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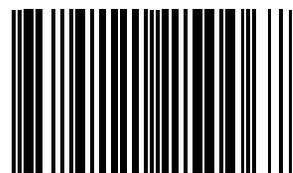
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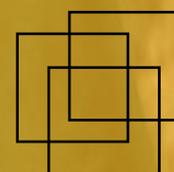
Ministry of Labour,  
Invalids and Social Affairs



International  
Labour  
Organization



**LEARNING ABOUT CHILD LABOUR**  
*A training manual*



Understanding  
**CHILD LABOUR**

**2**

International Programme on the Elimination of Child Labour



**LEARNING ABOUT CHILD LABOUR**

*A training manual*

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Understanding  
**CHILD LABOUR**

**2**

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# Table of contents

<b>Copyright</b>	<b>ii</b>
<b>Acknowledgements</b>	<b>iii</b>
<b>Table of content</b>	<b>iv</b>
<b>List of acronyms</b>	<b>v</b>
<b>Introduction</b>	<b>1</b>
<b>SECTION 1: Overview of child labour</b>	<b>2</b>
Lesson 1. The concept of child labour	3
Lesson 2. Current situation of child labour	9
Lesson 3. Causes of child labour	17
Lesson 4. Negative impacts of child labour	23
<b>SECTION 2: International and Vietnamese laws on the prevention and elimination of child labour</b>	<b>26</b>
Lesson 5. Overview of the international and Vietnamese legal framework on child labour	27
Lesson 6. International and Vietnamese laws on the minimum age of employment	32
Lesson 7. International and Vietnamese laws on the worst forms of child labour	37
<b>SECTION 3: Special issues relating to child labour</b>	<b>44</b>
Lesson 8. Education and child labour	45
Lesson 9. Gender and child labour	55
Lesson 10. HIV/AIDS and child labour	59
Lesson 11. Child labour in areas of minority groups	63
Lesson 12. Migration and child labour	67

# List of acronyms

<b>Convention No.138</b>	Minimum Age Convention, 1973 (ILO)
<b>Convention No. 182</b>	Worst Forms of Child Labour Convention, 1999 (ILO)
<b>ILO</b>	International Labour Organization
<b>IPEC</b>	International Programme on the Elimination of Child Labour (ILO)
<b>Law on the Protection, Care and Education of Children</b>	Vietnamese Law on the Protection, Care and Education of Children, 2004
<b>MOLISA</b>	Ministry of Labour - Invalids and Social Affairs
<b>The Labour Code</b>	Vietnamese Labour Code 1994 (amended and supplemented some articles in 2002, 2006)
<b>UNCRC</b>	The United Nations Convention on the Rights of the Child, 1989
<b>UNICEF</b>	United Nations' Children Fund
<b>VHLSS</b>	Viet Nam Living Standard Surveys



# Introduction

This is the second book of the Training Manual Set on child labour. The general objective of this book is to present a comprehensive picture of theoretical, legal and practical aspects of child labour. To achieve such objective, the book covers the following sections:

**Section 1. Overview of child labour:** This section includes four lessons. Lesson 1 aims at defining the two concepts of “child” and “child labour” according to international and Vietnamese laws. These are the two basis concepts from which we can get deeper understanding of specific issues relating to child labour. Lesson 2, 3, and 4 deal with the current situation, causes and negative impacts of child labour. Each topic is analysed from different angles in order to help trainees have an overview picture of the child labour situation in the world and in Viet Nam.

**Section 2. International and Vietnamese laws on child labour prevention and elimination:** This section includes three lessons designed for synthesising the international and Vietnamese legal framework on child labour prevention and elimination. The focus of this section is the content of Convention No. 138, 182 of ILO and Recommendation No. 146, 190 which supplement the above two conventions. In addition, this section also covers the Vietnamese laws corresponding to the mentioned documents of ILO.

**Section 3. Special issues relating to child labour:** This section includes four lessons on the links between child labour and issues of education, gender, HIV/AIDS, ethnic minorities and migration. The section help trainees to broaden their understanding and attention to the special areas which impact on and have close relation with child labour prevention and elimination.

Although poverty is also a special issue relating to child labour, it is unnecessary to develop the topic into a separate lesson as it has been mentioned much in Section 1.



## SECTION 1: **Overview of child labour**

# Lesson 1. The concept of child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Explain what is “child”;
- Present and analyse the concept of child labour;
- Recognise works done by children which are considered as child labour.



**Planned duration:** 1h



### Contents and methods:

No.	Contents	Methods	Notes
1	What is “child”?	<ul style="list-style-type: none"><li>• Brainstorming and discussion in large group</li><li>• Lecture</li></ul>	<ul style="list-style-type: none"><li>• See Activity 1.1, Book 4</li></ul>
2	What is “child labour”?	<ul style="list-style-type: none"><li>• Brainstorming</li><li>• Lecture</li></ul>	<ul style="list-style-type: none"><li>• See Activity 1.2, Book 4</li></ul>
3	Deepening/synthesis exercise	<ul style="list-style-type: none"><li>• Case study or small group discussion</li></ul>	<ul style="list-style-type: none"><li>• See Activity 1.3 and 1.4, Book 4</li></ul>

# Notes for trainers

## 1. What is “child”?

According to international laws, “a child” means every human being below the age of 18 (Article 1 - the United Nations Convention on the Rights of the Child, 1989 (hereinafter referred to as UNCRC). However, UNCRC also accepts its member nations to define “child” at a lower age range. Viet Nam is one among those nations. According to Vietnamese laws, “a child” means every human being below the age of 16 (Article 1, Law on the Protection, Care and Education of Children).

UNCRC is one of the three most important international conventions relating to child labour, in addition to the The Minimum Age Convention, 1973 (hereinafter referred to as Convention No. 138) and The Worst Forms of Child Labour Convention, 1999 (hereinafter referred to as Convention No. 182) of the International Labour Organization (ILO). In these two conventions, the term of “child” is applicable to all persons under the age of 18.

Viet Nam has ratified all of the above three important conventions on child labour. In spite of defining the age of a child younger than 18, Vietnamese law has stipulations on the employment and labour of the persons in the ages from 16 to under 18 years, whom called “juvenile”, which is basically compatible with related regulations in Convention No. 182 and Convention No. 138 (these regulations will be detailed in the following lessons).

## 2. What is ‘child labour’?

### 2.1 The concept of “child labour”

Not all work done by children should be classified as “child labour” that is to be targeted for elimination. Children or juveniles can participate in works which do not have negative impacts on their health, development or education such as helping parents do housework, assisting family business, working outside school hours and during summer holiday. These works can be useful for the development of children, helping them to acquire working skills and experiences and augment their family’s income. Such works are not considered as “child labour”.

### **Convention on the Rights of the Child, 1989**

#### **Article 32, item 1:**

**States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.**

International standards about labour define “child labour” based on its consequences. According to the definition, child labour includes **every work that is mentally, physically, socially or morally dangerous and harmful to children, interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to combine school attendance with excessively long and heavy work**<sup>1</sup>.

**“Child labour” is defined as work that is mentally, physically, socially or morally dangerous and harmful to children, interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to combine school attendance with excessively long and heavy work.**

## **2.2 The concept of “worst forms of child labour”**

Works being seriously harmful or dangerous to children are called worst forms of child labour. The concept is defined specifically in Article 3 of Convention No. 182, including:

- ◆ All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- ◆ The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- ◆ The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- ◆ Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

<sup>1</sup> From ILO and IPU: *Eliminating the worst forms of child labour: A practical guide to ILO Convention No. 182 - Handbook for parliamentarians No. 3* (Geneva, ILO, 2002). Available at: [www.ilo.org/ipecinfo/product/viewProduct.do?productId=1200](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=1200).

### 3. How to determine whether or not particular forms of work done by children are categorised as child labour?

To determine whether work that a child does is child labour or not, different perspectives and approaches can be applied. Adapted from Inter-parliamentary union/ ILO 2002

**From the social perspective**, work engaged by children is considered as child labour when it: (1) affects the physical, mental, moral or social development of children; (2) deprives children of the opportunity to attend school (according to the above definition of child labour).

**From the legal perspective**, whether or not particular forms of “work” can be called “child labour” depends on: (1) the age of the child, (2) type of work/industry (including the nature of the work and the working environment), (3) duration of work. Specifically, according to the regulations of Convention No. 138 and 182, work engaged by children is regarded as child labour when:

- ☆ Children work before the minimum age permitted to be employed for light work or normal work according to the national law. The minimum age allowed to engage in light work may be 12, 13 or 14; the minimum age allowed to engage in normal work is 14, 15 or 16 depending on the law of each nation but shall not be less than the age of completion of compulsory schooling.<sup>2</sup>
- ☆ Children at or above the minimum age for employment engage in dangerous works;
- ☆ Children work over the permitted hours for the work/industry they engage in.
- ☆ Children under the age of 18 engage in any work in the group of “unconditional worst forms of child labour”, including: the sale and trafficking of children, forced or compulsory labour and debt bondage, the use of children in armed conflict, prostitution, pornography or illicit activities;

The following table summarises cases classified as child labour according to relevant regulations of Convention No. 138 and No.182 of ILO. In this table, cases of child labour are the shaded areas:

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<sup>2</sup> See lessons 5 and 6, from Book 2 for further information.

Age	Forms of work				
	<b>Non-hazardous work</b> (in non-hazardous trades/occupations, less than 43 hours/week)		<b>Worst forms of child labour</b>		
	<b>Work excluded from minimum age legislation</b> (such as housework, work in family undertakings, work undertaken as part of education)	<b>Light work</b> (less than 14 hours/week)	<b>Normal work</b> (more than 14 hours/week and less than 43 hours/week)	<b>Hazardous work</b> (in the trades/occupations classified as being heavy, harmful and dangerous or in the those which are not heavy, harmful or dangerous but require working more than 43 hours/week)	<b>Unconditional worst forms of child labour</b> (children trafficking, forced labour and debt bondage, use children in armed conflicts, prostitution and illicit activities)
5-11					
12-14*					
15-17***					

\* Possibly 12-14 or 13-14, depending on national legislation.

\*\* Possibly 14-17, 15-17 or 16-17, depending on national legislation.

**From statistical perspective,** current standards to determine child labour applied in global researches on child labour of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) of ILO is:

- Children under the age of 12 engage in economic activities at least 1 hour/week.
- Children at the age of 14 and under 14 engage in economic activities at least 14 hours/week.
- Children at the age of 17 and under 17 engage in economic activities at least 43 hours/week.
- Children at the age of 18 and under 17 engage in the unconditional worst forms of child labour such as children trafficking, forced labour or debt bondage, use of children in armed conflicts, prostitution, pornography, illicit activities.

## 4. The concept of child labour in the context of Viet Nam

In Viet Nam, until the Manual is developed, there has been no common understanding of child labour. The term “child labour”, though mentioned in some legal documents (e.g. Article 7 (7) of the Law on the Protection, Care and Education of Children stipulates prohibited acts including the abuse of child labour), has not been defined in Vietnamese law.

Although there has been no definition of child labour, the international legislations on child labour have been applied basically in Vietnamese laws. The Labour Code 1994 (amended and supplemented some articles in 2002, 2006, hereinafter referred to as Labour Code 1994) stipulates: “Employment of persons under the age of 15 years is prohibited, except in a number of trades and occupations stipulated by the MOLISA.”<sup>3</sup> (Article 120 of the Labour Code). Article 121 of the Labour Code 1994 specifies: “It is prohibited to employ juvenile labourer in heavy or dangerous work, or work requiring contact with toxic substances as stipulated in the list issued by the MOLISA and the Ministry of Health<sup>4</sup>.” The Labor Code 1994 also regulates juvenile labourer and defines “juvenile labourer” as labourer under the age of 18 years and should be at least 15 years old, except in a number of trades and occupations stipulated by the MOLISA (Article 119 (1)).

It should be noted that the concept of juvenile labourer in Vietnamese legislations does not have the same meaning to the concept of child labour in international legislations. That is because, firstly, children under the minimum age of employment are not taken into consideration in “juvenile labourer”. Secondly, according the Labour Code 1994, juvenile labourer is legal if it conforms to the stipulated conditions (working hours should not be over 7 hours/day or 42 hours/week; prohibit to employ juvenile labourer in harmful and dangerous trades/occupations or work requiring contact with toxic substances as stipulated in the list issued by the MOLISA and the Ministry of Health, etc.). It means that a juvenile labourer is determined to be child labour only when he/she works in some prohibited trades/occupations or prohibited conditions stipulated by the laws. Meanwhile, child labour, from the legal perspective, is illegal under any circumstance and should be targeted for elimination.

## 5. Deepening/synthesis exercise

**See the exercise and instruction in Activity 1.4, Book 4.**

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<sup>3</sup> See the Circular No. 21/1999 of MOLISA.

<sup>4</sup> See the Circular No. 9/1995 by the Inter-Ministries of Labour, Invalids and Social Affairs-Health.

# Lesson 2. Current situation of child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present the current situation of child labour in the world
- Present the current situation of child labour in Viet Nam and areas/sectors which have a high concentration of child labour.



**Planned duration:** 1h-1.5 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Current situation of child labour in the world	<ul style="list-style-type: none"> <li>• Knowledge Quiz</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 2.1, Book 4</li> </ul>
2	Current situation of child labour in Viet Nam	<ul style="list-style-type: none"> <li>• Knowledge Quiz</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 2.2, Book 4</li> </ul>
3	Areas/sectors have a high concentration of child labour	<ul style="list-style-type: none"> <li>• Small group</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 2.3, Book 4</li> </ul>
4	Deepening/synthesis Exercise	<ul style="list-style-type: none"> <li>• Work in childhood</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 2.4, Book 4</li> </ul>

# Notes for trainers

## 1. Current situation of child labour in the world<sup>5</sup>

Child labour is a global issue which occurs at different levels in every area and every nation, including the developed countries.

