

PREVENTING AND COMBATING CHILD LABOUR DURING VIETNAM'S GREEN ECONOMIC TRANSITION: AN ANALYSIS OF THE LEGAL FRAMEWORK AND RECOMMENDATIONS FOR REFORM

PREVENÇÃO E COMBATE AO TRABALHO INFANTIL DURANTE A TRANSIÇÃO ECONÔMICA VERDE DO VIETNÃ: UMA ANÁLISE DO QUADRO LEGAL E RECOMENDAÇÕES PARA A REFORMA

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Abstract

The green economic transition is emerging as a pivotal strategy in Vietnam for achieving sustainable development. However, this process poses significant challenges to the legal framework for protecting children's rights. Although the green economy can promote compliance with international labour standards, it also reveals inadequacies and inconsistencies in legal regulations and weaknesses in enforcement mechanisms, heightening the risk of child labour, particularly in rural areas. Through a qualitative analysis of legal and policy documents and relevant secondary data, this paper identifies gaps in the current legal system. Consequently, the paper proposes recommendations for legal reform to effectively integrate child protection objectives into green growth strategies, ensuring a just, human-centred transition and contributing to the implementation of the Sustainable Development Goals (SDGs) in Vietnam.

Keywords: Green Economic Transition. Child Labour. Sustainable Development. Climate Change. North Central and South Central Coast.

Resumo

A transição econômica verde está emergindo como uma estratégia fundamental no Vietnã para alcançar o desenvolvimento sustentável. No entanto, esse processo impõe desafios significativos ao arcabouço jurídico de proteção dos direitos da criança. Embora a economia verde possa promover o cumprimento das normas internacionais do trabalho, ela também revela inadequações e inconsistências nas regulamentações legais e fragilidades nos mecanismos de fiscalização, aumentando o risco de trabalho infantil, especialmente em áreas rurais. Por meio de uma análise qualitativa de documentos jurídicos e políticos e de dados secundários relevantes, este artigo identifica lacunas no sistema jurídico atual. Consequentemente, o artigo propõe recomendações para a reforma jurídica a fim de integrar efetivamente os objetivos de proteção à criança às estratégias de crescimento verde, garantindo uma transição justa e centrada no ser humano e contribuindo para a implementação dos Objetivos de Desenvolvimento Sustentável (ODS) no Vietnã.

Palavras-chave: Transição Econômica Verde. Trabalho Infantil. Desenvolvimento Sustentável. Mudanças Climáticas. Costa Centro-Norte e Centro-Sul.



1 INTRODUCTION

In the context of increasing globalization and the mounting impacts of climate change, the green economic transition has become, and will continue to be, a key strategy in shaping future development trajectories aimed at achieving sustainability. Green growth goes beyond mere economic expansion, encompassing environmental protection, conservation of natural resources, and the promotion of social equity. For Vietnam a developing country whose economy remains largely reliant on agriculture the transition toward a green economy, as guided by national policy and party directives, not only helps mitigate environmental degradation but also presents opportunities to address pressing social issues, including the prevention and elimination of child labour. This intersection of economic opportunity and social protection necessitates a careful examination of the legal and institutional frameworks designed to guide this transition, ensuring that economic growth aligns with the fundamental rights and well-being of children.

Child labour, particularly in rural areas, remains a persistent challenge, as the livelihoods of poor households are often still dependent on the income generated by children. This persistence, rooted in the socio-economic realities of households, highlights a complex challenge. According to the General Statistics Office (GSO) and the International Labour Organization (ILO), as of 2023, Vietnam had approximately 731,600 children aged 5 to 17 engaged in labour, accounting for 3.5% of children in that age group. The fact that 84.6% of these working children resided in rural areas not only points to underlying poverty but also raises critical questions about the effectiveness of legal prohibitions and enforcement mechanisms in contexts where economic pressures are most acute. Notably, the North Central and Central Coastal regions recorded a child labour rate of 15.5%, ranking third among the six socio-economic regions (GSO & ILO, 2025).

The Central region of Vietnam, stretching from Nghe An to Binh Thuan, serves as a microcosm of this issue, as it is home to numerous rural communities highly vulnerable to natural disasters, climate change, and environmental degradation. These environmental shocks and livelihood uncertainties exert significant economic pressure on households, resulting in many children being compelled to work at an early age in agriculture, fishing, handicrafts, or informal services. In this context, the green economy emphasizing sustainable agriculture, digital technology adoption, and job creation for

adults holds great potential for creating more resilient livelihoods. Green agriculture and eco-rural development not only increase household income but also improve children's access to education and social services. However, the success of these models hinges not only on their economic viability but also on a supportive legal and policy environment capable of translating economic gains into positive social outcomes for children.

This study examines the complex relationship between the green economic transition and the prevention of child labour in rural Vietnam. It adopts an interdisciplinary approach, analyzing how economic shifts such as changes in livelihood structures and job creation interact with the existing legal framework for child protection. By investigating both the economic opportunities and the legal and institutional challenges, this paper aims to identify key areas of friction and synergy. Accordingly, it offers integrated recommendations that address both economic incentives and legal reforms to promote sustainable development while strengthening child protection mechanisms for the long term

2 LITERATURE REVIEW

2.1 Studies on the green economy

The concept of the “green economy” did not arise randomly but rather evolved from the school of ecological economics, which emerged in the latter half of the 20th century and gained prominence at the turn of the 21st century (Ngoc & Thu, 2015). Numerous scholars and international organizations have since offered various interpretations of the term, particularly in response to the global economic crisis, climate change, resource depletion, and ecosystem degradation. The green economy emerged as a necessary countermeasure to the “brown economy,” which has been widely criticized for its environmental harms, including water, air, and ocean pollution, loss of biodiversity, and increased greenhouse gas emissions (Millennium Ecosystem Assessment, 2005).

The term “green economy” was first formally introduced in the 1989 publication *Blueprint for a Green Economy* by David Pearce, Anil Markandya, and Edward Barbier (Pearce, Markandya & Barbier, 1989), which laid a theoretical foundation grounded in sustainable development economics (Trang, 2023). Since then, global efforts particularly those led by the United Nations Environment Programme (UNEP) have promoted the

green economy as a global agenda item. According to UNEP (2011), a green economy is one that “improves human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.” At its core, the green economy pursues economic growth in a manner that ensures a clean, sustainable environment while promoting human prosperity.

