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## OPTION REPORTS

### RESTRICTIONS ON CHILD EMPLOYMENT

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The following report is one of a series produced by the Constitutional Design Group, a group of scholars dedicated to distributing data and analysis useful to those engaged in constitutional design. The primary intent of the reports is to provide current and historical information about design options in written constitutions as well as representative and illustrative text for important constitutional provisions. Most of the information in these reports comes from data from the Comparative Constitutions Project (CCP), a project sponsored by the National Science Foundation. Interested readers are encouraged to visit [constitutionmaking.org](http://constitutionmaking.org) for further resources for scholars and practitioners of constitutional design.

Note that the dates provided herein for constitutional texts reflect either the year of initial promulgation *or* of a subsequent amendment, depending on which version was used for analysis. For example, Brazil 2005 refers to the Brazilian Constitution of 1988, as amended through 2005.

## 1. INTRODUCTION

Restrictions on child employment are a post-World War II phenomenon, now institutionalized in international human rights law. We describe below the range of constitutional provisions regarding limits on child employment.

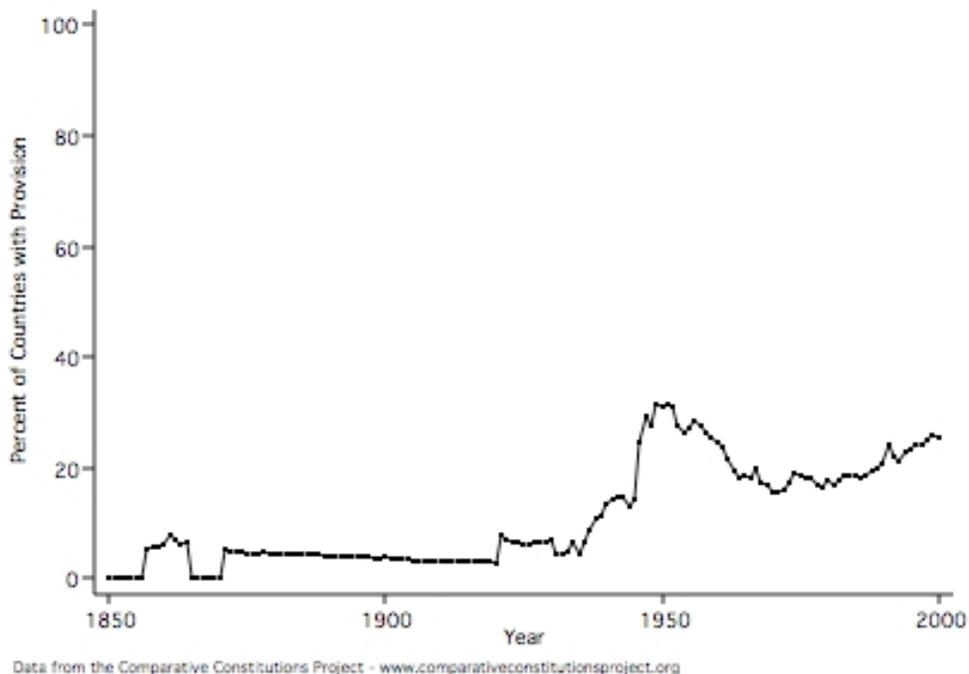
## 2. DATA SOURCE(S)

The analysis reported below is based on data the Comparative Constitutions Project (please see the appendix for more information on this resource). As of this writing, the project's sample includes 550 of the roughly 800 constitutions put in force since 1789, including more than 90% of constitutions written since World War II.

## 3. CLASSIFICATION AND HISTORICAL TRENDS

Overall, 19% of constitutions in the sample place limits on child employment. Figure 1 shows the trends over time. As Figure 1 suggests, incorporation of limits on child employment is a post-World War II phenomenon. In 2000, 26% of constitutions in force placed limits on child employment.

