a. The sector is covered somewhat vaguely by the Vietnamese legislation's reference to "hard child labour in hazardous and toxic conditions", other than that there are no specific measures in place.
3. To what extent can the government's efforts to combat child labour be taken seriously?
- a. The VCP, through the GoV, is highly constrained in its capacity to use state structures, such as the MOLISA/DOLISA system, to get at rural and informal child labour. However, through local VCP cells and committees, and the Mass Organisations (such as the Women's Union), and the mass media, it could deploy considerable authority if it wanted to. It is likely that it is the local community tolerance, revealed in the case studies, of economic necessity, combined with problems of corruption that inhibits this. The efforts can therefore be taken seriously, but within limits.

4.3 Industry self-regulation

There is no evidence that the industry is active in self-regulation. Regulation efforts seem to come from outside the industry, either in the form of foreign business ventures, such as FairStone, or from the GoV. Under current conditions, where freedom of association is highly constrained, the industry is in effect not allowed to legally establish an independent industry association. In principle, all social organisations are to be directly led by the VCP, through the Mass Organisations of similar bodies, so that the industry would face considerable obstacles in organising to self-regulate.

Section 4.3 - Key question and response

Question: Has the natural stone industry itself taken steps to combat the use of child labour (e.g. certification, code of conduct, awareness-raising)?

No.

4.4 Other measures

Section 4.4 - Key question and response

Question: Are any other measures to combat the worst forms of child labour, especially in mines/quarries, known to exist (e.g. NGO projects, trade union campaigns)?

Apart from measures to reduce the worst forms of child labour conducted by the Government of Vietnam, international organizations and NGOs in Vietnam have also played an important role in child protection in general and in the issue of child labour in particular. At present, two major international organizations which pay much attention to activities in this field in Vietnam are ILO and UNICEF. These two organizations have been efficiently supporting the Government of Vietnam in the implementation of activities related to child protection and the prevention and elimination of child labour. Details can be found in Appendix 5.

Besides UNICEF and ILO, a number of NGOs in Vietnam have made positive contributions to the child protection and prevention and reduction of child labour. There have been not many NGOs working in this field.

Besides NGOs, various social agencies and organizations, almost all VCP-sponsored and directly or indirectly managed also have functions and responsibilities to carry out activities to prevent and reduce child labour as defined in the Child Law 2016. They include the Vietnam Fatherland Front which groups all Mass Organisations, and its member organizations such as the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union, and social organizations, such as the Vietnam Association for the Protection of Children's Rights, and Child Protection Funds, etc. These institutions are responsible for the implementation of support activities for the Government's child-protection activities and the elimination of child labour, such as national target programs, directives, resolutions and campaigns, etc.

Among these organizations, the Association for the Protection of Children's Rights, registered under MOLISA but independent in budget and activities from the Ministry, is relatively independent of the state management system. It has the function to monitor, criticize, and address child-abuse cases. As for child labour, the association has been actively exercising its activities such as detecting, intervening and participating in legal proceedings. For example, in the case Hao Anh, a child abused by the owner of Minh Duc shrimp production facility in Ca Mau province, the association sent its lawyer to the court to protect Hao Anh's rights. Another example is the Sumidenco Vietnam case, where the Hai Duong province-based company hired juvenile labourers; the association had its official statement on the media and worked with the Hai Duong province DOLISA to solve the case (According to Ms. Ninh Thi Hong, vice-president of the Association and DOLISA Inspector – see Appendix 1).

In general, at present, the role of NGOs and civil society organizations in Vietnam is still limited, with the VCP preferring to work through the Mass Organisations under the VFF and the GOV and its structures.

According to Tran Cong Binh, a child protection specialist of UNICEF in Ho Chi Minh City, the key reason is that the role of NGOs has not been recognized and exactly valued, especially at the local level. State agencies still see NGOs as charitable organizations, mainly contributing resources or providing direct services while, consistent with VCP antipathy towards 'civil society' there is still no decent legal framework and specific instructions for the promotion of the role of NGOs. Besides, there are also shortcomings in the NGOs' side, such as the limited management capacity and expertise of the staff and the lack of a proactive approach to the expansion of cooperation with state agencies and the lack of a strategy for their long-term and consistent operational and organizational development as well as the lack of focus on the pleadings - policy advocacy, coordination, and networking activities.

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Appendices

1. List of interviewees on child labour

Id.	Name	Position	Institution	Date of interview	Contact information	Remark
1	Nguyen Bao Cuong	Vice director (Center for women labour and gender studies)	Institute of Labour Science and Social Affairs, MOLISA	29/7/2016	Email: ngbaocuong@yahoo.com Cell phone: 0913378597	Co-author of Report on Vietnam National Child labour survey 2012
2	Nguyen Hai Huu	Former Director	Department of Child Care and Protection, MOLISA	29/7/2016	Email: nguyenhaihuubtxh@yahoo.com Cell phone: 0913219815	Chairman, Association for Social Work
3	Nguyen Mai Oanh	Program officer	International Labour Organization	9/8/2016	Email: oanh@ilo.org , Cell phone: 0903436201	
4	Pham Thi Hai Ha	Deputy Director	Department of Child Care and Protection, MOLISA	19/8/2016	Cell phone: 0983327773	
5	Nguyen Ngoc Anh	Child Protection Program officer	UNICEF Vietnam	19/8/2016	Email: nngocanh@unicef.org Cell phone: 01273000127	
6	Ha Chi Dong	Representative	Win-Win FairStone Vietnam	19/8/2016	Email: h.dong@fairstone.org Cell phone: 0915073480	Director of a private company on building material exportation (name undisclosed)
7	Tran Thi Lien	Vice-head	Inspectorate on children and social issue policies,	19/8/2016	Email: nguyenanhtuan12f@yahoo.com	