In addition to the UNEP’s definition, various other organizations have contributed to a more nuanced understanding of the concept:

- The European Commission (2010) defines the green economy as one that fosters smart, sustainable, and inclusive growth linking it to the EU’s core development priorities.
- The Organisation for Economic Co-operation and Development (OECD, 2011) frames the green economy as a process of sustainable economic growth that promotes low-carbon activities and efficient use of natural resources, emphasizing its environmental objectives.
- The World Bank (WB, 2012) similarly views the green economy as a driver of sustainable growth that prevents environmental degradation, biodiversity loss, and resource overexploitation.
- The United Nations Conference on Sustainable Development (Rio+20, 2012) highlights that a sustainable green economy must ensure ecological integrity while simultaneously increasing decent employment and reducing poverty. Green economy, in this regard, is considered a vital tool for achieving sustainable development, aimed at improving quality of life without compromising the well-being of future generations.

While approaches to the green economy vary, they generally align around three foundational pillars: (i) Economic Development – including job creation, income growth, and poverty reduction; (ii) Environmental Sustainability – including carbon emission reduction, conservation of biodiversity and natural resources, and climate resilience; (iii) Social Equity – including improved access to education, reduced gender inequality, and enhanced social stability. Ultimately, the goal of the green economy is not merely economic growth, but rather the advancement of human welfare, equity, and environmental protection.

2.2 Studies on child labour and its elimination

Child labour has long drawn the attention of scholars across disciplines. Despite significant efforts by various stakeholders, child labour remains prevalent in many parts of the world. Accordingly, academic studies on the definition, causes, and elimination of child labour are wide-ranging and examined through diverse disciplinary lenses. This section provides an overview of key contributions from the fields of law and economics.

Although there is no universally agreed definition of child labour, the interpretation offered by the International Labour Organization (ILO) is widely accepted. According to the ILO, child labour refers to work that deprives children of their childhood, potential, and dignity, and is harmful to their physical and mental development. This includes work that is: (i) mentally, physically, socially or morally dangerous and harmful; and/or (ii) interferes with their schooling, by depriving them of the opportunity to attend school, forcing them to drop out prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work.

Vietnamese labour law does not use the term “child labour” directly; instead, it employs the legal concept of “underage workers.” Article 143(1) of the 2019 Labour Code defines an underage worker as “a person under 18 years of age engaged in employment.” Based on this legal framework, Loi (2012), in a doctoral dissertation on improving Vietnam’s legal regime for underage workers in the context of international integration, outlined key distinctions between underage workers and other labour categories, and highlighted differences between domestic and international understandings of the term.

To further clarify the concept of “child labour” Phuong (2014) distinguishes between “child labour” and “children engaged in work,” noting that only the former implies harmful or exploitative conditions. In contrast, some work performed by children such as age-appropriate tasks that do not interfere with schooling or development can support healthy growth. On the other hand, “child labour” involves work that is too heavy, dangerous, or exploitative, often violating children’s rights and development.

The issue of child labour and efforts toward its elimination are global in scope (Nivedhini et al., 2023; Basu & Van, 1998; Deb et al., 2020), engaging policymakers and scholars worldwide. Given the variation in economic, social, and cultural conditions, the root causes of child labour differ across countries. For instance, Bellettini et al. (2005)

explore how international actors and national governments might eliminate child labour, while cautioning that any policy intervention could impact both current and future child welfare, with possible spillover effects on other stakeholders. Therefore, a nuanced understanding of the determinants of child labour is essential for the design of effective, evidence-based policy interventions.

Fors (2012) identifies core drivers of child labour as poverty, imperfect markets, and parental circumstances. These findings echo those in the Vietnamese context. Rosati and Tzannatos (2006) assert that child labour in Vietnam stems from (i) poverty, (ii) limited access to education, (iii) cultural factors, and (iv) weak enforcement of labour laws. They found child labour to be most prevalent in rural areas, among ethnic minorities, and in low-income households. Similarly, Dung (2012) identifies additional causes such as family ignorance, employer profit motives, lax government oversight, and negative aspects of the market economy.

Proposed solutions to child labour are equally diverse, with many studies emphasizing the need to strengthen legal frameworks and enforcement mechanisms. Bang (2019) emphasizes the need for a systematic approach to child protection, suggesting a three-tier model: (i) Prevention—universal measures targeting all children and families; (ii) Support—targeted interventions for children at risk of exploitation or abuse; and (iii) Intervention remedial measures for children already affected. Basu (1999) recommends a dual approach: combining legal prohibitions with cooperative strategies, and limiting bans to certain export industries to minimize unintended consequences.

From an economic perspective, Anker (2000) advocates for a bifurcated approach. Hazardous and worst forms of child labour should be addressed through standalone programs, while less severe forms should be mainstreamed into existing government and international agency activities. Such programs should account for the economic trade-offs associated with child labour, including: addressing poverty and household income needs, ensuring access to quality schools, and reducing demand for child labour. Similarly, Edmonds (2003) suggests that instead of restricting the supply of child labour, policies should acknowledge the underlying drivers and aim to reduce household demand through financial incentives, improved working conditions, and better integration of education and recreation.

These studies collectively demonstrate that child labour remains a persistent issue globally, including in Vietnam. Solutions must be context-specific, taking into account

each country's level of integration into the global economy, social protection systems, and economic conditions. The multi-causal nature of child labour necessitates a holistic, interdisciplinary, and locally tailored response.

3 METHODOLOGY

This study adopts a qualitative research approach to analyze, clarify, and address key aspects of the relationship between green economic transition and the prevention and elimination of child labour. Specifically, the research employs methods of collecting and analyzing secondary data, including research reports, dissertations, academic journal articles, and official political and legal documents published by relevant institutions and organizations.

