

# West Bank and the Gaza Strip

## MINIMAL ADVANCEMENT

In 2019, 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. It cooperated with the United Nations Children’s Fund and the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide educational services to 325,000 students and psychosocial support to over 97,000 children. 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 Palestinian Authority’s legal framework does not criminally prohibit all elements of child trafficking, and labor inspectors are not authorized to assess penalties. In addition, Palestinian Authority 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 use in illicit activities including smuggling drugs and commercial sexual exploitation. (1,16,25) 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 (%)		96.9

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2020. (3)  
Data were unavailable from International Labor Organization’s analysis, 2020. (4)

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, grapes, marijuana, olives, onions, sweet peppers, and tomatoes (5-13)
	Fishing,† including working on fishing boats and repairing nets (1,8,14,15)
Industry	Construction,† including demolishing buildings and collecting rubble and gravel for construction purposes (1,2,8,10,13,17,18)
	Manufacturing, including working in pottery workshops (1,2,9)
	Working in factories (8,19)
	Mining and quarrying (9,20)
Services	Street vending, portering, and cleaning cars (1,2,8,10,17,19,21)
	Begging (8,10,19)
	Working in auto body shops and metal workshops (2,19)
	Working in shops, hotels, restaurants, and bakeries (1,9,13,15)
	Domestic work (1,8,18)
	Transporting goods (8)
	Collecting scrap metal, cement bricks, and solid waste‡ (6,8,16)
Scavenging garbage, steel, and gravel at trash pits (13,15,18,21,22)	
Categorical Worst Forms of Child Labor‡	Use in illicit activities, including smuggling drugs and food (1,23)
	Begging as a result of human trafficking (16,24)
	Commercial sexual exploitation (16,25)

† 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.

Children are vulnerable to child labor in the agricultural sector, partly because the Palestinian Authority (PA) does not have jurisdiction or the resources to enforce laws in Area C’s agricultural fields and Israeli settlements in the West Bank. (1,6,7,23) West Bank Palestinian girls are vulnerable to being exploited for sex and labor in

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Israel after family members force them into marriages with older men; these girls experience physical and sexual abuse, threats of violence, and restricted movement. (25)

In the Gaza Strip, most schools operate on a split schedule, offering only four hours of instruction per day. (8,26-28) Overcrowded classrooms, violence in schools, and damaged schools susceptible to disruption due to weather contribute to children dropping out. (1,8,13,27,28) In the West Bank, school closures, demolition and military raids of schools, delays and harassment at checkpoints, and settler violence directed at students and schools prevent children from attending school. (29,30)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

The PA has Non-Member Observer status at the UN. In April 2014, PA officials presented to UN officials letters of accession to 15 UN treaties, 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 to 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). (31) 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	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 (32,33)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Labor Law for the West Bank and the Gaza Strip (33)
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 (34)
Prohibition of Forced Labor	No		Article 1 of Minister of Labor's Decree on Hazardous Work for the West Bank and the Gaza Strip (34)
Prohibition of Child Trafficking	No		Article 1 of Minister of Labor's Decree on Hazardous Work for the West Bank and the Gaza Strip (34)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 306 and 310 of the Jordanian Penal Code for the West Bank; Articles 167 and 172(5) of the Penal Code for the Gaza Strip (32,35,36)

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**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
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 (32,35,36)
Minimum Age for Voluntary State Military Recruitment	Yes†	18	Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (32)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (32)
Compulsory Education Age	Yes	16	Articles 3 and 18 of the Palestinian Education Act for the West Bank and the Gaza Strip; Article 37 of the Palestinian Child Law for the West Bank and the Gaza Strip (32,37)
Free Public Education	Yes		Articles 3 and 15 of the Palestinian Education Act for the West Bank and the Gaza Strip; (37)

\* No conscription in the West Bank and the Gaza Strip (23)

† No standing military in the West Bank (23)

As the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

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. (33,34) In addition, laws criminalizing commercial sexual exploitation of children are insufficient because they do not criminalize the use, procuring, and offering of all male and female children for prostitution, the production of pornography, or pornographic performances. (32,35,36) Further, there are no criminal penalties for recruiting children into non-state armed groups. (32)

### 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 (MOL) 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), General Administration of Labor Inspection and Protection	Enforces labor laws, including those related to child labor. (10,38)
Ministry of Social Development (MOSD), Child Protection Department	Ensures compliance with the Palestinian Child Law for the West Bank and the Gaza Strip, which prohibits the worst forms of child labor and establishes the minimum age for work. (10)
Police Bureau for the Protection of the Family and Adolescents	Investigates violations of laws, including the commercial sexual exploitation and economic exploitation of children. Coordinates with MOSD to monitor cases of child labor and economic exploitation. (10)
Office of the Public Prosecutor for Children	Investigates and prosecutes cases of child exploitation, including child labor. (10)

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 full administrative and security 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 and the vast majority of the West Bank's agricultural areas. (39-42)

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Although PA laws ostensibly apply to both the West Bank and the Gaza Strip, the PA has no means to enforce compliance in Area C of the West Bank and limited means in the Gaza Strip, in which Hamas exercises de facto control and does not enforce PA laws and regulations. (40,42,43)

