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RIPE FOR ABUSE

Palestinian Child Labor in Israeli Agricultural Settlements
in the West Bank



Ripe for Abuse

**Palestinian Child Labor in Israeli Agricultural
Settlements in the West Bank**

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Summary

Hundreds of Palestinian children work on Israeli settlement farms in the occupied West Bank, the majority located in the Jordan Valley. This report documents rights abuses against Palestinian children as young as 11 years old, who earn around US \$19 for a full day working in the settlement agricultural industry. Many drop out of school and work in conditions that can be hazardous due to pesticides, dangerous equipment, and extreme heat.

Children working on Israeli settlements pick, clean, and pack asparagus, tomatoes, eggplants, sweet peppers, onions, and dates, among other crops. Children whom Human Rights Watch interviewed said they begin work as early as 5:30 or 6 a.m. and usually work around 8 hours a day, six or seven days a week. During peak harvest periods, some children reported working up to 12 hours a day, over 60 hours a week. Some children described pressure from supervisors to keep working, and not to take breaks.

Although international law, as well as Israeli and Palestinian law, sets 15 as the minimum age of employment, many children told Human Rights Watch that they began working at age 13 or 14. Even younger children work part-time, and one boy interviewed by Human Rights Watch said that he worked together with a boy who was only 10 years old.

The work that children perform can be both grueling and hazardous. Some children who work on settlement farms described vomiting, dizziness, and skin rashes after spraying pesticides with little protection, and experienced body pain or numbness from carrying heavy pesticide containers on their back. Many suffered cuts from using sharp blades to cut onions, sweet peppers, and other crops. Heavy machinery also causes injuries. One child said he saw another child who was pinned under a tractor that rolled over. Another boy said he caught his finger in a date-sorting machine. Children risk falls from climbing ladders to prune and pick dates. Two children had been stung by scorpions while working in settlers' fields.

Temperatures in the fields often exceed 40 degrees Celsius in summer (over 100 degrees Fahrenheit) and can be as high as 50 degrees Celsius (122 degrees Fahrenheit) in greenhouses. Some children described nausea and other symptoms indicating they were

susceptible to heat stroke from working in such extreme temperatures. One boy told Human Rights Watch that he had repeatedly fainted while working in a hot greenhouse.

None of the children interviewed received medical insurance or social insurance benefits, and the majority of those who needed medical treatment due to work injuries or illness said they had to pay their own medical bills and transportation costs to Palestinian hospitals. Three Palestinian children who got sick or were injured while working and had to go home or to the hospital said they were not even paid for the hours they had worked that day, much less for the time they had to take off work.

To research this report, Human Rights Watch interviewed 38 children and 12 adults in Palestinian communities in the Jordan Valley who said they were employed to work on settlement farms in the area, as well as teachers and principals in those communities, Israeli and Palestinian labor lawyers, development-agency staff and labor rights advocates. Children are a minority of Palestinians employed on settlement farms, but most Palestinian children who work in settlements do so in the agricultural sector. All of the children and adults Human Rights Watch interviewed said they took the work due to a lack of alternative jobs and because of the dire economic conditions faced by their families – conditions for which Israel’s policies throughout the occupied West Bank including the Jordan Valley, which severely restrict Palestinians’ access to land, water, agricultural inputs like fertilizers, and their ability to transport goods, are largely responsible. One 18-year-old said that he quit school in Grade 10 because, as he explained, “so what if you get an education, you’ll wind up working for the settlements.”

The vast majority of the children working in settlements whom Human Rights Watch interviewed said they had dropped out of school. Teachers and principals told Human Rights Watch that children often dropped out around Grade 8, or age 14. Of the 33 children that Human Rights Watch interviewed who were then working full-time in agricultural settlements, 21 had dropped out of schools in Grade 10 or earlier; the other 12 dropped out of secondary school in Grade 11 or 12. Other children worked part-time while still attending school, often at the expense of their studies. “It’s very obvious which kids go to work in the settlements, because they are exhausted in class,” said a school administrator.

All the children Human Rights Watch interviewed said that they were working to provide money for their families. When asked why children chose to work, a Palestinian

middleman who supplied Palestinian workers to settlers told an Israeli human rights worker: “Ask [the children] if they have any bread in the house.” Palestinian children and adults who work in settlements told Human Rights Watch that they hoped the international community would pressure Israel to end settlement agriculture and lift related restrictions on Palestinian land-use, access to water, freedom of movement, and market access, and instead, allow Palestinians to cultivate their own lands and to create an economic environment in which they could support their children to stay in school and receive an education. In some cases, Palestinian workers said that they worked on farmland that Israel had, in violation of international law, confiscated from their own villages and allocated to settlements.

Most of the children and adults live in villages in the Jordan Valley. Some of the children came from villages elsewhere in the West Bank, moved to the Jordan Valley, and lived for months at a time in empty warehouses there, working in settlements during the day, in order to save on the cost and time required to travel from home.

Children working in agricultural settlements earn very low wages. All of the Palestinian adults and children whom Human Rights Watch interviewed earned far less than the Israeli minimum wage, which was 23 shekels (\$6.20) per hour for adults and between 16 and 18 shekels (\$4.30 and \$4.86) per hour for children at the time the research for this report was conducted. Most earned only 60 to 70 shekels per day (\$16 to \$19), and some children took home 50 shekels per day (\$13.50) after paying for transportation to and from settlements to work; most workdays lasted 7 or 8 hours, except during peak harvesting times.¹ Military orders issued by the Israeli military commander in the West Bank make provisions of Israel’s domestic Minimum Wage Law applicable to Palestinian workers in settlements. However, many children either did not know that Israel had a minimum wage law or that the law’s provisions were supposed to apply to Palestinians working in settlements.

All the children Human Rights Watch interviewed said they were employed through unwritten agreements with Palestinian middlemen working on behalf of Israeli settlers. Israeli settlers’ practice of using Palestinian middlemen to hire Palestinian laborers, including children, means that there is no work contract or any other documents linking the children directly to the settler-employer. In practice, it is extremely difficult for

¹ Currency conversions in this report are at the rate of 3.7 Israeli shekels per US dollar.

Palestinians who work in settlements to demand their rights under Israeli labor law without such proof of employment. According to a Palestinian middleman, workers are paid “in cash, [get] no pay slips, and there are no [work] permits, so there is no paper trail to demand severance pay or anything else.”

Most labor disputes that Palestinian workers and middlemen described to Human Rights Watch involved severance pay, presumably because workers demanding severance pay have already lost their jobs and so have less to lose from making legal claims than workers who are employed. Israel’s Minimum Wage Law – which is applicable, via military orders, to Palestinian workers in settlements – states that workers cannot waive their rights to minimum wages, but none of the Palestinian children or adults interviewed said they expected or had demanded to be paid minimum wages. The Palestinian middleman believed that if a worker asked a settler-employer for a raise, “they’d fire you.”

International Law Violations

Human Rights Watch found many examples of children working in Israeli agricultural settlements in violation of international law as well as Israeli and Palestinian law. Both Israel and Palestine are party to the International Covenant on Economic, Social and Cultural Rights, and to the Convention on the Rights of the Child, which recognize the right of the child to be protected from being exploited economically and performing work that is likely to be hazardous or interfere with the child’s schooling.²

In addition, Israel is party to International Labor Organization (ILO) Conventions 138 and 182. Under those conventions, Israel has affirmed a minimum age of employment of 15 (permitting “light work” for children of ages 13 and 14) and agreed to prohibit hazardous work for any child under age 18. Israeli law provides that a child may be employed only as an apprentice during the period of compulsory schooling (up to tenth grade in Israel).

Children of age 14 are permitted to work during the summer vacation, but only in positions that are relatively undemanding and are not hazardous to their health. Israeli authorities

² The expert committees that monitor states’ implementation of these and other human rights treaties, like the Convention on Civil and Political Rights, have concluded that Israel is bound to apply the conventions to the territories it occupies, including the West Bank.

apply national laws to Israeli children in settlements, including labor laws and education laws that make basic education compulsory and free.

Israeli labor courts and the country's Supreme Court have ruled consistently that Israeli labor law protections extend to Palestinian workers in settlements. Israeli military orders have incorporated some domestic labor laws, including the laws on minimum wage and "foreign workers," which Israel applies to Palestinians working in settlements in the occupied West Bank. However, Israeli authorities have failed to enforce these laws and did not conduct a single labor inspection in agricultural settlements in 2013, and few or none in other recent years, since at least 2010. None of the Palestinian children working in settlement agriculture whom we interviewed had ever spoken to an Israeli labor inspector.

According to Israeli officials, the lack of enforcement is the result of a lack of clearly allocated responsibility between the Israeli ministry of economy and the Civil Administration, a branch of the military. Israeli officials have made similar excuses for years. In reality, Israel has turned a blind eye to violations of Israeli labor laws vis-à-vis Palestinian workers in the settlement agricultural sector.

As this report describes, Israel's domestic laws on children and work generally reflect its international obligations, and Israeli authorities have partly acknowledged a responsibility to enforce their protections for the benefit of Palestinians working in settlements, even as they fail consistently to do so. However, we do not call on Israel to extend its domestic legal order, including workers' rights protections, into occupied territory. The international law of belligerent occupation, applicable to the West Bank today, prohibits Israel, as the occupying power, from extending the jurisdiction of its domestic laws into Palestine as though it were the sovereign. Israel has unlawfully applied domestic laws in occupied territory for the benefit of Israeli settlers, such as laws on the establishment of companies.

Israel's civilian settlements in the occupied West Bank depend on its unlawful policies of transferring its civilian population into occupied territory and appropriating land and other resources there for the settlements. Israel is obliged to dismantle the settlements, and also to prevent abuses against Palestinians working in settlements, even though doing so would not mitigate the unlawful nature of the settlements themselves.

Palestinian law makes 10 years of primary education compulsory and free for children, prohibits employing children under 15 and employing children aged 15 to 18 in hazardous work – such as using pesticides and carrying heavy loads. However, Palestinian authorities lack the authority and capacity to enforce these laws in either settlements or most rural Palestinian communities in the Jordan Valley where the children live, both of which fall under Israel’s exclusive jurisdiction and control. In a handful of cases, Palestinian authorities have arrested Palestinian middlemen while they were traveling through areas that are under Palestinian jurisdiction, and prosecuted them for hiring children to work in settlements and other labor-law violations.

Expanding Settlement Agriculture, Restrictive Anti-Palestinian Policies

Another factor underlying abuses against Palestinian children in settlements are Israel’s policies that severely restrict the traditional Palestinian economic activity in the Jordan Valley – agriculture – while supporting settlement agriculture. An Israeli military order revoked Palestinians’ role in planning and zoning in the 61 percent of the West Bank under exclusive Israeli control, including most of the Jordan Valley, but settlers enjoy a different, preferential zoning regime and are represented on planning bodies. (About 30 percent of the land area of the West Bank lies in the Jordan Valley and Dead Sea areas.) About 80,000 Palestinians live in the Jordan Valley, comprising almost 90 percent of its population, but Israeli restrictions on the movement of Palestinians mean that more than 94 percent of the Jordan Valley is off-limits to Palestinian land use. By contrast, Israel has allocated about 86 percent of the land in the Jordan Valley to the jurisdiction of settlement regional councils, which look after the interests of the 9,500 settlers who reside in the Valley.

An Israeli group critical of land use by Israeli settlements in the West Bank, Kerem Navot, documented that even after Israel had allocated large tracts of land to agricultural settlements in the Jordan Valley in the 1970s and 80s, the amount of land cultivated by those settlements grew by an additional 16 percent from 1997 to 2012; meanwhile, some Palestinians in the Jordan Valley pay rent to settlers to use farmland that Israel unlawfully appropriated without compensation and transferred to the settlements for free.

The amount of water provided to the Israeli settlers in the Jordan Valley by Israeli wells there, operated by the Israeli national water carrier, is one-quarter of the water supply of the entire Palestinian population of the West Bank. The World Bank reported in 2013 that

Israeli restrictions on Palestinians' ability to irrigate agricultural land and to export crops cost the Palestinian economy US \$704 million per year, and that the Palestinian agricultural sector in the West Bank in 2013 employed fewer people and generated less revenue than it had 15 years previously. According to World Bank data, poverty rates in Palestinian localities in the Jordan Valley are among the highest in the West Bank, at between 28.2 and 33.5 percent.