ILO has been pioneered in providing statistical data on the situation of child labour in the world. In the year 2002, it released its first global report on child labour which is updated every four years. See below for some remarkable facts and figures showed in the global reports of ILO:

### The Global Report 2002

- ☆ There are about 246 million child labourers in the world, among which there are 171 million children engaged in hazardous works.
- ☆ Among all child labourers, 73 million children are under 10 years old.
- ☆ The number of child labourers under 14 years old is highest in the Asia – Pacific region (around 127 million children).
- ☆ No country is immune from child labour: there are about 2.5 million child labourers in developed countries; the number is equal in transition countries.
- ☆ There are about 20,000 children died in work accidents.
- ☆ Most of child labourers work in informal economy where they are not protected by the laws:
  - ◆ 70% work in agriculture, fishing or forestry.
  - ◆ 8% work in factories
  - ◆ 8% work in restaurants, hotels, wholesale and retail trades.
  - ◆ 7% do housework, social work, community work, etc.
- ☆ 8.4 million children are victims of unconditional worst forms of child labours including child serfdom, child sale and trafficking, debt bondage, use of children in prostitution, pornography or other illicit activities. Of which there are 1.2 million children being trafficked.

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<sup>5</sup> IPEC: *Child labour and education policy: A training manual* (Geneva, ILO, 2008), pages 11-12, available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=17375](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=17375).

## The Global Report 2006

- ☆ There are about 218 million child labourers in the world (decrease 11% in comparison with the number of 246 million in Global Report 2002).
- ☆ The number of child labourers engaged in hazardous works decreases 26% (from 171 million to 126 million).
- ☆ The region of Sahara – Africa has the globally highest concentration of children engaged in economic activities (around 50 million).
- ☆ The number of child labourers under 14 years old in the region of Asia – Pacific decreases 5 million in comparison with the corresponding number of 2002.
- ☆ 70% work in agriculture, 22% work in service sector and 9% work in industry sector such as mining, building and working in factories.

## The Global Report 2010

- Globally, although child labour tends to decrease, the decline rate is slowed down.
- There remain 215 million child labourers, among which there are 115 million children engaged in hazardous works.
- Child labour shows a downward tendency in the region of Asia – Pacific, Latin America and the Caribbean while tends to increase in Sub-Saharan Africa. The region has the highest concentration of children engaged in economic activities (one in four children engaged in economic activities could be classified as child labourer).
- There is a significant decrease in child labour among girls. However, among boys in the ages of 15-17, the trend shows an alarming increase.
- Most of child labourers work in agriculture (60%).
- Only one in five child labourers is paid. The majority works as unpaid family workers.

The Global Reports of ILO shows that the efforts to eliminate child labour in the last decade have brought back positive change as in the period of 2000 - 2004. According to ILO<sup>6</sup>, one of the factors which lead to this commendable result is the growing of international commitment to the elimination of child labour. This is reflected in the increase of nations ratifying or entering the Convention No. 138 and 182 of ILO. However, the Global Report 2010 shows that the decline rate of child labour in the world has been slowed down and unequal among regions. This is a challenge to the international community, which requires scaling up commitment and actions towards the elimination of worst forms of child labours and child labour.

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6 ILO: *The end of child labour: within reach* (Geneva, 2006), pages 5-9. Available at: [www.ilo.org/ipecinfor/productviewProduct.do?productId=2419](http://www.ilo.org/ipecinfor/productviewProduct.do?productId=2419).

## 2. Current situation of child labour in Viet Nam<sup>7</sup>

As formal survey at national level on the situation of child labour has never been conducted in Viet Nam, current data on child labour is gathered mainly through figures of children engaged in economic activities collected from some sample surveys on a small scale (in certain localities or particular sectors) and especially from the Vietnamese Household Living Standards Surveys (hereinafter referred to as VHLSS) conducted from 1992 up to now.

The VHLSS have shown that the rate of children involved in economic activities has continually decreased: from 45% in 1992-1993, 30% in 1997-1998 to 27% in 2004 and about 6.7% in 2006<sup>8</sup>. It can be inferred from the above figures that the rate of child labour in Viet Nam has also continually decreased in the past years.

However, the number of children engaged in economic activities, and correspondingly, the number of child labor remains high in Viet Nam. Specifically, according to the VHLSS 2006, 6.7% children in the ages of 6-14 (equal to nearly 930,000 children) engage in economic activities with 296,847 children in the ages of 6-12 years and 37,139 children in the ages of 6-9 years. The last group makes the authorities concern the most as they are the most vulnerable to sexual abuse, occupational diseases and interference in education.

It is also remarkable that, according to the VHLSS 2006, although 3/4 of working children attend school, the rate of attending school in this group is 37% lower than in the group of non-working children. It can be inferred that there are about 386,000 working children do not attend school. In addition, while the number of children engaged in economic activities has been continually decreased, the work intensity tends to increase, as indicated by longer working hours, particularly in the age group of 15-17.

Based on the result of the VHLSS, children engaged in economic activities in Viet Nam can be divided into four main groups: employee, family business participant, employee and family business participant, self-earner. Although the rate of self-earning children tended to increase in the period of 1992-1999, it decreased dramatically in the period of 2000-2004. Conversely, the rate of children participating in family business decreased rapidly in the period of 1992-1999 then increased in the period of 2000-2004. The rate of employed children in the ages of 6-10 decreased dramatically in the period of 2000-2004 but tended to increase in the age groups of 11-14 years and 15-17 years.

In terms of distribution, the VHLSS 2006 also show that 83% of children engaged in economic activities in Viet Nam work in agriculture, only 9% work in industry sector and 8% work in service sector. The number of children engaged in economic activities in rural areas is higher than in urban areas, in poor areas than

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7 Presentation of Doctor Nguyen Hay Hue, *ibid* and presentation of Doctor Doctor Nguyen Throng An, Deputy Director of Children Department, MOLISA at Workshop of the National Assembly's Committee of Culture and Education for Youth and Children on Policies for children with special circumstances, Ho Chi Minh City, 27-28 December 2007.

8 Figures of the above surveys limited in children in the age group of 10-14 years. This is the only group having statistics in every VHLSS for comparison by time.

in rich areas. Specifically, the rate of child labour is highest in the Northwestern region (the poorest region in Viet Nam) with nearly 1/3 of total child labour in the country; it is followed by the Northeastern region (23.6%) and North Central Coast region (20.9%). The rate is lowest (10%) in the two regions of Red River Delta and Mekong Delta which are considered as the richest areas.

From some other perspectives, the VHLSS 2006 shows that there is no big difference between girls and boys. In fact, the rate of children in the ages of 6-14 engaged in economic activities is nearly equal between girls and boys<sup>9</sup>. The VHLSS also show the links between child labour and the education level of the parents. Specifically, mothers of nearly 20% of children engaged in economic activities have not completed primary school while mothers of only 12.4% have completed high school. For fathers, the corresponding rates are 16.6% and 11.6%.<sup>10</sup>

The above mentioned figures of children engaged in economic activities provide a fairly comprehensive overview picture for the assessment of current situation of child labour in Viet Nam. However, as the term “children engaged in economic activities” is broader which covers the concept of “child labour”, these figures do not reflect the complete picture of child labour in Viet Nam.<sup>11</sup> Specifically, it is estimated that only 16% of total children engaged in economic activities according to VHLSS 2006 (equal to 148,800 children) can be called child labour as they have to perform heavy work in a harmful and dangerous environment<sup>12</sup>. The number is much lower than the result of a survey in 2009 funded by ILO which uses the definition of child labour proposed by the Convention No. 138 and 182. According to the survey, there are 150,933 children under 12 years old engaged in economic activities; 503,389 children under 15 years old have to perform heavy works and 633,400 children have to work long hours per day. All these children are basically classified as child labour according to the Convention No. 138 and 182.

Improvements have been witnessed in the general picture of child labour in Viet Nam in recent years, however, research conducted recently have exposed several complicated aspects of the problem, especially issues relating to the exploitation and abuse of child labour as domestic workers; children trafficking and sexual exploitation; children lured into illegal drugs use and trade; and child-sex tourism, etc.

9 However, the survey on child labour conducted in 2009 by the MOLISA in 8 provinces shows that the rate of girl labourers is fairly higher than boys in every age group. Specifically, among 300 child labourers surveyed, 56.3% are girls and 43.7% are boys. In terms of types of works, the number of girls working as employees is 1.5 times higher than boys. In terms of economic sector, boys are more likely to work in agriculture while girls are more likely to work in industry and service sector. The number of boys working in agriculture is double the number of girls. In industry and service sector, the rate of girl labourer is 1.6-1.7 times higher than boys.

10 The General Statistics Office and UNICEF Viet Nam. Survey on some indicators, 2006 (Hanoi, 2007).

11 According to the MICS questionnaire, children are considered as engaging in child labour if during the week of survey, children (5-11 years old) have to engage in economic activities at least 1 hour or do housework for 28 hours; or children (12-14 years old) have to engage in economic activities at least 14 hours or do housework for 28 hours.

12 According to the local reports, the number of child labour is even lower. Specifically, the number of child labour performing heavy works in harmful and dangerous condition changes from 68,000 in 2005 to 25,800 in 2009 and tends to decrease. See the presentation of Doctor Nguyen Hai Huu, *ibid*.

### 3. Common forms of child labour in Viet Nam

Although no survey on child labour has been conducted at national level, it can be drawn from the published researches that the following are the common forms of child labour in Viet Nam<sup>13</sup>:

**Children work in agriculture:** According to the VHLSS 2006, 83% of children engaged in economic activities in Viet Nam work in agriculture (in 1998, the rate is more than 90%). It can be explained by the following reasons: Firstly, although the proportion of industrial sector is increasing, the agriculture sector still provides the bulk of employment opportunities for about over 70% population. Secondly, agricultural activities in Viet Nam are mainly family-based, which leads to the popularity of using children as labourers. The labour laws haven't had any specific and relevant stipulations to regulate it.

Not every child works in agriculture is classified as child labour, however, many of them have to perform heavy and harmful works (e.g. exposing to pesticide, herbicide, etc.), from early ages or have to work long hours, which interferes with their education.

**Children work as domestic labourers:** According to a recent research conducted by ILO, it is estimated that there are 2,162 children working as domestic labourers in HoChiMinh City, among which 69.7% are girls and 30.3% are boys<sup>14</sup>. In general, the number of domestic child labourers in Viet Nam has been increasing rapidly. Specifically, according to the reports of the authorities, it has increased from about 1,820 children in 2001 to 3,150 children in 2008 and 3,997 in 2009. The actual figures should be much higher than reported<sup>15</sup>.

Domestic child labourers as well as domestic labourers in general, often have to face many hidden risks caused by the closed working environment which is difficult to control and monitor. As a result, domestic child labourers are likely to become victims of sex abuse, ill-treatment and even cruel torture. A research domestic child labour in HoChiMinh city conducted by ILO<sup>16</sup> shows that children have to work 13 hours per day and 7 days per week. Most of them come from other provinces and do not have temporary residence registration. Therefore, they meet with many difficulties in requesting the intervention from the local authorities in case of being abused. According to another research, it is worthy to classify domestic child labour as one of the worst forms of child labour as: (i) Children have to work since early ages (22.6% of domestic child labourers are under 15 years old); (ii) Children have to drop out of school (71.6% of domestic child labourers have to drop out of school); (iii) Children have to do monotonous works in a closed environment for long hours (43.1% of domestic child labourers have to work more than 85 hours/week).

13 IPEC: *Training manual on child labour and HIV/AIDS (Kampala, ILO, 2006)*, pages 4-6. Available at: [www.ilo.org/ipecinfo/product/viewProduct.do?productId=7810](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=7810).

14 IPEC: *Child Domestic Workers in Ho Chi Minh City - Survey Report (Hanoi, ILO, 2006)*. Available at: [www.ilo.org/ipecinfo/product/viewProduct.do?productId=4784](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4784).

15 Presentation of Doctor Nguyen Hai Huu, Director of the Office of Protection, Care and Education of Children, MOLISA at the training course on "Skills for designing, monitoring and assessing action programmes on child labour" organized by ILO and the Office of Protection, Care and Education of Children, Tam Dao, August 2010.

16 IPEC: *Child Domestic Workers in Ho Chi Minh City - Survey Report (Hanoi, ILO, 2006)*. Available at: [www.ilo.org/ipecinfo/product/viewProduct.do?productId=4784](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4784).

**Street children:** Like almost other developing countries in the world, Viet Nam is experiencing the phenomenon of children (with their family or leaving their family) moving to the cities to survive on the streets. These are commonly referred to as “street children” or “children living and working in the streets”.

Similarly, as other forms of child labour, no survey on street children has been conducted in Viet Nam. As a result, it is impossible to define the exact number of street children. In addition, the number of street children often changes depending on many subjective and objective factors such as harvesting seasons in rural areas, urban management policies and measures of the authorities in big cities, etc., which makes it difficult to get the statistics. However, it can be inferred from the available researches conducted at small scale that there are thousands of children living and working in the streets in urban areas of Viet Nam. They do different works, among which the most common are shoe shining, peddling newspapers, foods, vehicle washing, vehicle keeping, etc. Not all but majority of street children are classified as child labour, of which some are victims of the worst forms of child labour.

**Heavy manual labour:** Like almost other developing countries in the world, Viet Nam is experiencing the phenomenon of children, especially children in rural, mountainous areas engaging in heavy manual labour such as working as porters at construction sites, working in gem/stone and mineral mining or in traditional trade villages, etc.