To identify the major trends and mechanisms through which green economic transition impacts the eradication of child labour, the study synthesizes theoretical arguments, models, and empirical evidence. This analytical-synthetic method enables the author to evaluate opportunities and risks emerging from the green transition process. Based on the findings, the study puts forward policy and legal recommendations that relevant stakeholders including government agencies, businesses, and development organizations can adopt to harness the benefits of green transition in advancing the elimination of child labour and fostering sustainable economic development in the future.

4 RESULTS AND DISCUSSION

4.1 The Current situation of child labour in rural Vietnam

Prior to 2012, the landscape of child labour in Vietnam remained somewhat obscure due to the lack of systematic statistical data. During this period, insights into child labour were primarily drawn from household living standards surveys. However, the figures on children engaged in economic activities collected through these surveys failed to capture the full extent of child labour, as the two concepts are not entirely synonymous. Despite frequent reference to both terms in academic literature and the media, Vietnamese legislation has yet to formally codify them. Instead, the 2019 Labour Code defines “employee” and “underage worker” in the following terms: Article 3(1) states, “An

employee is a person who works for an employer under an agreement, receives wages, and is subject to the employer's management, supervision, and direction." Article 143(1) further specifies, "An underage worker is an employee under 18 years of age."

Accordingly, under current Vietnamese labour law, underage workers are individuals who: (i) are under 18 years of age; (ii) are employed under a contractual agreement; (iii) work under the direction and supervision of an employer; and (iv) receive wages or remuneration comparable to other employees. Additionally, the 2016 Law on Children affirms a child's right to be protected from all forms of labour exploitation, including: employment before the minimum legal working age, excessive working hours, hazardous work conditions, and assignments detrimental to a child's moral and physical development.

Thus, while Vietnamese law does not use the specific term "child labour," its legal approach is aligned with international understanding and norms on the issue. To improve data collection, Vietnam has conducted nationwide child labour surveys in 2012, 2018, and 2023. These surveys reveal a gradual decline in child labour over time. In 2012, there were approximately 1.75 million child labourers (9.6% of children aged 5–17); by 2018, the figure dropped to 1.03 million (5.4%), and by 2023, it further decreased to 269,604 children (1.31%).

Table 1

Child Labour in Vietnam, 2012–2023

Year	Child Population (5–17)	Economically Active Children	Child Labourers	% of Total Children
2012	18.3 million	2.83 million	1.75 million	9.6%
2018	19.2 million	1.75 million	1.03 million	5.4%
2023	20.6 million	731,600	269,604	1.31%

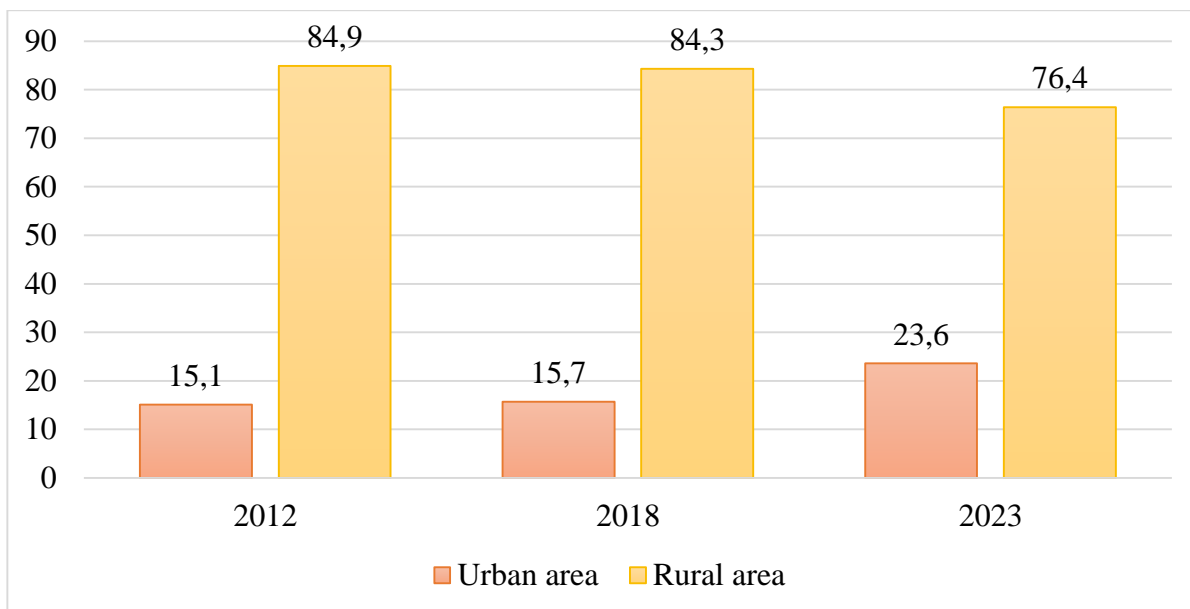
Source: Ministry of Labour, Invalids and Social Affairs (MOLISA), GSO & ILO (2014, 2020, 2025)

In terms of urban–rural distribution, all three surveys confirm that child labour is more prevalent in rural areas. In 2012, of the 1.75 million child labourers, 265,255 were in urban areas (15.1%), while 1,489,557 were in rural areas (84.9%). In 2018, the rural share remained high at 84.3%. By 2023, the proportion of child labourers in rural areas had slightly decreased to 76.4%, while the urban share increased to 23.6%. Additionally, child labour continues to be concentrated in the agricultural sector. Across all three surveys, the majority of child labourers were found in agriculture-related work, often

involving unsafe conditions such as exposure to chemicals, use of rudimentary machinery, or submersion in water bodies like ponds, lakes, and the ocean.

