

# West Bank and the Gaza Strip

MODERATE ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

In 2013, the Palestinian Authority (PA) made a moderate advancement in efforts to eliminate the worst forms of child labor in the areas of the West Bank under PA control. The PA established the National Committee on Child Labor to serve as a coordinating mechanism to combat the problem. It expanded the number of the country's Child Protection System Referral Networks (CPNs), which coordinate to protect vulnerable children such as those in child labor, from eight to 12 to cover each of the West Bank's 12 districts. Furthermore, the Ministry of Social Affairs continued to provide some assistance to low-income families with the goal of keeping children out of child labor. However, children in the West Bank and the Gaza Strip continue to engage in child labor in agriculture and street work. The PA legal framework does not include prohibitions against forced labor or trafficking. The PA continued to lack an adequate number of inspectors and child protection officers to enforce child labor laws. There is also no evidence of any targeted programs for children involved in child labor.

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the West Bank and the Gaza Strip are engaged in child labor in agriculture and street work.(1-4) 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)	5-14 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, 2014.(5)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(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	Farming, including the production of dates,* peppers,* eggplant,* tomatoes,* and poultry* (1, 2, 4, 7-11)
	Fishing,* activities unknown (11)
Industry	Construction, including demolishing buildings and collecting pebbles and gravel for construction purposes* (1-4, 10-15)
	Manufacturing, activities unknown (1, 4, 9-11)
	Blacksmithing* (11)
Services	Street work, including street vending (1, 4, 9, 11)
	Portering* and trading (1, 11)
	Work in auto body shops and metal workshops* (10, 12, 16)
	Work in shops, restaurants, or hotels* (4, 9, 11)
	Transportation* (9)
Categorical Worst Forms of Child Labor‡	Collecting scrap metal and solid waste* (4, 9, 11)
	Used as combatants in relation to armed conflict* (4)
	Used to smuggle food and other goods, including through tunnels (1, 4, 9, 11)
	Forced labor in agriculture* and begging* as a result of trafficking (17, 18)

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

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

During the first half of 2013, children continued to be paid to smuggle goods through Gaza's tunnels but, after that point, most smuggling tunnels were closed.(4, 19) Although past reports have indicated children were used as human shields and informants, there were no such reports during 2013.(20)

# West Bank and the Gaza Strip

NON-INDEPENDENT COUNTRIES AND TERRITORIES




MODERATE ADVANCEMENT

The West Bank and the Gaza Strip lacks 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. (21, 22) Schools are also sometimes poorly equipped and unhygienic.(21, 22) Access to schools is also hindered by the violence perpetrated by both Israeli and Palestinian forces. During the first half of 2013, UNICEF reported 29 attacks on schools in the West Bank.(4)

## II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

The Palestinians have Non-Member Observer status at the UN. As such, the Palestinian Authority (PA) is not eligible to ratify UN and ILO conventions (Table 3).(19, 23)

**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	N/A
	UN CRC Optional Protocol on Armed Conflict	N/A
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	N/A
	Palermo Protocol on Trafficking in Persons	N/A

No unified and comprehensive set of child labor and education laws exists for all of the West Bank and Gaza. Since the 2007 takeover in Gaza by Hamas, the PA has not had enforcement capabilities in the Gaza Strip.(4, 19) 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. In Area C, which represents 61 percent of the West Bank's land area and contains approximately 4 percent of the Palestinian population, the Israeli Government has control.(4, 9, 19, 25) This report discusses only the efforts of the PA in the areas it controlled in 2013 and early 2014. For more information, see the USDOS's 2013 Human Rights Report.(4)

The PA has established relevant 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 Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 (26, 27)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Unified Labor Law No. 7 of 2000 (26)
List of Hazardous Occupations Prohibited for Children	Yes		Minister of Labor Decision No. 1 of 2004 (19)
Prohibition of Forced Labor	No		
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Palestinian Child Law No. 7 of 2004 and Jordanian Law No. 16 of 1960 (25, 27)
Prohibition of Using Children in Illicit Activities	Yes		Palestinian Child Law No. 7 of 2004 (27)

# West Bank and the Gaza Strip

MODERATE ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

**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 1 of the Palestinian Child Law No. 7 of 2004 (27, 28)
Compulsory Education Age	Yes	16	Jordanian Education Law of 1964, Article 37 of the Palestinian Child Law No. 7 of 2004, and Basic Law (4, 25, 28)
Free Public Education	Yes		Article 37 of the Palestinian Child Law No. 7 of 2004 and Basic Law (25)

\* No conscription or no standing military.

Research found no evidence of legal prohibitions against forced labor or trafficking.(17, 27) Rather than applying higher penalties, Law No. 16 applies the same penalties for rape and sexual assault of children 15 through 17 years of age as it does for such crimes committed against adults.(29)

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

The Government 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) Inspection and Protection Administration	Enforce labor laws, including those on child labor.(17)
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.(25)
Police	Investigate violations of criminal laws including provisions against commercial sexual exploitation of children.(25)
Office of the Attorney General	Prosecute cases of child exploitation, including child labor.(25)
Child Protection System Referral Networks (CPNs)	Coordinate to protect vulnerable children, including those in child labor. Operate at a district level.(25, 30) MOSA, the police, the Attorney General, UNICEF, and NGOs make up the CPNs, which have specific annual work 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.(25, 30)

PA law enforcement agencies took actions to combat child labor, including its worst forms.