Take the case of children working in traditional trade villages for example. A research on the working condition and workplace hygiene of children in some trade villages in Viet Nam funded by ILO and published in 2009 shows that the use of child labourers is quite common in the surveyed villages. In these villages, child labourers are in the age group of 12-17, depending on types of works. The working condition and workplace hygiene in every surveyed village are not met the requirements. Specifically, 83.3 - 92.5% of the surveyed child labourers said that they have to work in loud noise; 80 - 93.7% complained about the dust in the workplace, 36.9 - 44.5% said the working condition was terrible. According to the survey, the working time applied to fulltime child labourers is 8 hours per day; however, in fact, they have to work for longer hours.

**Children trafficked for labour and sexual exploitation:** Similarly, as in many other countries, the situation when children are used for commercial sexual exploitation is still quite popular in Viet Nam, particularly in the cities. According to some recent researches and reports of the authorities, the age of local prostitutes tends to decrease while the number of children trafficked for sexual exploitation tends to increase. Although there has been no accurate statistics, it can be confirmed that there are thousands of Vietnamese children having been trafficked and sexually exploited both inside Viet Nam and abroad. Children are often transferred from the poor rural and mountainous areas to the cities to work as prostitutes. Some women and girls are trafficked to the neighbor countries such as China, Laos, Cambodia, etc. under different tricks and forced to work as prostitutes or wives of foreign men. The condition of some victims is terribly painful.<sup>17</sup>

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17 See: [http://www.savethechildren.net/Viet Nam/key\\_issues/ch\\_abuse/traffick.html](http://www.savethechildren.net/Viet Nam/key_issues/ch_abuse/traffick.html).

**Children work in fishing:** The fishing industry engages child labourers in Viet Nam and other developing countries in many ways. While some boys directly involve in catching fish, girls often engage in different activities of fish processing and selling (classifying, drying, salting, selling in markets, etc.).

A relevant research on child labour in Viet Nam funded by ILO and published in 2006 (as mentioned above) shows that in some cases, children with families living on the boats could be classified as child labour as: (i) Many children are abused physically and have to work more than 7 hours per day in severe weather conditions; (iii) Children are often neglected without care and chance to go to school.

## 4. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Lesson 2, Book 4.**

# Lesson 3. Causes of child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- List and analyse the common causes of child labour in the world.
- List and analyse the specific causes of child labour in Viet Nam.



**Planned duration:** 1 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Causes of child labour in the world and in Viet Nam	<ul style="list-style-type: none"><li>• Brainstorming or problem tree</li><li>• Lecture</li></ul>	<ul style="list-style-type: none"><li>• See Activity 4.1, Book 4</li></ul>
2	Deepening/synthesis exercise	<ul style="list-style-type: none"><li>• Work in small groups</li></ul>	<ul style="list-style-type: none"><li>• See Activity 4.3, Book 4</li></ul>

# Notes for trainers

## 1. The causes of child labour: An overview<sup>18</sup>

Child labour is caused by many factors which have different roles and impact levels in different situations. There are several ways to group/classify these factors, two of which are to divide into “internal causes” and “external causes” like the sociologists or “supply” and “demand” like the economists.

### 1.1 Internal causes and external causes

Sociologists divide the factors leading to child labour into “internal causes” and “external causes”. The first are those originated within a family, for example, the increase in the material needs of a family makes children have to work. The second are those working on families from the outside (likely to affect many families simultaneously), for example a national economic crisis requires every member in the family to work for earning money.

The following table summarizes the major factors leading to child labour which are divided into the above mentioned groups:

Internal causes	External causes
<ul style="list-style-type: none"> <li>● Difficult family situations:               <ul style="list-style-type: none"> <li>- Single-parent families.</li> <li>- Family illness or incapacity to work.</li> <li>- Unsupportive or unprotective families.</li> </ul> </li> <li>● Disordered family, poor family values, dysfunctional family<sup>19</sup>, members having deviant lifestyle, material oriented<sup>20</sup>.</li> <li>● Low education level of members, especially of parents, not aware of the importance of education to children.</li> <li>● Parents lack skills of children care and education, have outdated perception of child labour.</li> </ul>	<ul style="list-style-type: none"> <li>● Poverty, unemployment, political, economic, social crisis<sup>21</sup>.</li> <li>● Difficult to access to education, low quality.</li> <li>● The effects of HIV/AIDS<sup>22</sup>.</li> <li>● Complicated living environment. The society has an outdated perception of child labour.</li> <li>● Lack of national legislation on prevention and elimination child labour.</li> <li>● The system of social protection is poor and lack of resources.</li> <li>● The increase of urbanization and migration.</li> <li>● Family belonging to a certain group of minority population.<sup>23</sup></li> <li>● Discrimination against women and girls.</li> </ul>

<sup>18</sup> IPEC: *Child labour: A textbook for university students* (Geneva, ILO, 2004), section 3. Available at: [www.ilo.org/ipeinfo/product/viewProduct.do?productId=174](http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=174).

<sup>19</sup> *Dysfunctional family: family with parents or other members abusing alcohol, drug, violence, or sex. In such those families, children are often neglected or even ill-treated and abused.*

## 1.2 Factors of “supply-side” and “demand-side”

The economists divide the causes leading to child labour into the “supply-side” and “demand-side” factors which go together with the labour market. Specifically, the supply-side factors include those make households allow or require children to engage in the labour market (such as poverty, low education level, outdated perception of child labour, etc.) while demand-side factors include those make employers to employ children (such as lower cost, better obedience, skills in some certain works, etc.). Supply-side and demand-side factors interact with each other and make the situation of child labour become more serious.

### *Supply-side factors in the child labour market*

- Poverty: is the major cause of child labour. The poor households are unable to afford the minimum living standards for the children. As the income from parents and other members is not enough for the family, children have to work in one way or the other to contribute to family budget for the survival of the household including his own.
- Perception about the benefits of working in comparison with those of schooling: Children and their family have the perception that working brings more benefits (both in short and long term) than schooling because the quality of education is too poor or the workplace is more attractive to children.
- Barriers to education: including the factors interfere with the education of children such as: school is too far, school fees are too high, teaching and learning quality is low, learning environment does not encourage children to go to school, etc.
- Attitudes and awareness of parents: is one of the major factors leading to child labour. In many cases, parents do not fully understand the work that their children engaged in and the dangers, impacts and consequences the children have to face.
- Gender: gender inequality as well as gender prejudices in the society can interfere with the opportunity to attend school of girls and they are more likely to become child labourer.

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20 *The material oriented lifestyle of parents and children can promote or require children to work at early ages. Sometimes they accept any work to earn money to satisfy the needs, especially when children are affected or influenced by the thought that they should have everything like their friends.*

21 *Every country in economic crisis has to cut down its social protection programmes. This can directly affect the poor families and require every member of the families, including children, to work for maintaining the life. Political crisis has similar impacts because this kind of crisis often goes along with economic and social crisis. For example, in the first stage of political transition in member countries of Soviet Union, there was a decrease in employment, the social protection system was seriously damaged and the consequence is the increase of child labour.*

22 *HIV/AIDS deprives the adults, the breadwinner of the family, of health and life. Therefore, the children have to earn their own lives or take the burden of being the breadwinner. Children infected with AIDS often have to drop out because of being discriminated. For many others children, to witness the successive death of parents, siblings, relatives, friends, teachers and others in the community makes them feel lonely, losing faith in future and likely to drop out to work at early ages and accept any work to earn money for enjoying life.*

23 *In many countries, child labour commonly occurs in immigrant families or minority groups. These groups have to suffer social exclusion and live under poor level.*

- Social changes and desire for the material world: can be the force leading to child labour. The image of a material world can spread out to the poor communities as quickly as the society changes. Children sometimes decide to work in the urban areas and big cities just because of the bright future that they imagine: to enjoy delicious foods, beautiful clothes, and modern facilities, etc. Those children are not necessarily from poor families. They can come from the family with middle or high income.

### ***Demand-side factors in the child labour market***

- ☆ Who employ child labourers? It can be employers or in many cases, parents of the children. In developed countries, majority of parents are the “employers” of child labourers. However, when “employing” child labourers, not every parent pays attention to the safety as well as the comprehensive development of the children, sometimes because they lack knowledge or ignore the potential dangers.
- ☆ Why do employers use child labourers? Because they can reduce the production cost (lower cost of salary and working conditions). Another possible reason is that children have advantages over adults in some certain trades/occupations as they are smaller and more skilful.

***In general, in both ways of classification, poverty is the top and most widespread factor leading to child labour. However, it should be noted that poverty is not the only factor leading to child labour. In addition to poverty, there are many other important factors including education, awareness, effects of HIV/AIDS, effectiveness of the legislation system, armed conflicts, natural disasters, etc. These factors occur and affect the situation of child labour at different levels under different circumstances.***

## 2. Causes of child labour in Viet Nam

In general, child labour in Viet Nam is also originated or influenced by the common factors mentioned in Item 1. For example, according to the survey on child labour in eight provinces/cities conducted by MOLISA and ILO in 2009, 35% of the total drop-outs left school to assist their family and more than 4% dropped out because their families required them to leave school to work. Some specific factors which act as the major causes of child labour in Viet Nam are summarized as follows:

### **Poverty (the rate of poverty is still high, especially in rural and mountainous areas):**

- Perception (popular conception that children should go working early to become a good person and contribute to family budget; in some cases, to succeed family business);
- Culture (discrimination against women and girls remains tough in many areas, especially in education);
- Society (family values downgrade, family crisis and the rate of divorce increase);
- Economy (unemployment, lack of jobs, low income, lack of occupation opportunities remain common problems in many areas);
- Education (quality of education in many areas remains poor; the education infrastructure in mountainous and remote areas is limited; some education contents are not really relevant; cost of schooling exceeds the affordability of many families);
- Migration (rapid industrialization and urbanization go together with the wave of free migrants from rural areas to urban areas).
- Natural disasters, epidemic diseases and HIV/AIDS epidemic (natural disasters, epidemic diseases and HIV/AIDS epidemic cause many children to become orphans or have to live in specially difficult conditions).
- Legislation, policy (system of legislation and policy on prevention and elimination of child labour is not completely relevant and has regulated the formal sector only, the implementation is ineffective).

## 3. Deepening/synthesis exercise

**Give instruction for trainees to do the exercise in Activity 3.3, Book 4.**



# Lesson 4. Negative impacts of child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present and analyse the negative impacts of child labour



**Planned duration:** 1 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Negative impacts of child labour: An Overview	<ul style="list-style-type: none"> <li>• Work in small groups</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 4.1, Book 4</li> </ul>
2	Negative impacts of child labour in Viet Nam	<ul style="list-style-type: none"> <li>• Working in pairs</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 4.2, Book 4</li> </ul>
3	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Large group discussion</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 4.3, Book 4</li> </ul>

# Notes for trainers

## 1. The negative impacts of child labour: An overview

It is undeniable that child labour could bring some certain benefits to the children as well as to their families, as when they can earn more for their own and/or their families' income. However, those are only the short-term benefits which are so tiny in comparison with the great consequences that child labour can cause to children.

Many studies show that child labour does not only negatively impact on the life and development of children but also on their family, community and country. However, the analysis below only shows the negative impacts of child labour on the child him/herself and his/her country<sup>24</sup>.

### ***The negative impacts of child labour on the child him/herself:***

- Physical impacts: Children are more physically vulnerable and have to face more risks than adults to workplace hazards because they remain immature, inexperienced with limited health and resistance. For example, child labour can meet with a work accident which possibly leads to injury, fatality or disability. Children working in insecure conditions are likely to confront with serious problems of health in the long term.
- Psychological impacts: In some cases, the psychological consequences of child labour may include: slow mental development, unselfconfidence, difficult social integration; difficulty in forming relationships, low self-esteem; have violent attitudes or in the mood of depression, anxiety, or even intent to self-harm, etc.
- Cognitive impacts: In many cases, the cognitive ability of children is affected by the work that they engage in, for example, the deterioration in the ability of cognition, communication and practice which are the vital factors for social adaption and wellbeing.
- Educational impacts: Heavy or long-hour work can make children drop out of school early and reduce their ability of acquiring knowledge. However, a more frequent impact is that child labour deprives children of time for learning which leads to lower learning performance, poor learning skills, falling behind their peers, being ignored or difficult to integrate with their fellows.

### ***The basic negative impacts of child labour to a country:***

- Child labour debases the quality of national human resource, especially because the education level and health of these labourers are not qualified, which downgrades the national competitiveness in the labour market.

<sup>24</sup> Adapted from IPEC: *Child labour: A textbook for university students*, *ibid*, pages 16-20; and IPEC: *Child labour and education policy: A training manual*, *ibid*, pages 12-15.

- Child labour contributes to the increase of poverty, unemployment, illiterate, poor earnings, social evils and birth rates in the country as the child labourers are often deprived of opportunity to receive the necessary education and vocational training which help them to secure a decent work and income as adults.
- Child labour burdens the national budget with cost of social welfare and eliminating social evils.

In summary, child labour has negative impacts on every aspect, especially on the child's education; therefore, it deprives him/her of the opportunity to escape from poverty to have a better life in future.

## 2. The negative impacts of child labour in Viet Nam

Similarly, as in other countries, child labour in Viet Nam has been leading to many consequences, in both short and long term, not only to the children themselves but also to their family, community and society.

Although no survey has been conducted separately at national level to examine the consequences of child labour in Viet Nam, some recent relevant studies have shown the negative impacts of child labour, especially to the the education of the child.

The researches have also remarked on many other negative impacts of child labour to the physical and mental development of children. For example, 83.3-92.5% of the surveyed children in a research said that they have to work in loud noise, 80-93.7% said they have to work in a dusty environment, 36.9-44.5% said that the working condition is dangerous. Such types of working environments can lead to slow or abnormal physical development of the children. In addition, according to some other researches, child labour also have negative impacts on the mental, moral and social development of the children as they have to witness the dark side of the society since their early ages.