	Nguyen Anh Tuan	Inspector	MOLISA's Inspectorate Office		Cell phone: 01294200000 (Mr. Tuan)/ 0918535889 (Ms. Lien)	
8	Quach Hoang Chuong	Procuracy officer	People's Procuracy of Hanoi	26/8/2016		
9	Ninh Thi Hong	Vice president	Association for the Protection of Vietnamese Children's Rights	13/9/2016	Email: ninhhongtr@gmail.com . Cell phone: 0913557551	Former MOLISA's Inspector
10	Truong Thuy Ha	Vice president	Vietnamese Association for fine art, gemstone and jewellery	13/9/2016	Email: nhabaoha@gmail.com . Cell phone: 0903232797	
11	Tran Cong Binh	Child protection officer	UNICEF Ho Chi Minh City	8/9/2016	Email: binhunicef@yahoo.com . Cell phone: 0913757775	
12	Tran Thi Thu Thuy	Officer	Department of Civil and Economic laws, Ministry of Justice	14/9/2016	Cell phone: 0912133333	

2. Legal documents regarding child labour

1. Decree No.36/2005/ND-CP issued by the Government on March 17, guides a number of the Child Protection, Care and Education Law's articles on children entitled to the rights and subject to the obligations, provided for by the Law; acts of infringing upon children's rights;
2. Decree No.114/2006/ND-CP issued on October 3, 2006, defining the sanction of administrative violations on population and children;
3. Joint Circular No.86/2008/TTLT-BTC-BLDTBXH: guides the management and use of budget for the implementation of Decision No.19/2004/QD-TTg on the approval of programs preventing and dealing with the issues of street children, sexually-abused children, and children having to do hard work in toxic and hazardous conditions in the 2004-2010 period;
4. Circular No.23/2010/TT-BLDTBXH issued on August 16th 2010 by the MOLISA: regulates the procedures for the intervention and support for children affected by violence and sexually abused;
5. Decree No. 71/2011/ND-CP detailing and guiding a number of articles of the law on child protection, care and education;
6. Decree No.91/2011/ND-CP dated November 17th 2011: regulates fines applied to administrative violations in child care, protection and education;
7. Joint Circular No.181/2011/TTLT-BTC-BLDTBXH, dated November 15th 2011: guides the management and use of budget for the implementation of the National program on children protection in the 2011-2015 period;
8. Joint Circular No.01/2011/TTLT-VKSTC-TANDTC-BCA-BTP- BLDTBXH, dated July 12th 2011: guides the implementation of a number of regulations in the Penal Code for juvenile persons;
9. Joint Circular No.02/2013/TTLT-BLDTBXH-BCA-VKSNDC-TANDTC, dated February 4th 2013: guides the collection, management, provision and use of statistics about juvenile offenders;
10. Circular No.10/2013/TT-BLDTBXH, dated June 10th 2013: promulgates the lists of jobs and workplaces in which the employment of minor persons is prohibited;
11. Circular No.11/2013/TT-BLDTBXH issued by the MOLISA, dated June 10th 2013: promulgates the list of light tasks permitted for persons under 15 years old;
12. Decree No.144/2013/ND-CP, dated October 29th 2013: regulates the application of administrative fines in the fields of children protection, social aid and care;
13. Decree No. 95/2013/ND-CP, dated August 22, 2013, on penalties for administrative violations against regulations on labour, social insurance and overseas manpower supply;
14. Decision No.335/QD-LDXH issued by the MOLISA, dated March 18th 2015: approves the action plan for the implementation of the project "Improving the children protection system" in the years 2015 – 2016;
15. Decision No.1095/QD-BLDTBXH, dated September 21st 2009 on the adjustment to a number of contents of the plan and budget estimate for the implementation of the scheme "Prevention and solutions to child labourers having to do hard work in toxic and hazardous conditions" in 2009;

16. Interdisciplinary Plan No.3970/KHLN-BLDTBXH-BGDDT, dated October 15th 2013: implements the work of child care, protection and education agreed between the MOLISA and the Ministry of Education and Training in the 2013 - 2020 period.

3. Extracts from Legal Documents

Lists of jobs and workplaces in which the employment of minors is prohibited

(Promulgated together with Circular No. 10/2013/TT-BLDTBXH of June 10, 2013, of the Minister of Labour, War Invalids and Social Affairs)

I. List of workplaces

In addition to the workplaces specified at Points a, b, c and d, Clause 2, Article 165 of the 2012 Labour Code, the employment of minor persons is prohibited in the workplaces specified in Clause 1, Article 163, and at Point dd, Clause 2, Article 165, as follows:

1. Being in contact with working environment elements not up to hygiene regulations and standards prescribed by current law, such as electromagnetic field, vibration, noise, temperature, silica dust, dust not containing silica, cotton dust or asbestos dust;
2. Being in contact with radioactive substances and rays; suffering radiation by X-ray and other harmful rays not up to current hygiene regulations and standards prescribed by law;
3. Being in contact with factors that may cause contagious diseases;
4. Working for over 4 hours a day in an uncomfortable and narrow space, which sometimes requires labourers to go on their knees, lie or stoop;
5. Working on high scaffolds or ropes hung over 3 meters higher than the working floor; working on hills and mountains with a steepness of over 30°.

