

West Bank and the Gaza Strip

NON-INDEPENDENT COUNTRIES AND TERRITORIES

MINIMAL ADVANCEMENT

In 2015, 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. To improve enforcement of minimum age protections, the Palestinian Authority increased the number of labor inspectors and child protection officers. However, children in the West Bank and the Gaza Strip are engaged in child labor, including in agriculture and street work. Labor and criminal law enforcement agencies lacked sufficient funding. 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 are engaged in child labor, including in agriculture and in street work.(1, 2) 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 (%)		96.9

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(3)

Data were unavailable from Understanding Children’s Work Project’s analysis, 2015.(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,* onions,* sweet peppers,* grapes,* tomatoes,* and marijuana* (5-11)
	Fishing,*† activities unknown (2, 5, 12)
	Raising livestock, including poultry* and sheep* (1, 2, 5)
Industry	Construction,† including demolishing buildings* and collecting rubble* and gravel for construction purposes (1, 2, 5, 12, 13)
	Manufacturing, activities unknown (1, 2, 13)
	Blacksmithing*† (2)
Services	Street vending and portering (1, 2, 5, 14)
	Working in auto body shops and metal workshops (1, 2, 5, 14)
	Working in shops, restaurants, or hotels (1, 2, 14)
	Transporting goods* (5, 15)
	Collecting scrap metal and solid waste† (1, 2, 12, 13)
Categorical Worst Forms of Child Labor‡	Scavenging garbage* (16)
	Use in illicit activities, including smuggling drugs* and food* (5, 17, 18)
	Begging as a result of human trafficking* (19)
	Commercial sexual exploitation* (1)
	Recruitment for use in armed conflict by non-state armed groups (20-22)

* 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.

Evidence points to military training of children as young as age 13 by Hamas.(20-22) There are also reports of child trafficking from the West Bank and the Gaza Strip into Israel, primarily for forced begging.(1, 17)

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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.(6, 18)

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.(23) Insecurity also hinders children's access to schools.(24, 25) In the 2014 conflict between Israel and Hamas, about half of the Gaza Strip's 520 schools were damaged or destroyed, including the only facility for children with disabilities.(26) Schools are overcrowded, poorly equipped, and at times unhygienic or susceptible to weather conditions.(23, 27, 28) 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.(29, 30) The Palestinian Central Bureau of Statistics found that approximately 56-80 percent of working children between the ages of 10 and 17 either did not attend school in 2014 or only attended part of the year due to seasonal agricultural work.(1, 31)

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. The PA acceded to the UN CRC and the UN CRC 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	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 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)
Prohibition of Hazardous Occupations or Activities 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	Yes		Article 1 of Minister of Labor's Decree on Hazardous Work for the West Bank and the Gaza Strip (34)
Prohibition of Child Trafficking	Yes		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	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 (32, 35, 36)
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 (32)

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Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
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 the Gaza Strip (32)
Compulsory Education Age	Yes	16	Articles 3, 15, and 18 of the Palestinian Education Act for the West Bank and the Gaza Strip (37)
Free Public Education	Yes		Article 37 of the Palestinian Child Law for the West Bank and the Gaza Strip (32)

* No conscription in the West Bank and the Gaza Strip (18)

† No standing military in the West Bank (18)

Although human trafficking is on the hazardous work list, the law does not criminally prohibit all stages of trafficking, trafficking for forced labor or commercial sexual exploitation, or domestic and international trafficking in accordance with international standards.(33, 34)

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 related to child labor.(31)
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.(38)
Police	Investigate violations of criminal laws, including provisions against commercial sexual exploitation of children.(38)
Office of the Attorney General	Prosecute cases of child exploitation, including child labor.(38)

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 is home to an estimated 297,986 Palestinians, as well as the vast majority of the West Bank's agricultural areas where many Palestinian children work.(31, 39-41) 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.(31, 39, 42)

Labor Law Enforcement

In 2015, PA 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	2014	2015
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	42 (1)	53 (1)
Number of Child Labor Dedicated Inspectors	Unknown	6 (1)
Inspectorate Authorized to Assess Penalties	Yes (43)	Yes (43)
Training for Labor Inspectors		
■ Initial Training for New Employees	Yes (1)	Yes (1)
■ Training on New Laws Related to Child Labor	Yes (1)	Yes (1)
■ Refresher Courses Provided	Yes (1)	Yes (1)

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

Overview of Labor Law Enforcement	2014	2015
Number of Labor Inspections	6,500 (31)	5,180 (41)
■ Number Conducted at Worksite	6,500 (31)	5,180 (41)
■ Number Conducted by Desk Reviews	0 (1)	0 (1)
Number of Child Labor Violations Found	Unknown	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
■ Number of Penalties Imposed That Were Collected	Unknown	Unknown
Routine Inspections Conducted	Yes (1)	Yes (1)
■ Routine Inspections Targeted	Yes (1)	Yes (1)
Unannounced Inspections Permitted	Yes (43)	Yes (43)
Unannounced Inspections Conducted	Yes (1)	Yes (1)
Complaint Mechanism Exists	Yes (1)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (1)	Yes (1)