In general, as in other countries in the world, child labour in Viet Nam is being trapped in a vicious circle: poverty - early dropout for work - lack of skills - low income - poverty. In such situation, it is very difficult for the family of child labourer to have sustainable development and for the country to have a well-trained workforce which is competitive with other countries in the region and the world. Therefore, it is an urgent need to prevent and eliminate child labour, especially when Vietnamese workforce has been considered as being plentiful but lacking skills and having low quality, which makes Viet Nam become less competitive to many other developing countries.

## 3. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Activity 4.3, Book 4.**



## **SECTION 2. International and Vietnamese laws on the prevention and Elimination of child labour**

# Lesson 5. Overview of the international and Vietnamese legal framework on child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Describe the overview of the international and Vietnamese legal framework against child labour.



**Planned duration:** 1 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Overview of the international legal framework on child labour	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 5.1, Book 4</li> </ul>
2	Overview of the Vietnamese legal framework on child labour	<ul style="list-style-type: none"> <li>• Working in pairs or brainstorming</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 5.2, Book 4</li> </ul>
3	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Large group discussion</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 5.3, Book 4</li> </ul>

# Notes for trainers

## 1. Overview of the international legal framework on child labour

Legislation on child labour has been issued in some countries since many centuries ago. Specifically, in 1284, in Italy, a legal document was adopted to protect child workers in glass-making factories. Since then, many European countries have also issued laws in order to protect children working in some industries. In 1833, in England, the trade unions had succeeded in the fight to force the government to issue the Factory Act, in which stipulated the minimum age of employment. Three years later, in 1836, a similar act was also issued in the United States.

In 1866, the International Workers' Congress called for stopping child labour and requested governments of every nation in the world to integrate the stipulation of minimum age of employment in the national legislation. However, it was only until the beginning of the twentieth century that the first international legal documents on child labour were promulgated by the ILO. These instruments were issued under the forms of Conventions and attached Recommendations, which were a part of the international standard system on labour in general. The system was created based on the trilateral agreement (governments, employers and trade unions). In the 200 Conventions (along with the same number of recommendations) promulgated by ILO since 1919 (the year of ILO's establishment), there are 30 instruments on the protection of children against different forms of labour exploitation and abuse, including the two fundamental conventions (attached with two recommendations) which directly deal with the prevention, prohibition and elimination of child labour. The two conventions are Convention No. 138 (attached with Recommendation No. 146) and Convention No. 182 (attached with Recommendation No. 190). The two conventions are in the group of ILO's 8 priority conventions, which obliges its member nations to report periodically the implementation to the ILO every two years.

***In the system of international instruments on human rights adopted by the UN since 1945, there are some instruments, directly or indirectly, dealing with this issue, of which the most typical one is the Convention on the Rights of the Child, 1989.***

## See below for the overview of the most important international instruments on the prevention and elimination of child labour issued by the ILO and the UN:

- **Convention No. 138 and Recommendation No. 146, 1973 of the ILO:** The two instruments can be jointly referred to as the 1973 Instruments. The 1973 Instruments, Convention No. 182 and Recommendation No. 190 are the current fundamental instruments on child labour. Convention No. 138 and Recommendation No. 146, 1973 have consolidated the earlier instruments on child labour by defining the common minimum age of employment applied for every trade, occupations, and sector; at the same time, requiring its member nations to establish policies and implement measures to eliminate child labour in the long term.
- **Convention No. 182 and Recommendation No. 190, 1999 of the ILO:** The two instruments can be jointly referred to as the 1999 Instruments. They do not replace but supplement the 1973 Instruments by defining the worst forms of child labour and at the same time, requiring its member nations to build the action plan and implement effective and instant measures to eliminate the worst forms of child labour before a certain deadline.
- **The Convention on the Rights of the Child, 1989 of the UN:** The Convention defines a group of rights and freedom of the child in every aspect in order to secure the survival and comprehensive development of the child and protect him/her from the danger of being abused. All the rights of the child stipulated in the Convention directly or indirectly contribute to the protection of children from being abused and exploited. However, the rights recognised under the articles from 28 to 34 are the most important. Especially under Article 32 of the Convention, its member nations are obliged to implement necessary measures to protect children from economic exploitation. Such measures include providing a minimum age or minimum ages for admission to employment based on other relevant international standards (i.e. the international treaties of ILO). In addition, the two optional protocols to the Convention on the Rights of the Child also deal with the elimination of two among the worst forms of child labour which are (1) forcing children to engage in armed conflicts and (2) children selling and sexual exploiting.

In addition, it should be mentioned the International Programme on the Elimination of Child Labour (hereinafter referred to as IPEC). This is a technical cooperation programme launched by ILO since 1992 to assist its member nations to strengthen the capability in solving the problem towards the gradual elimination of child labour. Although the programme is not a national treaty, it plays an important role in the elimination of child labour in the world because (1) it shows the solidarity and common commitment of the international community in the issue, and (2) it provides useful technical support to the countries in building and implementing the policies and laws on the prevention and elimination of child labour.

IPEC focuses on the following issues of child labour: harmful works and exploitation; forced labour or working in the most vulnerable conditions; girl and under 12-year-old child labourer. The specific activities that IPEC often cooperates with its member nations include: (i) To assess and analyse the

situation of child labour and define targeted priority groups that need support and intervention; (ii) To assist building the national action plan of child labour elimination, which should define clearly the specific strategy, objectives and implementation measures; assign responsibilities, prepare necessary budget and time for the activities in accordance with relevant international standards; (iii) To create and enhance the consensus of opinions and actions among the stakeholders involving in the implementation of the national action plan; (iv) To implement the national action plans prepared; (V) To monitor and assess the effectiveness of the national action plans.

## 2. Overview of Vietnamese legal framework on child labour

Viet Nam has ratified all fundamental international conventions on child labour including the UNCRC and its two optional protocols, ILO's Convention No. 182 on the worst forms of child labour and Convention No. 138 on the minimum age of employment. This shows that Viet Nam is determined to solve this problem.

To implement the above agreements, the prevention of child labour is mentioned in a number of Vietnamese legal documents, among which the followings are the most important:

**The Labour Code:** This Code sets a specific legal framework to prevent children from working at early ages and the abuse of juvenile labour. It stipulates the minimum age of employment and only allows the employers to employ juvenile labour in relevant works which are not heavy, dangerous, exposed to toxic substances or have negative impacts on personality. In addition, the employers shall have the responsibility for looking after the interests of juvenile labour in terms of working, wages, health and training during the working process, etc. (Article 119, 120, 121).

To concretize the important stipulations on child labour in the Labour Code, MOLISA and the Ministry of Health promulgated the Inter-ministerial Circular No. 09/TT-LB dated April 13, 1995 which defines the harmful working conditions and works that are not allowed to employ juvenile labour. The Circular is attached with the List of specific works that are prohibited to employ juvenile labour. Next to the documents, in September 11, 1999, MOLISA continued to issue the Circular No. 21/1999/TT-BLDTBXH stipulated the List of trades, occupations and working conditions which are allowed to employ children under 15 years old.

**Law on the Protection, Care and Education of Children:** This Law provides a fundamental legal framework for preventing, protecting and assisting child labour. It stipulates the prohibition of child labour abuse, the employment of child labour in heavy, dangerous jobs or jobs in exposure to toxic substances and any jobs in contravention of the legislation on labour (Article 7 (7)) and some other relevant prohibitions such as: the acts of abandoning children; procuring or offering, enticing and abusing street children to seek profits; child sexual abuse; procuring or offering, deceiving, forcing children to engage in gambling,

prostitution, illegal trade, production, transportation, store and use of drugs, violence and pornography products; interfering the education of the children (Article 7 (1-6,8)). In addition, the law provides a national mechanism for the protection, care and education of children, which at the same time, has the function of preventing child labour and protecting, assisting child labourers. To concretize the Law on the Protection, Care and Education of Children, 2004, the Government issued the Decree No. 36/2005/ND-CP of which Article 9 stipulated specifically the actions of child labour abuse, which should be applied as the basis for implementation in practice. For example, the works have negative impacts on the personality of children shall be defined as “to employ children in dance-hall, massage and/or physical therapy service, casino, karaoke club, bar, pub or where may have negative impacts on the moral development of children.”

**The Criminal Code:** Article 228 of the Code directly governs the violation of child labour regulations. Accordingly, those who employ children to perform works which are heavy, dangerous or in contact with hazardous substances, causing serious consequences, or who have already been administratively sanctioned for this act but continue to commit it, shall be subject to a fine of between 5,000,000 VND and 50,000,000 VND, non-custodial reform for up to two years or imprisonment for a term between three months and seven years. In addition, the Code also defines some other crimes for the acts relating to the worst forms of child labour. Specifically, Article 120 of the Criminal Code stipulates the crimes of trading in, fraudulently exchanging or appropriating children; crimes relating to children prostitution, sexual abuse and pornography (Article 112, 114, 115 and 116); the crimes of enticing compelling juveniles to commit offenses or harboring juvenile offenders (Article 252).

**Law on Universal Primary Education and Law of Education:** These laws regulate in detail the education right for children, including free primary education. These are considered as important measures to prevent children working at early ages.

In addition to the above mentioned system of legal documents, Viet Nam has also initiated and implemented many social programmes which directly or indirectly handle the issue of child labour. The most remarkable ones include the Viet Nam National Programme of Action for Children in 2001-2010 (draft of the Programme for the period of 2011-2015 has been preparing); the National Programme on Preventing and Combating incidences of street children, sexually abused children and children undertaking dangerous and physically demanding work in 2004-2010 (draft of the Programme for the period of 2011-2015 has been preparing); the National Programme to prevent Women and Children Trafficking in 2004-2010; and the Education Development Strategy in 2001-2010. In addition, there are some other governmental programmes supporting the prevention of child labour such as the Employment Direct Support Programme, the National Target Programme for Hunger Eradication and Poverty Reduction, etc.

### 3. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Activity 5.3, Book 4.**

# Lesson 6. International and Vietnamese laws on the minimum age of employment

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present, analyse and compare the fundamental stipulations in Convention No. 138 with Vietnamese laws on the minimum age of employment.



**Planned duration:** 1h-1.5 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Minimum age of employment stipulated in Convention No.138	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 6.1, Book 4</li> </ul>
2	Light work and hazardous work	<ul style="list-style-type: none"> <li>• Work in small groups</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 6.2, Book 4</li> </ul>
3	Minimum age of employment stipulated in Vietnamese laws	<ul style="list-style-type: none"> <li>• Work in pairs</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 6.3, Book 4</li> </ul>
4	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Work in pairs</li> </ul>	

# Notes for trainers

## 1. Minimum age of employment stipulated in Convention No. 138

One of the most effective and comprehensive methods to prevent and eliminate child labour is to stipulate the minimum ages of employment in laws. It helps to minimize the number of children working at early ages or engaging in hazardous works and penalize those abusing child labour.

From such perspective, right after its establishment in 1919, ILO adopted a number of conventions on the minimum age of employment applied in different trades and occupations (The first convention dealt with the minimum age of employment in industry, 1919). In 1973, these conventions were replaced by Convention No. 138.

**Convention No.138 defines the minimum ages of employment, which are summarized in the table below:**

	Minimum age applied to every country	Minimum age - Exception for developing countries
General minimum age (Article 2)	15 years	14 years
Minimum age applied to hazardous works (Article 3)	18 years (16 years in some cases with relevant conditions attached)	NO EXCEPTION FOR ANY COUNTRY
Minimum age applied to light works (Article 7)	13-14 years	12-13 years

In terms of the scope of application, the Convention No. 138 is applied to every economic sector and every form of occupations and labour, regardless it is contracted or non-contracted work, self-employment or employment for wage-earning, paid or unpaid work, domestic or extra domestic work. However, according to Article 6, **the Convention does not apply to the following works:**

- ☆ Work done by children and young persons in schools for general, vocational or technical education or in other training institutions;
- ☆ Work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the Organizations of employers and workers concerned, where such exist, and is an integral part of: (i) a course of education or training for which a school or training institution is primarily responsible; (ii) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (iii) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

## 2. Light work and hazardous work

**Hazardous work:** According to Article 3 (1, 3) of the Convention No.138, “hazardous work” comprises any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons.

**According to the Convention No. 182, types of works referred to as “hazardous work” shall be determined by national laws, however it also recommends to take into consideration the following factors:**

- ☆ Work which exposes children to physical, psychological or sexual abuse;
- ☆ Work underground, under water, at dangerous heights or in confined spaces;
- ☆ Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- ☆ Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- ☆ Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

**Light work:** The Convention describes only the general features instead of giving a specific definition of “light work”. Accordingly, light work is described as not likely to have negative impacts on the health, development, education, vocational training or other training opportunities of the child (Article 7). The Article 7 also stipulates that the member nations have to determine types of light work in national laws and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

According to the Minimum Age (Non-Industrial Employment) Recommendation (Recommendation No. 41, 1932, item 2) issued by ILO, “light work” includes odd jobs (such as distribution of mails or newspapers, cigarette purchase, picking ball, clothes/belongings keeping, picking and selling flowers or fruits, etc.) In terms of time, according to Article 3 (1) of the Minimum Age (Non-Industrial Employment) Convention (Convention No. 33, 1932 issued by ILO), the duration of the light work that children engage in should not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work should not exceed seven per day.

**From a more general perspective, in the national laws of some countries, “light work” is determined as the work that:**

- Is simple and well-defined;
- Does not require such physical or mental efforts that are likely to jeopardise the health and development of children;
- Has limited daily and weekly working hours;
- Has relevant time for breaks and a rest of at least 48 hours per week;
- Does not include night work.