Figure 1

Proportion of Child Labor in Urban and Rural Areas, 2012–2023 (%)

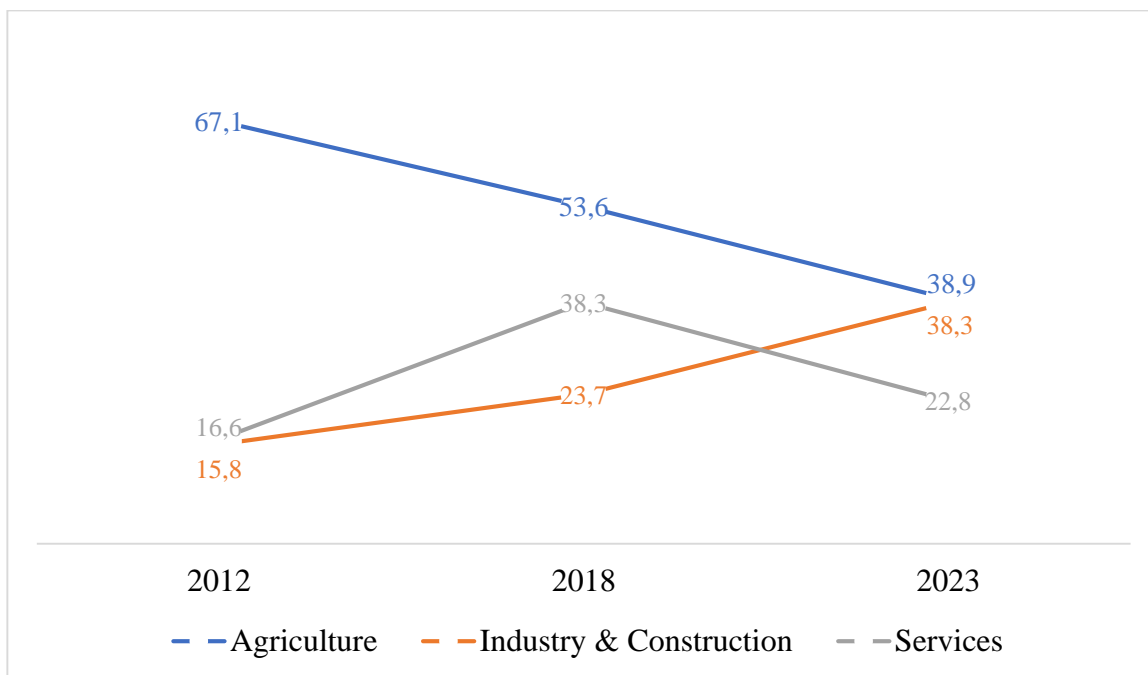


Source: MOLISA, GSO & ILO (2014, 2020, 2025)

In general, compared to the results of the 2012 national child labor survey, over the past decade, Vietnam has achieved positive changes in preventing and eliminating child labor. The scale and trend of child labor participation have decreased significantly. However, to completely eliminate child labor still faces many difficulties, this comes from the fact that child labor is common in rural areas, in the informal economic sector, mainly participating in household work, small production and business establishments in global supply chains. Therefore, detecting, promptly handling and completely eliminating this situation causes many difficulties for management agencies. In addition, children working in rural areas often work in unsafe environments due to frequent exposure to agricultural chemicals, pesticides, rudimentary machinery, working underwater in ponds, diving, etc. It can be seen that the rate of child labor in the agricultural economic sector still accounts for the highest proportion through the three surveys.

Figure 2

Proportion of Child Labor by Economic Sector, 2012-2023 (%)

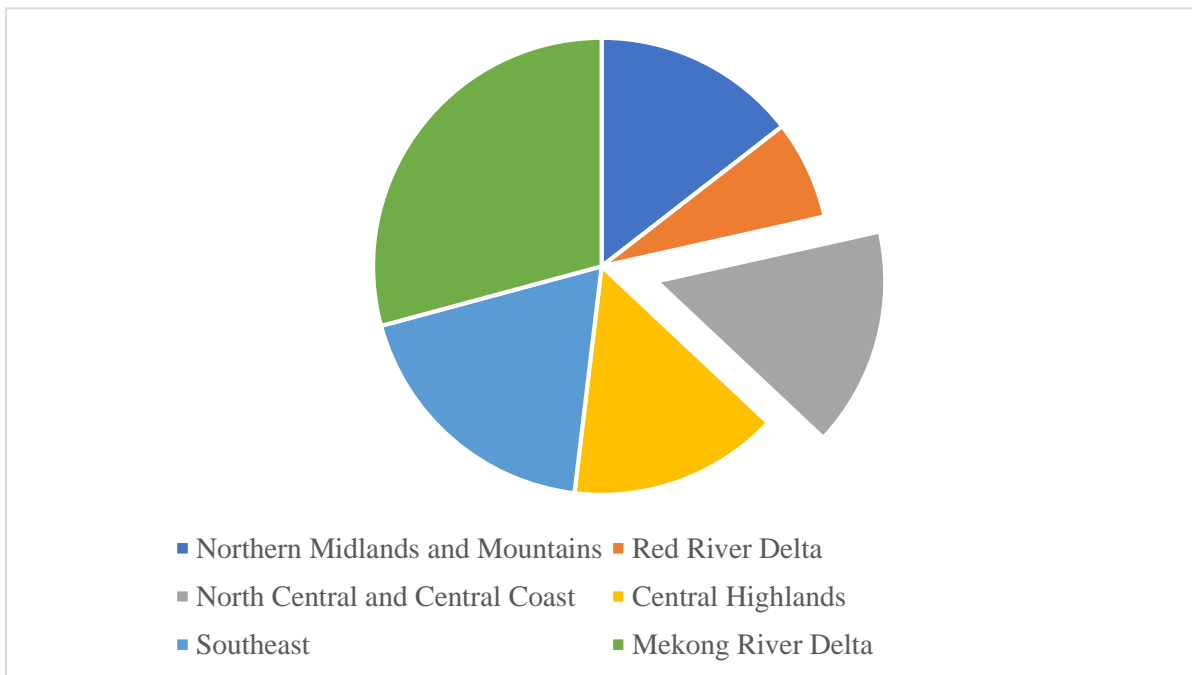


Source: MOLISA, GSO & ILO (2014, 2020, 2025)

In the Central region of Vietnam, child labour remains a significant concern, both for human resource development and regional sustainability. According to the GSO and ILO (2025), the North Central and Central Coastal regions accounted for 15.5% of the country’s total child labour (approximately 41,789 children), ranking third among Vietnam’s six socio-economic regions.

