

West Bank and the Gaza Strip

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In 2017, the Palestinian Authority made a minimal advancement in efforts to eliminate the worst forms of child labor in the areas of the West Bank under its control. In December 2017, Palestinian Authority officials acceded to the Palermo Protocol on Trafficking in Persons and the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. The Palestinian Authority also supported social programs that improved children's access to education. However, children in the West Bank and the Gaza Strip engage in the worst forms of child labor, including in construction and illicit activities. Children also engage in child labor in street vending. The legal framework does not criminally prohibit all elements of child trafficking. In addition, programs to prevent or eliminate child labor are insufficient.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the West Bank and the Gaza Strip engage in the worst forms of child labor, including in construction and illicit activities. Children also engage in child labor in street vending. (1; 2; 3; 4) Table 1 provides key indicators on children's work and education in the West Bank and the Gaza Strip. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		93.4

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (5)
Data were unavailable from Understanding Children's Work Project's analysis, 2018. (6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Cultivating asparagus, dates, eggplants, onions, sweet peppers, grapes, tomatoes, and marijuana (3; 7; 8; 9; 10; 11; 12; 13; 14)
	Fishing, [†] including working on fishing boats and repairing nets (1; 3; 4; 15; 16)
	Raising livestock, including poultry and sheep (1; 3; 17)
Industry	Construction, [†] including demolishing buildings and collecting rubble and gravel for construction purposes (1; 2; 3; 4; 18; 19)
	Manufacturing, including working in pottery workshops (1; 2; 4)
	Blacksmithing [†] (1)
Services	Street vending and portering (1; 2; 3; 4; 20; 18; 21)
	Working in auto body shops and metal workshops (1; 2; 3; 20)
	Working in shops, restaurants, bakeries, and hotels (1; 4; 15; 20)
	Domestic work (4; 19)
	Transporting goods (3; 22)
	Collecting scrap metal, cement bricks, and solid waste [†] (1; 13; 17)
Categorical Worst Forms of Child Labor [‡]	Use in illicit activities, including smuggling drugs and food (3; 4; 25)
	Begging as a result of human trafficking (26; 17)
	Commercial sexual exploitation (17)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

There are reports of child trafficking from the West Bank and the Gaza Strip into Israel, primarily for forced begging. (26; 17) Children are vulnerable to child labor in the agricultural sector, partly because the Palestinian Authority (PA) does not have jurisdiction to enforce laws in Area C's agricultural fields and Israeli settlements in the West Bank. There are reports of child

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labor in Israeli agricultural settlements in the Jordan Valley, where children work in excessive heat and are exposed to dangerous pesticides. (4; 7; 13; 14; 25) The PA has documented cases in which child laborers were injured at work in the settlements and taken to hospitals in the West Bank. (4)




In the Gaza Strip, many school structures, which had been damaged, destroyed, or repurposed during the war of 2014, have not been repaired or replaced. (4) Most schools in the Gaza Strip worked on a double-shift schedule, limiting class time to only 4 hours each day. (27; 28) In the West Bank and the Gaza Strip, attacks on schools, settler violence, military operations, delays at checkpoints, and school closures hinder children’s access to schools. (29; 30; 31; 32; 33; 34; 35) Schools are overcrowded, poorly equipped, and, at times, unhygienic or susceptible to weather conditions. (36; 37) Violence and discrimination by teachers against students who work, as well as the cost of transportation, contribute to a school dropout rate of 16 percent. (38; 39)

According to UNICEF, child labor is on the rise in the Gaza Strip. (18) The UN warned that due to population growth coinciding with a decrease in real gross domestic product per capita, deterioration of social services such as health and education, projected depletion of the only water source, and damages to the economy and basic infrastructure, the Gaza Strip would likely become unlivable by 2020. (28)