### 3. Minimum age of employment stipulated in Vietnamese laws

According to Article 6 of the Vietnamese Labour Code, the minimum age for admission to employment is **at least 15 years**. The Code also defines juvenile labour as those from at least 15 to under 18 years of age (Article 119), and prohibits the employment of juvenile labour in heavy or dangerous work, or work requiring contact with toxic substances (Article 121).

In relevance to the above regulations, the Inter-ministerial Circular No. 09/TT-LB dated April 13, 1995 stipulates the List of specific works that are prohibited to employ juvenile labour and the Joint Circular No. 21/2004/TTLT-BLDTBXH-BYT dated December 9, 2004 issued by MOLISA and the Ministry of Health provides guiding on the List of trades, occupations and working conditions which are not allowed to employ children under 18 years of age in service agencies which are vulnerable to prostitution (in a relative comparison, those can be considered as “hazardous work” according to the ILO’s Convention No. 138); the Circular No. 21/1999/TT-BLDTBXH dated September 11, 1999 stipulates the List of trades and occupations which are allowed to employ children under 15 years old (in a relative comparison, those can be considered as “light work” according to the ILO’s Convention No. 138).

**In general, the Vietnamese legal framework on the minimum age of employment can be summarized as follows:**

Age	Permitted work	Note
<b>From at least 15 to under 18 years</b>	Works that are not likely to jeopardise the physical, mental and personality development of the child	i.e. works are not listed in the stipulations of the Inter-ministerial Circular No 09/TT-LB dated April 13, 1995
<b>Under 15 years</b>		
From at least 13 years	Attend vocational training in general (except for the occupations listed in below cells)	Article 22 of the Labour Code
From at least 12 years	Attend training courses and perform works in the following occupations: actor/actress, traditional occupations, crafts and fine arts occupations, gifted athletes (shall satisfy the conditions permitted to employ children under 15 years of age such as: there shall be a commitment of the parents or legal guardian; working time shall not exceed 4 hours per day or 24 hours per week; time for general education shall be secured for the child, etc.;	Circulate No. 21/1999/TT-BLDTBXH dated September 11, 1999
From at least 8 years	Attend training courses and employed in art performance - shall satisfy the conditions permitted to employ children under 15 years of age; (Some specific cases - under 8 years of age - shall be decided by the Ministry of Culture - Information).	Circulate No. 21/1999/TT-BLDTBXH dated September 11, 1999

## 4. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Activity 6.4, Book 4.**

# Lesson 7. International and Vietnamese laws on the worst forms of child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present the basic content of the Convention No. 182 issued by ILO
- Compare the fundamental stipulations of the ILO's Convention No. 182 with Vietnamese relevant laws on the worst forms of child labour.



**Planned duration:** 1 - 1.5 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Background, objectives and role of the Convention No. 182	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 7.1, Book 4</li> </ul>
2	What are the worst forms of child labour?	<ul style="list-style-type: none"> <li>• Working in small groups (of 3, 5 or 7 trainees)</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 7.2, Book 4</li> </ul>
3	Main content of Convention No. 182	<ul style="list-style-type: none"> <li>• Lecture</li> </ul>	
4	The elimination of the worst forms of child labour in Vietnamese laws	<ul style="list-style-type: none"> <li>• Working in pairs</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 7.3, Book 4</li> </ul>
5	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Large group discussion</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 7.4, Book 4</li> </ul>

# Notes for trainers

## 1. Background and objectives of the Convention No. 182

The Convention No. 182 is as important as the Convention No. 138. It is also one of the eight fundamental conventions promulgated by the ILO and one of the most important international instruments on child labour. Before the adoption of the Convention, ILO had approved a number of conventions, of which the Convention No. 138 was considered as having the most comprehensive approach to the issue of child labour; however, all these conventions had not decided the priorities in action against child labour. Meanwhile, as child labour is a broad and complicated issue that is related to many political, economic, cultural, social factors and particularly connected with poverty and underdevelopment, it cannot be eliminated within a short period of time. Therefore, it is necessary to set the priorities in actions to gradually achieve this goal. Specifically, it should be focused on the elimination of the worst forms of child labour, the circumstances in which the survival and comprehensive development of children are being seriously impacted, raising the urgent issues on the human rights of the child.

From the above perspective, the 87th Session of the International Labour Conference, June 1, 1999, had adopted the Convention No. 182. The Convention has come into force since November 19, 2000 and been joined by more than 140 countries. Viet Nam ratified the Convention on December 19, 2000.

### **In addition to the difference in action priorities, there are some other differences between the Convention No. 182 and the Convention No. 138 including:**

- According to the Convention No. 138, the elimination of child labour is a long term process which depends on the circumstance and development level of each country. Meanwhile, the Convention No. 182 requires that the elimination of the worst forms of child labour should be taken immediately within a certain period of time, regardless of the circumstances and development levels of the countries.
- While the Convention No. 138 provides a national strategic framework for the elimination of child labour based on the circumstance of each country, the Convention No. 182 gives the top priority to the elimination of the worst forms of child labour within the framework.
- While the Convention No. 138 takes into consideration the differences in the levels of economic and education development among countries by providing different minimum ages of employment for general and specific circumstances, the Convention No. 182 does not take such consideration. The Convention provides the same stipulations applied for every child, both boy and girl, in every country.

Although there are some certain differences, the two Conventions unite in the common goal of child labour elimination. The Convention No. 182 does not make any revision, change or effect on the ratification or implementation of the Convention No. 138. The Convention No. 138 still keeps the fundamental role in the elimination of child labour. The promulgation of the Convention No. 182 just aims at supporting the Convention No. 138 by focusing on the worst forms of child labour as the top priority targets for elimination in comparison with other forms. Therefore, in some cases, a country's accession to the Convention No. 182 can be considered as a step towards the accession to the Convention No. 138, which means towards the commitment to the complete elimination of child labour.

## 2. What are the worst forms of child labour?

**According to the Article 3, Convention No. 182, “the worst forms of child labour” comprises:**

- ☆ All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- ☆ The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- ☆ The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- ☆ Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The worst forms of child labour in the first group (a) cover the stipulations of the international legal instruments on the elimination of slavery or practices similar to slavery. The word “such as” in the stipulation means that the listed forms do not cover the full scope of the concept “practices similar to slavery”. The major international legal instruments on the elimination of slavery or practices similar to slavery which countries can refer to include: the Convention No. 29 (1930) and Convention No. 105 (1957) promulgated by the ILO on forced labour; the UN Slavery Convention (1926) and the amending Protocol (1953); the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2001), etc.

The worst forms of child labour in the second (b) and third (c) groups cover the stipulations of the international legal instruments on human trafficking for prostitution and for the production of pornography and transnational crime. The most typical legal instruments relating to the issue which countries can refer to include: the UN Convention for the Suppression of the Traffic in Persons and of

the Exploitation of the Prostitution of Others (1949); the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2001); the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000).

For works relating to those stipulated in item (c), the Convention No. 182 provides that its member countries shall determine based on the consultation with the Organizations of employers and workers concerned, taking into consideration relevant international standards, in particular item 3 and 4 of the ILO's Recommendation No. 190. Specifically, according to item 3 of the Recommendation No. 190, in determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, its member countries should take into consideration, inter alia, the following factors:

- Work which exposes children to physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

### 3. Basic content of the Convention No. 182

According to the Convention No. 182, the general responsibility of each country is to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency (Article 1). To implement the responsibility, the Convention provides the principal requirements to its member, including:

- ☆ Establishing or designating appropriate mechanisms to monitor the implementation of the provisions giving effect to the Convention (Article 5);
- ☆ Designing and implementing national programmes of action to eliminate as a priority the worst forms of child labour (Article 6);
- ☆ Taking effective and time-bound measures to prevent child labour and protect child labourers, taking into account the importance of education (Article 7 (2));
- ☆ Taking all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the relevant sanctions (Article 7 (1));

- ☆ Designating the competent authority responsible for the implementation of the provisions giving effect to this Convention (Article 7 (3));
- ☆ Taking appropriate steps for international cooperation and/or assistance (Article 8).

**According to item 2 of the Recommendation No. 190, the national programmes of action should aim at the following objectives:**

- ☆ Identifying and denouncing the worst forms of child labour;
- ☆ Preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- ☆ Giving special attention to: younger children; the girl child; other groups of children with special vulnerabilities or needs; the problem of hidden work situations, in which girls are at special risk;
- ☆ Identifying, reaching out to and working with communities where children are at special risk;
- ☆ Informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

**The Recommendation No. 190 (item 10, 12, 13, 14, 15) proposes the necessary solutions that its member countries should apply for the effective implementation of the Convention, including:**

- To criminalize the use of children in the works defined as the worst forms of child labour.
- To provide, as a matter of urgency, the administrative, civil or criminal remedies and special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate (item 14).
- To determine the persons to be held responsible for violations and ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of the worst forms of child labour (item 13).
- To take other measures (item 15), including: (i) informing to raise the awareness of different targeted groups in the society; (ii) mobilizing the participation of the whole society; (iii) training to enhance the capacity of relevant individuals/Organizations; (iv) providing for the prosecution who commit offences of child abuse even when these offences are committed in another country; (v) reforming legal procedures to sanction violations effectively; (vi) improving the sense of responsibility of the employers; (vii) establishing mechanism for special complaints and witness/victim protection; (viii) promoting the right of education; (ix) improving awareness and supporting the parents and families who do not engage children in economic activities, etc.

## 4. Vietnamese laws on the worst forms of child labour

According to Vietnamese laws, there is no definition of “the worst forms of child labour”, however, by comparing with the Law on the Protection, Care and Education of Children, the Labour Code and other relevant laws, it can be recognised that all the worst forms of child labour defined in Article 3, Convention No. 182 are prohibited and penalized.

Specifically, the Law on the Protection, Care and Education of Children prohibits all forms of child abuse and the Labour Code forbids the use of juvenile labour in the work which is likely to be physically or mentally dangerous. Those can be considered as the fundamental stipulations on the prevention of the worst forms of child labour. In addition, the Criminal Code also imposes penalties for a number of child labour related crimes including:

The worst forms of child labour according to the Convention No.182	Related crimes under the Criminal Code
All forms of slavery or practices similar to slavery such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;	Ill-treating other persons (Article 110); Trafficking in women (Article 119); Trading in, fraudulently exchanging or appropriating children (Article 120)
The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances	Trafficking in women (Article 119); Trading in, fraudulently exchanging or appropriating children (Article 120); enticing compelling juveniles to commit offenses or harboring juvenile offenders (Article 252); disseminating debauched cultural products (Article 253); harboring prostitutes (Article 254); procuring prostitutes (Article 255); sexual intercourse with juveniles (Article 256).
The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;	Enticing and compelling juveniles to commit offenses or harboring juvenile offenders (Article 252); illegally stockpiling, transporting, trading in or appropriating drugs (Article 194) (employing children in the commission of the crime or selling drugs to children); organizing the illegal use of drugs (Article 197) (for children); harboring the illegal use of drugs (Article 198) (against children); forcing, inducing other persons into illegal use of drugs (Article 200) (against children).

Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Employing children to perform jobs which are heavy, dangerous or in contact with hazardous substances on the lists prescribed by the State (Article 228), including:

- The harmful working conditions and works that are not allowed to employ juvenile labour are listed in the inter-ministerial Circulate No.09/TT-LB issued on April 13th, 1995.
- The trades and occupations which are allowed to employ children under 15 years of age listed in the Circulate 21/1999/TT-BLDTBXH dated September 11, 1999.

In addition to the institutionalisation of laws, a number of relevant national programmes on the elimination of child labour which directly deal with the elimination of the worst forms of child labour, have been implemented such as: the National Programme of Action for Children (2001-2010); the National Programme on Preventing and Combating incidences of street children, sexually abused children and children undertaking dangerous and physically demanding work (2004-2010); the National Programme to prevent Women and Children Trafficking (2004-2010); the Directive No. 1408/CT-TTg dated September 1, 2009 of the Prime Minister on the “Strengthening the protection and care of children” which emphasizes the protection of children from being abused and exploited. (For the specific content of these programmes, see Lesson 15, Book 3).

The above mentioned legal policies and programmes of action have shown the initial effects. According to the statistics of MOLISA, the number of children performing heavy works in dangerous and harmful conditions fluctuates from 68,000 (2005) to 25,800 (2009) with a decline tendency. However, most of these children have to dropout because of difficult economic conditions and they are in danger of ill-treatment, violence, sex abuse and labour exploitation. The survey in the 8 provinces conducted by the Institute of Labour Science and Social Affairs in 2009 also shows that most of the works the children engaged in are relating to agriculture (83%) while only 9% work in industry and 8% work in service sector. It should be noted that the group of children working as domestic labour, of which most are girls moving from rural areas to cities, has tended to increase: 3,436 children in 2008; 3,997 children in 2009, because the need of domestic worker for families in the cities has increased rapidly. The group is in high risk of sexual abuse and labour exploitation<sup>25</sup>.

## 5. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Activity 7.4, Book 4.**

<sup>25</sup> See: “Some regulations on child labour in legal documents; implementation; shortcomings and proposed amendments”; Do Anh Tuan, Vice Chief, Department of Child Protection and Care, MOLISA, Presentation in the Workshop “Review of laws and policies on child labour” organized by MOLISA – ILO in Hanoi, December 15, 2010.



## SECTION 3. **Special issues relating to child labour**

# Lesson 8. Education and child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present the links between education and child labour and solutions for eliminating child labour through education.
- Name some of the international education commitments to eliminate child labour.