**Figure 1. Percent of Constitutions that Place Limits on Child Employment by Year (N=550)**



**Figure 2. Percent of Constitutions that Place Limits on Child Employment in 2000 by Region (N=191)**

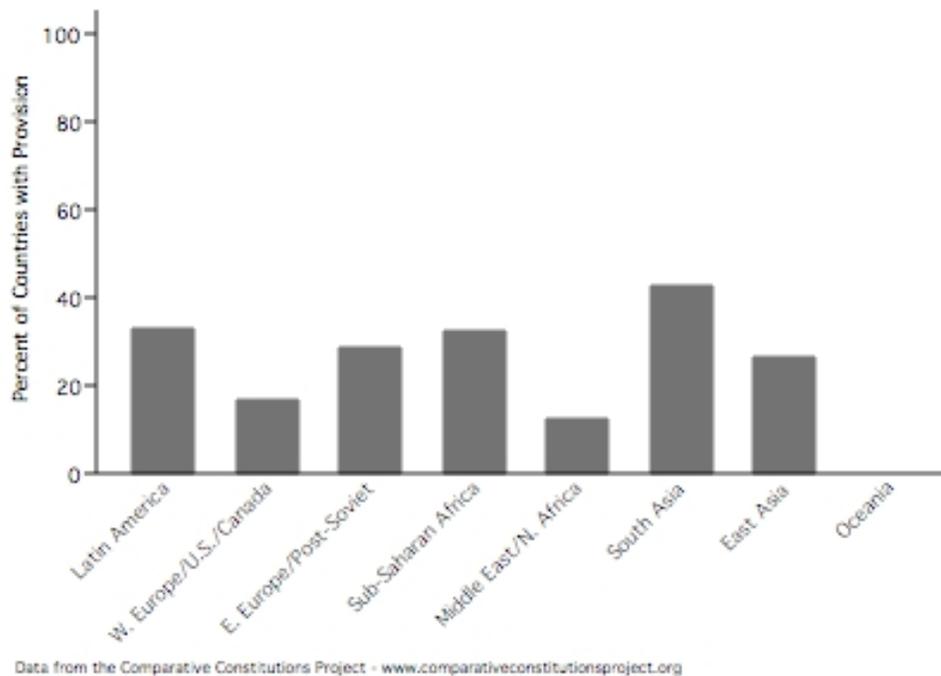


Figure 2 shows the percent of constitutions that place limits on child employment across regions. The figure indicates that limits on child employment are most prevalent in South Asia, Latin America, and Sub-Saharan Africa. Such restrictions are absent from constitutions from Oceania.

#### 4. NOTES ON ATYPICAL CASES

This analysis includes constitutions that prohibit the exploitation of children/minors. Some stipulate that minors will receive special protections or that such protections shall be established by law.

#### 5. SAMPLE CONSTITUTIONAL PROVISIONS

*(Note: dates provided reflect the version of the constitution used to obtain sample provisions, and represent either initial year of promulgation or year through which subsequent amendments are included.)*

The set of sample provisions is divided into sections on:

1. Limits on child employment
2. Special protections established by law

## 5.1. Limits on child employment

Children shall not be subjected to forced labor.

- *Afghanistan 2004, Article 49.3*

The following are rights of urban and rural workers, in addition to any others designed to improve their social condition:

...

XXXIII. prohibition of nighttime, dangerous or unhealthy work for those under eighteen years of age, and of any work for those under the age of *sixteen*, except as an apprentice;

- *Brazil 2005, Article 7.XXXIII*

The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

- *Cambodia 1999, Article 48*

The following are basic rights of children: [protection] against all forms of abandonment, physical or moral violence, imprisonment, sale, sexual abuse, work or economic exploitation, and dangerous work.

- *Colombia 2005, Article 44*

... right of the child to protection, particularly that specified by international conventions regularly ratified...the right of the youth to be protected by the State and the collectivities against moral abandonment, against all form of exploitation and all form of delinquency...

- *Comoros 1996, Preamble*

Young people are protected against exploitation and guarded from moral, physical and spiritual demoralization. Child labor is prohibited.

- *German Democratic Republic 1960, Article 18*

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

- *India 2002, Article 24*

The State shall endeavor to ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their sex, age or strength.

- *Ireland 2004, Article 45.iv.4.2*

Child labor in tasks that can affect their normal development or their obligatory instruction cycle is prohibited. Children and adolescents shall be protected against any form of economic and social exploitation.

- *Nicaragua 2005, Article 84*

Slavery or involuntary servitude is prohibited except to punish crime. The government shall protect children from exploitation.