Israeli restrictions on Palestinian land-use, freedom of movement, and market access, have generated unemployment and poverty in the Jordan Valley and the rest of the occupied West Bank, and left few opportunities for hundreds of Palestinian families other than to send their children to work on the farms of illegal settlements, where many of their parents also work. Knowing that families rely on the work, Israeli settler employers exploit Palestinian workers, including children, while Israel turns a blind eye.

Israeli settlement agriculture benefits from labor abuses that keep employment costs low. Settlement agriculture also benefits from Israeli planning and zoning policies in the West Bank. For example, Israel has appropriated land and water from Palestinians and transferred these assets to Israeli settlers, provided subsidies to settlers that are denied to Palestinians, and implemented restrictions on movements that hinder or prevent Palestinian farmers from accessing markets. Such policies, which violate Israel's obligations as the occupying power to respect the rights of protected persons in occupied territory and prohibit it from transferring its own civilians there, further impoverish Palestinian families, leaving many parents to say they feel they have few alternatives to seeking work in settlements and often sending their children to work there as well.

In accordance with its obligations as the occupying power in the West Bank, Israel should dismantle the settlements, limit its use of land, water and other resources in occupied territory to what is strictly necessary for military purposes, and lift unlawful restrictions on Palestinian access to those resources.

Palestinian Child Workers in Settlement Agriculture

The Israeli government does not have figures for the number of Palestinian children working in settlements; none of the children have written contracts, official work permits, or other forms of documentation. The Palestinian Authority's Central Bureau of Statistics

has not reported on the number of children working in Israeli agricultural settlements; it should seek data on the issue of child labor in settlements during a planned child labor survey to be carried out in 2015.³ A West Bank humanitarian not-for-profit group that works in Palestinian communities in the Jordan Valley, the Ma'an Development Center, estimates that during the summer season – when the most crops need harvesting and children are out of school – up to 1,000 Palestinian children work in Israeli agricultural settlements.

Palestinian children are apparently a minority of the Palestinian workers in Israeli agricultural settlements, but the agricultural sector nonetheless appears particularly susceptible to employing Palestinian children, because most agricultural workers do not have documentation. Palestinians who work in settlements in other sectors, such as manufacturing or construction, typically work inside the settlements themselves. To be able to enter a settlement for work or any other reason, Palestinians must obtain official Israeli permits. Settler-employers apply to the Israeli military for these permits on behalf of their Palestinian employees, whom the military subjects to security screening; among other information, the permits list the Palestinians' names, ages and employers. The Israeli military stated in 2013 that it does not issue work permits to Palestinian children under 18.⁴ By contrast, all the children and adults working in settlement agriculture whom Human Rights Watch interviewed said they work in greenhouses and fields on land located outside the settlement gates – consistent with reports by Israeli and Palestinian rights groups. Settler-employers are thus able to employ Palestinians without obtaining the military permits, which could be used in Israeli labor courts as evidence of violations of Israeli labor laws.

The financial interest of settler-employers to keep labor costs low is served when they fail to register their Palestinian employees with the Israeli authorities – unlike Israeli employees, who are registered. Failure to register the employees makes it easier to avoid the Israeli legal requirement to pay minimum wage and other benefits to Palestinians. Agricultural settlements also employ Israeli citizens, but so far as Human Rights Watch has been able to determine, there have been no complaints by Israeli employees on agricultural settlements indicating that they suffer widespread abusive practices similar to

³ The ILO will support the PCBS in its planned survey; see ILO, "Enhanced programme of technical cooperation for the occupied Arab territories," September 23, 2014, para. 15, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_311455.pdf (accessed January 10, 2015).

⁴ Dalia Hatuqa, "Palestinian children work in Israeli settlements," Al Jazeera, July 6, 2013, available at <http://www.aljazeera.com/indepth/features/2013/07/2013719292523963.html> (accessed October 12, 2014).

those faced by Palestinian workers, or that Israeli children are similarly employed in violation of Israeli labor laws, or work in similar jobs to Palestinian children.

Flouting Labor Laws

All the Palestinian workers whom Human Rights Watch interviewed said settlers hired Palestinian middlemen who take charge of supplying agricultural workers and paying them in cash. None of the 50 Palestinians – including 38 children – whom Human Rights Watch selected to interview during visits to Palestinian communities in the Jordan Valley, who said they were employed in agricultural settlements in the area, received contracts, pay slips, permits, or any other documents required by Israeli law. Such documents would provide evidence linking the workers to the Israeli-citizen employer on whose behalf they work. Without them, it is extremely difficult for Palestinians working in settlements to demand their rights under Israeli labor laws that apply to them, including the minimum wage law.

Some Palestinian workers, often with the help of the Israeli rights group that filed the Supreme Court case, Kav LaOved (Worker’s Hotline), have sued Israeli settlers, usually to obtain the severance pay legally due them when they were made redundant. However, cases where Palestinian workers have pursued their cases in court are rare. Even in cases where Palestinian workers can produce evidence documenting their claims, many reach an agreement with their erstwhile settler-employer and receive less than they allege they are owed. Several Palestinian workers told Human Rights Watch that they feared to push for their rights, because they were aware of cases of Palestinian workers who successfully sued their employers, demanding their legal rights, only to find that their employer then warned other settlers not to hire them, or their children. One Palestinian man said that after two workers he knew had won court cases against settler employers, “no one would hire them” or their sons; another agricultural worker said he agreed to receive less severance pay from his employer than he was owed by law, for fear that he or his children would be “blacklisted” from working in settlements. The International Labor Organization, Israeli and Palestinian rights groups have also reported the “blacklisting” by settlers of Palestinians who seek their rights in court.

Third State and Business Responsibilities

Other states and multilateral organizations have criticized Israel’s unlawful policies in the Jordan Valley, but without apparent effect. For example, the International Labor Organization has repeatedly expressed concern about abuses against Palestinian child

workers in the settlement agricultural sector and the lack of labor inspections, but this prompted no improvements. Israel has continued to thwart efforts by internationally funded humanitarian agencies to assist Palestinians in the area, and had issued demolition orders or orders to stop construction work against 39 Palestinian schools, serving 4,500 students, in areas of the West Bank under its exclusive control as of 2013.⁵ Meanwhile, foreign countries' ongoing trade relationships with Israeli settlements have helped to sustain settlement-based businesses, thus undermining these governments' humanitarian as well as political efforts to support Palestinians and the Palestinian economy. Some European states are among the main donors of humanitarian assistance to Palestinians in the Jordan Valley, yet in 2012, the last date for which figures are available, European countries imported goods and produce from Israeli settlements in the West Bank estimated to be worth 15 times more than the goods they imported from Palestinians in the West Bank and Gaza.⁶ Israel controls all exports from Palestinian territory, and effectively requires most Palestinian businesses to use Israeli exporters.

Israeli law and practice does not distinguish settlement products from products made in Israel, and Israel exports agricultural and other goods produced in settlements located in the West Bank under the "Made in Israel" and "Product of Israel" labels. Israel does not publish disaggregated figures for the export destination of settlement-grown produce, but based on news reports, and information from settlement and company websites, Europe is the main export market, with some agricultural exports to the US by Israeli companies that work in settlements in the Jordan Valley.

The EU has moved to exclude Israeli settlement products from the preferential tariff treatment provided to Israeli goods under the EU-Israel Association Agreement. However, under a "Technical Arrangement" to the Agreement, Israel in practice bundles settlement products together with Israeli goods for export to Europe and claims tariff-free status for the entire shipment; the Arrangement places the burden of distinguishing eligible Israeli products and

⁵ In August 2013, for instance, Israeli forces dragged a French diplomat out of a truck carrying emergency shelters intended for a Jordan Valley community that Israel had razed, threw non-lethal "flash-bang" grenades at other diplomats and journalists, and confiscated the shelters. The Israeli military's confiscation and destruction of humanitarian assistance in the Jordan Valley is so extensive that in 2014 the International Committee of the Red Cross decided to stop providing emergency shelter assistance to Palestinian victims of demolitions there.

⁶ Based on EU data and Israeli figures provided to the World Bank, as of 2012, the EU imported an estimated \$300 million from settlements and \$19.6 million from the West Bank and Gaza. For citations, see International Federation for Human Rights et al., *Trading Away Peace: How Europe helps sustain illegal Israeli settlements* (2012), p. 6, notes 8 and 9, available at <https://www.fidh.org/IMG/pdf/trading.pdf> (accessed June 25, 2014).

excluding ineligible settlement goods on European importers, who must do so by scrutinizing the postal codes designating the origin of each batch. Seventeen EU member states have issued advice to businesses that they needed to consider the legal, financial and reputational risks of involvement with settlement trade, but have not instructed businesses to end such trade. The US in practice continues to grant preferential treatment to Israeli settlement products under the US-Israel Free Trade Agreement. The EU offers trade incentives to developing countries that take steps to combat child labor, but has not undertaken to restrict trade in products made with child labor, including products from Israeli agricultural settlements. The US Department of Labor maintains and publishes a list of more than 350 products from foreign countries that are produced with the use of forced labor or child labor in other countries, but has not included Israeli settlement products on the list.

With Israel showing no sign that it will abide by its international legal obligations as an occupying power to dismantle civilian settlements in occupied territory, it is incumbent on other states to take measures to ensure that they do not contribute to or benefit from Israel's continuing violation of international humanitarian law, including the Fourth Geneva Convention of 1949, and international human rights law.

The Fourth Geneva Convention specifically prohibits the transfer of an occupying power's civilian population into the occupied territory, while several international human rights conventions prohibit discrimination and guarantee children's rights.

Given the widespread, discriminatory abuses against Palestinian children in Israeli settlements that this report documents, as well as Israel's continuing violation of international law as it relates to occupation, foreign states where businesses are domiciled that trade with Israel, should insist that Israeli authorities and exporters clearly distinguish between products that derive from settlements and those produced within Israel. States that enter into trade agreements with Israel should instruct businesses domiciled in their jurisdictions not to import agricultural or other products that derive from Israeli settlements and to formally certify their compliance with this requirement. Businesses should not provide products or services that support Israeli agricultural settlements.

Recommendations

To Israel

- Prohibit all settlers from employing Palestinian children, whether directly or through middlemen, for work in violation of international law, in particular, any employment of children under the age of 15, or employment of children under age 18 in hazardous work.
- Impose penalties on employers or contractors who illegally employ children.
- Lift unlawful restrictions on Palestinians in occupied territory that contribute to Palestinian poverty and unemployment, and to the vulnerability of Palestinian children to rights abuses on settlement farms and dropping out of school, including restrictions on Palestinian freedom of movement, access to water and electricity, and land use such as for agriculture, housing, and educational facilities.
- Abide by its obligations as the occupying power and dismantle civilian settlements in the occupied West Bank.

To the European Union and EU Member States

- Revise the “Technical Arrangement” of the EU/Israel Association Agreement to require Israel to exclude agricultural settlement products from shipments of Israeli goods eligible for preferential tariff treatment.
- Instruct European importers to cease imports of agricultural settlement products.

To the United States

- Revise the US/Israel Free Trade Agreement to exclude agricultural settlement products.
- Instruct US importers to cease imports of agricultural settlement products.

To Palestine

- Improve enforcement of laws on children’s free and compulsory education and prohibitions on child labor in areas where there is Palestinian jurisdiction,

including by disciplining or prosecuting middlemen when the Israeli abusers fall outside of Palestinian jurisdiction.

- Seek membership in the International Labor Organization (ILO), and ratify ILO Convention 138 on the Minimum Age for Admission to Employment and ILO Convention 182 on the Worst Forms of Child Labor.⁷
- Continue to press foreign governments to cease imports of settlement agricultural products.

To Businesses Active in Israeli Settlements

- Cease activities in the Israeli settlement agricultural sector, including providing equipment or services, and exporting or marketing agricultural produce.

⁷ Non-member states of the UN, which is the UN status of Palestine, may be admitted to the ILO by a vote of two-thirds of ILO General Conference delegates, including two-thirds of the Government delegates, attending the session. ILO Constitution, Article 1(4), available at http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO#A1 (accessed February 9, 2015).

