

Child Labour

and Protection in the
occupied Palestinian territory

DESK REVIEW*

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Introduction

The objective of this policy brief is to highlight the main findings of a desk review conducted by the International Labour Organization on child labour in the occupied Palestinian territory (oPt). It includes definitions and concepts used in understanding child labour, qualitative information and quantitative data mapping on the extent and nature of child labour across the West Bank and Gaza Strip, as well as an overview of the child protection landscape in the oPt. This landscape includes laws devised by the Palestinian Authority that make up the legal framework for child protection, national plans and strategies impacting child protection, as well as the identification of various stakeholders and their associated programmes focusing on prevention and countermeasures to child exploitation. In addition to the review of existing literature, this brief relies on primary evidence through interviews with stakeholders and policymakers.

Facts and figures

According to the Palestinian Central Bureau of Statistics (PCBS) publication entitled "Palestinian Children," there were 65,000 working children between the ages of 5 and 14 who were paid or unpaid as of the year 2010.¹ This reflects about 6 per cent of the 5 to 14 age group in the oPt.² The PCBS Labour Force Survey for 2011 presents a similar figure for the labour force participation amongst the 10 to 17 age group. Specifically, it shows that 5.5 per cent of those aged 10 to 17 participate in the labour force. Of that figure 68.3 per cent were employed, 7.7 per cent underemployed, and 24 per cent unemployed (see Figure 1).³

Male children have higher participation rates in the labour force than female children. Agriculture is the economic sector with the highest incidence of child work. The majority of such work is unpaid and provides support to households. On average, weekly work hours for working children vary according to age. Average weekly work hours for working

children aged 10-17 are also marginally higher than for the overall labour force (15 years and above). Moreover, the average daily wage for working children is significantly lower than for the overall labour force.

Figure 1: Labour force participation rates for children aged 10-17 (per cent of labour force)

Occupied Palestinian territory	2010	2011
Aged 10-17	4.8	5.5
Employed	69.8	68.3
Underemployed	6.3	7.7
Unemployed	23.9	24
West Bank		
Aged 10-17	6.9	7.2
Employed	76.2	72.7
Underemployed	6.2	6.9
Unemployed	17.6	20.4
Gaza		
Aged 10-17	1.6	2.8
Employed	27.2	51.1
Underemployed	7.2	10.7
Unemployed	65.6	38.2

Source: PCBS, Labour Force Surveys, 2011 and 2010, Tables 2-4

In the agricultural sector, children typically engage in tasks such as carrying water, grazing animals, picking crops, and other activities.⁴ In the year 2010, 47.6 per cent of employed children in the 10 to 17 age group were involved in agriculture in the occupied Palestinian territory. Moreover, there are differences between the West Bank and Gaza. While agriculture is the sector where the highest proportion of children work in the West Bank (49 per cent of employed children aged 10 to 17 in 2010), in Gaza, only 24.7 per cent of employed children in the same age group worked in the sector.

1. Data presented is based on the results of the Palestinian Family Survey of 2010.

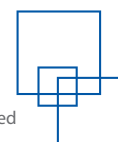
2. PCBS, Palestinian Children: Issues and Statistics, 2012 (original source: Palestinian Family Survey, 2010)

3. PCBS, Labour Force Survey, 2011; Table 2

4. PCBS, Palestinian Children: Issues and Statistics, 2012 (original source: Palestinian Family Survey, 2010) The Desk Review "Child Labour and Protection in the occupied

5. Palestinian Territory" was conducted by Samia Al-Botmeh and Nithya Nagarajan, in

2013, under the project Enhanced Knowledge and Capacity for Tripartite Partners to Address the Worst Forms of Child Labour in oPt, funded by ILO.



