

West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

In 2018, 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 Ministry of Education and Higher Education improved training for teachers and began building more classrooms and equipping them with digital facilities to improve learning at schools. The Palestinian Authority also 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 280,000 students and emergency school supplies to more than 14,700 students. 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 legal framework does not criminally prohibit all elements of child trafficking, and labor inspectors are not authorized to assess penalties. In addition, programs to prevent or eliminate child labor are insufficient. The Palestinian Authority declined to meet or provide information for inclusion in this report.

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. Children also engage in child labor in street vending. (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 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		95.9

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2019. (4)

Data were unavailable from International Labor Organization's analysis, 2019. (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 dates, onions, sweet peppers, grapes, tomatoes, olives, and marijuana (2,6,7-10)
	Fishing,† including working on fishing boats and repairing nets (2,3,10,11)
	Raising poultry and sheep (2,12)
Industry	Construction,† including demolishing buildings and collecting rubble and gravel for construction purposes (1-3,10,13,14)
	Manufacturing, including working in pottery workshops (1,3)
	Working in factories (10,15)
Services	Street vending, portering, and cleaning cars (1-3,10,13,15,16)
	Begging (10,15)
	Working in auto body shops and metal workshops (1,2,15)
	Domestic work (3,10,14)
	Transporting goods (2,10,17)
	Collecting scrap metal, cement bricks, and solid waste† (8,10,12)
	Scavenging garbage, steel, and gravel at trash pits (14,16,18,19)
Categorical Worst Forms of Child Labor‡	Use in illicit activities, including smuggling drugs and food (2,3,20)
	Begging as a result of human trafficking (12,21)
	Commercial sexual exploitation (12,22)
	Recruitment of children by non-state armed groups for use in armed conflict (23)

† 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.

West Bank and the Gaza Strip

MINIMAL ADVANCEMENT







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. (3,8,9,20) West Bank Palestinian girls are vulnerable to sex and labor trafficking in Israel after family members force them into marriages with older men; these girls experience physical and sexual abuse, threats of violence, and restricted movement. (22)

In the Gaza Strip, many school structures that were damaged, destroyed, or repurposed during the war of 2014 have not been repaired or replaced. (3) Most schools in the Gaza Strip work on a double-shift schedule, limiting class time to only 4 hours each day. (24,25) In the West Bank and the Gaza Strip, violence perpetrated by Palestinians and Israeli settlers, military operations that have impacted schools in session, delays at checkpoints, and school closures hinder children's access to schools. (26-32) Schools are overcrowded, poorly equipped, and, at times, unhygienic or susceptible to weather conditions. (33,34) 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. (10,35,36) According to Save the Children, in 2018 there were at least 78 incidences of school-related violence in the West Bank, affecting more than 26,000 children, and 4 schools were demolished, further limiting access to education. (37)

II. Legal Framework for 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. 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). (38) 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 (39,40)
Minimum Age for Hazardous Work	Yes	18	Article 95 of the Labor Law for the West Bank and the Gaza Strip (40)
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 (41)

West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	No		Article 1 of Minister of Labor's Decree on Hazardous Work for the West Bank and the Gaza Strip (41)
Prohibition of Child Trafficking	No		Article 1 of Minister of Labor's Decree on Hazardous Work for the West Bank and the Gaza Strip (41)
Prohibition of Commercial Sexual Exploitation of Children	No		Article 36 of the Palestinian Child Law for the West Bank and the Gaza Strip; Articles 306 and 310 of the Jordanian Penal Code for the West Bank; Articles 165 and 167 of the Penal Code for the Gaza Strip (39,42,43)
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 (39,42,43)
Minimum Age for Voluntary State Military Recruitment	Yes†	18	Article 46 of the Palestinian Child Law for the West Bank and the Gaza Strip (39)
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 (39)
Compulsory Education Age	Yes	16	Articles 3, 15, and 18 of the Palestinian Education Act for the West Bank and the Gaza Strip (44)
Free Public Education	Yes		Article 37 of the Palestinian Child Law for the West Bank and the Gaza Strip (39)

* No conscription in the West Bank and the Gaza Strip (20)

† No standing military in the West Bank (20)

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. (40,41) The law does not sufficiently prohibit commercial sexual exploitation, because the use of children in prostitution and the use, procurement, or offering of children for pornographic performances are not criminally prohibited. (43) There are no criminal penalties for recruiting children into non-state armed groups. (39)

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 that may hinder effective enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL), Labor Inspection Office	Enforces labor laws, including those related to child labor. (45)
Ministry of Social Affairs (MOSA), Child Protection Department	Protects children's rights, including through the provision of services to children found involved in the worst forms of child labor. (46)
Police	Investigates violations of criminal laws, including the commercial sexual exploitation of children. (46)
Office of the Attorney General	Prosecutes cases of child exploitation, including child labor. (46)