- *Palau 1992, Article IV, Section 11*

Priority will be given to the rights of working minors to guarantee their normal physical, intellectual, and moral development.

- *Paraguay 1992, Article 90*

Every child has the right to special measures of protection by his or her family, society and the State that are necessary, depending on the condition of the child, in conformity with national and international law.

- *Rwanda 2003, Article 28*

Every child has the right-

...

f) not to be required or permitted to perform work or provide services that—

(i) are inappropriate for a person of that child's age; or

(ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

- *South Africa 2003, Article 28.1.f*

The employment of women and minors for work that is hazardous to their health, is prohibited

- *Ukraine 2004, Article 43*

Work of adolescents in jobs that may affect their integral development is prohibited.

The State will protect them against any economic and social exploitation.

- *Venezuela 1999, Article 89.6*

## **5.2. Special protections established by law**

In order to improve the living conditions of labour, the state shall put into effect various laws for the protection of labourers and shall afford special protection to child and woman workers in respect of their age and health.

- *China 1931, Article 41*

The protection of labour rights, fair remuneration of labour and safe, healthy working conditions and the working conditions of minors and women shall be determined by law.

- *Georgia 2004, Article 30.4*

The minimum age for gainful employment is set by law. Special laws govern the work of minors and servants.

- *Haiti 1987, Article 35-6*

Separate regulations shall ensure the protection of women and youth in the workplace.

- *Hungary 2003, Article 66.3*

The law establishes the minimum age for paid labor.

The Republic protects the work of minors by means of special norms and guarantees them, for equal work, the right to equal pay.

- *Italy 2003, Article 37*

All people shall have the right and the obligation to work. Standards for wages, hours, rest, and other working conditions shall be fixed by law. Children shall not be exploited.

- *Japan 1946, Article 27*

Under-age children shall be protected by law.

- *Lithuania 2006, Article 39*

Every person has the right to dignified and socially useful work. To that effect, the creation of jobs and the social organization shall be advanced in accordance with the law.

The Congress of the Union, without contravening the following basic principles, shall enact labor laws which shall govern:

A) Workers, day laborers, employees, domestic workers, artisans and, in a general manner, all labor contracts:

I. The maximum duration of one workday shall be eight hours;

II. The maximum duration of nighttime work shall be seven hours. The following are prohibited: unhealthful or dangerous work, industrial night work, and all work after ten o'clock at night by minors under sixteen (16) years of age;

III. The use of labor of minors under fourteen (14) years of age is prohibited. Persons above that age and less than sixteen (16) shall have a maximum work day of six hours;

- *Mexico 2003, Article 123.A*

(1) Women, minors and disabled persons shall enjoy more extensive health protection at work and special working conditions.  
 (2) Minors and disabled persons shall enjoy special protection in employment relations and special assistance in training.  
 (3) A law shall lay down details on the rights defined in paragraphs 1 and 2.

- *Slovakia 2004, Article 38*

The Confederation is entitled to enact uniform regulations on the employment of children in factories and on the working hours of adult persons...

- *Switzerland 1998, Article 34.1*

The State shall protect employment and enact for that purpose special legislation based on the following principles:

...

d) to determine special conditions for the employment of women and adolescents.

- *Syria 1950, Article 26.2.d*

Women and minor workers shall receive special protection.

- *Venezuela 1992, Article 93*

Women and minors must be protected from work dangerous to their health

- *Yugoslavia 1929, Article 23*

Minors in employment enjoy the special protection of the state.

- *Yugoslavia 1946, Article 20*

Young persons, women, and disabled persons have special protection on the job, in accordance with the law.

- *Yugoslavia 2000, Article 56*

## 6. APPENDIX

This report is based on the following question from the Comparative Constitution Project's "survey instrument":

[CHILDWRK]-Does the constitution place limits on child employment?

1. Yes

- 2. No
- 90. left explicitly to non-constitutional law
- 96. other, please specify in the comments section
- 97. Unable to determine

Instructions: Protections against exploitation or protections for “minor workers” are coded “yes.”

For additional documentation on the Comparative Constitutions Project, (including the full codebook, the sample, the sources of constitutional texts and translation issues related to those texts, coding procedures, publicly available data, etc.) please visit the project website at [www.comparativeconstitutionsproject.org](http://www.comparativeconstitutionsproject.org).