Methodology

Human Rights Watch conducted preliminary interviews for this report in Palestinian communities in the Jordan Valley in 2011, and then returned to conduct principal interviews from March through July 2014. A researcher and research assistant interviewed 38 Palestinian children (under 18 years old), and 12 adults, all of whom worked at the time in the settlement agricultural sector in the Jordan Valley, as well as 5 adults who did not work in settlements but whose children did. Of the 38 children, 30 said they began working in settlements before age 15; 20 of the children were younger than age 15 at the time of the interviews. The youngest child interviewed who was working in a settlement was 11 years old; the youngest child working full-time in a settlement and who had dropped out of school was 13 years old at the time of the interview. Human Rights Watch also interviewed three Palestinians employed as “middlemen” by settler-employers to provide Palestinian workers; three primary and secondary school teachers, three school principals, and two guidance counsellors; two Palestinian trade union representatives; the director of a Palestinian youth sports club; the mayors of five Palestinian communities; two doctors and two pharmacists who had provided medical treatment to or had prescribed medicines to Palestinian children who worked in settlements; and a labor lawyer.

Researchers identified approximately half the interviewees at random by asking residents of Palestinian communities located near settlements in the Jordan Valley where they worked and their ages, and by contacting other children whom the interviewees identified.

In other cases, Palestinian teachers and community leaders helped identify interviewees. Approximately half the interviews were conducted in one-on-one settings, while the others were conducted in settings with others present, such as in school offices, youth centers, and private homes. All interviews were conducted in Arabic with a translator. Human Rights Watch advised all interviewees of the purposes of the research, that they could terminate the interview at any time if they wished, and that they would derive no pecuniary or other direct benefit from assisting Human Rights Watch with this research.

In some cases, Palestinian interviewees requested that Human Rights Watch not publish their full names, for fear of being fired by settler-employers. This report identifies all

children and most adults who were interviewed by a single initial and does not include identifying details.

In this report, “child” and “children” are used to refer to anyone under the age of 18, consistent with usage under international law.

Human Rights Watch also interviewed researchers and field workers of non-governmental organizations, including Kav LaOved, an Israeli workers’ rights group that provides legal services to Palestinian as well as foreign workers; the Ma’an Development Center, a Palestinian humanitarian group; the Jordan Valley Solidarity Campaign, and advocacy group; and staff in the Jericho office of the Palestinian General Federation of Trade Unions.

Human Rights Watch met with Palestinian authorities and sought to meet Israeli civil and military authorities responsible for labor law enforcement in the West Bank, and provided questions to Palestinian and Israeli authorities based on preliminary research. Israeli officials did not respond to requests for meetings or written questions, which are reproduced in an annex to the report.

I. Background: Israel's Control of Land in the Jordan Valley

The Jordan Valley covers about 30 percent of the West Bank, extending from the 1949 armistice line in the north to the Dead Sea in the south, and from the Jordan River in the east to the eastern slopes of the hills that run through the middle of the West Bank.⁸ The river, which originates in the Sea of Galilee or Kinneret in northern Israel, runs south through the West Bank and flows into the Dead Sea, and forms a natural and political boundary between the West Bank and Jordan. The valley is mostly arid and receives little rainfall. In summer, temperatures there can exceed 45 degrees Celsius.

About 80,000 Palestinians live in the Jordan Valley, of whom an estimated 22,000 live in the city of Jericho, the largest population center in the area.⁹ Since Israel occupied the West Bank in 1967, it has established 40 settlements (including settlement “outposts”) in the Jordan Valley, in violation of the prohibition in international humanitarian law against an occupying power transferring its civilians into occupied territory.¹⁰ About 9,500 Israeli settlers live in these settlements.¹¹ The majority of the land used by the settlements is cultivated with date palms, field crops, and produce grown in greenhouses.¹²

Israeli military orders designating areas near the Jordanian border as closed military zones have effectively prohibited Palestinian access to the Jordan River since 1967.¹³ Israel also

⁸ See UN Office for the Coordination of Humanitarian Affairs (OCHA), “Humanitarian Fact Sheet on the Jordan Valley and Dead Sea Area,” February 2012, available at http://www.ochaopt.org/documents/ocha_opt_jordan_valley_factSheet_february_2012_english.pdf (accessed May 23, 2014); and B’Tselem, *Dispossession and Exploitation: Israel’s Policy in the Jordan Valley and Northern Dead Sea*, May 2011, available at <http://www.btselem.org/publications/summaries/dispossession-and-exploitation-israels-policy-jordan-valley-northern-dead-sea> (accessed May 23, 2014).

⁹ B’Tselem, *Dispossession and Exploitation*, p. 7; for the estimated population of Jericho in 2014, see Palestinian Central Bureau of Statistics (PCBS), “Localities in Jericho & Al Aghwar Governorate by Type of Locality and Population Estimates, 2007-2016,” available at http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/jerich.htm (accessed May 22, 2014).

¹⁰ Many of the settlements were established in the late 1960s and 1970s as “Nahal” military outposts, which Israel later authorized as agricultural civilian settlements, “some directly affiliated with the Labor Party and the Kibbutz Movement.” Kerem Navot, *Israeli Settler Agriculture as a Means of Land Takeover in the West Bank*, p. 50, August 2013, available at <http://rhr.org.il/heb/wp-content/uploads/Kerem-Navot.pdf> (accessed May 20, 2014). At least seven of the settlements were established without official Israeli authorization and are considered illegal “outposts” under Israeli law, but Israel provides them with water, electricity, and road access, as well as security. B’Tselem, *Dispossession and Exploitation*, p. 8.

¹¹ Kerem Navot, *Israeli Settler Agriculture*, p. 7.

¹² Kerem Navot, *Israeli Settler Agriculture*, p. 50.

¹³ See Military Order Regarding Powers Involving Water Laws (No. 92), 5727 – 1967, August 15, 1967; Military Order No. 158, November 19, 1967; World Bank, *Assessment of Restrictions on Palestinian Water Sector Development*, 2009, p. 5, available

controls the water aquifer beneath the arid valley and has granted extraction rights over the valley's aquifer to the national Israeli water carrier, Mekorot.¹⁴ Israel prohibits new Palestinian water extraction in the Jordan Valley under the terms of the Interim ("Oslo") Agreement, and Palestinians there depend substantially on water allocated by Mekorot.¹⁵ The Palestinian Authority pays the government of Israel for the water; Israel deducts payments from tariff revenues that it collects on imports to and exports from the Palestinian Authority areas of the West Bank. Settlers in the Jordan Valley receive an average of 300 liters of water per capita per day, while Palestinian access varies dramatically, from almost 200 liters per day for residents of Jericho to as little as 20 liters for residents of pastoral Bedouin communities.¹⁶ Overall, the World Bank reports, "water withdrawals per capita for Palestinians in the West Bank are about one quarter of those available to Israelis," and declined by 35 percent from 1999 to 2007, while actual domestic use of water is about 50 liters per capita per day – lower than the daily minimum of 100 liters recommended by the World Health Organization.¹⁷

According to the World Bank, agriculture contributed over 14 percent of Palestinian West Bank GDP in the mid-1990s, but fell to only 5.1 percent in 2011; meanwhile, even as employment in the Palestinian agriculture sector nearly doubled from 1995 to 2011, "productivity, or output per worker, declined by half" in that period, due to restrictions imposed by Israel.¹⁸ The Bank projected in 2013 that Israeli restrictions on irrigating agricultural land "notionally available" to Palestinians in the West Bank – excluding some 187 square kilometers of land taken over by settlements – and on the export of crops by Palestinians cost the Palestinian economy US \$704 million per year.¹⁹

The amount of agricultural land cultivated by Israeli settlements in the West Bank grew by 35 percent from 1997 to 2012, according to Kerem Navot, an Israeli group critical of

at <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WaterRestrictionsReport18Apr2009.pdf> (accessed June 20, 2014).

¹⁴ See World Bank, *Assessment of Restrictions on Palestinian Water Sector Development*, p.5.

¹⁵ B'Tselem, *Dispossession and Exploitation*, p. 19.

¹⁶ OCHA, "Humanitarian Fact Sheet on the Jordan Valley," p. 1.

¹⁷ Gross water extractions divided by the West Bank Palestinian population fell from 190 liters per capita per day in 1999 to 123 liters in 2007. World Bank, *Restrictions on Palestinian Water Sector Development*, pp. v, 4, 13, 17.

¹⁸ World Bank, *Area C and the future of the Palestinian Economy*, October 2013, pp. 2, 7, available at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/01/23/000442464_20140123122135/Rendered/PDF/AUS29220REPLACoEVISIONoJanuaryo2014.pdf (accessed October 10, 2014).

¹⁹ World Bank, *Area C and the future of the Palestinian Economy*, p. viii.

settlement land use.²⁰ The World Bank conservatively estimated in 2013 that “the potential agricultural value of the settlements’ land used for agriculture is at least USD 251 million.”²¹

Area C

Israeli policies in the West Bank are based substantially on its limited delegation of authority over parts of the occupied territory to the Palestinian Authority (PA) under the terms of the 1995 Israeli-Palestinian Interim Agreement (the final “Oslo Accord”).²² The majority of the 2.7 million Palestinians in the West Bank today live in “Area A” – cities and towns comprising about 18 percent of the West Bank, over which the PA has authority over both civil and security affairs – and in “Area B” – villages and rural lands comprising 22 percent of the West Bank, where the PA has civil but not security powers. Israel retained exclusive control over all security and civil issues such as land use and building permits in about 62 percent of the West Bank, which the Oslo Accord designated as “Area C.”²³ About 300,000 settlers as well as 300,000 Palestinians live in Area C.

The 40 Israeli settlements in the Jordan Valley are located in areas designated as Area C. Although the 9,500 settlers in the Jordan Valley make up about 11 percent of the region’s population, Israeli authorities have zoned and allocated 86 percent of the entire Jordan Valley (1,467 square kilometers) to the control of two settlement “regional councils”: the Jordan Valley Regional Council and the Megilot Regional Council in the northern Dead Sea region.²⁴

²⁰ Kerem Navot, *Israeli Settler Agriculture*, p. 8.

²¹ World Bank, *Area C and the future of the Palestinian Economy*, p. 10. The Bank’s estimate assumes that Israeli settlements are only as productive as Palestinian farms, and hence is almost certainly an underestimate given settler-farmers’ access to fertilizers and other inputs that Palestinian farmers are denied.

²² As the occupying power in the entire West Bank, Israel is ultimately responsible for the welfare of the Palestinian population.

²³ OCHA, “Area C Vulnerability Profile.” UN agencies had estimated the Palestinian population of Area C at 150,000, but revised the figure to 300,000 in March 2014 after conducting an extensive survey.

²⁴ OCHA, “Humanitarian Fact Sheet on the Jordan Valley,” p. 21 Kerem Navot, *Israeli Settler Agriculture*, p. 50. This area includes the built-up area of the settlements in the valley – including homes, public and commercial buildings – which covers 6.66 square kilometers. These built-up areas form the core of the “municipal area” of each settlement, which is often fenced, and which in some cases includes agricultural land and land reserves for future settlement expansion; the Jordan Valley settlements’ combined municipal areas cover 191 square kilometers. Under an Israeli military order, which has the force of law in the West Bank, areas located inside settlement municipal boundaries are “closed military zones” to which Palestinians are barred access unless they obtain special permits. Israeli citizens, including settlers, as well as residents and visitors to Israel do not need such permits to enter settlements. B’Tselem, *Dispossession and Exploitation*, p. 9.

About 87 percent of the land in the Jordan Valley is classified as Area C.²⁵ An estimated 18,000 Palestinians live in 68 communities located in parts of the valley that are designated as Area C.²⁶ Israel designated an additional 7 percent of the Jordan Valley as “national parks” in 2002, rendering it unavailable for Palestinian agricultural or other use, in areas that had been classified as Area B. Israeli forces destroyed 172 Palestinian structures in the Jordan Valley in 2012, and 390 in 2013, on the basis that they were built without the required permits.²⁷ In one Jordan Valley village, Jiftlik, Palestinian municipal officials showed Human Rights Watch records they kept of 23 home-demolitions by Israeli forces from January 2013 to February 2014, in addition to confiscations of property including cars.²⁸

Israel requires Palestinians living in Area C to obtain Israeli military permits in order to use the land in any way, such as for building or renovating homes, animal shelters, roads, walls, wells, water cisterns, electricity pylons, or solar panels; laying irrigation hoses; planting trees; ploughing land; or grazing livestock. From 2000 to 2007, the military denied more than 94 percent of Palestinian permit applications throughout the West Bank; it has frequently demolished “illegal” construction, and fined Palestinians for illegal use of lands, such as by confiscating sheep and requiring a fine per head of livestock for their return.²⁹

Land-Use Restrictions

The Israeli military restricts Palestinian land use in Area C on the basis of multiple, overlapping land designations, such as “state land,” “military firing zones,” and “nature reserves.” These land-use restrictions effectively limit Palestinian building to about 0.5 percent of Area C (approximately 1.8 square kilometers), much of which is already built up, according to Israeli planning experts and rights groups.³⁰

²⁵ OCHA, “Humanitarian Fact Sheet on the Jordan Valley,” p.1.

