

West Bank and the Gaza Strip

NON-INDEPENDENT COUNTRIES AND TERRITORIES

MINIMAL ADVANCEMENT

In 2014, the Palestinian Authority (PA) made a minimal advancement in efforts to eliminate the worst forms of child labor in the areas of the West Bank under its control. The PA acceded to the UN CRC and the UN CRC Optional Protocol on Armed Conflict. However, children in the West Bank and the Gaza Strip are engaged in child labor, including in agriculture and in work on the street. The PA's legal framework does not include prohibitions against forced labor or human trafficking. The PA also lacks programs to prevent or eliminate the worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the West Bank and the Gaza Strip are engaged in child labor, including in agriculture and in work on the street.⁽¹⁻³⁾ 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)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		90.2

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.⁽⁴⁾

Data were unavailable from Understanding Children's Work Project's analysis, 2014.⁽⁵⁾

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,* tomatoes,* and marijuana* (6-9)
	Fishing,* activities unknown (1, 7, 10)
	Raising livestock, including poultry,* goats,* and sheep* (1, 7, 11)
Industry	Construction,† including demolishing buildings and collecting pebbles and gravel for construction purposes (1, 2, 7, 10-17)
	Manufacturing, activities unknown (1, 2, 13, 14, 16, 17)
	Blacksmithing* (1)
	Street vending and trading (1, 2, 13, 15, 17)
Services	Portering (1, 7, 13)
	Working in auto body shops and metal workshops (1, 7, 12, 13, 16)
	Working in shops, restaurants, or hotels (1, 2, 17)
	Transportation* (17)
	Collecting scrap metal and solid waste† (1, 2, 10, 14, 16, 17)
Categorical Worst Forms of Child Labor‡	Scavenging garbage* (18)
	Used in illicit activities, including smuggling drugs* (7, 19)
	Smuggling food and other goods (9, 13)
	Used in armed conflict* in Gaza (20)
	Work in agriculture and begging each as a result of human trafficking (19, 21-23)
	Commercial sexual exploitation as a result of human trafficking (19, 23, 24)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

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According to the Ministry of Labor (MOL), there were approximately 104,000 children working in the West Bank and Gaza. Based on a labor survey conducted by various NGOs and financed by the EU, the three sectors in which most children worked were commerce (24.3%), agriculture (22.1%), and street vending (16.8%).(3)

Children are vulnerable to child labor in the agricultural sector partly due to the inability of the Palestinian Authority (PA) to enforce the law in Area C agricultural fields and settlements in the West Bank. There are reports of child labor in Israeli agricultural settlements in the Jordan Valley where children work in excessive heat and are exposed to dangerous pesticides.(8, 9)

Although in the past children were paid to smuggle goods through Gaza's tunnels, in 2014 most smuggling tunnels were closed.(2, 25-27) The Ministry of Social Affairs (MOISA) reported that in 2014 children were used to smuggle items such as drugs from the West Bank into Israel.(9) Reports point to military training of children as young as age 12 by Hamas and at least one case in which a child was used as a human shield and informant by Israeli forces in 2014.(28-30) There are reports of child trafficking from the West Bank and Gaza into Israel as well as within the West Bank.(19, 24) Children were trafficked from the West Bank into Israel for begging.(3)




The West Bank and the Gaza Strip lack a sufficient number of schools to serve all children. Children often travel long and dangerous distances to attend schools, in some instances, because of Israeli restrictions on access and movement.(31, 32) Conflict hinders children's access to schools. Some schools are physically used by military forces, which places children at risk.(20, 33)

According to the UN, in the summer of 2014, approximately 262 schools were damaged in the Gaza Strip, including 83 schools operated by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).(20) Schools are also poorly equipped, and at times unhygienic or susceptible to weather conditions.(31, 32, 34) Violence and discrimination by teachers, as well as the cost of transportation, contribute to the high school drop-out rate of 16 percent.(35, 36) The 2013 statistics of the Palestinian Central Bureau of Statistics found that approximately 80 percent of children ages 10–17 who worked did not attend school.(3)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The PA has Non-Member Observer status at the UN.(37) In April 2014, PA officials presented letters of accession to 15 UN treaties to UN officials.(38) The PA acceded to the United Nations Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (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	N/A
	Palermo Protocol on Trafficking in Persons	N/A