II. LEGAL FRAMEWORK FOR CHILD LABOR

The PA has Non-Member Observer status at the UN. In April 2014, PA officials presented letters of accession to 15 UN treaties to UN officials, including the UN CRC and its Optional Protocol on the Involvement of Children in Armed Conflict. In December 2017, PA officials acceded to the Palermo Protocol on Trafficking in Persons and the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	N/A
	ILO C. 182, Worst Forms of Child Labor	N/A
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The penal code applicable in the West Bank is Jordanian Law No. 16 of 1960 (Jordanian Penal Code for the West Bank). The penal code applicable to Gaza is Penal Code No. 74 of 1936, which was enacted during the British Mandate (Penal Code for Gaza). (40) The PA has established laws and regulations related to child labor (Table 4). However, gaps exist in the West Bank and the Gaza Strip’s legal framework to adequately protect children from the worst forms of child labor, including child trafficking.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 93 of the Labor Law for the West Bank and the Gaza Strip; Article 14 of the Palestinian Child Law for the West Bank and the Gaza Strip (41; 42)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Labor Law for the West Bank and the Gaza Strip (42)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 1 of Minister of Labor’s Decree on Hazardous Work for the West Bank and the Gaza Strip (43)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Forced Labor	No		Article 1 of Minister of Labor’s Decree on Hazardous Work for the West Bank and the Gaza Strip (43)
Prohibition of Child Trafficking	No		Article 1 of Minister of Labor’s Decree on Hazardous Work for the West Bank and the Gaza Strip (43)
Prohibition of Commercial Sexual Exploitation of Children	No		Article 36 of the Palestinian Child Law for the West Bank and the Gaza Strip; Articles 306 and 310 of the Jordanian Penal Code for the West Bank; Articles 165 and 167 of the Penal Code for the Gaza Strip (41; 44; 45)
Prohibition of Using Children in Illicit Activities	Yes		Articles 27 and 44 of the Palestinian Child Law for the West Bank and the Gaza Strip; Article 389 of the Jordanian Penal Code for the West Bank; Article 193 of the Penal Code for the Gaza Strip (41; 44; 45)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes†	18	Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (41)
Non-state	No		Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (41)
Compulsory Education Age	Yes	16	Articles 3, 15, and 18 of the Palestinian Education Act for the West Bank and the Gaza Strip (46)
Free Public Education	Yes		Article 37 of the Palestinian Child Law for the West Bank and the Gaza Strip (41)

* No conscription in the West Bank and the Gaza Strip (25)

† No standing military in the West Bank (25)

Although human trafficking and forced labor are on the hazardous work list, the law does not criminally prohibit child trafficking or forced labor in accordance with international standards. (42; 43) The law does not sufficiently prohibit commercial sexual exploitation, as the use of children in prostitution and the use, procurement, or offering of children for pornographic performances are not criminally prohibited. (45) There are no criminal penalties for recruiting children into non-state armed groups. (41)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The PA has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the authority of the Ministry of Labor that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL), Labor Inspection Office	Enforce labor laws, including those related to child labor. (47)
Ministry of Social Affairs (MOSA), Child Protection Department	Protect children’s rights, including through the provision of services to children found involved in the worst forms of child labor. (48)
Police	Investigate violations of criminal laws, including the commercial sexual exploitation of children. (48)
Office of the Attorney General	Prosecute cases of child exploitation, including child labor. (48)

In the West Bank, under the terms of the Oslo-era agreements between the Palestine Liberation Organization and the Israeli Government, the PA has civil law jurisdiction in the areas of the West Bank designated Area A and Area B, which represent approximately 39 percent of the West Bank’s land area and contain approximately 94 percent of the Palestinian population. The Israeli Government has control over the city of Jerusalem and Area C; the latter represents 61 percent of the West Bank’s land area and approximately 6 percent of the Palestinian population, as well as the vast majority of the West Bank’s agricultural areas, where many Palestinian children work. (49; 50; 51) Although PA laws apply in the Gaza Strip, the PA had little authority in the Gaza Strip, where Hamas exercises *de facto* control. (50)

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Labor Law Enforcement

Research did not find information on whether labor law enforcement agencies in the West Bank took actions to combat child labor (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	67 (51)	Unknown
Inspectorate Authorized to Assess Penalties	No (3)	No (3)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (52)	Unknown
Training on New Laws Related to Child Labor	Yes (52)	N/A
Refresher Courses Provided	Yes (52)	Unknown
Number of Labor Inspections Conducted	4,200 (4)	Unknown
Number Conducted at Worksites	4,200 (4)	Unknown
Number of Child Labor Violations Found	7 (51)	Unknown
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	Unknown
Number of Child Labor Penalties Imposed that were Collected	Unknown (52)	Unknown
Routine Inspections Conducted	Yes (52)	Unknown
Routine Inspections Targeted	Yes (4)	Unknown
Unannounced Inspections Permitted	Yes (53)	Yes (53)
Unannounced Inspections Conducted	Yes (4)	Unknown
Complaint Mechanism Exists	Yes (17)	Yes (17)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (17)	Yes (17)

In previous years, the Ministry of Labor reported that it was unable to inspect as many businesses per year as required by the Labor Law, due to inadequate funding. (4; 17)

Criminal Law Enforcement

Research did not find information on whether criminal law enforcement agencies in the West Bank took actions to combat child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Yes (52)	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Yes (52)	N/A
Refresher Courses Provided	Yes (52)	Unknown
Number of Investigations	40 (52)	Unknown
Number of Violations Found	40 (52)	Unknown
Number of Prosecutions Initiated	3 (52)	Unknown
Number of Convictions	0 (4)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (17)	Yes (17)