²⁶ OCHA, “Area C Vulnerability Profile,” p. 4, http://www.ochaopt.org/documents/ocha_opt_fact_sheet_5_3_2014_En.pdf (accessed May 23, 2014).

²⁷ OCHA, “Forced Displacement: Overview,” June 2014, available at <http://www.ochaopt.org/content.aspx?id=1010137> (accessed June 20, 2014).

²⁸ Human Rights Watch interview, R. and O., Jiftlik, April 11, 2014.

²⁹ Israeli authorities denied more than 94 percent of Palestinian permit applications from 2000 to 2007. Bimkom, *The Prohibited Zone: Israeli planning policy in the Palestinian villages in Area C*, June 2008, p. 10, available at <http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf> (accessed February 28, 2015).

³⁰ B’Tselem, *Acting the Landlord: Israel’s Policy in Area C, The West Bank*, June 2013, p. 9, available at http://www.btselem.org/download/201306_area_c_report_eng.pdf (accessed July 2, 2014), citing Alon Cohen-Lifshitz, director of Bimkom: Planners for Planning Rights, an Israeli rights group.

Israel designates much of the land within Area C as “state land,” i.e., land where Israel does not recognize any individual or collective Palestinian property rights.³¹ Israeli authorities registered areas of the West Bank as “state land” if the Jordanian authorities had registered them as state land before 1967, or if Palestinians could not prove individual ownership according to onerous requirements; in documented cases, Israeli authorities accepted military aerial photographs showing that plots of land were uncultivated at a certain point in time as evidence that no Palestinian had a legal claim to it.³² Even in cases where Palestinians could meet Israeli requirements proving land ownership, some lost appeals against Israeli seizures and transfers of their land on the basis that they could not prove that Israeli officials who made the declarations did so in “bad faith,” as required by Israeli military orders.³³

According to Israeli military responses to information-disclosure requests by Israeli rights groups, since 1967 the Israeli military Civil Administration division allocated 0.7 percent of all West Bank “state land” (8.6 square kilometers) to Palestinians; 8 percent (103 square kilometers) to Israeli settlement councils and mobile phone companies; 12 percent (160 square kilometers) to Israeli government ministries and national telephone, electric, and water utility companies; and 31 percent (400 square kilometers) to the World Zionist Organization (WZO), which establishes settlements.³⁴

Israel’s official policy is to establish settlements only on state land, where it considers that Palestinians do not have legitimate private ownership claims. However, according to

³¹ See B’Tselem, “Area C: Taking over Palestinian land by declaring it ‘state land,’” March 13, 2013, available at http://www.btselem.org/area_c/state_lands (accessed February 20, 2015).

³² Israel applies an Ottoman land law from 1858 in the West Bank, according to which Palestinians can obtain ownership of land if they cultivate it for 10 years. Israel reinterpreted and applied the law such that Palestinians lose ownership of lands unless they can prove they cultivated the lands continuously. Israeli rights groups have documented cases in which authorities failed to notify Palestinians of such decisions in a timely fashion, making it impossible for them to challenge Israeli declarations that their property is state land. See B’Tselem, “Under the Guise of Legality: Declarations of State Land in the West Bank: Summary,” March 2012, available at http://www.btselem.org/publications/summaries/201203_under_the_guise_of_legality#principal_manners (accessed February 20, 2015).

³³ Military Order Concerning State Property (no. 59), July 31, 1967. The order defines “state property” as any property belonging to a “hostile state” or an arbitration body connected to a hostile state before June 7, 1967. This definition includes moveable and real property, including any unregistered lands or any lands whose title may have been in the process of being settled in the courts. The order creates the “Custodian of Public (Government) Property” and grants him discretion to dispose of such property. Transactions made “in good faith” between the Custodian and any other person, of property “which the Custodian considered, at the time of making the transaction, to be state property, shall not be cancelled and shall continue to be binding even if it is proven that the property in question was not state property at the time when the transaction was made.”

³⁴ Association for Civil Rights in Israel, “Information Sheet – Allocation of State Land in OPT,” April 23, 2013, available at <http://www.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/> (accessed July 2, 2014).

official Israeli records compiled by an Israeli civil society organization that opposes the settlements, about 21 percent of the built-up area of settlements is located on privately owned Palestinian land.³⁵

Restrictions on Palestinian Agriculture

Israeli prohibitions on Palestinian land use in the Jordan Valley are based on multiple legal designations that Israel imposes on land, such as “state land,” in addition to declaring its exclusive control of Area C. As well, the military has assigned almost half of the land in the Jordan Valley to “military firing zones,” and designated about a fifth of the land as “nature reserves.” These designations frequently overlap: for instance, Israel has designated some areas in the Jordan Valley as not only falling within the jurisdiction of a settlement regional council, but also as state land, as a military firing zone, and as a nature reserve.³⁶

Israel does not enforce the land-use restrictions it imposes on Palestinians on Israeli settlers. In the Jordan Valley, for example, several agricultural settlements are permitted to cultivate lands that are located within designated military firing zones, which are off-limits for land use of any kind by Palestinians.³⁷

Israel has reallocated West Bank land and water resources from Palestinians to settlers, provided additional subsidies to settlers, and imposed additional restrictions on Palestinians’ ability to cultivate their remaining lands, access water, and build infrastructure such as agricultural roads, greenhouses and irrigation systems.³⁸

A Palestinian community leader from the village of Sbeidat, a Palestinian village of 1,800 people in the Jordan Valley, told Human Rights Watch in May 2014 that residents were then cultivating only a total of 100 hectares of land, much less than in the past: “Before 1967, we cultivated [300 hectares], but Argaman [a settlement] took over [150 hectares], and we lost two water wells.”³⁹ A Palestinian middleman who supplied agricultural workers to a

³⁵ B’Tselem, “Army and Civil Administration data: One-fifth of settlements’ built-up area is private Palestinian land,” July 6, 2010, available at http://www.btselem.org/press_releases/20100706 (accessed July 2, 2014).

³⁶ Kerem Navot, *Israeli Settler Agriculture*, p. 54.

³⁷ Kerem Navot, *id.*

³⁸ Human Rights Watch, *Separate and Unequal: Israel’s Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, September 2010, <http://www.hrw.org/reports/2010/12/19/separate-and-unequal-o>.

³⁹ Human Rights Watch interview, Y., Sbeidat, May 4, 2014.

settler in Tomer said that the settler was cultivating land “taken from Majdal, close to Aqraba.”⁴⁰ The M. family, one of its members told Human Rights Watch, came originally from Tammoun, near Nablus, but moved to Jiftlik in the Jordan Valley when they were displaced by fighting in 1967. At first, they farmed land there until it was taken over by Beka’ot, an agricultural settlement. Fourteen members of the extended family had worked in Kalia, a settlement in the southern West Bank, until they were fired without cause in 2010, family members said. They were unable to find work with Palestinian farmers, whose own immediate families do most of the work on their farms. The M. family owns no agricultural land, they told us, and when they rented land to cultivate for one season they achieved a profit of no more than 1000 shekels (\$370).⁴¹

In the Jordan Valley, Israel’s State Comptroller reported that the Israeli military confiscated thousands of dunams of land (one dunam is a tenth of a hectare) from Palestinian owners whom Israel determined were “absentees,” because they had fled or been expelled from the West Bank in 1967. Military orders required the military to safeguard this “absentee property” pending the return of the owners but, in practice, the military has transferred “absentee” land to settlements.⁴² According to a survey of official Israeli land-use data conducted by an Israeli expert on the West Bank settlements:

In order to give the agricultural areas allocated to the settlements in the Jordan Valley their [contiguous] bloc-like character, the Israeli authorities sometimes coerced Palestinian landowners into signing land-swap [...] contracts—i.e., to receive lands that Israel had defined as “absentee property” in exchange for their original land, which the state then transferred to the settlers. During the [1990s], when some of the landowners, who had fled the Jordan Valley in the aftermath of the 1967 War, returned and demanded their lands back, those who had signed the [...] contracts were left with nothing. [...] At least eight different settlements obtained part of their land through such contracts.⁴³

⁴⁰ Human Rights Watch interview, O., Jiftlik, May 10, 2014.

⁴¹ Human Rights Watch interview with four members of the M. family, Jiftlik, March 12, 2011.

⁴² B’Tselem, *Dispossession and Exploitation*, p. 11; Military Order Concerning Absentees’ Property (private property) (Judea and Samaria) (no. 58), 1967.

⁴³ Kerem Navot, *Israeli Settler Agriculture*, p. 8.

Palestinian municipal officials in Jiftlik, a Jordan Valley community with 5,000 residents, told Human Rights Watch that Israeli authorities had confiscated 85 hectares of agricultural land from village residents who left in 1967 and allocated it to the agricultural settlements of Masua and Beqa'ot.⁴⁴

A Palestinian humanitarian NGO reported in 2013 that Palestinian farmers typically earn 50 to 100 shekels (\$14.30 to \$28.60) per day after expenses, which, in some cases, include the cost of renting land from settlements. The land lease usually consists of “an oral agreement between the Palestinian and the Israeli settler [...] with profits split 50-50 with the settler.”⁴⁵

As settlement agriculture has grown, Palestinian agriculture has declined. Agricultural lands under Palestinian cultivation in the West Bank decreased by 30 percent from 1965, two years before Israel occupied the area, to 1994.⁴⁶ During that time, Israel enforced military orders that regulated Palestinian agriculture in minute detail, and restricted Palestinian access to markets for agricultural products.⁴⁷ From 1994 to 2008, revenues from agriculture dropped from 13.3 percent to 5.7 percent of Palestinian GDP.⁴⁸ In addition, Israeli restrictions on Palestinians' freedom of movement and the transportation of crops harm Palestinian farmers' ability to export any crops to Israel or further abroad. Israeli checkpoints restrict four of the five roads into the Jordan Valley;

⁴⁴ Human Rights Watch interview, R. and O., Jiftlik, April 11, 2014.

⁴⁵ *Limited Opportunities: The Labor Market for Youth in the Jordan Valley*, Ma'an Development Center, 2013, p. 11, <http://www.maan-ctr.org/pdfs/FSReport/LaborMarket.pdf> (accessed October 18, 2014).

⁴⁶ Emergency Water and Sanitation / Hygiene, *Factsheet No. 14: Water for Agriculture in the West Bank*, March 2013, p. 1, available at <http://www.ewash.org/files/library/WB%20factsheet%20ofianl%20march%209%5B1%5D.pdf> (accessed February 9, 2015).

⁴⁷ Centre on Housing Rights and Evictions (COHRE) and BADIL Resource Center for Palestinian Residency & Refugee Rights, *Ruling Palestine: A History of The Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine*, May 2005, p. 87, citing Military Order 818, Concerning the Planting of Certain Decorative Flowers, 22 January 1980 (controls types and quantities of flowers that can be grown, issued to protect of Israeli exporters of carnations and roses); Order 1015, Concerning Planting of Fruit Trees, 27 August 1982 (prohibits planting fruit trees without permit); MO 1039, Concerning the Control over the Planting of Fruit Trees, 5 January 1983 (prohibits planting certain vegetables and more plants and trees without a permit); MO 1147, Concerning Supervision over Fruit Trees and Vegetables, 30 July 1985 (authorizes military to limit growing certain crops to designated areas); MO 1051, Concerning Marketing of Agricultural Produce, 28 March 1983 (limiting locations of marketing). MO 1002, Concerning Restriction of Agricultural Activity, 21 June 1982 (amends Jordanian law to give an Israeli official jurisdiction and control over farming); Order Concerning Plant Nurseries Law, 8 February 1983 (amends Jordanian law concerning regulations for planting seeds and sales of seedlings); MO 134, Concerning Prohibition on Operating Israeli Tractors and Other Agricultural Equipment, 29 September 1967, prohibits bringing in or using certain agricultural equipment without obtaining a permit (whereas settlers had unrestricted access to tractors, bulldozers and other equipment available in Israel).

