

# West Bank and the Gaza Strip

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*In 2016, 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. The Palestinian Authority took steps to enforce child labor laws and improve coordination among government agencies in their work to address child labor, including its worst forms. However, children in the West Bank and the Gaza Strip engage in the worst forms of child labor, including in construction and illicit activities. The legal framework does not criminally prohibit all elements of child trafficking. In addition, programs to prevent or eliminate child labor in agriculture and street work 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.(1-7) 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 (%)		95.5

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(8)  
Data were unavailable from Understanding Children’s Work Project’s analysis, 2016.(9)

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 (4, 10-18)
	Fishing,† including working on fishing boats and repairing nets (1, 2, 4, 5, 19, 20)
	Raising livestock, including poultry and sheep (2, 4, 21)
Industry	Construction,† including demolishing buildings and collecting rubble and gravel for construction purposes (1-5)
	Manufacturing, including working in pottery workshops (2, 3, 5)
	Blacksmithing† (2)
Services	Street vending and portering (2-5, 22)
	Working in auto body shops and metal workshops (2-4, 22)
	Working in shops, restaurants, bakeries, or hotels (2, 5, 19, 22)
	Transporting goods (4, 23)
	Collecting scrap metal, cement bricks, and solid waste† (1, 2, 16, 21)
Categorical Worst Forms of Child Labor‡	Scavenging garbage, steel, and gravel at trash pits (19, 24, 25)
	Use in illicit activities, including smuggling drugs and food (4-7)
	Begging as a result of human trafficking (26)
	Commercial sexual exploitation (21)

† 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.(6, 21, 27) 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 labor in Israeli agricultural settlements in the Jordan Valley, where children work in excessive heat and are exposed to dangerous pesticides.(5, 7, 10, 16-18) The PA has documented cases in which child laborers were injured at work in the settlements and taken to hospitals in the West Bank.(5)

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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.<sup>(5)</sup> Insecurity also hinders children’s access to schools.<sup>(28, 29)</sup> Schools are overcrowded, poorly equipped, and at times unhygienic or susceptible to weather conditions.<sup>(30-32)</sup> 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.<sup>(33, 34)</sup> According to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), settler violence, military operations, delays at checkpoints, and school closures also limit access to education for Palestinian children.<sup>(35, 36)</sup>

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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 (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	

The PA has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in the West Bank and the Gaza Strip’s legal framework to adequately protect children from child labor.

**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 (37, 38)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Labor Law for the West Bank and the Gaza Strip (38)
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 (39)
Prohibition of Forced Labor	Yes		Article 1 of Minister of Labor’s Decree on Hazardous Work for the West Bank and the Gaza Strip (39)
Prohibition of Child Trafficking	No		Article 1 of Minister of Labor’s Decree on Hazardous Work for the West Bank and the Gaza Strip (39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 36 of the Palestinian Child Law for the West Bank and the Gaza Strip; Articles 306, 310, 311, 315, and 319 of the Jordanian Penal Code for the West Bank; Articles 159 and 165 of the Palestinian Penal Code for the Gaza Strip (37, 40, 41)
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 (37)
Minimum Age for 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 (37)
Non-state Compulsory	No		Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (37)

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

Standard	Meets International Standards: Yes/No	Age	Legislation
Compulsory Education Age	Yes	16	Articles 3, 15, and 18 of the Palestinian Education Act for the West Bank and the Gaza Strip (42)
Free Public Education	Yes		Article 37 of the Palestinian Child Law for the West Bank and the Gaza Strip (37)

\* No conscription in the West Bank and the Gaza Strip (7)

† No standing military in the West Bank (7)

Although human trafficking is on the hazardous work list, the law does not criminally prohibit child trafficking in accordance with international standards.(38, 39) There are no criminal penalties for recruiting children into non-state armed groups.(37)

### 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). However, gaps in labor law enforcement remain and some enforcement information is not available.

**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.(43)
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.(44)
Police	Investigate violations of criminal laws, including the commercial sexual exploitation of children. (44)
Office of the Attorney General	Prosecute cases of child exploitation, including child labor.(44)

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.(43, 45-48) Since the 2007 takeover in the Gaza Strip by Hamas, the PA has not had enforcement capabilities in the Gaza Strip, despite the creation of the PA interim consensus government in 2014.(43, 45, 49)

#### *Labor Law Enforcement*

In 2016, PA labor law enforcement agencies in the West Bank took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	53 (21)	67 (48)
Number of Child Labor Dedicated Inspectors	6 (21)	18 (48)
Inspectorate Authorized to Assess Penalties	No (50)	No (5)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (21)	Yes (51)
Training on New Laws Related to Child Labor	Yes (21)	Yes (51)
Refresher Courses Provided	Yes (21)	Yes (51)
Number of Labor Inspections	5,180 (46)	4,200 (5)
Number Conducted at Worksite	5,180 (46)	4,200 (5)
Number Conducted by Desk Reviews	0 (21)	0 (5)
Number of Child Labor Violations Found	359 (48)	202 (48)

