



THE SOCIALIST REPUBLIC OF VIETNAM
MINISTRY OF LABOUR, INVALIDS
AND SOCIAL AFFAIRS

Ref. 159-12 / MOLISA

To: H.E. Mdm. Hilda L. Solis
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Hanoi, 26th October 2012

Ref: Opposition to the inclusion of Brick and Garment from Viet Nam in DOL's 2012 Lists of Goods produced by Child Labor and Forced Labor under the Trafficking Victims Protection Reauthorization Act and Executive Order 13126.

Dear Madam Secretary,

I am writing you to raise our concerns over the U.S. Department of Labor's recent inclusion of brick and garment products from Viet Nam to the "List of goods produced by child labor and forced labor 2012". This is an unfair and unconstructive judgment, given the efforts of Viet Nam in prevention and elimination of child labor and forced labor, and raises serious concerns and disapprovals in Viet Nam, particularly among affected organizations and individuals.

First of all, as you may know, the Government of Viet Nam strongly supports the prevention and elimination of forced labor and child labor. The Laws of Viet Nam do not allow any forms of forced labor and child labor. We have been paying our special attention to inspection and sanction against violations of laws and regulations on child labor and forced labor as well as to the provision of necessary and timely support for the victims. We are an early signatory of various related international conventions including ILO Convention No. 29 on Forced Labor (since 1992), ILO Convention No. 182 on the Worst Forms of Child Labor (since 2000), ILO Convention No. 138 on the Minimum Age (since 2002), and the United Nations' Convention on the Rights of the Child (since 1990). We have been working closely with international organizations (ILO, UNICEF, etc.) and other countries (including the U.S.) in these efforts.

Secondly, the U.S. Department of Labor based on unofficial, outdated, and non-representative data for its unfair inclusion of Vietnamese products into the reports. These were individual cases scattering years ago in small private manufacturing units in the informal sector, which were thoroughly addressed by relevant authorities upon detection. The victims of mentioned cases were provided with necessary treatments and supports for community rehabilitation.

Ministry of Labour, Invalids and Social Affairs

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Thirdly, it was a regret that the U.S. Department of Labor did not consult or raise this issue in the last Viet Nam – U.S. Labor Dialogue which sounds totally unconstructive to us in such a context of our growing relationship.

Finally, we are concerned that the inclusion of Viet Nam products into the two reports will lead to misperception of the child labor and forced labor issues in Viet Nam. On one hand, it might create negative effects on export of garment and brick from Viet Nam to the U.S. and other markets as well as lives of millions of workers in those industries. On the other hand, we are concerned that the U.S. Department of Labor's decision might negatively affect the promising ties between Viet Nam and the U.S.

We strongly request the U.S. Department of Labor to remove the garment and brick products of Viet Nam from the lists. Based on more than ten years of good cooperation between our two agencies, we would like to kindly suggest that the U.S. Department of Labor reinforces information exchange and consultation with the Ministry of Labour, Invalids and Social Affairs of Viet Nam before future release of such reports as well as collaborates more closely with us in prevention and elimination of child labor and forced labor.

Please accept, Madam, the assurances of our highest consideration.

Yours sincerely,



Pham Minh Huan

Vice Minister

cc:

- The U.S. State Department
- United States Department of Homeland Security
- Mr. Tom Harkin, United States Senator, Chairman, United States Senate Committee on Health, Education, Labor, and Pensions
- Ms. Gayle Smith, Special Assistant to the President and Senior Director, National Security Council
- Mr. Ian Solomon, United States Executive Director, International Bank for Reconstruction and Development
- Ms. Barbara Weisel, Assistant U.S. Trade Representative for Southeast Asia and the Pacific
- H.E. David Shear, U.S. Ambassador to Viet Nam
- Mr. Ron Kirk, Trade Counselor, U.S. Embassy in Viet Nam
- H.E. Pham Binh Minh, Minister of Foreign Affairs of Viet Nam
- H.E. Nguyen Quoc Cuong, Vietnamese Ambassador to the U.S.
- H.E. Vu Huy Hoang, Minister of Industry and Trade of Viet Nam
- H.E. Tran Quoc Khanh, Vice Minister of Industry and Trade of Viet Nam

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