II. List of jobs

In addition to the workplaces specified in Clause 4, Article 163, and at Points a, b, c, d, dd and e, Clause 1, Article 165, of the 2012 Labour Code, the employment of minor persons is prohibited to do the jobs specified in Clause 1, Article 163, and at Point g, Clause 2, Article 165, as follows:

No.	Job title	Characteristics of working conditions of the job
1	Directly boiling, pouring and transporting molten metals, removing moulds and cleaning products cast at foundries - Electric arc furnaces (of any capacity) - Steel refining drifts - Steel refining convertors - Kilns	Heavy work, directly affected by heat, noise and vibration in excess of permissible standards

	- Pig iron blast furnaces	
2	Rolling hot metal	Heavy work, directly affected by heat, noise and vibration in excess of prescribed standards
3	Directly refining non-ferrous metal ores (copper, lead, tin, mercury, zinc, silver)	Constantly affected by noise, dust and toxic gas in excess of prescribed standards
4	Firing and pouring out coke from ovens	Being affected by heat, dust, noise, CO and CO ₂ in excess of prescribed standards
5	Firing boilers for steam engines	Being affected by heat, dust, noise and toxic gas in excess of prescribed standards
6	Operating steam boilers	Extremely dangerous work in constant contact with heat
7	Operating systems to prepare and load acetylene, oxygen, hydrogen, chlorine and liquefied gases	Extremely dangerous work in contact with toxic gas in excess of prescribed standards
8	Operating cooling systems (ice making and refrigerating)	Heavy work, working in an uncomfortable posture and a cold environment
9	Operating steam, compressed air or electricity-operated machines for forging, pressing, hammering and cutting metal	Heavy work, very hot, affected by heat radiation, CO, CO ₂ , SO ₂ concentrations and noise in excess of prescribed standards
10	Assembling, repairing and cleaning moulds of metal forging, pressing, hammering and cutting machines (steam, compressed air, electricity or mechanically operated)	Heavy work in constant contact with noise in excess of prescribed standards
11	Welding in closed containers, welding in positions which are over 5 meters higher than the working floor	Heavy work in high and dangerous working places with difficult working posture
12	Collecting wastes from industrial alcohol production	Heavy work, being affected by noise, dust and toxic gas in excess of prescribed standards

13	Rolling, laminating and pressing lead products, lead plating	Uncomfortable working posture, being affected by heat and lead fume
14	Founding copper and aluminium	Heavy work, being directly affected by heat, noise and vibration in excess of prescribed standards
15	Operating fabric- and yarn-starching machines	Standing and moving over 7 km per 8 working hours; being affected by cotton dust and noise in excess of prescribed standards
16	Dyeing and dry-cleaning fabric and yarn	Being in contact with toxic chemicals, humid and hot working environment
17	Storekeepers and assistants of chemical or dye warehouses	Being in contact with toxic chemicals, humid and hot working environment
18	Digging mining pits	Heavy work, narrow and humid workplace lacking oxygen
19	Working in pits or holes of over 5 meters deep	Heavy work, narrow and humid workplace lacking oxygen
20	Mining for rock, manually breaking and removing rock on the mountains	Manual, heavy and dangerous work
21	Directly feeding materials into stone-grinding machines and working with stone-grinding machines	Heavy work, being affected by dust and noise in excess of prescribed standards
22	Screening lead ore	Being affected by lead dust and noise in excess of prescribed standards
23	Using hand-held machines operated by compressed air with a pressure of 4 atmospheres or more (such as drilling and hammering machines and the like, causing abnormal vibrations to the human body)	Being affected by noise, vibration and dust in excess of prescribed standards
24	Sifting and sorting gold, ores and ruby	Manual, very heavy and dangerous work, being affected by dust and vibration in excess of prescribed standards
25	Manually digging up stumps of over 40 cm in diameter	Very heavy work, uncomfortable working posture
26	Manually sawing logs by two persons (only girls are prohibited)	Heavy and dangerous work
27	Cutting down trees of at least 35 cm in diameter, manually sawing and cutting tree branches, and pruning off	Heavy work, high and dangerous working places

	branches high above the ground	
28	Carrying big logs, levering and loading unloading logs of at least 35 cm in diameter manually, with wooden chutes or wooden slides	Working outdoors on hills and mountains (with a steepness of 10°-15°), hard and dangerous work
29	Salvaging for sunk logs, pulling logs in docks, pulling logs ashore	Working outdoors on a river or stream; manual, heavy and very dangerous work
30	Operating rafts on a river with many cascades	Working outdoors on a river or stream; manual, heavy and very dangerous work
31	Driving farm tractors	Uncomfortable working posture, being affected by noise, vibration and dust in excess of prescribed standards
32	Collecting natural swallow bird's nests; collecting bat guano	Working in remote islands; heavy and very dangerous work
33	Sawing logs with circular saw machines and band saw machines	Heavy work in narrow and humid workplace, being affected by noise in excess of prescribed standards
34	Operating plane machines in carpentry	Heavy work in narrow and humid workplace, being affected by noise in excess of prescribed standards
35	Directly raising wild beasts or venomous animals	Heavy and dangerous work
36	Preliminarily processing bamboo, rattan and sedge	Heavy work, being affected by toxic gases in excess of prescribed standards
37	Firing brick kilns and lime kilns, manually slaking lime	Heavy and dangerous work, being affected by great heat
38	Processing brine fish, shrimp paste, condensed fish sauce, fish sauce, and dried aquatic and marine products	Heavy work, being affected by great heat
39	Processing green coffee for export	Heavy work, being affected by great heat
40	Working alone along railway tracks, in mountain tunnels, in underground works, in places in which labourers cannot see farther than 400 m, or	Outdoor, heavy manual work, affected by dust in excess of prescribed standards