Figure 3

Proportion of Child Labour by Socio-Economic Region, 2023 (%)



Source: GSO & ILO (2025)

Child labour in the Central region is primarily concentrated in rural areas, with children involved in farming (rice cultivation, animal husbandry), fishing, and household-based handicrafts such as textile production or incense making. There are three primary factors contributing to this:

(i) **Poverty:** The North Central and Central Coastal regions have a multidimensional poverty rate of 6.24%, with 360,614 poor and near-poor households—ranking third among all socio-economic regions. Provinces such as Quang Tri, Nghe An, and Phu Yen report particularly high poverty rates, forcing families to rely on child labour to support household income.

(ii) **Natural Disasters and Climate Change:** The region frequently suffers from typhoons and floods, which damage crops and undermine agricultural livelihoods, exacerbating financial stress.

(iii) **Limited Access to Education:** Though lower than in other regions, a considerable number of children still fail to complete basic education. In 2022, the region recorded 7,700 children not completing primary education, 40,300 not completing lower secondary education, and 220,000 not completing upper secondary education (UNICEF,

GPE KIX & VNIES, 2022). Inadequate infrastructure in remote areas further contributes to school dropout rates and early labour force entry.

In summary, child labour in rural Vietnam and particularly in the Central region continues to reflect an intersection of economic, environmental, and social factors. Despite notable efforts by various stakeholders, the complete eradication of child labour remains elusive. Particularly in the North Central and Central Coastal subregions, targeted and context-specific interventions are needed to mitigate the impacts of poverty, climate change, and lack of education, thereby further reducing the prevalence of child labour.

4.2 Legal and policy framework for green economic transition and child labor prevention in Vietnam

Aligned with global trends, Vietnam has progressively adopted the green economic model as a strategic breakthrough in pursuit of sustainable development. In 2004, the Prime Minister issued Decision No. 153/2004/QĐ-TTg outlining the National Sustainable Development Strategy (Vietnam's Agenda 21), which prioritized "clean industrialization" and the development of environmentally friendly industries. In 2021, Decision No. 1658/QĐ-TTg approved the National Green Growth Strategy for 2021–2030, with a vision to 2050. The strategy calls for restructuring the economy and reforming growth models to achieve economic prosperity, environmental sustainability, and social equity. It also emphasizes greening all economic sectors, promoting circular economy models, applying digital and scientific-technological innovations, and improving infrastructure to enhance competitiveness and reduce environmental impacts. Moreover, rapid development of green industries is expected to generate employment, raise incomes, and enrich natural capital.

The green transition has thus become an irreversible trend for developing countries like Vietnam. This is due not only to finite natural resources overexploited and illegally harvested but also to the increasingly visible consequences of pollution and climate change (Hai, 2018). However, the transition poses substantial challenges for developing economies, given the high costs associated with adopting green technologies, which may raise living expenses and product prices. Additionally, in the absence of

supportive policies on job retraining and employment transitions, many households may lose their sources of livelihood during the shift.

As analyzed, the green economic transformation promises to create opportunities to contribute to the prevention and elimination of child labor in Vietnam, especially in the informal economic sector. In recent years, our country has revised and supplemented many important regulations to implement its commitment to prevent and eliminate child labor based on international labor standards. Specifically, Vietnam is the first country in Asia to ratify the United Nations Convention on the Rights of the Child (CRC), and has ratified two basic conventions of the International Labor Organization (ILO) directly related to child labor: Convention No. 138 (1973) on the minimum age and Convention No. 182 (1999) on the elimination of the worst forms of child labor. Since then, the National Assembly has internalized these international standards through important legal documents: the 2019 Labor Code, the 2016 Law on Children, the 2015 Penal Code (amended and supplemented in 2017) along with decrees, guiding circulars and national programs. Specifically as follows:

First, Vietnamese law has built a system of preventive regulations to prevent children from participating in harmful forms of labor. In particular, the 2019 Labor Code is considered the central, core document regulating labor standards, including a separate chapter on child labor. According to Article 143, “a child worker is a worker under 18 years of age”. Thus, current Vietnamese law does not use the term “child labor” but uses “child labor”. In addition, the Law stipulates that the minimum working age is generally 15 years old, in accordance with the standards of Convention No. 138. Current labor laws also provide details on the types of work and workplaces that minor workers are allowed or prohibited from doing, divided into specific age groups: (i) People from 15 years old to under 18 years old: Prohibited from doing jobs or working in places specified in Article 147 of the 2019 Labor Code and detailed lists in Appendix III, IV of Circular No. 09/2020/TT-BLDTBXH dated November 12, 2020 of the Minister of Labor - Invalids and Social Affairs promulgating the Circular detailing and guiding the implementation of a number of articles of the Labor Code on minor workers (Circular 09). These jobs include heavy, toxic, dangerous jobs such as producing and trading alcohol, wine, beer, and cigarettes; working underwater or underground; exposure to dangerous factors exceeding the permitted limits; (ii) People from 13 years old to under 15 years old: Only allowed to do light jobs according to the list in Appendix II of Circular 09. This list includes jobs

such as performing arts, sports athletes, traditional crafts; (iii) People under 13 years old: The law stipulates very strictly, only allowing to do jobs in the fields of arts, physical education, and sports on the condition that it does not harm the comprehensive development of children and must have written consent from the specialized labor agency under the People's Committee of the province. Thus, Vietnamese labor law basically meets international standards on flexibility in minimum working age for each type of work - ensuring the principle of not using children for early labor except for very limited exceptions. However, while these provisions are broadly harmonized with international standards, the Vietnamese legal system's use of the legal term “underage worker” instead of the concept of “child labour” creates certain practical challenges. This distinction can complicate data collection, policy targeting, and public communication, particularly in the informal sector where formal employment contracts - a legal prerequisite for being classified as an “employee” - are often absent.