### **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	2018	2019
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	90 (44)	Unknown
Inspectorate Authorized to Assess Penalties	No (33)	No (33)
Initial Training for New Labor Inspectors	Unknown	Unknown
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	Unknown	Unknown
Number of Labor Inspections Conducted	Unknown	Unknown
Number Conducted at Worksite	14350 (44)	Unknown
Number of Child Labor Violations Found	882 (20)	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
Number of Child Labor Penalties Imposed that Were Collected	Unknown	Unknown
Routine Inspections Conducted	Yes (20)	Unknown
Routine Inspections Targeted	Unknown	Unknown
Unannounced Inspections Permitted	Yes (33)	Yes (33)
Unannounced Inspections Conducted	Unknown	Unknown
Complaint Mechanism Exists	Yes (16)	Yes (10)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (16)	Yes (10)

In previous years, the MOL reported that it was unable to inspect as many businesses per year as required by the Labor Law, due to insufficient funding. (1,16)

### **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	2018	2019
Initial Training for New Criminal Investigators	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Unknown	Unknown
Number of Investigations	Unknown	Unknown
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (16)	Yes (10)

PA officials previously stated that insufficient resources hampered their capacity to enforce criminal laws related to the worst forms of child labor. (1)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The PA has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including the efficacy in accomplishing mandates.

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

Coordinating Body	Role & Description
MOSD Child Protection Networks	Monitor cases of child labor, ensuring that the MOL's services are provided to withdraw children from child labor. Include eight technical committees throughout the West Bank to provide psychological and social support to children and caregivers. (10) Coordinate with the Ministry of Education on cases of school drop-outs and child labor. Work with MOSD's 13 Youth Social Rehabilitation Centers that provide children who have dropped out of school with social, education, vocational, and cultural training. (10) Comprising the MOSD, MOL, Ministry of Education, Ministry of Interior, and other Palestinian Authority and non-governmental organizations. (45) Research was unable to determine which activities were conducted during the reporting period.

The National Committee on Child Labor, which intended to create a national policy on child labor and was led by the MOL, does not function based on available information. (46)

### V. GOVERNMENT POLICIES ON CHILD LABOR

Research found no evidence that the PA has established policies to address child labor.

The PA's 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. (47) However, child labor elimination and prevention strategies do not appear to have been integrated into this policy.

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the PA funded and participated in programs that include the goal of eliminating or preventing child labor (Table 9). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

**Table 9. Key Social Programs to Address Child Labor**

Program	Description
MOL's Vocational Centers†	PA program in the West Bank, consisting of 13 employment offices and 9 vocational centers operated by the MOL, for children over the age of 15 to enroll in vocational training courses. The MOL also provides financial assistance to families, ensuring that children return to school and no longer engage in child labor. (10) Research was unable to determine what steps were taken in 2019 to implement this program.
UN Education Programs	UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) programs provide educational support for children and youth in refugee camps, and microfinance and other forms of support to families in the West Bank and the Gaza Strip. (48) In the 2018–2019 academic year, UNRWA provided education to over 46,000 students, and vocational training for 1,000 students in the West Bank and approximately 279,000 students in Gaza. (49,50) In 2019, UNICEF provided psychosocial care to 2,600 children; provided safe accompaniment to school for 6,400 children; held a summer camp in Gaza, providing over 95,000 children with psychological counselling, protection services, and recreational activities; and provided remedial education programs to nearly 10,000 children at risk of dropping out of school. (51)

† Program is funded by the PA.

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.

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### 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 10).

**Table 10. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimum age for work to the age up to which education is compulsory.	2018 – 2019
	Ensure that the law criminally prohibits of child trafficking, including both domestic and international human trafficking, in accordance with international standards.	2015 – 2019
	Establish laws that criminally prohibit forced labor, including debt bondage and slavery.	2017 – 2019
	Ensure that the use, procurement, and offering of children for all forms of commercial sexual exploitation are criminally prohibited.	2017 – 2019
	Ensure that the law criminally prohibits the recruitment of children under age 18 into non-state armed groups.	2016 – 2019
Enforcement	Ensure that child labor laws are enforced in the Gaza Strip.	2010 – 2019
	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, and the number of investigations, prosecutions, and convictions.	2010 – 2019
	Authorize the labor inspectorate to assess penalties.	2016 – 2019
	Provide further resources and staff to the Ministry of Labor and the Ministry of Social Affairs to conduct labor inspections and criminal investigations.	2010 – 2019
Coordination	Ensure that Child Protection Networks are able to carry out their intended mandates.	2017 – 2019
Government Policies	Integrate child labor elimination and prevention strategies into the National Policy Agenda and ensure that it is implemented.	2017 – 2019
Social Programs	Expand programs to improve access to education; for example, ensure that children are not subject to violence, schools are weather-proof, and delays at checkpoints are not prohibitive.	2011 – 2019
	Ensure that Ministry of Labor's social programs are implemented including vocational centers.	2017 – 2019
	Expand programs to further address child labor, specifically in construction, street work, illicit activities, and agriculture.	2010 – 2019

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