⁴⁸ Al-Shabaka, “Policy brief,” July 2, 2012, available at <http://al-shabaka.org/policy-brief/economic-issues/farming-palestine-freedom?page=show> (accessed July 1, 2014)

three of these checkpoints do not allow Palestinians to cross in their own vehicles unless they previously obtained a permit to enter the Jordan Valley, while the fourth generally allows Palestinians to cross only on foot or in buses.⁴⁹ Palestinians in the Jordan Valley, including farmers seeking to transport their produce to markets in Palestinian towns and cities outside the Jordan Valley, often have to take the longer, fifth road; these additional transportation costs, in addition to added costs of delays at checkpoints, cost farmers an additional 8.4 million shekels (\$2.3 million) annually, according to UN estimates.⁵⁰

Israel often requires security inspections of Palestinian produce at checkpoints, which involves offloading produce from one truck, examining it, and re-loading it onto a second truck.⁵¹ Such procedures increase shipping times and costs, and break the “cold chain” of continuous refrigeration that importing countries often require for fresh fruits, vegetables, and meat products.⁵² By contrast, Israeli settlement produce is typically inspected on-site, shipped to exporters located inside Israel without unloading and inspection at checkpoints, and then exported abroad.⁵³ Israel also obliges Palestinians to export all produce through Israeli exporters, whereas settlement produce is inspected in settlement packing houses and shipped directly to Israel for consumption on the Israeli market or export.

According to a Palestinian trade union representative, Palestinian farmers in the Jordan Valley exported dates and vegetables to Jordan and other Arab countries until 1988, when Jordan relinquished territorial claims to the West Bank. “Now they only sell inside the West Bank, and sometimes vegetables to Israel,” he said.⁵⁴ A community leader in Sbeidat told Human Rights Watch that nearly everyone in the village was employed in settlements or in local agriculture, but that local farmers could not earn much money because “the Israelis undersell us, they flood the market, or they stop us at checkpoints

⁴⁹ Oxfam, *On the Brink*, p. 15, available at http://www.oxfam.org/sites/www.oxfam.org/files/bp16o-jordan-valley-settlements-050712-en_1.pdf (accessed June 25, 2014).

⁵⁰ UN OCHA, “Special Focus: West Bank Movement and Access Update,” August 2011, p. 24, http://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_august_2011_english.pdf (accessed July 12, 2014).

⁵¹ See, e.g., PalTrade, “Export to Israel,” available at http://www.paltrade.org/en_US/page/export-to-israel (accessed February 11, 2015); Oxfam, *On The Brink*, P. NUMBER

⁵² World Bank, “An Analysis of Economic Restrictions Confronting the West Bank and Gaza,” p. 7, September 2008, available at <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/EconomicrestrictionstSept.08.pdf> (accessed July 12, 2014).

⁵³ Oxfam, *On the Brink*, p. 17.

⁵⁴ Human Rights Watch interview, Wael Natheef, general secretary for Jericho area, Palestinian General Federation of Trade Unions, March 12, 2011.

and ruin the crops. It's only local markets for us, no exports, not even to Israel, because it's too difficult to get the permits."⁵⁵

Palestinian residents of the Jordan Valley said that Israeli controls over their access to water limited the ability of Palestinians to engage in profitable agricultural activity. Overall, more than 70 percent of Palestinian communities in Area C are not connected to any water network.⁵⁶ In Fasayil, a community of 1,500 people, about 60 percent of the workforce works in settlements, while the other 40 percent raise sheep, a municipal official said.

We don't get enough water. We need to dig a new well, but that is not allowed. We have a two-inch-diameter water pipe, but we don't control when it is on, the [Israelis] do. After the settlements came, our well, the Fasayil well, dried up; it was near the settlement of Ma'ale Ephraim. From April through November, we get less water because the settlements use more of it.⁵⁷

A community leader described a history of similar problems in the village of Sbeidat:

Ten years ago here, our wells dried up, because the settlements were using so much water. We went to Mekorot [the Israeli national water carrier] and asked for water, but they only offered to give us salty water. People would go with their tractors and water tankers and steal water from the settlement pipes. This was from 1994 to 2001. The Israelis were arresting people, there were police around all the time because of water theft. In 2001 Mekorot started to give us 7 cubic meters per hour. They put a restricting valve in the pipe, and every once in a while people would break the pipe and remove the valve, to increase the flow. Today, we get 17 cubic meters per hour, every other day. We get water for 24 hours, then the two other villages nearby [Marj al-Ghazal and Marj al-Naaje] get it for 12 hours each.⁵⁸

⁵⁵ Human Rights Watch interview, Y., Sbeidat, May 4, 2014.

⁵⁶ UN OCHA, "Area C of the West Bank: Key Humanitarian Concerns," August 2014, available at http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_august_2014_english.pdf (accessed January 10, 2015).

⁵⁷ Human Rights Watch interview with R., Fasayil, April 4, 2014.

⁵⁸ Human Rights Watch interview, Y., Sbeidat, May 4, 2014.

Palestinian children and adults who work in agricultural settlements told Human Rights Watch that they did so because they had few other employment opportunities.⁵⁹ A 2014 World Bank study found poverty rates from 28.2 to 33.45 percent in the Jordan Valley.⁶⁰ Unemployment in the West Bank stood at 19 percent in 2012.⁶¹ Unemployment in Israel (and the settlements) in 2013 was 6.9 percent.⁶²

Settlement Agriculture in the Jordan Valley

Israeli agricultural settlements were established in the Jordan Valley on land confiscated from Palestinians by the Israeli military, and allocated to settlements without cost or at nominal cost.⁶³ Israeli settler-farmers also receive 70 percent of their water from the Israeli national water carrier, Mekorot, which extracts water from the aquifer lying beneath the Jordan Valley; the other 30 percent come from the Jordan River and a ground-water reservoir.⁶⁴

As of August 2012, about 4,240 Palestinians held official Israeli permits to work in the settlement agriculture sector, mostly in the Jordan Valley, according to the Israeli military's Civil Administration.⁶⁵ Israel does not collect figures on the number of Palestinians working in settlements who do not have official permits, including children.⁶⁶ Israeli and Palestinian rights and development groups, and representatives of a Palestinian labor

⁵⁹ Human Rights Watch interviews. Ma'an Development Center, *Limited Opportunities*, p. 18 ("In MA'AN's field interviews, every youth worker on settlements cited the lack of alternative job options in agriculture as the main reason for their continued employment on settlements. All stated they preferred, in theory, a Palestinian company, but explained [the] lack of stable job opportunities in Palestinian businesses and their distance from the Jordan Valley.")

⁶⁰ World Bank, *Seeing is Believing: Poverty in the Occupied Territories*, 2014 (based on 2009 data), Map 8, p. 28, available at <https://openknowledge.worldbank.org/handle/10986/17836> (accessed November 10, 2014).

⁶¹ Palestinian Central Bureau of Statistics, "Unemployment Rate Among Labor Force Participants in Palestine by Governorate and Sex, 2000-2012," http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/unemployment%202000-2012.htm (accessed May 19, 2014).

⁶² ICBS, "Unemployed Persons, By Sex, Religion, Age, Years of Schooling and Work During Last 12 Months in Israel," *Statistical Abstract of Israel 2013*, Table 12.23, http://www.cbs.gov.il/reader/shnaton/templ_shnaton_e.html?num_tab=st12_23&CYear=2013 (accessed May 19, 2014).

⁶³ Human Rights Watch interview with Dror Etkes, founder, Kerem Navot, February 15, 2014.

⁶⁴ B'Tselem, *Dispossession and Exploitation*, p. 24. Mekorot charges the Palestinian Authority 2.5 shekels per cubic meter of water for agricultural use; generally, Israel deducts the sum from the tariff revenues it collects on goods imported to West Bank Palestinians under the Paris Protocol of the 1995 Israeli-Palestinian Interim Agreement. Human Rights Watch interviews with residents of Fasayil and Zbeidat, 2011 and 2014; see also Ma'an Development Centre, *Draining Away: the water and sanitation crisis in the Jordan Valley*, 2010, available at <http://maan-ctr.org/old/pdfs/WateReport.pdf> (accessed January 12, 2015).

⁶⁵ Kerem Navot, *Israeli Settler Agriculture*, p. 54. In total, 26,831 Palestinians had Israeli work-permits to work in settlements in 2011. Kav LaOved, *Employment of Palestinians in Israel and the Settlements*, August 2012, p. 37.

⁶⁶ A news report quoted the Civil Administration as stating, "We emphasize that the Civil Administration does not issue working permits for Palestinians under the age of 18." Dalia Hatuqa, "Palestinian children work in Israeli settlements," Al Jazeera, July 6, 2013, available at <http://www.aljazeera.com/indepth/features/2013/07/2013719292523963.html> (accessed October 12, 2014).

union, estimate that a total of around 10,000 Palestinian workers are employed in agricultural settlements in the Jordan Valley during the summer date-harvesting season.⁶⁷

The Israeli government does not publish disaggregated information about the total value of Israeli settlement agriculture or exports of settlement agricultural products to foreign markets. According to a 2013 report in *Der Spiegel*, in total, “Each year, the settlers export some €220 million (\$299 million) worth of goods to Europe [including settlement produce], whereas the comparable figure for the Palestinians is a mere €15 million (\$20 million).”⁶⁸ As noted, the World Bank conservatively estimates the value of settlement agricultural production at \$251 million.⁶⁹ According to the Jordan Valley Regional Council, “the value of agricultural production in the Jordan Valley is about 500 million shekels [\$146 million] and the cultivated area is about 33,000 dunam [33 square kilometers].”⁷⁰

Crops cultivated in settlements include 14 square kilometers of dates, of which more than 80 percent are exported; 4.6 square kilometers of table grapes, with 70 percent exported; 3.1 square kilometers of bell peppers; and 3 square kilometers of herbs and spices, which “comprise 40 percent of Israel's yearly export,” the website states.

Subsidies

Israel provides numerous subsidies to settlement agriculture, for which Palestinians are ineligible. The full amount of Israeli settlement incentives is difficult to identify from state budgets, although some settlement subsidies are explicit.⁷¹ In 2009, for example, the government allocated 20 million shekels (\$5.7 million) to the settlement division of the World Zionist Organization (WZO) to develop settlement agriculture, particularly in the

⁶⁷ Human Rights Watch interview with Wael Natheef, general secretary, Palestinian General Federation of Trade Unions, Jericho, March 5, 2011; Human Rights Watch interview with Hashem Masarweh, Kav LaOved, Jericho, February 10, 2014. See also Heruti-Sover, Tali, “Low pay, no leave: Jordan Valley farmers exploiting Palestinian labor,” *Haaretz*, May 14, 2014, available at <http://www.haaretz.com/mobile/.premium-1.590433?v=C81920446A590BC6A45D991C6C> (accessed June 20, 2014); Kav LaOved, *Palestinian Workers in Israeli West Bank Settlements 2009*; see also Oxfam, *On the Brink*, 2013.

⁶⁸ Christoph Schult, “Patience Runs Out: EU To Crack Down on Israeli Settlement Products,” *Spiegel Online International*, February 11, 2013, <http://www.spiegel.de/international/europe/eu-to-crack-down-on-products-fromisraeli-settlements-a-882623.html> (accessed May 25, 2014).

⁶⁹ World Bank, *Area C and the Future of the Palestinian Economy*, p. 10

⁷⁰ Jordan Valley Regional Council, “Agriculture in the Jordan Valley,” [no date], available at <http://www.bikathayarden.co.il/english> (accessed June 30, 2014).

⁷¹ Peace Now, *The Price of the Settlements: Or, How Israel Favors Settlers and Settlements*, 2013, available at <https://peacenow.org/WP/wp-content/uploads/Price-of-Settlements-2013-English.pdf> (accessed January 14, 2015).

Jordan Valley.⁷² In 2012, the Israeli parliament's finance committee approved 7.6 million shekels (\$2.17 million) for the "Jordan Valley" and the "Binyamin" settlement regional councils.⁷³ Overall, the amount of land that Israel allocated for agricultural use to Jordan Valley settlements increased by 16 percent from 1997 to 2012.⁷⁴

Agricultural settlements that the Israeli government designates as "National Priority Areas" are eligible for a variety of benefits.⁷⁵ Most designated National Priority Areas inside Israel proper are communities that receive a low ranking on Israel's official "socio-economic" scale (from 1 for the poorest and most disadvantaged to 10 for the most affluent), but periodic government decisions on which communities are priority areas have included many settlements regardless of their relatively high socio-economic rankings.⁷⁶

The Ministry of Agriculture and Rural Development supports settlements designated as National Priority areas on the basis of the Law for the Encouragement of Investments in Agriculture of 1980.⁷⁷ Under the law, the ministry provides tax-exempt grants for the establishment of an agricultural farm or factory, including the allocation of the land, in the sum of 20 percent of the total costs, to communities that the government designates as national "Priority Area A," including settlements (Article 24). The law limits the maximum total tax rates for individual and businesses that own agricultural farms (Article 33).⁷⁸

⁷² Tovah Lazaroff, "WZO to spend NIS 20 m on agriculture over green line," July 20, 2009, *Jerusalem Post*, available at <http://www.jpost.com/Israel/WZO-to-spend-NIS-20-m-on-agriculture-over-green-line> (accessed June 20, 2014).