At the same time, the 2019 Labor Code and its guiding documents also establish strict working conditions to protect underage workers, including regulations on working hours, principles of using underage workers, and signing labor contracts. Notably, the principles stipulated in Article 144 include: underage workers may only do work that is suitable for their health; must have the consent of their parents or guardians; employers must keep a separate logbook; must create opportunities for underage workers to study culture and vocational education; must organize periodic health check-ups. The above provisions show that the law requires employers to pay special attention and care in all aspects for underage workers during the working process as well as create conditions for them to learn a trade and improve their skills if they participate in the work early. In addition, regulations on working hours and rest also contribute to ensuring the prevention of child exploitation. The law stipulates shortened working hours for underage workers to ensure that they still have time to study and rest adequately. Specifically, Article 146 of the 2019 Labor Code stipulates that people under 15 years old are allowed to work no more than 4 hours per day and 20 hours per week, and are prohibited from working overtime or working at night. People from 15 to under 18 years old work no more than 8 hours per day and 40 hours per week. In general, underage workers work 8 hours less per week than adult workers. The law also strictly limits overtime and night shifts for people aged 15-17, and is only allowed if they work in certain safe occupations permitted by the Ministry of Labor, War Invalids and Social Affairs.

Second, in addition to the regulations for prevention purposes, Vietnamese law also establishes a system of regulations to handle violations. Accordingly, the system of sanctions is regulated in both administrative and criminal terms. Regarding administrative sanctions, Decree No. 12/2022/ND-CP dated January 17, 2022 of the Government stipulating administrative sanctions in the fields of labor, social insurance, and Vietnamese workers working abroad under contracts stipulates specific fines for each violation of regulations on underage labor in Article 29. The fine can range from 1 million to 2 million VND for violations such as not keeping a separate logbook or keeping a separate logbook but not recording all the required content. At the same time, the maximum fine is 75 million VND for employers who commit one of the following acts: using people from 13 years old to under 15 years old to do jobs outside the list permitted by law as prescribed in Clause 3, Article 143 of the Labor Code; using people under 13 years old to do jobs outside the list permitted by law as prescribed in Clause 3, Article 145 of the Labor Code or using people under 13 years old to do jobs permitted by law without the consent of the specialized labor agency under the People's Committee of the province... The deterrent effect of these administrative sanctions, however, remains debatable. A maximum fine of VND 75 million for an employer may be insufficient to discourage large enterprises from violations, especially if the economic benefit of using cheaper labour outweighs the potential penalty.

Regarding criminal sanctions, Article 296 of the 2015 Penal Code (amended and supplemented in 2017) stipulates the crime of "Violating regulations on the use of workers under 16 years old". This law aims to criminalize cases of using children under 16 years old to do prohibited work (heavy, dangerous, toxic work as prescribed by the State) in serious situations. Specifically, anyone who has been administratively sanctioned or convicted of this act but still violates, or violates leading to consequences of causing injury or damage to the health of children at a rate of 31% or more (one or more children combined) can be prosecuted. A notable 'protection gap' in this criminal framework, however, is that Article 296 applies only to the use of workers under 16 years of age. This leaves workers aged 16 to 18 who may be engaged in hazardous work in a vulnerable position, as their employers would face only administrative sanctions rather than criminal liability, arguably weakening the law's overall protective power and consistency.

In addition, the Penal Code also has other provisions to punish the worst forms of child labor according to Convention No. 182. For example, the crime of trafficking in persons under 16 years old (Article 151) with a prison sentence of up to 20 years or life imprisonment aims to prevent and combat child trafficking rings that often lead to child exploitation in the form of forced labor or sex. Similarly, the crime of using people under 16 years old for pornographic purposes (Article 147) was first added in 2015 to deal with the act of enticing or forcing children to participate in performances or directly witness pornographic performances in any form. It can be seen that the Vietnamese criminal law framework has basically criminalized acts of exploiting child labor, creating an effective deterrent and punishment tool for violators of children's rights. Third, Vietnam has proactively approved and effectively implemented national programs and policies to prevent and eliminate child labor. The State has demonstrated its proactive role through the promulgation of national action programs. Decision No. 1023/QĐ-TTg approving the "Program for preventing and reducing child labor for the period 2016 - 2020" is a typical example. The program sets specific goals such as 100% of children working illegally when detected will receive timely support and intervention, and deploy synchronous groups of solutions, including: (i) Communication, education, and social mobilization; (ii) Capacity building for staff; (iii) Piloting support and intervention models to reduce child labor, such as supporting education, vocational training, and life skills. Thereby, Vietnam has built a multi-sectoral child protection system, integrating child labor prevention into poverty reduction, compulsory education, and child protection programs in general. Inheriting the achieved results, in the 2021-2025 period, the Government aims to reduce the rate of child labor to below 4.9% by 2025 (according to ILO statistical criteria) and all children working illegally will be detected and provided with appropriate support. Vietnam has also actively engaged in international cooperation through projects such as ENHANCE, supported by the US Department of Labor and the ILO, which aims to strengthen national capacity to prevent and reduce child labor. This project helps Vietnam improve its laws in line with ILO standards, train labor inspectors, raise public awareness, and support alternative livelihood models to prevent children from working early.

4.3 Opportunities and challenges in preventing and eliminating child labour through green economic transition

Against the backdrop outlined above, the green economic transition currently being promoted in Vietnam holds significant potential to improve rural livelihoods and contribute to the prevention and elimination of child labour particularly in the Central region. The positive impacts of this transition can be observed across the following dimensions:

First, the green economic transition helps to establish stable livelihoods for poor households. Green industries can create new employment opportunities for adult workers in rural areas, including in sectors such as organic agriculture, renewable energy (e.g., wind and solar power), and eco-tourism all of which are areas of comparative advantage for the Central region. According to the State Bank of Vietnam, green credit disbursement grew at an average annual rate of over 22% from 2017 to 2023 (Hai, 2025). Major banks pioneering green credit—such as BIDV, Agribank, and Vietcombank have prioritized lending for renewable energy and organic agriculture (Oanh & Dao, 2024).

Several families and enterprises in Nghe An and Ha Tinh have accessed green credit to develop organic farms and renewable energy initiatives. Mr. Hoang Xuan Anh's family runs a VietGAP-certified chicken farm with over 1,000 organic guava trees. The Green Solar Song Lam Company has expanded solar power production to promote clean energy. The Than Nong HT organic agricultural cooperative launched a model for organic rice farming supported by green financing (Loc, 2025). Another case is Phu Loc Cooperative in Thanh Hoa province, which implemented a “5-no” model (no chemical fertilizers, no synthetic pesticides, no herbicides, no growth stimulants, no preservatives) on 3.5 hectares of greenhouse farming, achieving revenues of VND 65 million per crop cycle per hectare (Hang, 2025). These green livelihood initiatives have not only created sustainable employment for adult workers but also reduced the economic need for child labour within households.