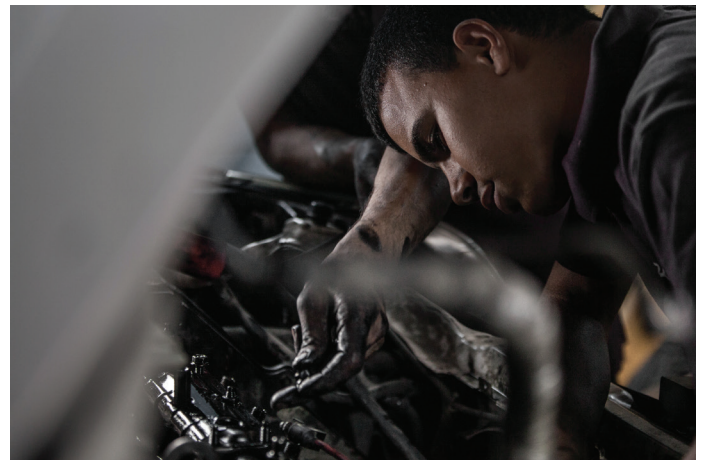
Worst forms of child labour

While the majority of working children tend to be unpaid workers engaged in family-based agricultural labour, children also work in more hazardous environments and in highly vulnerable conditions. There are no comprehensive studies covering the oPt which examine the magnitude of specific activities and associated dangers that working children face. However, mixed quantitative-qualitative studies shed some light on the nature of dangers faced by child labourers in such circumstances.

Figure 2: Worst forms of child labour in four locations of oPt

Location	Forms of labour
Jordan Valley	Working in construction; working in pesticides; driving tractors and other agricultural machines; herding sheep in areas that are dangerous or near the border; planting marijuana.
Jerusalem	Working in border areas near Israeli settlements; hawking sweets, gum and napkins; cleaning cars; smuggling drugs; trafficking and prostitution
Beit Hanoun, Gaza	Smuggling drugs; selling gallons of gas on streets; selling metals, wood and plastic from demolished houses; car repair; hawking various consumer goods; traveling to Rafah to work in tunnels and workshops.
Rafah, Gaza	Working in fishing; working in or around smuggling tunnels; selling cigarettes and sweets; working in workshops using sharp tools and machines; making and selling fireworks; transporting goods with animals; working with armed groups; smuggling/selling drugs.

Source: Birzeit University Centre for Development Studies, Impact of Conflict on Child Labour: The Case of Palestine, March 2010.



Source: ILO/ Ashraf Dowani

Demand and Supply

Over the past decade, Palestinian households have faced rising levels of poverty and are dependent on humanitarian aid for daily survival. As of 2009, over a fifth of the Palestinian population lived in poverty, with many more households highly vulnerable to poverty and concentrated around the poverty line.⁵ By 2011, two in three Palestinians were affected by food insecurity⁶. In the same year, unemployment rates in the occupied Palestinian Territory stood at 26 per cent and average real wages decreased due to inflationary pressures.⁷ These dynamics create direct pressure on children to work in order to support their households.

Demand side factors, namely the functioning of the labour market, also play an important role in the magnitude of and dynamics associated with child labour in the oPt. Namely, the evolution of labour market opportunities and wage structures can have two opposing effects on child labour. On the one hand, a decrease in the low skilled market wage has an “income effect,” which induces children to work more hours to provide the same amount of support to household income. On the other hand, the wage decrease also has a “substitution effect,” which creates incentives for children to work less since the opportunity cost of not working rises.⁸

Recommendations

The main findings and corresponding recommendations related to combat child labour in the oPt can be summarized as follows:

National Laws and Policies

There is an urgent need to harmonize laws and policies related to child protection between the West Bank and the Gaza Strip and to enact new laws such as the draft Juvenile Justice Bill. Amendments to existing legislation, and in some cases new legislation, are required where gaps exist to protect children from economic exploitation. These include articles of the labour code, the existing dedicated Child Law, clauses in the penal code that outline penalties for those found guilty of exploiting children, and a clear definition of criminal responsibility for caretakers who force their children to work.

The above is in line with Article 32-2 of the Convention on the Rights of the Child that requires governments to “provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.” As it stands, the draft penal code contains no such provisions. In addition, there needs to be stronger legal

protection for children not covered by any existing law, including self-employed children and children working for immediate relatives.⁹

Finally, there is a need to amend the Labour Law so that the minimum age of work is raised to 16 years of age instead of 15, as noted in Ministry of Social Affairs (MOSA) National Strategic Plan for Child Protection. It is also necessary in order to bring the Labour Law in line with the Jordanian Education Law of 1964, which mandates children to remain in school until the age of 16. In addition, the latter will bring the Labour Law in line with ILO Minimum Age Recommendation, 1973 (No. 146).