⁷³ "Knesset Finance Committee okays huge payout to West Bank settlements," *Haaretz*, March 21, 2012, available at <http://www.haaretz.com/print-edition/news/knesset-finance-committee-okays-huge-payout-to-west-bank-settlements-1.419846> (accessed June 20, 2014). The Israeli state budget for 2009-2010 allocated 143 million NIS to the WZO Settlement Division for the "development of regional components" in the West Bank, the Golan Heights, and the Galilee. "National priority areas at the Ministry of Agriculture," *id.* In 2004, the WZO Settlement Division spent some 44.4 million NIS on "assistance to rural settlement." Zeonbar Consultants, "Tools for promoting settlement in priority development areas, examining existing tools and suggesting new ones," December 2006, footnote 139 (report commissioned by Ministry of Construction and Housing), available at <http://www.moch.gov.il/SiteCollectionDocuments/research/roo21.pdf> (accessed June 20, 2014).

⁷⁴ Kerem Navot, *Israeli Settler Agriculture*, p. 9.

⁷⁵ Peace Now, *The Price of the Settlements*, p. 12; see also Peace Now, "Israeli Government Declares 91 settlements As National Priority Areas: 89 of them East of the Built Separation Barrier," August 4, 2013, available at <http://peacenow.org/entry.php?id=2240#.VOJ7EOaUeSp> (accessed June, 20, 2014).

⁷⁶ See Human Rights Watch, "Settler Incentives and Funding Sources," in *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Territories*, May 2010, available at <http://www.hrw.org/node/95059/section/5>.

⁷⁷ "National priority areas in the Ministry of Agriculture and Rural Development" (Hebrew), Prime Minister's Office, available at <http://www.pmo.gov.il/about/Projects/Pages/haklautvepituah.aspx> (accessed June 28, 2014).

⁷⁸ Additional information concerning the "tax benefits" provided by the Ministry of Agriculture is available in an "announcement to farmers," issued May 30, 2013 (on file). Under the state annual budget for 2013-2014, the subsidies for development of infrastructure and groundwork for new construction in Priority Area A comprised 50 percent of the overall costs. Government decision 4192 of January 21, 2012. The budget also included about 1 billion shekels for "ground work," especially in National Priority Areas. Ministry of Finance, Annual budget 2013-2014, p. 169, available at

The ministry provides an additional administrative grant, worth five percent of the total investment, for “settlements of the [Jordan] Valley and Judea and Samaria.”⁷⁹ Family-owned packing houses in agricultural settlements are eligible for Ministry of Agriculture subsidies, and non-family packing houses are newly eligible for a 500,000 shekel (\$142,850) grant under the ministry’s development plan for 2014.⁸⁰ In a May 2011 plan, which has not yet been enacted, the agriculture ministry stated it would increase the cultivated lands of settlements in the Jordan Valley by 130 per cent and increase each settler’s water allocation by 20 per cent.⁸¹

An Israeli agriculture ministry “subsidies brochure” describes the procedure by which settler-farmers may apply to receive an “allocation of Palestinian workers.”⁸² Another agriculture ministry document describes the laws and regulations applicable to the “allocation [of water] to the Water Association of the Jordan Valley.”⁸³

By comparison, studies and surveys cited by al-Shabaka, a Palestinian think tank, indicate that the Palestinian Authority (PA) has spent little on agricultural development. A 2012 report found that the PA had never allocated more than 1 percent of its annual budget to its Ministry of Agriculture, while a 2007 study found that about 85 percent of that ministry’s budget went to pay staff salaries.⁸⁴

http://www.mof.gov.il/BudgetSite/StateBudget/Budget2013_2014/Lists/20112012/Attachments/5/MainBudgetFull_2013_2014.pdf (accessed June 30, 2014). The National Priority Areas budget of the Ministry of Agriculture was up to 23,611,000 NIS in 2009; and up to 39,211,000 NIS in 2010. National Priority in the Ministry of Agriculture and the Development of the Village, Prime Minister’s Office website, <www.pmo.gov.il/about/Projects/Pages/haklautvepituh.aspx/>. Relevant budgetary items that can be searched on the Ministry of Finance’s ‘Israel Budget’ page (<http://relinfoserv.gov.il/magic94scripts/mgrqisp194.dll?APPNAME=budget&PRGNAME=takzivreq>) include: 332703 Law for Encouragement of Investment in Agriculture; 420918 national priority area funding; 320408 compensation of exporters (for EU non-preferential treatment).

⁷⁹ “National Priority in the Ministry of Agriculture and Rural Development”, Prime Minister’s Office website.

⁸⁰ Ministry of Agriculture, Development Plan, April 2014, p. 43 http://www.moag.gov.il/NR/rdonlyres/424CED61-011E-4BB5-B99E-DE695528A94A/o/tochnit_pituach_2014.pdf (accessed July 3, 2014).

⁸¹ The planned increases amounted to 8 more hectares of land per plot, and 9,000 more cubic meters of water per plot (from 42,000 to 51,000 cubic meters), respectively. “מחטף ספטמבר: מתיישיבי בקעת הירדן יקבלו תוספת קרקעות הקלאיות”, June 27, 2011, <http://www.themarker.com/realestate/1.661508> (accessed July 6, 2014). TRANSLATION OF HEBREW TITLE?

⁸² Article 3 (zayin), “Subsidies Brochure,” available at http://www.moag.gov.il/NR/rdonlyres/FC515CAB-E87C-4D10-A7AC-A1642EAB4AE1/o/Brochure_subsidies.pdf (accessed June 24, 2014).

⁸³ Ministry of Agriculture, “Water regulations,” section 13, January 20, 2014 (the Jordan Valley agricultural cooperative association is allocated water “in accordance with the provisions detailed in [article 5 of] the agreement from 24 November 2009 between the government and the Water Association of the Jordan Valley”), available at http://www.moag.gov.il/NR/rdonlyres/Do3CDDFE-CA6D-48A9-A163-A6414DoE864E/o/takanot_hamaim_2014.pdf (accessed June 25, 2014).

⁸⁴ Palestinian Economic Council for Development and Reconstruction (PECDAR) report, cited in Ma’an News,

”لاول مرة-تقرير يعري الاقتصاد ويؤشر لمرحلة خطيرة,”

II. Palestinian Children Working in Israeli Settlements

According to the UN, about 24 percent of all Palestinian workers in Area C, including the Jordan Valley, work in settlements, with the majority employed in agriculture.⁸⁵ About 30 to 35 percent of Palestinian workers in settlements are women; another 15 percent are under 18, and up to half of the children are aged 16 years or younger, a trade unionist and a labor rights lawyer who work in the West Bank told Human Rights Watch in separate interviews, based on their experience.⁸⁶

The International Labor Organization expressed in 2009 its “great concern” at “child labor in Israeli settlements [...] particularly in agriculture,” and cited an Israeli estimate that 1,900 children worked in Israeli settlements throughout the West Bank.⁸⁷ Staff at a Palestinian humanitarian NGO that conducts surveys on children working in settlements, the Ma’an Development Center, estimated in 2014 that there were up to 1,000 children

July 6, 2012, available at

<http://maannews.net/arb/ViewDetails.aspx?ID=492933&MARK=%D8%A8%D9%83%D8%AF%D8%A7%D8%B1>; PECJAR, “مظاهر التهميش والتنشويه في القطاع الزراعي الفلسطيني,” 2007,

http://www.pecjar.ps/userfiles/file/Reports/Agr_%20Report.pdf; cited in Abdelnour, Tartir, and Zurayk, “Policy brief,” al-Shabaka, July 2, 2012, available at <http://al-shabaka.org/policy-brief/economic-issues/farming-palestine-freedom?page=show> (all accessed July 1, 2014).

⁸⁵ OCHA, “Area C Vulnerability Profile,” 2013, p. 5, available at

http://www.ochaopt.org/documents/ocha_opt_fact_sheet_5_3_2014_en_.pdf (accessed February 9, 2015). In the Jericho governorate, which forms part of the Jordan Valley, a local trade union representative estimated that 2,500 Palestinians worked in settlement agriculture all year round, while a labor rights lawyer estimated the total at 3,000 workers; in addition, roughly 800 Palestinians from Jericho worked in the settlement industrial zone of Mishor Adumim, 100 worked as cleaners in the large settlement of Maale Adumim, and 80 worked in the Israeli tourism sector in the Dead Sea. Hourly pay in settlement industrial zones had increased in recent years, and had better working conditions than the settlement agricultural sector. Human Rights Watch interview with Wael Natheef, general secretary, Palestinian General Federation of Trade Unions, Jericho, March 5, 2011; Human Rights Watch interview with Hashem Masarweh, Kav LaOved, Jericho, February 10, 2014. A Palestinian NGO reported that other employers include the Palestinian police and security forces, the service and tourism industries, and for about 500 people from the Jordan Valley, a variety of employers inside Israel. Ma’an Development Center, *Limited Opportunities: The Labor Market for Youth in the Jordan Valley*, 2013, p. 17, available at <http://www.maancr.org/pdfs/FSReport/LaborMarket.pdf> (accessed June 15, 2014). Some work in the Palestinian construction sector. N., from Nablus, said he broke his leg while working in 2013, and was still trying to obtain disability status from the Palestinian Authority. He was unemployed for 17 months but had recently returned to work. He earned 60 shekels (\$17.14) per day in construction. Human Rights Watch interview, N., 30, al-Ouja, April 4, 2014.

⁸⁶ Human Rights Watch interview, Wael Natheef, March 5, 2011; Human Rights Watch interview with Hashem Masarweh, February 10, 2014.

⁸⁷ International Labor Conference, *Report of the Director-General*, Appendix, “The situation of workers of the occupied Arab territories,” para. 61 (2009).

working in settlements in the agricultural sector, although the number would fluctuate throughout the year and be highest during summer, when schools are closed.⁸⁸

In a 2004 survey on child labor, the Palestinian Central Bureau of Statistics found that from 3.8 to 6 percent of children aged 5 to 17 in the West Bank were working, with the highest rate – 13.2 percent – in the Jericho governorate, in the Jordan Valley.⁸⁹ About 56 percent of the children who worked were under 15 years old; of them, almost 49 percent worked in agriculture. The survey did not disaggregate children who work in Israeli settlements, but some of its results appear applicable to children who work in settlements: 71 percent of children work “due to economic need,” 51.4 percent to “assist household projects,” and 19.6 percent to “increase household income.”⁹⁰

Notwithstanding substantial Palestinian poverty rates in the Jordan Valley, the settlement agricultural sector attracts some workers, including children, from elsewhere in the West Bank. Hashem Masarweh, a field worker with the Israeli workers’ rights group Kav LaOved, said he visited a warehouse in the village of Al Ouja, north of Jericho, in August 2013 and found 17 people from the village of al-Yamun, which is near Nablus, outside the Jordan Valley, living there, including 5 children.

The middleman drove up while I was there in a black Skoda and when I introduced myself, he told me, ‘Ask the kids if they have any bread in their house.’ Some of them said they had sick parents who couldn’t work, or they just hated school. They said they were paid 60 shekels per day, but the middleman deducted 10 shekels a night for them to sleep in the warehouse, and 5 shekels to drive them to the settlements. There’s more than one warehouse like that.⁹¹

Human Rights Watch visited another warehouse in Al Ouja in February 2014, where three men, aged 19 to 21, were living. The men said they worked in the nearby settlement of Gilgal,

⁸⁸ Human Rights Watch interview with Chris Whitman, Ma’an Development Center, Ramallah, May 12, 2014 and September 23, 2014.

⁸⁹ That is, 3.8 percent of parents surveyed said their children were working, but 6 percent of children surveyed said they worked. PCBS, *Child Labor Survey: Main Findings*, July 2004, p. 27, available at http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/lfs_childo4e.pdf (accessed November 13, 2014).