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)**

Overview of Labor Law Enforcement	2015	2016
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
Number of Penalties Imposed That Were Collected	Unknown	Unknown (51)
Routine Inspections Conducted	Yes (21)	Yes (51)
Routine Inspections Targeted	Yes (21)	Yes (5)
Unannounced Inspections Permitted	Yes (50)	Yes (50)
Unannounced Inspections Conducted	Yes (21)	Yes (5)
Complaint Mechanism Exists	Yes (21)	Yes (21)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (21)	Yes (21)

The Ministry of Labor previously reported that they are unable to inspect as many businesses per year as required by the Labor Law due to inadequate funding.(5, 21)

### *Criminal Law Enforcement*

In 2016, PA criminal law enforcement agencies in the West Bank took actions to combat the worst forms of child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (21)	Yes (51)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (21)	Yes (51)
Refresher Courses Provided	Yes (21)	Yes (51)
Number of Investigations	14 (46)	40 (51)
Number of Violations Found	119 (46)	40 (51)
Number of Prosecutions Initiated	8 (21)	3 (51)
Number of Convictions	Unknown (21)	0 (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (21)	Yes (21)

In 2016, the Ministry of Social Affairs (MOSA) provided training to judges, police officers, and social workers. PA officials stated that inadequate resources, including limited training, hampered their capacity to enforce criminal laws related to the worst forms of child labor. Three cases of prosecution related to the worst forms of child labor were pending at the end of 2016.(5)

## 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 8).

**Table 8. Key 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 the MOL and includes representatives from four other ministries, as well as international organizations.(23) In 2016, the Committee met regularly, which, together with the efforts of MOSA Child Protection Networks, resulted in improved coordination among government agencies.(5)
MOSA Child Protection Networks	Coordinate at the district level between service providers, law enforcement, and the Attorney General to protect vulnerable children, including those involved in child labor.(44, 52) Composed of MOSA, other PA agencies, and international organizations. The role of some agencies is to provide services to vulnerable children, while others ensure that crimes against children are prosecuted in accordance with the law.(44, 52)

## 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 9).

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Development Plan (2014–2016)	Aimed to improve the living standards of residents, including through alleviating poverty and reducing unemployment. Included components to better regulate the economic activities of working children and remove more child laborers from the labor market.(53) Research was unable to determine whether activities were undertaken to implement the National Development Plan during the reporting period.

Although the PA has adopted the National Development Plan, research found no evidence of a policy that includes all worst forms of child labor.

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the PA funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Key Social Programs to Address Child Labor<sup>†</sup>**

Program	Description
MOSA Social Protection Programs <sup>†</sup>	MOSA programs in the West Bank that provide cash assistance, health insurance, and free education.(52) 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.(52)
MOSA Vocational Centers <sup>†</sup>	MOSA program in the West Bank that operates 13 vocational centers for children who have dropped out of school.(44)
UN Education Programs	UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) programs that 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.(54) In 2016, UNICEF provided protective presence to children as they commuted to school, as harassment on the way to school in Area C of the West Bank is a key barrier to education. UNICEF also rehabilitated school buildings in the Gaza Strip.(55)

<sup>†</sup> Program is partially funded by the PA.

<sup>‡</sup> In 2016, the PA had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(56)

MOSA previously indicated that additional educational programs are needed in order to address child labor, but it lacked sufficient funding to implement them.(21) 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 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 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits the recruitment of children under 18 into non-state armed groups.	2016
	Ensure that the law criminally prohibits all stages of human trafficking, trafficking for forced labor and commercial sexual exploitation, and both domestic and international trafficking, in accordance with international standards.	2015 – 2016
Enforcement	Ensure that child labor laws are enforced in the Gaza Strip.	2010 – 2016
	Publish information on the labor inspectorate, including the amount of funding, the number of child labor violations for which penalties were issued, and whether penalties were collected.	2010 – 2016
	Authorize the labor inspectorate to assess penalties.	2016
	Provide further resources and staff to the MOL and MOSA to conduct inspections, and to provide further training on the worst forms of child labor.	2010 – 2016

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**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)**

Area	Suggested Action	Year(s) Suggested
Government Policies	Implement the National Development Plan.	2016
	Adopt a policy that addresses all worst forms of child labor, such as the use of children in illicit activities.	2016
Social Programs	Expand programs to improve access to education.	2011 – 2016
	Expand programs to further combat child labor, specifically in agriculture and street work.	2010 – 2016

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