	in areas very difficult to access	
41	Moving, coupling and uncoupling train carriages in workshops or on railway tracks	Outdoor, heavy and dangerous work
42	Operating vehicles with engines of a cylinder capacity of 50 cm ³ or more	Heavy and dangerous work, affected by dust, vibration and noise in excess of prescribed standards
43	Operating horizontal cranes, cranes, trolley cranes and electric pulleys (except hand-operated chain pulleys not subject to technical safety inspection)	Working high above the ground, being affected by vibration and noise in excess of prescribed standards
44	Hooking or tying weights to horizontal cranes, cranes, trolley cranes and electric pulleys	Heavy and dangerous work
45	Operating construction machines (such as excavators, bulldozers, leveling machines, drilling machines, pile drivers, crawler vehicles)	Heavy work, uncomfortable working posture, being affected by dust, noise and vibration in excess of prescribed standards
46	Operating dredgers	Working in a seriously polluted environment, being affected by noise in excess of prescribed standards
47	Surveying river ways	Outdoor, heavy and mobile work, being affected by dust in excess of prescribed standards
48	Underwater concreting	Working on a river, very heavy work, being affected by noise in excess of prescribed standards
49	Divers	Very heavy and dangerous work, uncomfortable working posture, being affected by high pressure
50	Working on seagoing ships	Working at sea, suffering pressure of sea waves, noise and vibration in excess of prescribed standards
51	Working on aircraft	Dangerous work, suffering mental and psychological tension, being affected by noise and vibration in excess of prescribed standards, and being regularly affected by temperature and pressure changes
52	Air traffic technicians and air traffic safety electronics technicians	Suffering mental and psychological tension
53	Guarding and watching vessels in docks or on river banks	Dangerous work, suffering mental and psychological tension

54	Installing drilling platforms	Outdoor, very heavy and dangerous work, being affected by noise, vibration and toxic chemicals in excess of prescribed standards and being constantly affected by waves and wind
55	Working on offshore drilling platforms	Outdoor, very heavy and dangerous work, being affected by noise, vibration and toxic chemicals in excess of prescribed standards and being constantly affected by waves and wind
56	Exploratory drilling of oil and gas wells	Mobile work in forest and mountainous areas lacking oxygen, heavy and dangerous work, being directly affected by noise and vibration in excess of prescribed standards, uncomfortable working posture, dirty workplace
57	Exploratory drilling, blast drilling	Heavy and dangerous work, being affected by noise, dust and NO ₂ in excess of prescribed standards
58	Working in tobacco fermentation furnaces or cigarette-drying furnaces	Being affected by dust, noise and nicotine in excess of prescribed standards
59	Rolling and pressing large pieces of hard leather	Heavy work, uncomfortable working posture, being in constant contact with heat
60	Coating paraffin inside wine tanks	Working in closed and hot cellars, lacking oxygen and having a high concentration of alcohol. Very uncomfortable working posture, manual work
61	Vulcanizing, shaping and loading/unloading large rubber products such as fuel containers car tires	Being in constant contact with heat, noise, dust and toxic chemicals in excess of prescribed standards
62	Working in contact with petrol and oil in caves and tunnels: receiving and delivering, preserving and operating petrol and oil pumps and measuring machines	Working in dark tunnels, being in constant contact with toxic chemicals in excess of prescribed standards; facing danger during taking samples in the field
63	Firing glass-melting furnaces and blowing glass products by the mouth	Being affected by heat and dust in excess of prescribed standards
64	Igniting oil-fired machines which consume 400 liters/hours or more	Heavy work in contact with heat and oil
65	Building hulls (of wooden or iron ships) which requires labourers to carry or fix weights of 20 kg or more	Heavy and dangerous work

66	Manufacturing, using and transporting dangerous products like explosives, flammable substances, oxidized substances, gas, gunpowder, ammunition, and artillery pieces which may cause explosion or fire	Extremely dangerous work at risk of fire and explosion, suffering nervous tension
67	Operating garbage incinerators and wastewater treatment systems	Heavy work, constantly working in an environment be polluted in excess of prescribed standards
68	Making and bleaching paper pulp with chlorine	Being in contact with chlorine and heat
69	Installing and repairing electric lines in underground tunnels or on open-air posts, installing high-voltage electric lines and pylons	Outdoor, heavy and dangerous work, being affected by electromagnetic field, noise and dust in excess of prescribed standards
70	Installing and repairing underground and overhead cables of communication and electric lines	Outdoor heavy work, being affected by electromagnetic field, noise and dust in excess of prescribed standards
71	Operating and watching low-, medium- and high-voltage stations	Complex work, moving a lot (over 7 km per 8 working hours), being affected by noise and dust in excess of prescribed standards
72	Examining, repairing and handling electric circuits of a voltage of 700 V, for direct currents, or of over 220V, for alternating currents, and articles to maintain these electric circuits	Heavy and dangerous work, uncomfortable working posture
73	Working in radio and radio frequency transmitting stations such as radio, television, radar stations or satellite telecommunications stations, etc., being affected by electromagnetic field in excess of prescribed standards	Complex work, moving a lot, being affected by electromagnetic field, noise and dust in excess of prescribed standards

74	Repairing furnaces, containers and closed towers and pipelines in chemical production	Working in narrow place, heavy work, uncomfortable working posture, being affected by great heat and strongly toxic chemicals
75	Working in contact with organic solvents such as soaking sleepers, spreading emulsion on photographic paper, printing flowers on thin films, printing labels on thin coated paper, rolling and pressing phenolic resin, and operating phenol-adhesive multi-capacitor boilers	Difficult working conditions, being affected by heat and strongly and dangerously toxic chemicals
76	Working in direct contact with chemicals causing gene mutation - 5 Fluorouracil - Benzene	Being in contact with gene-modifying chemicals
77	Working in direct contact with chemicals causing long-term harms to reproductive health (such as testicular or ovary deficiency) - Estrogen - Cis-retinoic acid - Carbaryl - Dibromo chloropropane (DBCP) - Toluenediamine and dinitrotoluene - Polychlorine biphenyl (PCBs) - Polybromide biphenyl (PBBs)	Being in contact with chemicals causing harms to reproductive health
78	Working in direct contact (producing, packaging, preparing, spraying warehouse disinfectants) with pesticides, herbicides, termiticides, rodenticides and mosquito killing drugs containing organic chloride and some cancer-causing chemicals below:	Being affected by noise, vibration and chemicals in excess of prescribed standards