In 2015, MOL inspectors investigated only officially registered businesses. MOL reported that they are unable to inspect 100,000 businesses per year as required by the Labor Law, due to insufficient funding.(1) Each directorate (local PA ministry field offices) had only one car to share among ministries, and some staff used public transportation at their own expense to conduct inspections. Despite the fact that MOL employed inspectors dedicated to child labor issues, all of its inspectors were permitted to inspect for compliance with child labor laws.(1) MOL increased the number of routine inspections in agricultural fields during the harvest season, when children are likely to be engaged in child labor.(1)

Criminal Law Enforcement

In 2015, 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	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Yes (1)	Yes (1)
■ Training on New Laws Related to the Worst Forms of Child Labor	Yes (1)	Yes (1)
■ Refresher Courses Provided	Unknown	Yes (1)
Number of Investigations	34 (1)	14 (41)
Number of Violations Found	195 (1)	119 (41)
Number of Prosecutions Initiated	12 (1)	8 (1)
Number of Convictions	Unknown (1)	Unknown (1)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (31)	Yes (1)

In 2015, the Ministry of Social Affairs (MOSA), which is responsible for the provision of services to children engaged in the worst forms of child labor, employed 15 child protection officers, compared to 13 in 2014.(1, 18) Despite the increase, MOSA reported that it was unable to manage its large caseloads effectively.(1) MOSA coordinated with its district-level Child Protection Networks to conduct 9 inspection campaigns, which resulted in the identification of 97 children engaged in child labor; these cases were referred to the Attorney General. The number of individual inspections conducted in the nine campaigns is not known.(1)

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. 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 the Ministries of Social Affairs, Education, Health, and Justice, as well as from the ILO, UNICEF, and Save the Children.(15) Met regularly in 2015.(1)
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.(38, 44) Composed of MOSA, the police, the Attorney General, UNICEF, and NGOs, with 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 that crimes against children are prosecuted in accordance with the law.(38, 44)

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. Policies Related to Child Labor

Policy	Description
National Development Plan (2014–2016)	Aims to improve the living standards of residents, including through alleviating poverty and reducing unemployment. Includes components to better regulate the economic activities of working children and remove more child laborers from the labor market.(45)
Education Development Strategic Plan (2014–2019)*	Aims to ensure free and safe enrollment, improve educational achievement, build the capacity of teachers, and reform the education curricula at all levels.(46)
Policy of Nonviolence and Discipline in Schools*	Aims to reduce violence and improve discipline in schools.(30, 47)

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

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, 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. 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.(44) 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.(44)
MOSA Vocational Centers†	MOSA program in the West Bank that operates 13 vocational centers for children who have dropped out of school.(38)
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.(48, 49) Provides free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.(48, 49)
Programs of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)	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.(50)
Teacher Education Improvement Project (2010–2015) and Additional Financing for Teacher Education Improvement Project (2015–2019)*	\$5 million World Bank-funded, 5-year project implemented by the Ministry of Education and Higher Education to improve the skills of primary school teachers (grades 1–4) and consequently improve student learning. (51, 52) Since 2010, the project provided school-based practice to more than 750 pre-service teachers and additional capacity-building training to more than 2,000 underqualified teachers in the West Bank and the Gaza Strip.(53) In 2015, the World Bank provided \$3 million in additional financing for the next phase of the project (2015–2019), aimed at project sustainability, expanding services to additional institutions, bringing teacher education into alignment with international best practices, and supporting ultimate implementation of curriculum reform for primary education.(54)

* Program was launched during the reporting period.

† Program is partially funded by the PA.

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In 2015, MOSA provided financial assistance to families of child laborers under the condition that the children return to school, but the program was only partially successful and was insufficiently funded. MOSA indicated that additional educational programs are needed in order to address child labor, but it lacked sufficient funding to implement them.⁽¹⁾ Although the West Bank and the Gaza Strip have programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

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 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
Enforcement	Ensure that child labor laws are enforced in the Gaza Strip.	2010 – 2015
	Make information publicly available on the funding of the labor inspectorate, the numbers of child labor violations found and penalties imposed, and whether penalties were collected.	2010 – 2015
	Provide sufficient resources and staff to MOL and MOSA to conduct inspections.	2010 – 2015
	Make information publicly available on the number of convictions related to the worst forms of child labor.	2010 – 2015
Government Policies	Integrate child labor elimination and prevention strategies into existing policies, including the Education Development Strategic Plan and the Policy of Nonviolence and Discipline in Schools.	2014 – 2015
Social Programs	Expand programs to improve access to education.	2011 – 2015
	Expand programs to further combat child labor, specifically in agriculture and street work.	2010 – 2015

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