The PA has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 93 of the Labor Law for the West Bank and Gaza (39); Article 14 of the Palestinian Child Law for the West Bank and Gaza (40)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Labor Law for the West Bank and Gaza (39)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 1 of Minister of Labor Decision on hazardous work for the West Bank and Gaza (41)
Prohibition of Forced Labor	No		
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 36 of the Palestinian Child Law for the West Bank and Gaza (40); Articles 306, 310, 311, 315, and 319 of the Jordanian Penal Code for the West Bank (42); Articles 159 and 165 of the Palestinian Penal Code for Gaza (43)
Prohibition of Using Children in Illicit Activities	Yes		Articles 27 and 44 of the Palestinian Child Law for the West Bank and Gaza (44)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes†	18	Article 46 of the Palestinian Child Law for the West Bank and Gaza (40)
Compulsory Education Age	Yes	16	Articles 3, 15, and 18 of the Palestinian Education Act for the West Bank and Gaza (45)
Free Public Education	Yes		Article 37 of the Palestinian Child Law for the West Bank and Gaza (40)

* No conscription in the West Bank and Gaza.(9)

† No standing military in the West Bank.(9)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The PA has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor's (MOL) Labor Inspection Office	Enforce labor laws, including those on child labor.(3)
Ministry of Social Affairs (MOSA) Child Protection Department	Protect children's rights, including through the provision of services to children found in the worst forms of child labor.(23)
Police	Investigate violations of criminal laws, including provisions against commercial sexual exploitation of children.(23)
Office of the Attorney General	Prosecute cases of child exploitation, including child labor.(23)
MOSA Child Protection Networks	Coordinate to protect vulnerable children, including those in child labor, including the referral system between service providers, law enforcement, and the Attorney General. Operate at a district level.(23, 46) MOSA, the police, the Attorney General, UNICEF, and NGOs make up the Child Protection Networks, which have specific annual plans that guide their work with children affected by or at risk of exploitation and violence. The role of some agencies is to provide services to vulnerable children, while others ensure crimes against children are prosecuted in accordance with the law.(23, 46)

PA law enforcement agencies took actions to combat child labor, including its worst forms in the West Bank. 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 96 percent of the Palestinian population. The Israeli Government has control over the city of Jerusalem as well as Area C; the latter represents 61 percent of the West Bank's land area and contains approximately 4 percent of the Palestinian population as well as the vast majority of the West Bank's agricultural areas.(3, 47) Since the 2007 takeover in Gaza by Hamas, the PA has not had enforcement capabilities in the Gaza Strip despite the creation of the PA interim consensus government in 2014.(3, 47)

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Labor Law Enforcement

In 2014, MOL employed 42 labor inspectors, 12 of whom are trained on child labor issues. Government officials describe MOL as understaffed and in need of at least 300 labor inspectors in order to effectively enforce labor laws, including those on child labor.(3) MOL officials stated that they are not sufficiently funded and are lacking in professional training for their employees.(3)

In 2014, MOL employees carried out 6,500 workplace inspections of registered businesses, although by law they are required to inspect 100,000 annually.(3) MOL staff, in each directorate (local PA ministry field offices), only had access to one car for 1 day a week, while some employees reported using public transportation at their own expenses to perform inspections.(3) During site visits, MOL inspectors raised awareness among business owners that labor by children under the age of 15 was illegal under Palestinian law. They also worked with factory owners to keep children away from dangerous machinery.(3)

PA officials reported that numerous individuals have been fined following child labor inspections, but no specific statistics were available.(3) Similarly, research did not find information regarding the type of inspections and whether inspections included unannounced visits.