National Strategies

Strategies relevant to child protection can be classified into two categories: strategies that address child protection directly and strategies that allude to child issues, but not to child protection. Strategies that address child protection directly — such as MOSA's child protection strategies — tend to be comprehensive and ambitious. Such strategies prioritize areas for intervention and create the vision and mechanisms to achieve such priorities. Strategies such as those of the Ministry of Health and the Ministry of Education clearly allude to child issues, but not to child protection. These strategies see child issues from the perspective of providing services in their respective areas. However, they do not detect or address violations of the rights of children outside their specific area of intervention. Thus, it is important to mainstream child protection into such strategies.

Strategies and government national plans such as the National Development Plan and the Ministry of Labour Strategies can benefit from addressing the underlying economic structural barriers that give rise to poverty at the heart of school dropouts and child labour. Accordingly, structural impediments arising from the dynamics of economic sectors and the constitution of the labour market that result in high unemployment rates are not systematically addressed in these plans or strategies. The underlying causes of unemployment in the oPt are a result of the erosion of productive capacity within the Palestinian economy and its dependence on external resources for growth, including remittances from workers in Israel and international aid. As a result, in order to deal with the structural causes of child labour, policy interventions need to shift focus to address the interplay between the supply and demand in the labour market and to allow for the expansion of demand for adult labour. Such interventions include the protection of the local economy from external competition while promoting productive capacity.

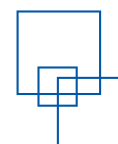
5. World Bank, *Coping with Conflict: Poverty and Inclusion in West Bank and Gaza*, October 2011

6. Ibid.

7. United Nations Conference on Trade and Development, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Palestine Occupied Territory*, July 2012

8. Michele Di Maio and Tushar K. Nandi, *Child Labour and Schooling in Palestine: The Role of the Labour Market and Conflict with Israel*, op.cit.

9. Institute of Community and Public Health (ICPH) - Birzeit University and National Plan of Action Secretariat. 2006. “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services.”



Such action also reduces poverty and decreases school dropouts. Without this shift in vision, poverty will continue to rise, while strategies will remain focused on dealing with the symptoms of child protection issues, rather than addressing the underlying causes for child vulnerability.

More responsibility should be shouldered by unions and employers' associations to tackle child labour through clear policies against the employment of children under 15 years of age.

Stakeholders

There is a need to improve coordination between various stakeholders in the area of child protection, specifically economic exploitation and through the existing Child Protection Network at MoSA which includes all stakeholders working on child protection in the oPt. This is necessary both conceptually and practically. Conceptually, the MOSA's priority areas identified in its various protection strategies should guide the programmes and interventions related to child protection, including international organizations. Strategies should also address the underlying causes of children's economic exploitation by establishing crosscutting interventions across other government bodies (parallel strategies such as MoL, MoH, MoE) and be encompassed in national-level strategies (Government Development Plans). Practically, there is a need to sign Memorandums of Understanding between various stakeholders to create grounds for better coordination and harmonisation of responsibilities. This includes drafting internal guidelines covering the definition of violations to children's rights and mechanisms that deal with referrals of such children to relevant officers and ministries. Moreover, there is a need to enhance the knowledge and training of existing protection officers, employ a number of qualified child protection officers, as well as provide ministries and officers with the financial and physical resources to assume their responsibilities.



Source: ILO/ Ashraf Dowani

Interventions and programmes

It is important to emphasize the need to generate employment for guardians of children rather than merely raise awareness of the dangers of child labour or provide short-term solutions such as the listing families on MOSA's assistance register. The incidence of child labour is a direct result of the contraction of employment in the labour market and a rise in poverty rates. Without linking all programmes of intervention in the area of child labour to strengthening the economic capacity of families to generate income, the risk of an increase in child labour will persist despite measures taken to address its consequences.

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