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

West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

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, as well as the vast majority of the West Bank's agricultural areas. (47-50) Although PA laws ostensibly apply to both the West Bank and the Gaza Strip, the PA had limited means to enforce compliance in Area C of the West Bank as well as in the Gaza Strip, where Hamas exercises de facto control and does not enforce PA laws and regulations. (48,50)

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	2017	2018
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	Unknown	Unknown
Inspectorate Authorized to Assess Penalties	No (2)	No (2)
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	Unknown	Unknown
Number of Child Labor Violations Found	Unknown	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	Unknown	Unknown
Routine Inspections Targeted	Unknown	Unknown
Unannounced Inspections Permitted	Yes (51)	Yes (51)
Unannounced Inspections Conducted	Unknown	Unknown
Complaint Mechanism Exists	Yes (12)	Yes (12)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (12)	Yes (12)

In previous years, the Ministry of Labor reported that it was unable to inspect as many businesses per year as required by the Labor Law, due to insufficient funding. (3,12)

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	2017	2018
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 (12)	Yes (12)

PA officials previously stated that insufficient resources hampered their capacity to enforce criminal laws related to the worst forms of child labor. (3)

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
National Committee on Child Labor	Intends to create national policy on child labor. Led by the MOL and includes representatives from four other ministries, as well as international organizations. (17) Research was unable to determine which activities were conducted by the National Committee on Child Labor during the reporting period.
MOSA Child Protection Networks	Coordinates at the district level among service providers, law enforcement, and the Attorney General to protect vulnerable children, including those involved in child labor. Composed of MOSA, other Palestinian Authority agencies, and international organizations. (46) The role of some agencies is to provide services to vulnerable children; others ensure that crimes against children are prosecuted in accordance with the law. (46) In 2018, Child Protection Networks cooperated with UNICEF to provide children with protection interventions, such as life skills trainings. (52)

V. GOVERNMENT POLICIES ON CHILD LABOR

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

The 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. (53) 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 2018, 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
PA Vocational Centers†	PA program in the West Bank, consisting of 13 vocational centers operated by MOL, and 2 operated by MOSA for children over 15 who have dropped out of school. (46,54) Research was unable to determine what steps were taken in 2018 in the implementation of this program.
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, as well as microfinance and other forms of support to families in the West Bank and the Gaza Strip. (55) In 2018, UNICEF and its partners distributed emergency stationary and school bags to more than 14,700 students in Gaza and provided remedial education to more than 57,000 students at risk of dropping out, with the objective of helping them catch up with their peers. UNICEF also provided more than 5,900 students and 178 teachers with protective presence on their way to and from school in vulnerable areas. (56) In addition, UNICEF trained 688 teachers and school counselors and about 400 school principals on positive discipline, and trained 900 students on peer mediation to report and mitigate violence at schools. (57) UNRWA operated schools in Gaza, providing education to 280,000 children in 2018. (58)

† Program is funded by the PA.

During the reporting period, the Ministry of Education and Higher Education continued the seventh, eighth, and ninth grade vocational training classes that were launched in 2017. The Ministry also improved training and increased wages for teachers, and began building more classrooms and equipping them with digital facilities to improve learning at schools. (59)

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.

West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

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
	Ensure that the law criminally prohibits all stages of child trafficking, including trafficking for forced labor and commercial sexual exploitation, and both domestic and international trafficking, in accordance with international standards.	2015 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 into non-state armed groups.	2016 – 2018
	Ensure that slavery and practices similar to slavery, including forced labor, are criminally prohibited.	2017 – 2018
	Ensure that the use, procurement, and offering of children for all forms of commercial sexual exploitation are criminally prohibited.	2017 – 2018
Enforcement	Ensure that child labor laws are enforced in the Gaza Strip.	2010 – 2018
	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, as well as the number of investigations, prosecutions, and convictions.	2010 – 2018
	Authorize the labor inspectorate to assess penalties.	2016 – 2018
	Provide further resources and staff to the Ministry of Labor and the Ministry of Social Affairs to conduct labor inspections and criminal investigations.	2010 – 2018
Coordination	Ensure that all coordinating bodies are able to carry out their intended mandates.	2017 – 2018
Government Policies	Integrate child labor elimination and prevention strategies into the National Policy Agenda and ensure that it is implemented.	2017 – 2018
Social Programs	Expand programs to improve access to education; for example, through ensuring that children are not subject to violence and that schools are weather-proof and provided with necessary equipment and hygienic facilities.	2011 – 2018
	Ensure that Ministry of Social Affairs social programs are implemented.	2017 – 2018
	Expand programs to further address child labor, specifically in construction, street work, illicit activities, and agriculture.	2010 – 2018

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West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

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West Bank and the Gaza Strip

MINIMAL ADVANCEMENT

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