- 1,4 butanediol, dimethanesulfonate;
- 4 aminobiphenyl;
- Amosite, chrysotile and crocidolite asbestos;
- Arsenic, calcium arsenate;
- Dioxin;
- Dichloromethyl-ether;
- Insoluble chromate salts;
- Coal tar, coal tar vapor;
- Cyclophosphamide;
- Diethylstilbestrol;
- 2, Naphthylamine;
- N, N - di (Chloroethyl). 2. Naphthylamine;
- Thorium dioxide;
- Thionyl sulfide;
- Vinyl chloride, chloride;
- 4- amino, 10-methyl folic acid;
- Mercury, mercury methyl compounds, methyl mercury chloride;
- Nitrogen pentoxide;
- 2,3,7,8 tetrachlorodibenzo-p-dioxin;
- 2- (4-chlorophenyl)-ethyl acetate;
- Acetylsalicylic acid;
- Asparagine;
- Benomyl;
- Boric acid;
- Caffeine;
- Dimethyl sulfoxide;
- Direct blue-1;
- Formamide;
- *Hydrocortisone, hydrocortisone acetate*;
- Iodine (metal);
- Lead, lead acetate, lead nitrate (being in contact with petrol, paint and printing ink

	<p>containing lead, manufacture of batteries, lead welding);</p> <ul style="list-style-type: none"> - <i>Mercaptopurine</i>; - Potassium bromide, potassium iodide; - Propylthiouracil; - Ribavirine; - Sodium arsenate, sodium arsenite, sodium iodide, sodium salicylate; - Tetramethyl thiuram disulfide; - Triamcinolone acetone; - Triton WR-1339; - Trypan blue; - Valproic acid; - Vincristine sulfate; - Vinazol aerosol. 	
79	<p>Working in regular contact with the following chemicals:</p> <ul style="list-style-type: none"> - Carbon oxide (CO): operating furnaces generating coal gas and discharging slag; - Dyes of aniline, cytidine, toluidine and auramine origin; - Cyanide compounds (-CN-); - Phosphorus and P₂O₅, P₂S₅, PCl₃ and H₃P compounds; - <i>Trinitrotoluene</i> (TNT); - Manganese dioxide (MnO₂); - Phosgene (COCl₂); - Disulfide carbon (CS₂); - Nitrogen oxide and nitric acid; - Sulfuric anhydride and sulfuric acid; - Calcium carbide (CaC₂) as in operating open calcium carbide 	Being in direct contact with toxic chemicals

	furnaces, discharging slag	
80	Working in direct contact with habit-forming chemicals and their preparations, such as preparing pharmaceuticals composed of morphine, ephedrine or seduxen	Being affected by noise, vibration and chemicals in excess of prescribed standards
81	Working in sunk tanks	Heavy work, uncomfortable working posture, lacking oxygen
82	Dredging underground sluices, regularly soaking body in dirty and fetid water	Manual and very heavy work, uncomfortable working posture in constant contact with wastes and toxic chemicals in excess of prescribed standards
83	Producing golden phosphorus	Being in contact with gene-modifying chemicals
84	Working in crematoria or slaughter houses	Very heavy and hazardous work, suffering mental and psychological tension
85	Conducting autopsy, shrouding and burying dead persons, exhuming and moving remains to other places	Very heavy and hazardous work, suffering mental and psychological tension
86	Working in prisons or mental hospitals	Working in a environment highly prone to infection and suffering mental and psychological tension
87	Collecting or classifying garbage, wastes or scraps	Working in a hazardous environment in contact with harmful micro-organisms

88	Being in daily contact with anesthetics, working in recovery and emergency departments, infection prevention and control departments, contagious diseases departments of health establishments, blood transfusion centers, or vaccine production establishments, participating in eliminating epidemic hotbeds, or working in shortwave and ultrasound wave therapy centers	Working in a environment highly prone to infection and suffering mental and psychological tension				
89	Working on scaffolds or beams which are over 3 m higher than the working floor and the like	Outdoor heavy and dangerous work				
90	Installing, dismantling or changing scaffolds (except assistants working on the ground or floor)	Outdoor heavy and dangerous work				
91	Carrying or lifting weights beyond the physical strength of minor persons	Classification	Regular work (carrying or lifting weights in kg)		Irregular work (carrying or lifting weights in kg)	
			Male	Female	Male	Female
		From 15 years (180 months) old to under 16 years (192 months) old	≥ 15	≥ 12	≥ 10	≥ 8
		From 16 years (192 months) old to under 18 years (216 months) old	≥ 30	≥ 25	≥ 20	≥ 15

List of light work where use of persons under 15 years old to work is permitted

(Promulgated together with Circular No. 11/2013/TT-BLĐTBXH dated June 11, 2013 of the Minister of Labour - Invalids and Social Affairs)

I. LIST OF WORKS ALLOWED USING PERSONS UNDER 13 YEARS OLD TO WORK

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.

II. LIST OF WORKS ALLOWED USING PERSONS AT FULL 13 YEARS OLD AND UNDER 15 YEARS OLD TO WORK

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, moulding toy figurine.
4. Wicker, making home appliances, fine art crafts from natural materials such as: rattan, bamboo, nehouzeaua, coconut, banana, water hyacinth.
5. Rearing silkworms.
6. Packing coconut candy.