Criminal Law Enforcement

In 2014, child protection officers of MOSA, in charge of provision of services to children engaged in the worst forms of child labor, stated that they were unable to manage their large caseloads effectively.(3) As of December 2014, MOSA had fewer than 13 child protection officers in the West Bank. MOSA has no plans to increase staffing.(9) Similarly to MOL inspectors, MOSA protection officers stated that they need additional training and funding to carry out their responsibilities. Child protection officers in each directorate had access to one car for 1 day a week, which they shared with MOL inspectors and employees of other ministries.(3) Research did not find information on the number of investigations completed in 2014.

In 2014, MOSA referred 101 cases to the Attorney General for violating child labor laws, compared with 162 cases in 2013.(3) Research did not find information on the number of convictions and implementation of penalties. An unspecified number of specially trained labor judges were appointed during the reporting period, which reduced the wait for cases, referred to the Attorney General.(3)

Child Protection Networks served to coordinate between relevant actors how to best use all available resources and information. MOL and MOSA confirmed that the Child Protection Networks at the district level have successfully provided more rapid responses to child labor issues by cutting down unnecessary bureaucratic steps among multiple ministries that share legal authority on children's rights issues.(3)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The PA has established mechanisms to coordinate its efforts to address child labor, including its worst forms, in the West Bank (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Committee on Child Labor	Create national policy on child labor. Led by MOL, and includes representatives from MOSA and from the Ministries of Education; Health; and Justice; as well as from the ILO, UNICEF, and Save the Children.(17)

Due to a lack of resources, MOL and MOSA state that MOSA Child Protection Networks are more effective in coordinating efforts of Ministries and service organizations related to child labor.(3)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The PA has established policies related to child labor, including its worst forms, in the West Bank (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Policy of Nonviolence and Discipline in Schools*	Aims to reduce violence and improve discipline in schools.(36, 48)

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

Although the National Committee on Child Labor was established in 2013 to develop a national child labor policy, no national child labor policy was adopted during the reporting period.(3)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the PA funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
MOSA Social Protection Programs‡	MOSA programs in the West Bank that provide cash assistance, health insurance, and free education.(46) 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.(46)
MOSA Vocational Centers*‡	MOSA program in the West Bank that operates 13 vocational centers for children who have dropped out of school.(23)
Palestinian Child Protection Helpline 121*	Save the Children Sweden-funded program in the West Bank and the Gaza Strip implemented by Sawa, a civil society organization that supports Child Protection Helpline 121.(49, 50) Provides free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation. PA officials work with the Helpline to provide services to victims.(49, 50)
Programs of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*	Supports education for children and youth in refugee camps, and provide microfinance and other forms of support to families in the West Bank and the Gaza Strip.(51)
Water, Sanitation and Hygiene (WASH) in Schools (2013–2014)*	UNICEF-supported project in the West Bank and the Gaza Strip that aims to improve water, sanitation, and health facilities in schools in the West Bank.(52)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is partially funded by the PA.

MOSA continued encouraging families of child workers to send their children to school and provided stipends to families on the condition their children attended school, but it reported the programs were limited in scope and had limited success. MOSA continued to insist that expanded educational programs were essential to stopping the cycle of child labor, but officials stated that they lacked sufficient funding.(3)

Despite the above efforts, there are no programs in the West Bank and the Gaza Strip to address child labor in agriculture and street work.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in the West Bank and the Gaza Strip (Table 9).

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Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the laws expressly prohibit forced and compulsory labor as well as human trafficking.	2009 – 2014
Enforcement	Ensure that laws are enforced in Gaza and provide sufficient resources and staff to MOL and MOSA to conduct inspections.	2010 – 2014
	Collect and make publicly available more complete data on the enforcement of laws related to child labor, including its worst forms.	2010 – 2014
Government Policies	Adopt a national policy to address child labor.	2012 – 2014
	Integrate child labor elimination and prevention strategies into the Policy of Nonviolence and Discipline in Schools.	2014
Social Programs	Institute programs to improve access to education.	2011 – 2014
Social Programs	Assess the impact that existing programs may have on child labor.	2012 – 2014
	Institute programs to combat child labor in agriculture and street work.	2010 – 2014

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