**Planned duration:** 1- 1.5 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	The links between education and child labour (including the context of Viet Nam)	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 8.1, Book 4</li> </ul>
2	Link education to the elimination of child labour	<ul style="list-style-type: none"> <li>• Work in small groups (of 3, 5 or 7 trainees)</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 8.2, Book 4</li> </ul>
3	International education commitment to eliminate child labour	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 8.3, Book 4</li> </ul>
4	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Brainstorming</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 8.4, Book 4</li> </ul>

# Notes for trainers

## 1. The links between education and child labour

Education is always considered to be especially important to the development of each individual as well as the whole society. However, although education has a close relation to child labour, the importance of education in the elimination of child labour has not been recognised properly.

- In terms of time for education and work: A child engaging in works means he/she has less time for education and recreation. Under many circumstances, this leads to lower learning performance. Especially when the child has to work for long hours or to perform exceedingly heavy work, it is obvious that his/her education is affected. Therefore, in many cases, child labour is the cause of the child's dropout and illiteracy.
- In terms of economic factors: work may be very "competitive" with education, especially as children can contribute to the income of their family while cost of education is too high or the education does not bring them a good career future. The economic perspective can affect the decision of the parents to deprive the child of schooling, particularly when the income from the child is highly important to family's budget or the parents only care for short term benefits (income) instead of the long term negative impacts on their child.

Education helps to prevent children from being engaged in the spiral of labour market from their early ages (formal education) and at the same time, create an environment for child labour to reintegrate with the society and come back to school if they can get out of such spiral (informal education). In addition, education and vocational training also play an important role in helping children acquire necessary knowledge and skills to attain good jobs.

Global experiences have shown that compulsory education at fundamental levels plays an important role in the prevention and complete removal of every form of child labour. "No country has successfully ended child labour without first making education compulsory. As long as children need not attend school, they will enter the labour force."<sup>26</sup> It can be seen in practice that if the system of compulsory education is implemented closely and effectively, children will be less available for working, especially full-time employment, and employers will be discouraged from employing children.

However, the education alone is not enough to deal with child labour. Education is highly important and necessary but it is not the sole and complete solution to eliminate child labour. In addition to education, a number of other legal, economic and social measures should be taken simultaneously to remove the various complicated factors which push children into the labour market.

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26 Cited from IPEC: *Child labour: A textbook for university students*, *ibid*, page 113.

## 2. Solutions of linking education to the elimination of child labour<sup>27</sup>

### 2.1 Designing, implementing projects and programmes of action

From the implementation perspective, in order to promote the effectiveness of education in the prevention and elimination of child labour, there should be specific projects and programmes of action. In terms of forms, there are many types of such projects or programmes. It can be large projects/programmes at national level which are implemented by the government or functional ministries/agencies or small ones at local level which are implemented or cooperatively implemented by the local authorities, school or civil and social Organizations. However, no matter at what level and by whom it is implemented, the project/programme always centers on the promotion of education and using school as the environment to raise the awareness of child labour elimination.

**In addition, in order to secure the effectiveness, every project/programme needs to define the following factors by survey:**

#### ***List of factors needed to be defined in projects/programmes linking education to the elimination of child labour at local level***

**Children:** Children in which age group will be the targeted group of the project/programme? The number of children? The number of girls and boys? Do they attend school? The attendance rate? How is their performance (scores)? Do they attend appropriate class for their age or have to step backwards? Are they taunted by their fellows or others for being child labour? Are they exhausted with learning?

**School:** Is there any primary/secondary/ high school in the area (with acceptable walking distance for children)? The rate of transition from primary school to secondary/high school? Cost of education? School, class quality? Capacity of teachers? Number of students per class? The proportion of enrolled students in total children in the area? The rate of actual attendance?

<sup>27</sup> IPEC: *IPEC's education and skills training activities - Technical design guidelines* (Geneva, ILO, 2008), available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=17376](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=17376). See also: IPEC: *Training manual on child labour and HIV/AIDS*, *ibid*, pages 46-47; and IPEC: *Child labour: A textbook for university students*, *ibid*, pages 120-133.

**Informal education:** Does the Ministry of Education give support to informal education activities? Does the national education system secure the transition between formal education and informal education? Who can provide informal education services? Their ability? Their relationship with the formal education system? Is there trainer available for informal education programmes? Their ability? Vocational education in traditional way?

**Opinion of the parents and family condition:** Attitude of parents towards the education and working of their children? Cost of education (school fees, other contributions, cost of uniforms, books, traveling, etc.)? Does it exceed the affordability of the families?

**Other factors:** Is there any trade unions of teachers in the schools in the project site? Are they dynamic? Is there any cooperation between the Ministry of Labour and Ministry of Education in issues relating to education and the prevention and elimination of child labour?

The projects/programmes of action should define specific measures aiming at the following basic objectives: (i) promote opportunities of education, which helps prevent children from being engaged in the labour market and keep them schooling or re-schooling; and (ii) remove them from child labour and provide them with opportunities of education and vocational training.

### **Some typical measures can be listed as follows:**

**Increasing access to education for children:** Many countries have expanded their public education systems to ensure that every child can go to school. This means that more schools need to be built, more teachers need to be trained, more educational facilities need to be equipped, the transition from informal education to formal education needs to be facilitated, the children who worked or have worked need to be supported to return school, etc.

**Providing children with direct services:** The implementation of the measure needs to be based on a number of factors such as age group, condition of the child and his/her family, the availability of human and material resources, other conditions, etc. This measure can be applied separately or in combination with other different interventions in the projects/programmes.

**Facilitating children to access formal educational environment:** This is considered as the most effective and long term solution to prevent and eliminate child labour. The nature of this measure is to remove different barriers to education of every child, particularly child labourer and support the children who are or likely to become child labourer to deal with his/her own as well as his/her family's special difficulties.

**Minimizing the cost of education:** (Direct or indirect) cost of education is one of the major barriers to education of many children. When cost of education

becomes a financial burden of the families, instead of going to school, children are likely to start engaging in the labour force. Therefore, it is the decrease in cost of education to be the most practical and direct support which facilitates the schooling of children in poor families. In addition to remission of fees, there are other forms of support such as providing students with free uniforms, books, school meals, transportation, etc.

**Identifying and supporting immediately the children who are likely to dropout:** The timely identification of the children who are likely to dropout enables to have interventions before such event really occurs. In this measure, schools and particularly teachers play a very important role. It is the teachers who know best which student in the class is likely to dropout and why. Therefore, it is necessary to work and maintain close relationship with the teachers and schools.

Supports to the children who are likely to dropout can be given in different forms, depending the available resources and condition of each child. It can be the remission of school fees; providing scholarship, student allowances or solutions to support their parents and bread-winners in their family to improve the occupation conditions, employment and income, etc. However, no matter under which form or measure the support is, it should be timely, effective and sustainable.

**Organizing programmes of extracurricular education:** In some countries, the number of mandatory hours that students spend at school is only 3-4 hours per day, which means that they are available for working before or after school. However, it also makes many of them work for long hours or their working is even considered as the major activity. As a result, the learning performance is affected and students are more likely to dropout early to work. Some countries have experimented and succeeded in organizing programmes of extracurricular education for students. These programmes provide the students with opportunities to acquire new knowledge outside the realm of normal curriculum as well as to participate in sport and recreation activities. It is more important that the programmes has limited the working time of children after school, which means that they are less likely to dropout early.

**Improving the quality of education and educational infrastructure:** Low quality of education, the inadequacy of school and educational facility are those among the factors leading to the dropouts or illiteracy of children. Therefore, improving the quality of education and educational infrastructure play an important role in the elimination of child labour. In order to improve the quality of education, the material facilities and educational equipments need to be improved to reduce the number of students per class. In addition, qualified teachers in terms of both professional capacity and morals need to be trained. Moreover, improving the quality of education also requires improving, updating and diversifying the educational programmes, innovating the teaching approach from teacher-centered methodology to learner-centered, in order to promote the activeness and creativeness of students.

**Encouraging programmes of informal education and transition:** Global experiences have shown that the implementation of informal education

programmes aiming at child workers and non-school children also contribute to the elimination of child labour. In many countries, such programmes can be implemented or supported by the Ministry of Education, non-governmental Organizations, community Organizations, or foreign donors. The programmes can provide from basic to advanced knowledge to trainees with different forms of Organization. Such programmes are particularly useful in helping child workers to reintegrate to the environment of formal education and to the society.

**Paying attention to the education of girl child:** Education plays an important role in preventing girl child from working at early ages. The inadequate investment of education for girl child shall make them more likely to have a poor life in future, increase the rate of infant mortality and risk of HIV infection, which has direct impacts on the human resources. Therefore, it is needed to design programmes of education aiming at girl child and female juvenile labourers, which should include the remission of school fees or providing special scholarship for female students. It is more important that barriers to education of girl child, especially the discriminated prejudices and traditional customs against them in education, should be removed. Moreover, the establishment of an educational environment which is friendly to female students also plays an important role in increasing the rate of girl child attending school. This requires to deal with many issues such as: ensuring that every educational institutions have separate rest rooms for girl child; securing the privacy and safety during the school hours; removing the content showing discrimination between men and women from the curriculum; training many female teachers to guide their learning and act as a model for girl child to follow, etc.

**Building community education centers:** A number of countries have built the community education centers (also called multi education centers). The centers have an important contribution to the elimination of child labour, especially when they are built in or near the community in which child labour is a frequent problem because it facilitates the access to education of child workers. In general, the community education centers can provide different types of educational services which properly meet the needs of the local people and children. Most of the centers are capable of providing literacy education and calculation skills for children. The centers operate as not only education institutions but also meeting centers or location for other healthy activities of recreation of the children and the community.

**Training life skills:** Many children and juvenile workers are vulnerable because they were born in a poor family with inadequate education in both family and workplace. Therefore, the programmes which aim at training life skills are very necessary as they help children to establish and enhance the confidence as well as positive thinking. The training programmes on life skills may include different contents, however, it should comprise the issues such as: right to education of children, dealing with the relationships in the family and society, recognizing and preventing social risks including the risk of child labour, etc.

**Vocational orientation and training:** Programmes of vocational orientation and training provide orientations and professional skills, which help children to be well prepared for joining the labour market when they reach the minimum age of employment. The design of such programmes needs to be based on

Careful researches to determine which occupation and which skill is necessary or in need of local labour. In terms of principle, vocational training needs to be appropriate as much as possible to the local needs and conditions. If it is necessary, vocational training needs to comprise basic education and knowledge of safety and hygiene at work. It is necessary to mobilise the participation of Organizations of employers, local trade associations and trade unions in the design and implementation of vocational training programmes and special attention needs to be paid on the vocational training for girls.

## **2.2 At macro level, the government assesses the effectiveness of the national education system in the prevention and elimination of child labour**

Global experiences have shown that, to make education become an effective weapon in the prevention and elimination of child labour, at macro level, the assessment of the impact of the national education system on the prevention and elimination of child labour needs to be taken first. To take such assessment, the following questions may be considered as useful suggestions:

- Does the national education system provide the compulsory education? If yes, such compulsory education is applied to which level?
- Is the leaving age for compulsory education defined in the national education system in accordance with the minimum age of employment stipulated in the laws?
- Does the national education system enable to gather and store data of the enrollment rate and attendance rate of children, especially in primary/secondary/high school?
- Does the educational programme framework of national education system include relevant contents on the rights of the child and the prevention and elimination of child labour?
- Does the national education system include the measures to secure the gender equality in education?
- Does the national education system provide specific regulations on the (direct and indirect) cost of education and policies, measures to minimize those types of cost?
- Does the national education system include policies and measures to promote access to education in rural and mountainous areas?
- Does the national education system propose policies and plans of securing education for children in future?

### 3. International education commitment to eliminate child labour<sup>28</sup>

Being aware of the importance of education to the elimination of child labour, the international community has adopted a number of legal instruments which include the commitments and policy frameworks aiming at promoting education to prevent and eliminate child labour. The typical instruments can be summarized as follows:

- ☆ UNCRC includes several articles which require its member nations to guarantee the free and compulsory primary education for every child, to promote high school education which includes vocational training, so that every child can participate in or access to education. The Convention also recognises the rights of every child to be protected from economic exploitation and any work which is dangerous or harmful to the development and education of the child.
- ☆ The United Nations Millennium Declaration identifies the eight objectives, of which the second is to achieve compulsory primary education and the third is to eliminate the gender discrimination in education at every level before 2015. The other objectives also play an important role in the prevention and elimination of child labour as they all aim at removing the major factors which lead to child labour such as poverty, illiteracy or the effects of HIV/AIDS, etc.
- ☆ The two ILO's fundamental conventions on child labour (Convention No. 138 and Convention No. 182) and their attached Recommendations show the importance of education in the prevention of child labour and simultaneously, determine that the promotion of education is one of the important solutions to this problem. The stipulations relating to education in the Conventions and Recommendations can be summarized as follows:<sup>29</sup>

#### **Convention No. 138**

- Article 2.3 stipulates that the minimum age of employment shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
- Article 2.4 stipulates that a member whose economy and educational facilities are insufficiently developed may, after consultation with the Organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
- Article 7.1 stipulates that national laws or regulations may permit the employment or work of persons 13 to 15 years of age (or 12 to 14 for those countries specify the minimum age of 14 years) on work which is not likely to be harmful to their health or development and does not interfere with the education and vocational training of the child labourer.

<sup>28</sup> IPEC: IPEC's education and skills training activities - Technical design guidelines, *ibid*, pages 4-5; and IPEC: Child labour: A textbook for university students, *ibid*, page 119.

<sup>29</sup> For the full text of the Convention, visit website <http://www.ilo.org/ilolex/index.htm>

## Convention No. 182

- ☆ The introduction of the Convention emphasizes the importance of basic education to the prevention and elimination of the worst forms of child labour.
- ☆ Article 7.2 stipulates that each member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: (a) prevent the engagement of children in the worst forms of child labour; (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; (d) identify and reach out to children at special risk; and (e) take account of the special situation of girls.