4. Child labour - specific reports in the mass media

TABULATION OF CHILD LABOUR IN STONE INDUSTRY AS ON MEDIA

Case	Time of Case Report	Number of Child Laborers Involved	Age of Child Labourer	Worst Forms of Child Labor	Place of work	Working Hours	Health Risks	Institution(s) involved	Measure(s) applied	Data source(s)
Quynh Xuan Stone Quarry	2010	Around 100	Under 16	harm of health/safety/morality	Stone quarry in Quynh Luu district, Nghe An province	Half a day (in the morning or afternoon when off school)	Uploading stone onto trucks	Quynh Luu district People's Committee Office of Labour, Invalids and Social Affairs Nghe An provincial People's Committee	Building up communications groups and improving responsibility of stone production facilities Surveying and classifying children working in stone facilities so that support and intervention can be made to remove them from hazardous	The Vietnamese Women's Newspaper, p.14, issue 107, September 6 th 2010

Case	Time of Case Report	Number of Child Laborers Involved	Age of Child Labourer	Worst Forms of Child Labor	Place of work	Working Hours	Health Risks	Institution(s) involved	Measure(s) applied	Data source(s)
									environment Economic support for their families	
Pham Van Hao	April 1 st 2014	01	17	harm of health/safety/morality	Gold mine in Tam Lanh commune, Phu Ninh district, Quang Nam province	18 hours/day	Hard labour, digging underground	Phu Ninh district People's Committee, Quang Nam province The DOLISA of Quang Nam province	Running away from the gold mine Admitted to the Center for Social Work of Quang Nam province for psychological rehabilitation. Officials at the center contacted their families to return them home.	<u>MEDIA:</u> http://thanhnien.vn/doi-song/hanh-trinh-hai-lao-dong-khoi-bai-vang-394929.html
Mong Thi Khat, Lo Thi Xi	May 26 th 2016	02	15-16	harm of health/safety/morality	Gold mine of Phuoc Minh company in Phuoc Thanh commune, Phuoc Son district, Quang Nam province	No information	Working like slaves, very hard jobs at the gold mine Beaten by owners of the gold mine	People's Committee of Phuoc Son district, Quang Nam province The DOLISA of Quang Nam province Phuoc Son district Police	Running from the gold mine and reaching the Police of Nam Giang district of Quang Nam province Nam Giang district Police reported the case to higher agencies to rescue other children exploited at the gold mine in Phuoc Son district. The Police of Phuoc Son district is collaborating with the DOLISA of Quang Nam province to investigate the case of child labour use at the gold mine of Phuoc Minh company.	<u>MEDIA:</u> http://laodong.com.vn/phap-luat/quang-nam-hai-be-gai-dao-thoat-khoi-bai-vang-545354.bld http://vnexpress.net/tin-tuc/thoi-su/nhung-cuoc-dao-thoat-khoi-bai-vang-3394974.html
Cut Van Toai Hong Van Cau	July 9 th 2016	02	15-17	harm of health/safety/morality	The gold mine of Phuoc Hiep commune, Phuoc Son	Full day	Hard jobs relating to gold mining, without pay	People's Committee of Phuoc Hiep commune Phuoc Son district	Running away and supported by locals to reach the People's Committee of Phuoc Hiep commune	<u>MEDIA:</u> http://conganhghean.vn/gia-dinh-xa-hoi/201607/bao-dong-tinh-trang-lam-dung-lao-

Case	Time of Case Report	Number of Child Laborers Involved	Age of Child Labourer	Worst Forms of Child Labor	Place of work	Working Hours	Health Risks	Institution(s) involved	Measure(s) applied	Data source(s)
					district, Quang Nam province			<p>People's Committee</p> <p>Quang Nam provincial People's Committee</p> <p>The Center for Social Work of Quang Nam province</p>	Phuoc Hiep commune People's Committee reported the case to the People's Committee of Phuoc Hiep district, the People's Committee of Quang Nam province and sent the child labourers to the Center for Social Work of the province, waiting for home-returning	dong-tre-em-690099
Vinh	Not specified	01	15	harm of health/safety/morality	a garment facility	from 7 am to midnight	<p>were forced to work hard,</p> <p>were prohibited from leaving the facility and were regularly threatened and beaten</p>	<p>labour authorities</p> <p>polices</p>	Administrative fines for illegal use of child labour	Duy Quoc, 2015. Hard to Include Force Labour in Penal Proceedings. Retrieved from http://nld.com.vn/cong-doan/kho-xu-toi-cuong-buc-lao-dong-20150926213628152.htm , accessed on 6/8/2016)

Child labour abuse: the story of Hao Anh

We give fuller details of this case study as it shows many of the issues in play, including the feelings of the population about such matters. The sources used are listed below.

Context

Due to poverty, on October 13th 2008, Pham Thi Thoa, living in Ngoc Tuan village, Cai Nuoc townlet, Cai Nuoc district, Ca Mau province sent her son, Nguyen Hao Anh (name on ID card - Nguyen Hoang Anh), born in 1996, to Phu Hiep village of Ngoc Chanh commune, Dam Doi district (Ca Mau province) to work for Huynh Thanh Giang and his wife Ma Ngoc Thom. The child had to prepare snails as food for shrimps, cook, wash clothes, baby-sit and do other jobs. The couple paid him VND 500,000/month (approximately 20 euros) and the wage went to his mother, Thoa. From October 2008 to April 2010, Nguyen Hao Anh was barbarously tortured by the couple - the owners of Minh Duc shrimp breeding farm in Phu Hiep village, Ngoc Chanh commune. On April 27th 2010, locals discovered the situation and reported the case to the authorities.

Reactions of concerned institutions

On April 29th, the Police of Dam Doi district rescued Hao Anh and took him to the hospital for treatment. On April 30th, the district police decided to put the case for prosecution and to prosecute Huynh Thanh Giang. On May 1st, the People's Procuracy of Dam Doi district approved the decision to prosecute defendant him and Ma Ngoc Thom for "causing injury for others with intention" and "abuse of others." On May 3rd, the Police of Dam Doi district decided to keep Lam Ly Huynh and Luu Van Khanh, two other workers at Minh Duc farm, under arrest for "participating in the abuse of others."