⁹⁰ PCBS, *Child Labor Survey*, p. 29.

⁹¹ Human Rights Watch interview with Hashem Masarwah, Jericho, February 10, 2014.

and that four children, including a 14-year-old boy, had lived with them at the warehouse until the previous month. There were still seven mattresses on the warehouse floor.⁹² At another warehouse in Al Ouja in April, Human Rights Watch found three men, aged 20 to 21, who said they had dropped out of school in the Grades 7 and 8, and one boy, aged 17. The men were from al-Yamun, and the boy was from Nasiriyah, another village near Nablus. The four said they worked in the Na'ame settlement from 6 a.m. to 1 p.m. six days per week for 70 shekels per day.⁹³ They worked in Na'ame from December to April or May, and worked inside Israel during the rest of the year.

Palestinian Middlemen

Settler employers do not contract directly with Palestinian agricultural workers, but work through Palestinian middlemen, who are responsible for hiring, transporting, and paying workers. Each middleman – whom workers refer to in Arabic as a *wasit*, or in Hebrew as a *kablon*, or contractor – is typically paid around 75 to 100 shekels (\$28.50) per day by the employer, and in addition, deducts fees of around 15 to 25 shekels (\$4.25 to \$7.14) from the daily wages of each worker for whom he or she is responsible, in part to cover transportation and other expenses.⁹⁴ Some middlemen pay compensation to workers who were injured or became sick on the job, but others do not, according to Palestinian workers.

F., 13, said he worked in Petzael on weekends, earning 50 shekels a day after his middleman deducted a fee, or more when he worked overtime, sometimes starting at 5 a.m. and working until 3 p.m.⁹⁵ He told Human Rights Watch: “The contractor came to my house and asked me if I wanted to work. Work is better than school, my family needs me to work. There are six in my family, three boys and one girl and my parents. I’m the oldest boy, and me and my father work. My family wants me to finish school and also to work on weekends, and I do too.”

Human Rights Watch interviewed H., a middleman, who said he supplied 50 workers to a settler in Tomer year-round, “and at the time of the grape season, it goes up to 70 workers.” H. described his job:

⁹² Human Rights Watch interviews and observations, February 10, 2014.

⁹³ Human Rights Watch interviews, Al Ouja, April 12, 2014.

⁹⁴ Ma'an Development Center, *Limited Opportunities: The Labor Market for Youth in the Jordan Valley*, 2013, p. 17, <http://www.maan-ctr.org/pdfs/FSReport/LaborMarket.pdf> (accessed June 15, 2014).

⁹⁵ Human Rights Watch interview, Fasayil, May 7, 2011.

In total there are 500 Palestinians working at Tomer and about 50 or 60 Thais. I work with one settler, which is normal. Under me are a few foremen, and I give each foreman 20 workers to supervise. The settler gives me money to pay for things, and I give him receipts, but he doesn't butt in. He will go on vacation and just leave it all to me. We get orders that I'm responsible for. The settler will say, "We've got to fill 10 boxes [with produce] for Mehadrin or Galil," and I have to make sure they're filled. If we need to buy pesticide or something, then I go get it, from stores around here. We export to the US, France, Russia, and Saudi Arabia, or we sell to Israel and the Palestinian market.⁹⁶

In addition to these work duties, middlemen serve another purpose for their employers: avoiding the need to obtain work permits for and provide pay slips to Palestinian employees, who could use such paperwork as evidence in court. Wael Natheef, a Palestinian labor union representative, told Human Rights Watch: "In agricultural production the worker rarely has a permit. The middleman, who is usually a worker 'promoted' from the workforce, will just have a list with his work crew on it. If workers are fired they have no proof of having been employed."⁹⁷ H. and O., another middleman, said they were responsible for paying workers in cash; all of the workers Human Rights Watch spoke to said they were paid in cash without any documentation.

H. said that some of the older workers who had worked under him for 10 years or more had official Israeli work permits, "so they could go to court," H. said, but the younger workers did not. "There are no pay slips, and there is no evidence," he said.

Palestinian middlemen who employ children to work for Israeli settler-employers also evade Israeli laws that prohibit children under 15 from working, and that prohibit children from working during school hours. While Palestinians who work in settlement industrial zones or in the construction sector inside settlements must obtain security clearances from the Israeli military to enter the settlements, those who work in agricultural fields can go to work without such permits. According to Z., 19, who has worked in settlements since

⁹⁶ Human Rights Watch interview with H., Fasayil, April 10, 2014.

⁹⁷ Human Rights Watch interview with Wael Natheef, March 5, 2011.

he dropped out of school in Grade 10, “if you work for a settlement, they check your *huwwiya* [identification document], but if you work for a farmer, they don’t care.”⁹⁸ S., who was 16 at the time she spoke to Human Rights Watch, said she left school at age 13 because her family needed her to earn money. She worked in Kalia, a settlement, until age 15, when she was fired, along with other members of her family who worked in the settlement. S. did not know whether Israeli labor inspectors ever visited her settlement, but said she hid when on her way to work because of her age. “I would hide under the seats in the [middleman’s] bus on the way [to Kalia] whenever we saw a soldier or security guards, because [the middleman said] I was too young to work,” she said. “Sometimes the soldiers stopped the bus and I told them I forgot my identification card at home. They always let me through.”⁹⁹ (Israel allows the Palestinian Authority to issue identification documents only to Palestinians aged 16 and above).

In some cases, middlemen “employ” their own children. L., 15, said he dropped out of school when he was 13, in Grade 9, to work in Tomer, where he picked and packed asparagus. “My dad is responsible for me, and for 4 or 5 other people. He has 2 wives and there are 14 people in the family, and me and 3 of my brothers left school to work.” L. said he earned 85 shekels per day – above average – for a six-hour shift beginning at 5:30 a.m. and up to 130 shekels if he worked until 4 p.m. The work required him to bend down low to the ground, which gave him back pains, he said. “I used to spray pesticide but I got a bad allergy in my eyes and had to get eye drops at the pharmacy, so now my dad won’t let me use pesticide.”¹⁰⁰

Exploitative and Dangerous Work Conditions

Ages and Hours of Work

Most of the Palestinian children whom Human Rights Watch interviewed said they began working on Israeli agricultural settlements at age 13 or 14. Children as young as 11 work part-time, and one boy interviewed by Human Rights Watch reported he had worked alongside a boy of only 10.¹⁰¹ Two brothers told Human Rights Watch that they began working fulltime when they were 13 and 14 years old. Now ages 16 and 17, they said that of the 40 people who worked with their contractor, 15 were younger than they were, with the

⁹⁸ Human Rights Watch interview, Z., Jiftlik, May 10, 2014.

⁹⁹ Human Rights Watch interview with S., 16, Jiftlik, March 12, 2011.

¹⁰⁰ Human Rights Watch interview, L., Fasayil, April 10, 2014.

¹⁰¹ Human Rights Interview with M.S., 15, Fasayil, March 4, 2011.

youngest a boy aged 14.¹⁰² A 16-year old girl, who had left school at age 13 to work, told Human Rights Watch that the majority of the 100 workers employed at the settlement where she worked were under age 17.¹⁰³

I., from Sbeidat, began working during holidays and after school when he was 11 years old, and quit school to work full time when he was 13, he said.¹⁰⁴ One 15-year old boy, M., said he dropped out of school at age 14 to begin working in the settlements of Tomer and Petzael. Of the 20 Palestinians working with him, he said five were under age 18, with the youngest aged 14.¹⁰⁵ Eight of M.'s 30 classmates had left school to work in settlements. "I work because my father died and my mother doesn't work," he said. "I'm the oldest of seven children and the sole provider. This is the only the way to make money."

M., 16, said that three of his eight co-workers were also 16 years old, and another four were 14 or 15. The boys worked under different middlemen, but they all worked from 6 a.m. to 4 p.m., with a half-hour break.¹⁰⁶ They earned 60 shekels per work day, after the middlemen's deductions, and worked about 15 days per month, because frequently there was no work for them in the settlement, M. said.

In 2011, Human Rights Watch interviewed three 13-year-old boys, two from Jiftlik and one from Fasayil, who said they worked on weekends and after school. R., 13, a Grade 8 student, said his eldest brother, who is 17, took care of him and his two sisters and three other brothers because their father was in jail and their mother was in Jordan. To help, R. worked with his grandmother picking onions in Tomer from 6 a.m. to 1 p.m., and sometimes to 3 p.m., on Fridays and Saturdays.¹⁰⁷ "I take the onions out of the ground and pile them up in one spot," he said. "I cut them, either with scissors or a knife. They spray the onions, not while I'm working on them, but they're still wet from the pesticide."

A.'s mother explained that she received permission from the middleman to have A. help her. "I took him to help me finish a bigger area," she said. "If you finish up to 150 square

¹⁰² Human Rights Watch interview, R., 16 and R. 17, Jericho, May 7, 2011.

¹⁰³ Human Rights Watch interview, S., 16, Jiftlik, March 12, 2011.

¹⁰⁴ Human Rights Watch interview, I., 14, Sbeidat, April 18, 2011.

¹⁰⁵ Human Rights Interview, M.S., 15, Fasayil, March 4, 2011.

¹⁰⁶ Human Rights Watch interviews, M., 16, Sbeidat, March 12, 2011.

¹⁰⁷ Human Rights Watch interview, R., 13, Jiftlik, June 11, 2011.

meters of picking onions, that's considered a day's work. I'm allowed to bring help, so that I can finish more, you get two days' pay if you finish 300 meters."¹⁰⁸

Children said they often work six or seven days a week, beginning at 5:30 or 6 a.m., and finish at 1 or 2 p.m. During peak harvest periods, they may work eleven or twelve hours a day. When interviewed in 2011, I. was 14, and working six days a week, "sometimes from 6 a.m. to 6 p.m. when it is very busy."¹⁰⁹ One 17-year-old boy said, "In dates, we work extra hours, until 4 or 5 p.m., three to four weeks a year for pruning, and during the picking season, we have to fill up three trucks before we can go home, so sometimes we have to work very late."¹¹⁰

Children are sometimes pressured to work without breaks. Fifteen-year old I. A., who dropped out of school after Grade 8, said,

If you sit down while you're working with peppers or grapes the supervisor will come and tell you to stand up and not take a break. We don't get bathrooms – we get permission from the supervisor to go out in the fields. They are always yelling at us, not insulting us but saying, "Work faster, you're too slow." There's no respect for me there. The middleman will fire people in the morning, without giving them their pay for the day, like if they damage the fruit for example. You can't switch middlemen, they would talk to each other and force you to go back to the first one you tried to quit on.¹¹¹

F., age 13, cut peppers and put them into boxes, sometimes working from 5 a.m. until 3 p.m. He said, "They don't want me to go until I finish. I have to do 10 rows of peppers a day. I wanted to leave one time but the supervisor told me, 'No, you have to stay until you finish 10 rows.'"¹¹²

M., who said he would have liked to have become a teacher, said that 7 boys from his elementary school class of 17 students had dropped out to work in settlements before

¹⁰⁸ Human Rights Watch interview, Umm A., Jiftlik, June 11, 2011.

¹⁰⁹ Human Rights Watch interview, I., 14, Sbeidat, April 18, 2011.

¹¹⁰ Human Rights Watch interview, M., 17, Jericho, March 12, 2011.

¹¹¹ Human Rights Watch interview, I.A., 15, Fasayil, May 7, 2011.

¹¹² Human Rights Watch interview, F., 13, Fasayil, May 7, 2011.

completing Grade 10. Three of his eight co-workers were 16 years old, and four were 14 or 15, he said. The boys worked under different middlemen, and said they worked ten hours a day -- from 6 a.m. to 4 p.m. -- with only a half-hour break.