Moreover, the Central region frequently suffers from extreme weather events that damage crops and household income, thereby increasing the likelihood of children being pushed into early employment. However, investment in climate-resilient agricultural projects offers a buffer. In provinces such as Thanh Hoa, Nghe An, Thua Thien Hue, and Quang Nam where agriculture remains central to livelihoods—the transition to green

agriculture promises dual benefits: environmental protection and improved household income. For instance, in Nui Thanh district, Quang Nam, local authorities have partnered with residents to plant mangrove forests in tandem with sustainable aquaculture, enhancing both income and ecological resilience (Son, 2023). In Binh Dinh, communities practice integrated aquaculture and forest conservation, combining crab and fish farming under mangrove canopies with eco-tourism (Lam, 2024). Additionally, the World Vision organization is implementing a VND 4.3 billion (USD 170,000) project (2024–2027) in Nam Giang and Nam Tra My districts of Quang Nam to develop sustainable livelihoods for vulnerable families with children. Activities include mushroom cultivation, chicken farming, and medicinal herb production, all designed to protect forests while securing income. Families are also encouraged to commit to enrolling their children in school at the appropriate age (Ha, 2024).

It can be seen that the transition to a green economy not only contributes to creating sustainable livelihoods and reducing poverty in rural areas, but also aims to restore ecosystems and mitigate climate change. In particular, for the North Central and Central Coast regions, which are often affected by floods and droughts, the application and implementation of green agriculture, circular agriculture or sustainable agriculture models will help stabilize household income, thereby reducing the risk of children dropping out of school to earn a living.

Second, the green economic transition reinforces corporate compliance with labour standards and social responsibility. Green production models often incorporate internationally recognized sustainability criteria, including fair labour practices and the prohibition of child labour. Therefore, companies aiming to meet green certification requirements must uphold labour standards rigorously.

For example, the Fairtrade label requires that farmers, workers, and businesses meet globally recognized sustainability standards, including the complete elimination of harmful forms of child labour especially in industries such as cocoa, coffee, and textiles. The Global Organic Textile Standard (GOTS) version 7.0, released in March 2023, includes detailed child labour prohibitions, such as:

“4.4.3.1 Child labour, regardless of gender, shall not be used.

4.4.3.2 If a child below minimum age appears to be employed in the Certified Entity, the Certified Entity shall take all appropriate measures to remove the child

from the workplace and to ensure that this child gets appropriate remedy, including actively supporting access to education.

4.4.3.3 The Certified Entity shall not employ a Young Worker at night or in conditions that are hazardous to their physical and mental health and development.

4.4.3.4 A Young Worker cannot work for more than 8 hours in a day or the applicable domestic legal limit, whichever is lower. Overtime is prohibited, and a minimum consecutive period of 12 hours' rest, as well as customary weekly rest days, shall be provided.

4.4.3.5 A Young Worker shall be employed in a manner that allows access to continued”

In Vietnam, coffee-exporting companies are collaborating with international organizations to implement child labour prevention programs in coffee-growing areas. One such initiative, “Raising Awareness to Reduce Child Labour in the Coffee Industry,” is being implemented from April 2022 to December 2024 in Dak Doa district (Gia Lai) and Krong Nang district (Dak Lak). Led by Rainforest Alliance in partnership with Vinh Hiep Coffee and Simexco, the program supports 1,900 farmers with technical training, livelihood development, gender equality promotion, and child education initiatives. It also offers vocational training and learning materials to disadvantaged youth (Hung, 2025).

Thus, the green economic transition is not only an opportunity but sometimes becomes a driving force for localities, households and businesses to comply with international labor standards and say “no” to child labor. In other words, the green economy contributes to creating a culture and ethics of production and business that are responsible to the community and society, gradually eliminating forms of labor exploitation in general and child labor in particular for the purpose of profit. From a legal perspective, the rise of these international private standards can be analyzed as a form of “private regulation” or “soft law”. These standards create quasi-legal obligations for businesses, driven by market access and supply chain pressures rather than direct state sanctions. In contexts where state law enforcement is limited, this becomes a critical supplementary mechanism for upholding children's rights, effectively extending governance into the private sphere.

Third, the green transition supports improvements in education and public awareness regarding children's rights. In addition to its economic and environmental benefits, green transformation produces a chain of positive spillover effects in the social domain particularly in education. Large-scale renewable energy projects often include

commitments to pay environmental taxes and support local welfare. Many energy companies also invest in educational infrastructure or provide scholarships and learning materials to disadvantaged students.

For example, the Central Power Corporation implemented the “Lighting Up Love” program to install solar-powered lighting and a water supply system at Y Ngong Nie Kdam Primary School in Dak Lak (Hung, 2025). Similarly, the An Khe – Ka Nak Hydropower Company launched the “School Light” program to upgrade the lighting system at Nam Giang Elementary School in Binh Dinh province (Trang, 2022). These programs enhance school infrastructure, thereby improving educational access and reducing dropout rates.

In addition, through the implementation of programs to transition to sustainable agriculture and the effective implementation of Decision No. 782/QĐ-TTg of the Prime Minister approving the Program on preventing and reducing illegal child labor for the period 2021 - 2025, with a vision to 2030, relevant entities are also trained and disseminated information related to planning and assessment of preventing and reducing illegal child labor in the agricultural sector chaired by the Ministry of Agriculture and Rural Development (now the Ministry of Agriculture and Environment). Through these programs, managers as well as people have the opportunity to have in-depth access to the Party's guidelines and policies, the State's policies and laws on preventing and reducing illegal child labor in the agricultural sector in rural areas of Vietnam.

It can be seen that the green economic transformation has impacted the issue of child labor in many different ways. The green economy contributes to creating new jobs, increasing income for adult workers, transforming the livelihoods of poor households, thereby solving the reality of poverty - one of the important causes leading to children having to participate in labor at an early age. However, besides the opportunities and initial results achieved, this transformation process also poses many major challenges, especially for vulnerable groups in rural areas - where child labor has persisted for decades. Some of the main challenges are as follows:

First, the risk of livelihood loss due to skill mismatches. Green sectors such as organic agriculture, renewable energy, and eco-tourism demand trained labour with the capacity to adopt new technologies. Yet, many rural workers in Vietnam have limited education, vocational training, and access to information (WB, 2021). Without adequate

support, these workers may be excluded from new opportunities, pushing households to rely on child labour.