#### *Labor Law Enforcement*

In 2013, the Ministry of Labor (MOL) employed 42 labor inspectors, 12 of whom are specifically assigned to monitor child labor conditions. Government officials describe the MOL as understaffed and in need of at least 300 labor inspectors in order to enforce labor laws, including those on child labor.(9, 31)

Government officials likewise describe Ministry of Social Affairs (MOSA) case workers as overburdened by a large case load and as lacking the resources needed to follow up on reported child labor violations.(9) As of December 2010, MOSA had fewer than 13 child protection social workers in the West Bank.(25) Research did not determine whether these numbers have changed. MOSA also does not have legal authority to enter homes, where child labor cases are reported to occur, to inspect for child labor.(25)

During the year, MOL inspectors and MOSA officers worked to raise awareness with business owners on minimum age requirements for work eligibility and the importance of keeping children away from dangerous machinery.(9) In 2013, the MOL and MOSA continued to encourage parents to send their children to school rather than work.(9)

MOL sent a small number of cases involving underaged children who were engaged in hazardous work to the Office of the Attorney General for prosecution.(4) However, no data were found on the number of child labor inspections conducted or the precise number of violations reported during the reporting period.(9)

### *Criminal Law Enforcement*

In 2013, CPNs were created in the remaining four districts of the West Bank not previously covered, so that all 12 districts now have such networks.(9, 30) No further information was found on investigations of criminal worst forms of child labor.

## **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 (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 the MOL, and includes representatives from the MOSA, the Ministry of Education, Ministry of Health, Ministry of Justice, and other ministries; as well as the ILO, UNICEF, and Save the Children, among others.(9)

In November 2013, the PA Cabinet formed the National Committee on Child Labor. The Committee held two meetings in 2013 and finalized a MOU among the government ministries making up the Committee.(9)

## **V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR**

Some reports indicate that, during 2012, the PA developed and updated a national plan of action on children and that, during 2013, the National Committee on Child Labor was created to begin developing a national child labor policy.(9, 30) Research found no evidence that either policy was adopted during the reporting period, nor did it find evidence of any other policies to address child labor, including its worst forms.(9)

## **VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR**

In 2013, the PA funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 7).

**Table 7. Social Programs to Address Child Labor**

Program	Description
MOSA social protection programs*‡	MOSA programs that provide cash assistance, health insurance, and free education.(9, 30) Families are assessed for eligibility; one of the goals is to prevent families from resorting to child labor. MOSA and the Ministry of Education (MOE) also make efforts to ensure that children who have dropped out are sent back to school.(30)
MOSA vocational centers*‡	MOSA program that operates eight vocational centers for children who have dropped out of school. These centers have been integrated into the CPN system.(9, 28)
Palestinian Child Protection Helpline 121	Save the Children Sweden-funded program implemented by Together ( <i>Sawa</i> ), a civil society organization, that supports a Child Protection Helpline 121.(32, 33) Provides free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation. Government officials work with the Helpline to provide services to victims.(32, 33)
UN Relief and Works Agency programs*	UN-funded programs that support education for children and youth in refugee camps in the West Bank and provide microfinance and other forms of support to families.(34)
Water, Sanitation and Hygiene (WASH) in Schools*	UNICEF-supported project that aims to improve water, sanitation, and health facilities in schools in the West Bank.(34)

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

‡ Program is partially funded by the PA.

In 2010, MOSA's vocational centers were criticized in the PA's report to the CRC as outdated, poorly resourced, and ineffective.(25) In 2013, PA officials solicited additional support to expand vocational programs for youth, but research did not determine whether such funding was received.(28)

# West Bank and the Gaza Strip

MODERATE ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

From late 2012 until March 2013, Israel irregularly transferred the PA's customs and Value Added Tax (VAT) revenues collected on imported goods destined for the West Bank and Gaza via Israeli points of entry. This lack of predictable revenue negatively impacted the PA's ability to implement social protection efforts, including those to combat child labor, in early 2013.(17, 19, 35) Israel announced the normal resumption of these revenue transfers on March 25, 2013.(35) This revenue represents 70 percent of the PA's domestic revenue, and forms a significant part of the resources available for salaries and social protection program transfers.(19)

Despite the above efforts, there are no programs in the West Bank and the Gaza Strip to address specifically 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 8).

**Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Amend the law, possibly through establishing a united criminal code, to expressly prohibit forced and compulsory labor as well as trafficking.	2009 – 2013
	Apply higher penalties for rape and sexual assault of 15 through 17-year-old children than for similar crimes against adults.	2013
	Empower government officials to inspect homes for cases of the worst forms of child labor.	2013
Enforcement	Provide sufficient resources and staff to the MOL and the MOSA to enforce child labor laws adequately.	2010 – 2013
	Collect and make publicly available more complete data on the enforcement of laws on child labor.	2010 – 2013
	Collect and make publicly available current data on the steps being taken to enforce criminal laws against the worst forms of child labor.	2010 – 2013
Government Policies	Establish a new children's policy that includes provisions to protect children from the worst forms of child labor.	2012 – 2013
Social Programs	Conduct research to determine the activities carried out by children working in fishing and manufacturing to inform policies and programs.	2013
	Improve educational access by addressing violence aimed at schools and by increasing the number of well-equipped and hygienic schools available for students, including through programs like WASH in schools.	2011 – 2013
	Research the impact of PA social protection and education programs on the worst forms of child labor.	2012 – 2013
	Update, expand, and increase the resources for programs such as the vocational training centers, and create programs to combat child labor in agriculture and street work.	2010 – 2013

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# West Bank and the Gaza Strip

NON-INDEPENDENT COUNTRIES AND TERRITORIES

MODERATE ADVANCEMENT

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