## Recommendation No. 190

- Item 1 recommends that one of the objectives that the national programmes of action should aim at is preventing the engagement of children in the worst forms of child labour through measures which address their educational, physical and psychological needs.
- Item 5.2 recommends that the information and statistical data of child labour should include data and information relating to school attendance of the children.

## 4. The links between education and child labour in Viet Nam

In Viet Nam, education and training is identified and institutionalized as a top priority policy which aims at the objectives of citizen's knowledge improvement, human resource training, and talent development (Article 35, Vietnamese Constitution of 1992<sup>30</sup>). The Constitution also declares clearly that the State gives priority to investment in education and its policy is to aim at developing a balanced education system comprising the pre-school education, general education, vocational education, university and post-graduate education, compulsory primary education, the elimination of illiteracy; developing the state-run, private schools and other forms of educational institutions; implementing priority policy for education in mountainous regions, areas of minority groups and areas with special difficulties (Article 36).

Under the 1992 Constitution, education is both the right and obligation of citizens, primary education is compulsory and free of charge (Article 59). The Constitution also declares that citizens have the right to general and vocational education in various forms; the State adopts policies on tuition fees and scholarship; the State and society facilitate the disabled children to access general and appropriate vocational training.

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<sup>30</sup> Amended in 2002.

The above-mentioned stipulations are detailed in the 1991 Law on Primary Education and the 2005 Law of Education<sup>31</sup>. Under the 2005 Law of Education, compulsory education comprises primary and secondary education and the State shall ensure the necessary conditions to implement compulsory education at these two levels in the whole country. Every citizen within the defined age group shall be obliged to complete the compulsory education. Families shall have the responsibilities of facilitating their members who are in the defined age group to complete compulsory education. According to the Article 26, primary education comprises the first to the fifth grade for children aged 6 to 11 years; secondary education comprises the sixth to the ninth grade for children aged 11 to 15 years.

In addition to the above mentioned regulations, the 1992 Constitution, the 1991 Law on Primary Education, the 2005 Law of Education, the Law on the Protection, Care and Education of Children and several other legal documents also define specifically the responsibility and mechanism to secure the right to education of children as well as sanctions for the violations of the right including, inter alia, interfering with the education of children (mentioned in the above lessons).

In summation, it is shown that the Vietnamese legal system is highly compatible to the principles and regulations of international laws and particularly, international laws on child labour in terms of the right to education of children. Moreover, the State has been implementing a number of programmes which directly and indirectly support the right to education of children. In addition to the Vietnamese tradition of studiousness and care for the education of children, the above factors shall facilitate the secure of children's right to education, which closely links with the prevention and elimination of child labour.

However, Vietnamese education has still faced many obstacles to the implementation of its objectives, which indirectly limits the effectiveness of the efforts to prevent and elimination of child labour. The main obstacles relate to<sup>32</sup>: education management, quality and quantity of teachers, infrastructure, curriculum, education facilities, difference in education between regions, the links between vocational education and production and employment, etc. Specifically, Viet Nam has not developed any particular education programme on child labour. Though this issue has been raised in training courses and communication campaigns, it has not been mentioned in any formal education programmes at any level.

## 5. Deepening/synthesis exercise

**Give instruction for trainees to do exercise in Activity 8.4, Book 4.**

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<sup>31</sup> Amended in 2008.

<sup>32</sup> Education development strategy in the 2001-2010 period, Education Publisher, H., 2002, pages 13-15.

# Lesson 9. Gender and child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present and analyse the necessity of integrating the issue of gender into the activities of child labour prevention and elimination.
- Present and analyse the key approaches to integrate the issue of gender into the activities of child labour prevention and elimination.



**Planned duration:** 1 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Gender and its impacts on child labour	<ul style="list-style-type: none"> <li>• Brainstorming</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 9.1, Book 4</li> </ul>
2	Gender approach in the prevention and elimination of child labour	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 9.2, Book 4</li> </ul>
3	Designing programmes targeted at girl child labourers	<ul style="list-style-type: none"> <li>• Lecture</li> </ul>	
4	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Work in small groups (of 3, 5 or 7 trainees)</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 9.3, Book 4</li> </ul>

# Notes for trainers

## 1. Gender and its impacts on child labour

### 1.1 Overview of gender

Gender, according to its general definition, refers to the relationship between male and female and the social characteristics of each group. In other words, gender is a set of characteristics, positions and roles of male and female in social relationships.

Another concept which is frequently mistaken with gender is “sex”. Gender can be understood as the biological differences between male and female. It means that gender is different to sex as the characteristics of sex are inborn, universally alike and unchanged while the characteristics of gender are only developed later, diversified and changeable. In other words, the characteristics of gender are often transmitted/acquired during one’s lifetime and socially, culturally defined instead of naturally defined as those of sex. Therefore, if the gender relationship is inappropriate (improper or unequal to male or female), it is absolutely possible to be changed.

### 1.2 The impacts of gender on child labour

**Gender is often linked with prejudices and such prejudices may have the following impacts on child labour:**

Firstly, gender prejudice of discrimination against women in societies often makes girls work earlier than boys. It also deprives girls of more opportunities to access education than boys and as a result, they are more likely to be engaged in child labour. This can be seen clearly in Viet Nam. According to the survey of child labour in the eight provinces/cities conducted by MOLISA and ILO in 2009 (mentioned in the above lessons), the rate of girl child labourers in every age group is higher than that of boy child labourers. In general, the proportion of girl child labourers in the total child labourers is 56.3% and that of boy child labourers is 43.7%. The rate of girl child engaged in economic activities is generally higher than that of boy child (1.5 times) although the rate of boy child labourers is higher in some certain trades/occupations.

Secondly, gender prejudice leads to the tendency in which some works are mainly performed by girl or boy child labourer. For example, such works as domestic workers, working bars and clubs, prostitutes, etc. are mainly performed by girl child labourers while heavy works such as working in stone or other mineral mines are often performed by boy child labourers.

Thirdly, gender characteristics make the girls and boys have different understanding of the conditions and risks at work. For example, young boy prostitutes seem to be less informed and pay less attention to risks of health or social relationships than girls.

## 2. Gender approach in the prevention and elimination of child labour<sup>33</sup>

The researches on child labour have previously not focused on clarifying the difference between boy child labour and girl child labour. As a result, the policies and programmes on the prevention and elimination of child labour often lack gender sensitivity, which means they do not take into account the particular risks and works of each group. This leads to the limitation in the effectiveness of the child labour prevention and elimination activities in practice. It is the reason why the gender approach has been received attention and considered as an important factor in the prevention and elimination of child labour.

Gender approach to child labour requires, first of all, gathering, synthesising and analyzing statistics of child labour by not only age group but also gender. Basing on such statistics, it needs to identify specific objectives and approach which are appropriate to the particular conditions of boy and girl child labour. For example, as boy child prostitutes seem to be little informed and pay little attention to the risks of health, particular measures need to be applied in the communication on the risks originated from prostitution with the targeted group in order to eliminate effectively boy child prostitution.

## 3. Building programmes targeted at girl child labour

Although gender approach in the issue of child labour requires taking into account the both groups of girl and boy child, there is preference to the girls over the boys. This is basically originated from the fact that girl child often has to face more risks than boy child when joining the labour market. Specifically, although the number of girl child in the world is fewer than that of boy child (according to the ILO's latest report of child labour, in 2004, there are more than 100 million girl child labourers in the age group of 5-7 years, i.e. about 46% of the total child labourers), majority of the children engaged in the worst forms of child labour (including domestic worker, agricultural labourer, prostitutes, etc.) are girls.<sup>34</sup>

33 IPEC: *Child labour: A textbook for university students*, *ibid*, pages 142-145; and IPEC: *Child labour and education policy: A training manual*, *ibid*, pages 65-67.

34 IPEC: *Blanco Allais, F.: Assessing the gender gap: Evidence from SIMPOC surveys, working paper* (ILO, Geneva, 2009), pages 2-3. Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=10952](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=10952).

**Taking into account the above factors, a number of countries have developed separate programmes which define specific solutions depending on the particular conditions and needs to eliminate girl child labour. Some suggestions for designing such types of programmes are summarized as follows:**

- Basing on gender researches: Programmes/projects supporting girl child labourers should base on the gender researches to identify the most appropriate approaches. For example, because of old custom of child marriage, many girl children have to leave home with the result that they are pushed into the industry of prostitution as the only way to survive. Therefore, in this case, the activities of the programmes/projects should include eliminating the local customs of child marriage.
- Mobilizing the participation of girl child labourer: As the girl children are the targeted group of the programmes/projects, it is important to mobilize their participation in the programme/project design and implementation. This shall help to ensure the high practicability and feasibility of the project's objectives and activities.
- Developing capacity for girl child: Programmes/projects need to include measures to build capacity for girl child so that they can help themselves and each other to prevent, and to some extent, get out of the difficult situations and circumstances when being engaged in the labour market. The measures may include training the child cadre, establishing such network or institution that enables girl child to exchange experiences and support each other.
- Mobilizing the participation of the community: The participation of the community enables the programmes and projects on child labour and especially on girl child to be practical with the issues of the families and locality, which helps to secure the effectiveness of the project. Moreover, such participation in the programmes/projects shall also improve the awareness and attention of the community to the issues of girl child labour.

## **4. Deepening/synthesis exercise**

**Give instructions for trainees to do Exercise 9.3, Book 4.**

# Lesson 10. HIV/AIDS and child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present and analyse the vicious circle of HIV/AIDS and child labour in general and in Viet Nam.
- Present and analyse the measures to limit the negative impacts of HIV/AIDS on child labour.



**Planned duration:** 45'



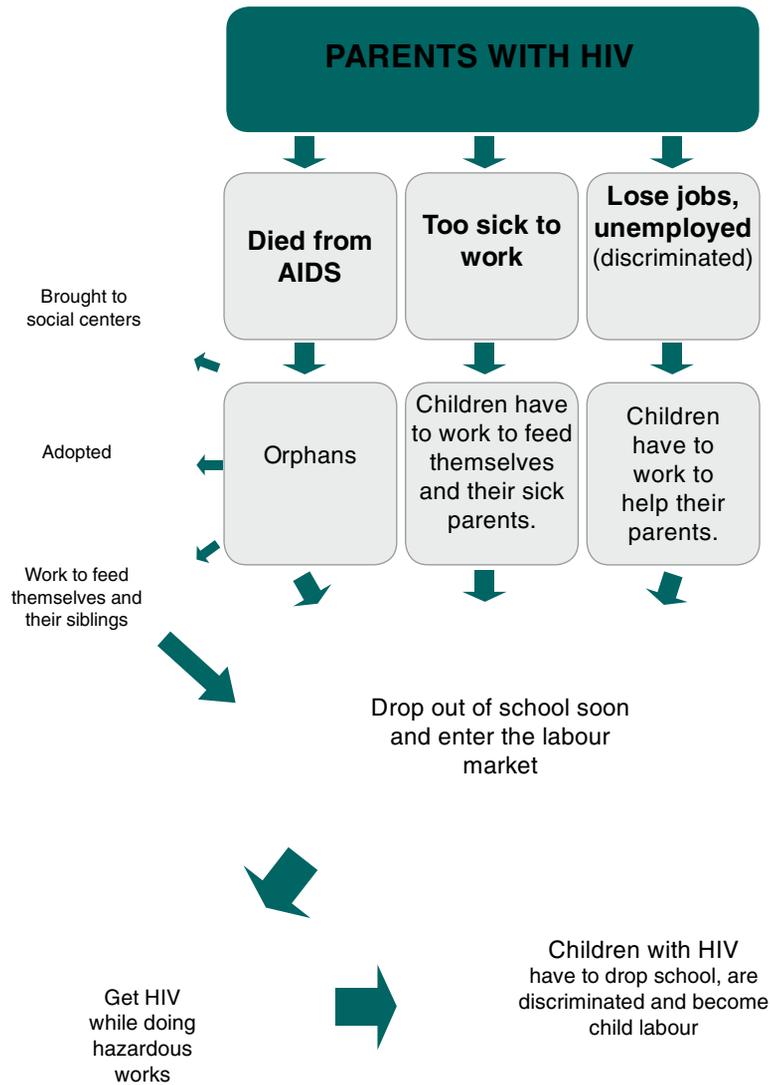
### Contents and methods:

No.	Contents	Methods	Notes
1	The relation between HIV/AIDS and child labour	<ul style="list-style-type: none"> <li>• Work in small groups (of 3, 5 or 7 trainees)</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 10.1, Book 4</li> </ul>
2	Limit the impacts of HIV/AIDS on child labour	<ul style="list-style-type: none"> <li>• Work in pairs</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 10.2, Book 4</li> </ul>
3	Child labour in the context of HIV/AIDS in Viet Nam	<ul style="list-style-type: none"> <li>• Lecture</li> </ul>	
4	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Large group discussion</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 10.3, Book 4</li> </ul>

# Notes for trainers

## 1. The relation between HIV/AIDS and child labour<sup>35</sup>

A number of researches have proved that child labour and HIV/AIDS have a close relation. The relation can be described as in the following diagram:



<sup>35</sup> Adapted from: IPEC: *Child labour and education policy: A training manual*, *ibid*, pages 71-74; IPEC: *Child labour: A textbook for university students*, *ibid*, pages 142-145; and IPEC: *SCREAM: A special module on HIV, AIDS and child labour* (Geneva, ILO, 2008), page 90. Available at: [www.ilo.org/ipeinfo/product/viewProduct.do?productId=6884](http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=6884).