PA officials previously stated that inadequate resources hampered their capacity to enforce criminal laws related to the worst forms of child labor. (4)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The PA has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
National Committee on Child Labor	Create national policy on child labor. Led by the MOL and includes representatives from four other ministries, as well as international organizations. (22) Research was unable to determine whether the National Committee on Child Labor was active during the reporting period.
MOSA Child Protection Networks	Coordinate at the district level among service providers, law enforcement, and the Attorney General to protect vulnerable children, including those involved in child labor. (48; 54) Composed of MOSA, other PA agencies, and international organizations. The role of some agencies is to provide services to vulnerable children; others ensure that crimes against children are prosecuted in accordance with the law. (48; 54) Research was unable to determine whether the MOSA Child Protection Networks were active during the reporting period.

V. GOVERNMENT POLICIES ON CHILD LABOR

The PA has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Policy Agenda (2017 – 2022)*	Aims to alleviate poverty through social programs for vulnerable groups and job creation programs for women and youth, improve primary and secondary school curricula, ensure equal access to education for marginalized areas, and ensure that technical and vocational training is aligned with labor market needs. (55) Research was unable to determine whether activities were undertaken to implement the National Policy Agenda during the reporting period.

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the PA funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor‡

Program	Description
MOSA Social Protection Programs†	MOSA programs in the West Bank provide cash assistance, health insurance, and free education. (54) Families are assessed for eligibility; one of the goals is to prevent families from resorting to child labor. MOSA and the Ministry of Education also make efforts to ensure that children who have dropped out are sent back to school. (54) Research was unable to determine what steps were taken in 2017 in the implementation of this program.
MOSA Vocational Centers‡	MOSA program in the West Bank that operates 13 vocational centers for children who have dropped out of school. (48) Research was unable to determine what steps were taken in 2017 in the implementation of this program.
UN Education Programs	UN Relief and Works Agency for Palestine Refugees in the Near East programs that provide educational support for children and youth in refugee camps, as well as microfinance and other forms of support to families in the West Bank and the Gaza Strip. (56) In 2017, UNICEF continued reconstruction and rehabilitation of schools, partially through children's art. UNICEF arranged for 16 students to travel from the Gaza Strip to the West Bank to attend the opening ceremony of an art exhibit, as an activity to support psychosocial services to children. (27) Limited school hours of 4 hours or fewer per day necessitated psychosocial services for approximately 230,000 students. Some of the artwork addressed the subject of child labor. (27) Moreover, during the reporting period, UNICEF provided protective services to over 8,100 students in the West Bank, aiming to enable them to attend school, and delivered school bags and supplies to 13,000 school children in the Gaza Strip. (57)

† Program is partially funded by the PA.

‡ In 2016, the PA had other social programs that may have included the goal of eliminating or preventing child labor. (58)

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MOSA previously indicated that additional educational programs are needed to address child labor, but it lacks sufficient funding to implement them. (17) Although there are programs in the West Bank and the Gaza Strip that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, including in construction, street work, illicit activities, and agriculture.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in the West Bank (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits all stages of child trafficking, including trafficking for forced labor and commercial sexual exploitation, and both domestic and international trafficking, in accordance with international standards.	2015 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 into non-state armed groups.	2016 – 2017
	Ensure that slavery and practices similar to slavery, including forced labor, are criminally prohibited.	2017
	Ensure that the use, procurement, and offering of children for all forms of commercial sexual exploitation are criminally prohibited.	2017
Enforcement	Ensure that child labor laws are enforced in the Gaza Strip.	2010 – 2017
	Publish information on the labor and criminal enforcement of child labor laws, including the amount of funding, the number of labor inspectors, the number and type of inspections, the training provided to inspectors and investigators, the number of child labor violations, and penalties issued and collected, as well as the number of investigations, prosecutions, and convictions.	2010 – 2017
	Authorize the Labor Inspectorate to assess penalties.	2016 – 2017
	Provide further resources and staff to the MOL and MOSA to conduct labor inspections and criminal investigations.	2010 – 2017
Coordination	Ensure all coordinating bodies are able to carry out their intended mandates.	2017
Government Policies	Integrate child labor elimination and prevention strategies into the National Policy Agenda.	2017
	Implement the National Policy Agenda.	2017
Social Programs	Expand programs to improve access to education; for example, through ensuring that children are not subject to violence and that schools are weather-proof and provided with necessary equipment and hygienic facilities.	2011 – 2017
	Ensure that MOSA social programs are implemented.	2017
	Expand programs to further address child labor, specifically in construction, street work, illicit activities, and agriculture.	2010 – 2017

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