On May 6th, Nguyen Hao Anh was admitted to the Center for Social Work of Ca Mau province for treatment and looking-after.

As the child's injury rate of 66.83% was announced, the Police of Dam Doi district decided to add to the charges in the "Hao Anh's brutal beating" case. Huynh Thanh Giang and Ma Ngoc Thom were additionally prosecuted with intentionally causing injury to others. The case was considered extremely serious and to be prosecuted under Clause 4 of Article 104 of the Penal Code (for which convictions may warrant a sentence of ten years to life imprisonment).

The People's Committee of Dam Doi district directed the relevant authorities to clearly investigate and strictly handle the case while the roles of the People's Committee, Party Committee and Mass Organisation of Ngoc Chanh commune were strictly reviewed, emphasizing the role in the case of the commune and village police forces. The provincial People's Committee of Ca Mau sent a document requiring the provincial Police, People's Procuracy and People's Court of Ca Mau to actively investigate, prosecute and soon bring the case to trial.

The province also directed the People's Committee of Dam Doi district to strictly review the accountability of local governments and other mass/social organizations responsible for child care and protection work from the district to the grassroots levels, which had failed to detect, prevent and promptly handle the serious case of child abuse.

The Vietnam Association for the Protection of the Rights of the Child proposed sending lawyers to represent Nguyen Hao Anh *pro bono* during the hearing of the case.

Results

Due to the seriousness of the case, investigation authorities proposed to the Procuracy to seek a sentence of life imprisonment against Huynh Thanh Giang and Ma Ngoc Thom.

On June 7th, the Court received the prosecution indictment against Huynh Thanh Giang and Ma Ngoc Thom for “causing injury to others with intention” and “torturing others” from the Procuracy.

On June 29th, the People’s Court of Ca Mau province opened the case. After a guilty verdict, the Court sentenced both Huynh Thanh Giang and Ma Ngoc Thom to 23 years imprisonment, and Luu Van Khanh and Lam Ly Quynh to one year and 6 months imprisonment respectively each. Huynh Thanh Giang and Ma Ngoc Thom also had to pay VND 50 million (approximately 2000 euros) for the physical and spiritual damages done to Nguyen Hao Anh.

On November 25th 2010, in Ca Mau city, the Court of Appeals of the Supreme People’s Court reviewed the trials of Huynh Thanh Giang, Ma Ngoc Thom and Lam Ly Quynh, on appeal. The Court left unchanged the earlier verdicts and rejected the appeals.

The Chairman of Ngoc Chanh commune People’s Committee, the police chief of the commune, and the village chief and police officer in charge of Phu Hiep village, where the case occurred, were disciplined with a reprimand and warning for weak management.

The story is compiled from the following sources:

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5 – Details of ILO, UNICEF and INGO/NGO activities

ILO

ILO plays a leading role in coordinating with agencies and sectors of the Government of Vietnam to reach the national targets on child labour, notably the two big projects as follows: The first one is the project to support the national target program on the elimination of worst forms of child labour titled “Assistance to the development and implementation of programs on the elimination of worst forms of child labour” for the 2009-2013 period funded by the Spanish Agency for International Cooperation and Development and operated and technically-assisted by ILO and IPEC. The project implemented experimental activities in the five provinces and cities of Lao Cai, Ninh Binh, Quang Nam, Dong Nai and Hanoi, including doing survey on child labour, screening the database and legal framework and policies on child labour, supporting the Government of Vietnam in building up a child labour monitoring roadmap and system in the community. Survey from the project found out approximately 5,000 children engaging in or being at risk of engaging in the worst forms of child labour; and some 200 children were reported as victims of trafficking and sexual abuse were rescued.

The second project aims at supporting the National action plan on the prevention and reduction of child labour, entitled “Technical assistance to strengthening national capabilities to prevent and reduce child labour in Vietnam.” The project has been underway in the two major cities of Hanoi and Ho Chi Minh City and An Giang province from 2015 to 2019. The project targets the comprehensive and effective development and strengthening of the national capabilities with the participation of multi-stakeholders to prevent and reduce child labour in Vietnam. A number of activities of the project launched in 2016 include: The first workshop on the comprehensive monitoring and evaluation plan held in Hanoi in January 2016 with the participation of project officials aiming at analyzing the project’s objectives and building monitoring and evaluation indicators for the project’s activities. The second workshop was held in July 2016 in Ho Chi Minh City to complete the CMEP materials. In addition to the above-mentioned two workshops, seminars on the introduction and selection of localities and areas of the project were also held in May 2016 in Hanoi. As scheduled, from September 2016 to February 2017, the project will implement such activities as conducting input and knowledge, attitude and practice surveys; risk assessment on health and occupational safety; communications and mass media assessment; technical capacity and institutional needs assessment; and value chain analysis at localities and areas of the project. At present, there have been no reports on the results of the project’s implementation.

ILO has supported the Government of Vietnam to implement the Vietnam National Child Labour Survey 2012, which provides the data on child labour nationwide (discussed in Section 3.2). Within the framework of the international program on child labour elimination, ILO has developed models and compiled documents from the models, such as the potential intervention model for the prevention and elimination of child labour in stone and woodwork traditional craft villages (implemented in Hien Giang commune, Thuong Tin district, Hanoi); the potential intervention model for the prevention and elimination of child labour in the tourism sector in mountainous areas and areas populated by minority ethnic groups (implemented in Sa Pa district, Lao Cai province); and the potential intervention model for the prevention and elimination of child labour in agriculture and fishing activities in a floating village (implemented in Ma Da commune, Vinh Cuu district, Dong Nai

province). The documents provide specific information about child labour in the localities and areas of the applied models, the implementation of the child labour preventive and intervention models in traditional craft villages, in tourism, agriculture and fishing activities in localities and areas of the project. The documents also interpret the findings, difficulties, advantages and lessons learnt from the models (fore-mentioned in section 3.2). ILO also conducted other studies on child labour in stone villages in Ninh Binh and Ha Nam provinces. These studies describe the working conditions and the impact of the working environment on the health of the child labourers in the stone villages (discussed in Section 3.2). ILO also held dissemination campaigns to raise the public's awareness of child labour, such as organizing meetings in response to the World Day against Child Labour or the campaign against child labour at the World Cup 2014 opening ceremony.