## 2. Limiting the negative impacts of HIV on child labour<sup>36</sup>

Global experiences have shown that, in order to limit the negative impacts of HIV on child labour, the following measures need to be implemented simultaneousl

### (1) *Awareness*

- Raising the awareness of the community, especially the young, through communication on HIV, how to prevent it and the relation between HIV and child labour.
- Combating to eliminate the discrimination against the people living with or affected by HIV/AIDS, especially children, at schools, workplaces and in the society.
- Promoting the responsible lifestyle in terms of sex and encourage the faithfulness in marriage relationship.
- Praising good models in the combat against HIV.

### (2) *Monitoring*

- ☆ Identify and update the cases of children in high risk of child labour because of HIV, specifically:
  - ◆ Children living with or affected by HIV (family member is infected with HIV, orphan because of HIV, etc.)
  - ◆ In risk of being infected with or affected by HIV.

### (3) *Protection and support*

- ☆ Protecting and supporting children whose parents are living with HIV, especially when their parents are ill, unemployed or die, by:
  - ◆ Restoring and promoting the traditions and customs of helping and taking care of the orphans and children having difficulties in the community.
  - ◆ Providing material and technical support to the families and institutions which adopt orphans and children having difficulties so that the children are well cared and educated.
  - ◆ Providing free drugs to treat HIV (ART), support other types of drugs and psychological consultancy for everyone living with HIV, especially children. For children, direct approach needs to be taken to provide drugs for treatment, nutriment, psychological consultancy and other forms of support so that they do not have to work at early ages or perform dangerous and harmful works.

<sup>36</sup> Adapted from: IPEC: SCREAM: A special module on HIV, AIDS and child labour, *ibid*, pages 90-91.

- ◆ Organizing different forms of informal education for child labourers, including children infected with HIV and taking into account their special needs.
- ◆ Communicating to promote the sensitivity, respect and support of every teacher and student towards the students living with or affected by HIV/AIDS and those having to engage in works.

### 3. Child labour in the context of HIV in Viet Nam

According to statistics of the Ministry of Health, in 2007, there are 220,000 people living with HIV/AIDS in Viet Nam. It is estimated that the number will be 254,000 people in 2010 and 280,000 people in 2012, among which there will be about 5,100 to 5,700 children under 15 years of age<sup>37</sup>.

Similarly, as in other countries, HIV/AIDS increases the risk and seriousness of child labour in Viet Nam because it increases the mortality of children or the number of children living in family with difficulties, results in discrimination against children living with or affected by HIV, and has negative impacts on opportunities of many children to access to education, health care and other social services<sup>38</sup>. In terms of the issue, according to the survey conducted by the (formerly) Viet Nam Committee for Population, Family and Children in 2007 with the support of the International Save the Children Alliance in Viet Nam, there are about 13,000 children affected by HIV/AIDS in Viet Nam, of which 75% live in poor families and 29% have to assist parents in working for the survival of the family<sup>39</sup>.

In terms of legal framework, the Vietnamese government has issued a number of legal documents on the prevention and elimination of HIV/AIDS, in which children are considered as the targeted priority group for protection and care. Viet Nam has also promulgated many legal documents on the prevention and elimination of children trafficking and prostitution, the worst forms of child labour which are likely to transmit HIV.

Everyone living with HIV/AIDS in Viet Nam, including children is currently provided with free ART and simultaneously supported in terms of health, psychology, information and consultancy. The issue of HIV/AIDS prevention and elimination has been integrated into many formal and informal education programmes implemented by many stakeholders.

### 4. Deepening/synthesis exercises

#### Give instructions for trainees to do Exercise 10.3, Book 4.

37 Ministry of Health, *Viet Nam HIV/AIDS Estimates and Projections 2007 - 2012*, Hanoi, April 2009.

38 See Hong, K.T.; Van Anh, N.T.; and Ogden, J. *Understanding HIV and AIDS-related Stigma and Discrimination in Viet Nam*. Washington, DC: International Center for Research on Women (ICRW), 2004; Hunter, S. *Children Affected By HIV/AIDS in Viet Nam: A Legal Review*. Hanoi, MOLISA Viet Nam and UNICEF, 2005; Hunter, S. *Report on UNICEF/Viet Nam's Programming for Children and Families Affected by HIV/AIDS*. UNICEF, 2002.

39 See: <http://vietbao.vn/Suc-khoe/Viet-Nam-Khoang-13.000-tre-em-chiu-anh-huong-cua-HIV/70104359/248/>, November 22, 2007.

# Lesson 11. Child labour in areas of minority groups

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present and analyse the features and solutions to prevent and eliminate child labour in communities of ethnic minorities.



**Planned duration:** 45 minutes



### Contents and methods:

No.	Contents	Methods	Notes
1	Child labour in communities of ethnic minorities	<ul style="list-style-type: none"><li>• Brainstorming</li></ul>	<ul style="list-style-type: none"><li>• See Activity 11.1, Book 4</li></ul>
2	Prevention and elimination of child labour in communities of ethnic minorities	<ul style="list-style-type: none"><li>• Large group discussion</li><li>• Lecture</li></ul>	<ul style="list-style-type: none"><li>• See Activity 11.2, Book 4</li></ul>

# Notes for trainers

## 1. Child labour in communities of ethnic minorities<sup>40</sup>

A number of researches in the world have shown that in most countries, the rate of child labour in communities of ethnic minorities often higher than in other communities.

It can be explained by many reasons, of which the main reason is the poverty and underdevelopment of such communities. In some countries, communities of ethnic minorities and their children are social excluded and “neglected” by the government. In that context, children are often deprived of opportunities to attend school and have to work at early ages to assist their family.

Similarly, as in many other countries, the ethnic minorities in Viet Nam mainly live in rural and mountainous areas with economic difficulties. Under the circumstance of economic difficulties, it is understandable that ethnic children have to work at early ages. In addition, as they have to face with the language barrier and other difficulties in access to education, the dropout rate of ethnic students is often higher than in areas of Kinh people. It is a challenge to the elimination of child labour in these communities.

## 2. The prevention and elimination of child labour in areas of ethnic minorities

The prevention and elimination of child labour in communities of ethnic minorities are often considered as the priority objective in the national programmes and policies on the issue. In order to effectively prevent and eliminate child labour in communities of ethnic minorities, the first thing to do is to survey and gather information and data of current situation to develop appropriate measures of interventions. In general, surveys in areas of ethnic minorities are more difficult to conduct than in areas of majority groups because the ethnic minorities often live in mountainous areas.

Similarly, as in other communities, communication and education targeted at the community, parents and children on the negative impacts of child labour are both the long term and short term measures to limit and eliminate child labour in communities of ethnic minorities. In addition, another macro and very important measure is to build and implement policies and programmes of economic, social and cultural development in areas of ethnic minorities in order to eradicate

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<sup>40</sup> Adapted from IPEC: *Child labour and education policy: A Training Manual*, *ibid*, pages 75-77.

hunger and reduce poverty, improve their physical and mental life, which shall decrease the risk that children will have to work at early ages and dropout.

Experiences in the world and in Viet Nam have shown that activities of intervention, especially communication and education on child labour in communities of ethnic minorities need to receive the consensus and cooperation from community leaders and should base on the following principles:

- ☆ Respecting the community's customs;
- ☆ Implementation content and methods need to be flexible and appropriate to the particular circumstance and requirements of the communities;
- ☆ Taking advantage of the community's resources;
- ☆ Do not "move" or separate children from communities.

Vietnamese laws stipulate and protect the equal right of the ethnic minorities to Kinh people in every aspect. Ethnic children are identified as targeted priority group in governmental programmes of intervention, including relevant programmes on the prevention and elimination of child labour. However, there has been no comprehensive survey and research on child labour in areas of ethnic minorities in Viet Nam as well as specific programmes of intervention aiming at the prevention and elimination of child labour for these areas.



# Lesson 12. Migration and child labour

## Lesson plan



### Objectives:

Upon the completion of this lesson, trainees should be able to:

- Present and analyse the negative impacts and measures to minimize the negative impacts of economic migration on child labour.



**Planned duration:** 1 hour



### Contents and methods:

No.	Contents	Methods	Notes
1	Economic migration and its impacts on child labour	<ul style="list-style-type: none"> <li>• Large group discussion</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 12.1, Book 4</li> </ul>
2	Minimize the negative impacts of economic migration on child labour	<ul style="list-style-type: none"> <li>• Work in small groups (of 3, 5, 7 trainees)</li> <li>• Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 12.2, Book 4</li> </ul>
3	Deepening/synthesis exercise	<ul style="list-style-type: none"> <li>• Work in pair</li> </ul>	<ul style="list-style-type: none"> <li>• See Activity 12.3, Book 4</li> </ul>

# Notes for trainers

## 1. Economic migration and its impacts on child labour

### 1.1 Concept and features

Migration can be generally understood to refer to the act of a group of population to move from one country or region to another for living or working. Migration can be temporary (periodic or seasonal) or permanent.

Migration can be caused by psychological, cultural, family or political factors, among which the most frequent is economic reasons. Economic migration is a global tendency which happens in every country; however, it is especially remarkable in developing countries where the process of industrialization and urbanization has been stepping up strongly. In many developing countries including Viet Nam, there are millions of people from rural and mountainous areas rushing every year to the urban quarters and industrial zones to search for jobs with the hope of a better life.

In addition to the classification by reasons, in the relation with children, migration can be divided into different types such as migrant children with family; independent migrant children (without family); migrant parents leaving children in communities.

### 1.2 The impacts of migration on children and child labour

Migration contributes to the promotion of economic transition process, which motivates the economic and social development. However, in addition, migration also has negative impacts on child labour which can be summarized in some main aspects as follows<sup>41</sup>:

Firstly, the family relocation means that children lose their familiar education environment. They shall have to get acquainted with the new schools, classes, teachers and friends. Some of them can achieve it soon while many others, especially the children moved from rural and mountainous areas to cities, need some time or even cannot. In cases of labour migration from one country to another, there are some children going with parents cannot get used to the new environment of education abroad because of the differences in languages, cultures and also the low position and poor economic and social conditions of their parents.

<sup>41</sup> For this issue see IPEC: Van de Glind, H.: *Migration and child labour: Exploring child migrant vulnerabilities and those of children left behind, working paper* (Geneva, ILO, 2010). Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=14313](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=14313).

Secondly, most families, especially those moving from rural and mountainous areas to urban quarters and industrial zones, relocate for livelihood. In the condition of economic difficulties with unstable employment and low income, a number of children in migrant families have to work at early ages and perform heavy works for their survival and assisting parents.

Thirdly, in cases of migrant children (to cities) without family, it can be seen in practice that most of them fall into the spiral of child labour. Similarly, in cases of seasonal migrant parents (go abroad or to cities, industrial zones) for livelihood leaving children at home, their children are in high risk of being engaged in child labour because of the economic difficulties and lack of care.

Fourthly, in all cases of relocation, migrant children often have to suffer disadvantages in access to health care, education and cultural services. Despite of some improvements, the policy of household management remains a big barrier to migrant children: it is very difficult for children with no permanent residence registration or with temporary residence registration (KT3) to enroll in quality formal schools, apply for remission and allowances, social insurance, capital loan, or borrow learning aids. The barriers prevent migrant children from receiving a normal education as native children do, which leads to the high risk of dropout and falling into the spiral of child labour.

## 2. To minimize the negative impacts of economic migration on child labour

As a result of the above reasons, the prevention and elimination of child labour cannot ignore the characteristics of the economic migration process. Experiences in the world and in Viet Nam have shown that, in order to minimize the negative impacts of economic migration on child labour, a number of measures need to be implemented simultaneously, of which some basic measures can be summarized as follows:

### ***Short-term solutions:***

- Organizing programmes/projects to support independent migrant children or those with parents to protect themselves. There are particular measures to protect and support migrant children without family.
- For the children whose parents leave home to work abroad or in cities, industrial zones, it needs to provide protection, care or support to their families and relatives to prevent them from being ignored and engaged in child labour.
- Ensuring the equal opportunities of migrant children to access to education and training, vocational training, health care service and other social welfare in accordance with current laws and policies.
- Encouraging the participation of employers to ensure that migrant children do not have to engage in child labour.

### **Long-term solutions:**

- ☆ The provinces of departure and those of destination should cooperate with each other in order to manage effectively the migrant group.
- ☆ Expanding the opportunity of sustainable employment in provinces of departure, for example the investment in rural areas to develop non-agricultural trades and occupations, creating jobs with stable income. Moreover, it also needs to focus on building the infrastructure and training the labour force in rural areas. Such measures shall keep the labour force stay in rural areas and prevent the great pressure that economic migration may cause on the society, especially the children.
- ☆ Having measures to monitor the non-structural economic sector in order to ensure that children working in such sector are protected by the laws. Ensuring the legal right of migrant children to employment opportunities in accordance with regulations of laws.
- ☆ Having policies to ensure sustainable employment for migrant group (instead of “preventing” them).
- ☆ It is more important that the government should have strategies and plans to manage effectively the process of migration at both departure point and destination point, ensuring that the process support efficiently the national economic development and simultaneously, improve the quality of life and protect the basic rights and benefits of migrant families, especially the children.
- ☆ The government needs to issue and revise the legal policies and regulations in order to ensure the equal opportunities of migrant children in terms of education, training and vocational training. Specifically, regulations of household management, health insurance, cultural and education services, etc.
- ☆ The government needs to remove the barriers in administrative procedures in order facilitate the children to access to public services. Basically, the governmental policies of migration should take into account the stipulations in three conventions: Rights of the Child, Convention No. 138 and Convention No. 182.
- ☆ In cases of economic migration for working abroad, the government needs to cooperate closely with the destination country to protect the rights and benefits of the labourers abroad, including securing the right to education and other rights of the accompanied children in the destination country in accordance with the UN Convention on the Rights of the Child and Convention on Protection of the Rights of All Migrant Workers and Members of Their Families.

## **3. Deepening/synthesis exercise**

**Give instructions for trainees to do Exercise 12.3, Book 4.**