Second, fragmented policies and weak local implementation. While national green transition strategies exist, most focus narrowly on environmental objectives and lack integration with social protection goals—particularly child protection. Many local green initiatives do not include monitoring mechanisms to prevent child labour. Furthermore, although international standards prohibit child labour, enforcement remains weak in rural areas due to limited oversight (FAO, 2021). This fragmentation is not merely a policy failure but a symptom of deeper legal and institutional weaknesses. It often stems from the lack of a clearly mandated inter-ministerial coordination mechanism or the absence of a single lead agency with the legal authority to harmonize and oversee all child protection efforts within green growth initiatives. This results in policies that, while well-intentioned, may lack the legal 'teeth' for effective implementation and enforcement on the ground.

Third, green transition may exacerbate inequality, especially among girls and ethnic minority children. Gender stereotypes in rural Vietnam often result in underpaid or unpaid labour for girls engaged in organic farming or recycling. Similarly, ethnic minority children living near reforestation or hydropower project sites may face a higher risk of being drawn into labour without proper safeguards from local authorities.

5 CONCLUSION AND RECOMMENDATIONS FOR LEGAL AND POLICY REFORM

The green economic transition in rural Vietnam, particularly in the Central region, holds substantial potential to enhance household livelihoods, protect the environment, and improve educational access for children. As such, it serves as an important vehicle for the realization of the United Nations Sustainable Development Goals (SDGs). However, without a comprehensive, human-centred approach, this transition may fall short of its full potential and could even give rise to new forms of inequality—thereby exacerbating existing child labour challenges.

To ensure that the green transition contributes meaningfully to the prevention and elimination of child labour, a coordinated and inclusive set of measures is required:

(i) Amendment and supplement of domestic legal regulations

The cornerstone of an effective strategy is a clear, consistent, and comprehensive legal framework. Therefore, the following specific amendments and supplementations are proposed:

- *Harmonize Key Definitions:* Review and harmonize the definitions of "child," "underage worker," and "child labour" across the Law on Children, the Labour Code, and other relevant legal documents to ensure full alignment with international standards. This will resolve ambiguities, create consistency in policy targeting, and form a solid basis for applying protective measures uniformly, especially in the informal sector where enforcement is most challenging.
- *Strengthen Regulations on Working Hours for Minors:* The Labour Code should be supplemented with more specific regulations regarding rest periods for underage workers, including breaks during shifts and daily rest times. The objective is to mandate longer and more protective rest periods than for adult workers, which is crucial for the physical and mental development needs of children.
- *Close the "Protection Gap" in the Penal Code:* Article 296 of the Penal Code should be amended to expand its scope to cover the illegal employment of workers aged 16 to 18 in legally prohibited hazardous jobs. This amendment is critical to close a significant legal "protection gap", enhance the law's deterrent effect, and ensure that criminal liability applies consistently to the severe exploitation of all workers under the age of 18.

(ii) Enhancing the effectiveness and efficiency of state management

A key barrier to protecting children during the green transition is the fragmented nature of state management, where economic, environmental, and social objectives are often pursued in isolation. To overcome this, strengthening state management requires concrete institutional and procedural reforms:

- *Establish a formal Inter-ministerial Steering Committee on Just Transition.* Following the significant governmental restructuring in early 2025, this committee's composition is critical. It should include high-level representation from the Ministry of Home Affairs (MOHA), which now oversees labour functions; the newly formed Ministry of Agriculture and Environment (MAE); the Ministry of Education and Training (MOET); and the Ministry of Finance (MOF), which has absorbed the functions

of planning and investment. The MOHA's role is central to upholding labour standards, while the MOF's involvement is essential for aligning investment approvals with social and child protection goals. The committee's primary function would be to review, harmonize, and oversee the social dimensions of all national green growth strategies.

- *Legally mandate a “Child Rights and Social Impact Assessment” (CRSIA)* for all large-scale green development projects before they receive approval. This procedural requirement, to be enforced by the Ministry of Agriculture and Environment (MAE) and the Ministry of Finance (MOF), would force project developers and state agencies to proactively identify, evaluate, and create mitigation plans for any potential negative impacts on child welfare.

- *Strengthen the capacity of the Labour Inspectorate.* This involves not only increasing the number of inspectors but also providing them with specialized training to identify child labour risks unique to emerging green sectors (e.g., recycling facilities, organic farms, eco-tourism). Their legal authority to conduct unannounced inspections in these sectors should also be explicitly affirmed and reinforced.

(iii) Strengthening socio-economic policy pillars to ensure legal effectiveness

To ensure legal reforms are effective, they must be supported by strong socio-economic policy pillars. Fundamentally, child protection, including the prevention and gradual elimination of child labour, should be systematically embedded into all green transition strategies and initiatives at every level. This requires the establishment of robust monitoring and enforcement mechanisms, where digital technologies can be used to enhance transparency by tracking child labour in supply chains, especially among subcontractors involved in green production models. To be truly effective, these strategies must be coupled with tangible support to guarantee a just transition for rural communities. When transforming production models, appropriate policy support - including vocational training programs, financial assistance, and improved access to markets and information - must be provided to ensure that no one is left behind. Beyond immediate economic support, a long-term commitment to education is crucial for breaking the intergenerational cycle of poverty. Therefore, investments should be made to expand boarding schools in remote areas and integrate digital technologies into online learning for disadvantaged children. Moreover, businesses involved in the green transition should be encouraged to uphold international labour standards and contribute to this pillar

through scholarships, vocational training programs, and school infrastructure upgrades. Finally, the design and implementation of all these policies must be deeply sensitive to the local context; this means taking into account regional customs, local livelihoods, and gender dynamics, while actively promoting gender equality, raising awareness of vulnerable groups' rights, and encouraging community engagement in child rights protection and monitoring

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