The second international organization which has an important role to play in the implementation of child protection of the Government of Vietnam is UNICEF Vietnam. According to Nguyen Ngoc Anh, a UNICEF Vietnam expert on child protection, UNICEF does not implement a specific project on child labour, but is supporting the Government of Vietnam to go in the direction of approaching and supporting all children in need, including child labourers. Studies by UNICEF are conducted in two directions: 1) Making impact on national policies and developing programs and norms; 2) Working with localities and areas of projects to propose supplementary recommendations for the Government's policies. Besides, UNICEF is also implementing projects related to human trafficking. The organization does not give any numbers of child labourers. It only works as an advisory and dissemination body.

UNICEF

UNICEF is currently operating a number of projects to help the Government of Vietnam in the implementation of the National action program on the elimination of child labour for the 2015-2020 period, such as those on the implementation of the rights of the child in the tourism sector; the rights of the child in the garment and footwear sector; and the motivation for child labour. However, these projects are currently in progress and the findings have yet to be announced.

The "Children's Friendship" project funded by UNICEF has been kicked off within the Vietnam - UNICEF cooperation program for the 2011-2016 period in eight provinces and cities of Dien Bien, Lao Cai, An Giang, Dong Thap, Kon Tum, Gia Lai, Ninh Thuan and Ho Chi Minh city with models aiming to strengthen the commitment and capabilities of governments, departments and sectors of localities in the building, implementation and monitoring of policies and programs with focus laid on children. Among major components of the project, the child protection component aims to support localities to build and strengthen the system of child protection, including the policy and legal framework; the structural organization and capacity of the staff; the system of services; and the procedures and system of the management of data on child protection. The child protection system aims at protecting all children and adolescents, particularly the most vulnerable and disadvantaged children groups from all forms of abuse, violence, desertion and exploitation, including labour exploitation. The three-layer system of child protection services consists of the prevention; the early detection and intervention for risk reduction; and the immediate protection and rehabilitation support. Currently, the project is in its final stages and there has been no report on its results of implementation.

The study on the commercial sexual exploitation of children (CSEC) was carried out by UNICEF in 2010 in five provinces and cities, namely Hanoi, Lao Cai, An Giang, Khanh Hoa and Ho Chi Minh City. The study includes in-depth interviews and group discussions with 556 children-respondents, of whom 114 and 54 children were victims of CSEC. The study analyses the forms of child sexual exploitation for commercial purposes, genders of the victims, long-lasting impact of the exploitation on health and life of the children, families and communities and proposes recommendations for combating commercial sexual exploitation via improving the system of policies and policy enforcement.

INGO/NGO

They include the Blue Dragon Children Foundation, ChildFund, Plan International in Vietnam, Safe Children.

Projects related to child labour conducted by these organizations include:

- A study on child labour from Hue to Saigon co-conducted in 2013 by the Blue Dragon Children Foundation and Monash University in Vinh Hung commune of Phu Loc district and Hai Tien village of Thuan An townlet, Phu Vang district, Thua Thien - Hue province. The study found the reasons for the children in Vinh Hung to move to Ho Chi Minh City to be financial difficulties and large sizes of their families and also the very wishes of the children themselves to work early to earn their living. The study also analyses the working conditions of children in Ho Chi Minh City, such as the fact that they are hired largely based on their existing relationships or via their neighbours and with no employment contracts. The child labourers were around 12-13 years old, having yet to complete the secondary education and worked for over 12 hours a day, earning the monthly wages of VND 6-10 million. In most of the cases, the child labourers returned to their homes by escaping from their workplaces. The study also proposes recommendations to minimize the number of migrating child labourers.
- The Blue Dragon Children Foundation has also developed a set of documents on the prevention of child trafficking for labour exploitation for officials at grassroots level to combat human trafficking (2015). The materials focus on issues related to the trafficking of children for the labour exploitation and children under 16 having to work long hours in harsh working conditions without pay.
- The Plan International in Vietnam is funding the project for a brighter future for street child labourers in Hue, which started in August 2014 and will last until July 2017 with a total fund of VND 2,344,273,000, allocated for the support for 300 street child labourers and 60 families of street child labourers in Thua Thien - Hue province and for the improvement of the capabilities of state management agencies in the province. The project has handed out communication materials and held regular meeting sessions to raise awareness and provide consultation, school supplies and scholarships for the 300 street child labourers. As for the 60 families, the project has visited them to find out the reason for the children to earn their living on the street, held consultative workshops and selected families in need of support and supported those 60 families to have access to workshops and training to accumulate

knowledge and skills for their livelihood improvement as well as provided them with small loans to do their business.

- The community-based child protection project funded by the Plan International in Vietnam for the 2009-2014 period in Vinh Linh district of Quang Tri province at a total cost of VND 2 billion established a system of child protection from the district to the grassroots levels, organized communications campaigns, training sessions, forums, contests, etc., with an aim to create favourable conditions for the comprehensive care, protection and development of children. Activities of the project have contributed significantly to creating a legal framework conventional and unified to communities in carrying out child protection activities. There have been no cases of child abuse and child labour exploitation reported in the district; children are inquired after when ill and hailed and rewarded when earning outstanding learning outcomes, creating significant change in the awareness and actions of the community of the child protection while helping children aware of their rights and obligations, build their survival skills and skills to get involved in children-related issues.