Low Wages

The average daily wage for Palestinians in the West Bank, not including workers in settlements, was 87 shekels (\$23.50) in 2012, the latest date for which figures are available; in the governorate of Jericho, which is located in the Jordan Valley, the average daily wage was 80.8 shekels (\$21.80).¹¹³ In Israel and the settlements, the average monthly wage was 8,971 shekels (\$2,425) per month, or around 407 shekels (\$110) per working day, in 2012.¹¹⁴

Israeli law provides for a minimum wage, which is periodically updated; by law, the minimum wage for children under 18 years old is lower than the adult minimum wage. Israeli military orders extend the minimum wage law – but not, as Israeli legal scholars point out, crucial aspects of its enforcement mechanisms – to cover Palestinians working in West Bank settlements.¹¹⁵ As of October 1, 2012 – the most recent increase at the time the research for this report was conducted – the adult daily minimum wage was 198.46 shekels for a worker employed 5 days per week, and 172 shekels for a worker employed 6 days per week, or 4,300 shekels per month and 23.12 shekels per hour.¹¹⁶ For children

¹¹³ Because the Jordan Valley, as a geographical region, extends into multiple Palestinian governorates, this figure is not representative of Palestinian wages in the entire valley, where thousands of Bedouin and other pastoralist Palestinians live, often in impoverished communities. Palestinian Central Bureau of Statistics (PCBS), Average Daily Wage in NIS for Wage Employees in the Palestinian Territory (Israel and Settlements are Excluded) by Governorate and Region, 2000-2012, http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/wage-2000-2012.htm (accessed May 19, 2014).

¹¹⁴ Israel's Hours of Work and Rest Law, 1951, states that the work-week shall not exceed 43 hours. Israel Central Bureau of Statistics (ICBS), Employee Jobs, Wages, and Average Wages Per Employee Job, Statistical Abstract of Israel 2013, Table 12.36, http://www.cbs.gov.il/reader/shnaton/templ_shnaton_e.html?num_tab=st12_36&CYear=2013 (accessed May 19, 2014).

¹¹⁵ Amir Paz-Fuchs and Yaël Ronen point out that “Israeli residents of the settlements benefit from all provisions of the Minimum Wage Law while Palestinian employees in the settlements benefit only from the basic right to minimum wages but not from the additional rules guaranteeing this right.” Paz-Fuchs and Ronen, “Occupational Hazards,” 30 *Berkeley J. Int'l Law* 580 (2012), p. 601, available at <http://scholarship.law.berkeley.edu/bjil/vol30/iss2/7> (accessed January 14, 2015). See Military Order Regarding Employment of Workers in Certain Locations (Judea and Samaria), 5742-1982, No. 967, art. 3; and Order Regarding Employment of Workers in Certain Locations (Amendment No. 3) (Judea and Samaria) (No. 1605) 5788-2007. Nov. 7, 2007, article 6, adding Article 3B to Order No. 967, cited in Paz-Fuchs and Ronen, *id.*

¹¹⁶ National Insurance Institute of Israel, “General Information – Minimum Wage,” available at <http://www.btl.gov.il/English%20Homepage/Mediniyut/GeneralInformation/Pages/MinimumWage.aspx> (accessed October 20, 2014); Jerusalem Post, Editorial, “Minimum Wage,” August 19, 2013, <http://www.jpost.com/Opinion/Editorials/Minimum-wage-323622> (accessed October 15, 2014). Paz-Fuchs and Ronen note however that “minimum wage in Israel is paid on either an hourly or monthly basis, while in the occupied territories,

under 16, the minimum monthly wage was 3,010 shekels, or around 16 shekels per hour; for 16 year olds, the minimum monthly wage was 3,225 shekels, or around 17 shekels per hour; for 17 year olds, it was 3,569 shekels, or around 18.5 shekels per hour.¹¹⁷ Israel's minimum wage increased on April 1, 2015, to 25 shekels per hour, with children's minimum wages set at between 70 and 83 percent of the adult minimum wage.¹¹⁸

The average hourly wage for the 38 Palestinian children working in agricultural settlements in the Jordan Valley whom Human Rights Watch interviewed was around 10 shekels (\$2.70), or 70 shekels (\$19) per day, a figure consistent with reports of earnings of such child workers by humanitarian and development groups.¹¹⁹ Some children took home 50 shekels per day – an average of 6.25 shekels (\$1.65) per hour – after paying for transportation to and from settlements; another group of 10 workers, including 3 children, earned 65 shekels (\$17.50) for an 8 hour work day, or about 8 shekels (\$2.20) per hour.¹²⁰ Most children said they earned 10 shekels per hour in “overtime” if they worked longer than 8 hours, usually during the date pruning and picking seasons. At some settlements, settlers gave employees a 5-shekel-per-day raise for each year they worked, but other settlers did not, workers said.¹²¹

S. told Human Rights Watch that she received 68 shekels each day for a shift that ran from 6 a.m. to 2 p.m., and that she usually worked 7 days a week, but sometimes was not required to work on Saturdays. “We carried buckets of tomatoes that weighed about nine kilograms, and there were no bathrooms,” she said. Workers were paid by the month, without pay slips, and they were not paid for days when they failed to work because they were ill.

Palestinians' minimum wage is always paid on an hourly basis. The latter implementation exempts employers from paying for time during which work is suspended even though the employees remain at their disposal.” Occupational Hazards, id., p. 8.

¹¹⁷ “Israel's Minimum Wage,” available at http://www.anglo-list.com/index.php?option=com_content&view=article&id=255&Itemid=327 (accessed October 20, 2014). Information on the hourly wage rates for children under 18 provided via email from Kav LaOved to Human Rights Watch, May 22, 2011.

¹¹⁸ Ministry of Industry, Trade and Labor, “Current minimum wage table, as of April 1, 2015” (in Hebrew), available at <http://www.moital.gov.il/NR/exeres/2F5EA151-6FAE-4203-91E0-3780483722E5.htm> (accessed April 1, 2015).

¹¹⁹ Ma'an Development Center, *Exploited Palestinian Labor in Israeli Agricultural Settlements in the Jordan Valley*, 2011, cites an average hourly wage of 10 shekels; Ma'an, *Limited Opportunities*, p. 18 (“workers on settlements reported an average salary of approximately 70 [shekels] for eight hours of work, after the *wasit* [middleman/contractor] took his percentage”); Oxfam, *On the Brink*, notes that Palestinians' wages on different agricultural settlements vary from 50 to 100 shekels per day.

¹²⁰ Human Rights Watch interview, M., 15, Fasayil, April 10, 2014 (pays 20 shekels per day for a taxi to the settlement where he works). During a brief group interview, a group of seven young men, aged 18 to 24, and three boys, aged 17, who were returning home to Fasayil after working in Tomer said they earned 65 shekels per day. They had begun work at 6 a.m. and were returning home at 2:45 pm. Seven of the group of 10 said they had started working at age 16. Human Rights Watch group interview, Fasayil, April 4, 2014.

¹²¹ Human Rights Watch interview, S., 17, Jiftlik, May 10, 2014 (“Usually they raise your salary 5 shekels a day every year, but there's a guy, Abu Salem, who worked for 21 years, from Tubas, and he still gets only 65 shekels a day”).

The Israeli 1958 *Wage Protection Law* compels employers to pay monthly salaried employees by the end of the month, and to pay hourly or weekly workers every two weeks.

Employers who delay payment for one week must pay the worker his wages plus a penalty of 5 percent and for every week of delay thereafter a penalty of 10 percent.¹²² Israel does not appear to have applied this law to Palestinian employees of settlers.¹²³

Some Palestinian children working in settlements said they were paid late, or not at all. Two 17-year-old brothers from the Aqabat Jaber refugee camp, near Jericho, quit school when they were in Grade 9 and worked in Petzael, a settlement, for two years, along with other child workers. “We left Petzael because [the middleman] didn’t pay us for the last two months,” H. said. “We never got the money.”¹²⁴

Although all of the Palestinian adults and children working in agricultural settlements whom Human Rights Watch interviewed earned far less than the Israeli minimum wage, most labor disputes that Palestinian workers and middlemen described to Human Rights Watch involved severance pay rather than the minimum wage. Israel’s Minimum Wage Law states that workers cannot waive their rights to minimum wages, but as one Palestinian middleman stated, “you can’t ask the [settler] for a raise, because they’d fire you,” whereas workers demanding severance pay have less to lose, as they have already lost their jobs.¹²⁵

According to an ILO review of Israeli labor laws, Israel’s 1963 *Severance Pay Law* entitles discharged workers – though not workers who resign – to severance pay equivalent to one month of salary for each complete year worked, unless the worker is discharged for a serious disciplinary violation.¹²⁶

¹²² ILO, “National Labor Law Profile: The State of Israel,” Judge Steven Adler, June 17, 2011, available at http://www.ilo.org/ifpdial/information-resources/national-labor-law-profiles/WCMS_158902/lang-en/index.htm (accessed October 10, 2014).

¹²³ For discussion of Israel’s co-application, through military orders, of Israeli and Jordanian laws on wages for Palestinian workers in settlements, and the lower wages paid to Palestinians as a result, see Paz-Fuchs and Ronen, “Occupational Hazards,” p. 587.

¹²⁴ Human Rights Watch interview with H., 17, Jericho, March 12, 2011.

¹²⁵ Israel Minimum Wage Law (section 12). Human Rights Watch interview, O., Jiftlik, April 11, 2014.

¹²⁶ ILO, “National Labor Law Profile: The State of Israel,” Judge Steven Adler, June 17, 2011, available at http://www.ilo.org/ifpdial/information-resources/national-labor-law-profiles/WCMS_158902/lang-en/index.htm (accessed October 10, 2014).

While some Palestinians sued for severance pay, others were afraid to do so for fear of being blacklisted, according to some of those who spoke to Human Rights Watch. For example, H. said he knew of two Palestinian workers from Fasayil who possessed official Israeli work permits who had sued their settler-employer in Tomer in early 2014 for the severance payment due to them under Israeli law when their employer made them redundant. “They won the lawsuits but now they are on a blacklist and so are their children,” he said. “No one will hire them.” Another Palestinian worker said he avoided going to court to demand his full severance pay, and had made a “deal” with his employer instead, for fear that his children might be placed on a blacklist.¹²⁷ H. said that middlemen who worked with other settlers in Tomer had told him about “a new thing the [settlers] have come up with, where the settler has a paper that all the workers will have to sign, that says they waive their right to severance pay.” H. criticized that reported initiative but noted, “They [settler employers] can fire us all whenever they want. They have an alternative – they can get workers from Tammoun, or elsewhere outside the valley.”

In 2014, the International Labor Organization (ILO) reported “particular concern” at the situation of “Palestinian women, men and children [who] are engaged in seasonal agricultural work in Israeli settlements” in the Jordan Valley, and described “an apparently coordinated practice by Israeli settlement employers in the Jordan Valley of blacklisting Palestinian workers who have lodged complaints of labor rights violations.”¹²⁸

O., a middleman in Jiftlik who previously worked for 11 years as an agricultural laborer in settlements, said of settler employers and the middlemen who work for them: “They pay in cash, no pay slips, and there are no [work] permits, so there is no paper trail to demand severance pay or anything else.”¹²⁹ Another Jiftlik resident said he knew of workers who would be unwilling to go to an Israeli labor court to resolve a dispute with their settler-

¹²⁷ In a separate interview, A., in his 50s, said that in January 2014, he became too ill to work, and went to ask his employer in Tomer for severance pay, after working for 12 years. “He told me, ‘There is no severance, no one’s firing you,’ but I said I couldn’t work because I was sick. So I made a deal with him. I asked for 30,000 [shekels], he offered 28,000 and we shook hands, but then he gave me 27,000 in checks, for 3,000 a month for 9 months. I agreed to this so that my kids could still work.” Human Rights Watch interview, A., Fasayil, March 10, 2014.

¹²⁸ ILO, International Labor Conference, 103rd Session, 2014, Report of the Director-General, Appendix, The Situation of workers of the occupied Arab territories, May 12, 2014, p. 27, available at http://www.ilo.org/ilc/ILCSessions/103/reports/reports-to-the-conference/WCMS_242965/lang-en/index.htm (accessed February 9, 2015).

¹²⁹ Human Rights Watch interview, O., Jiftlik, April 11, 2014.

employer. “When you go to court they have to show permits, they can’t go with just their word. Plus they have to pay money and provide documents,” he said.¹³⁰

O. said he had a contract with his employer: “I have a contract with him in Hebrew, it says I’m responsible for making sure [the workers] are paid out of the amount he gives me, and to ensure the work gets done, but it does not specify a number of workers.” O. said he paid his workers 80 shekels per day, “but because they have to get a car to take them to work, some of them take home only 50 shekels a day.”

The 2014 ILO report cited “well documented practices of Israeli employers [in settlements] circumventing legal obligations towards their workers,” including “ploys to disguise the employment relationship, to avoid issuing payslips or to conceal the actual number of hours worked, in order to evade minimum wage and social security obligations.”¹³¹

Consistent with Human Rights Watch’s findings, Oxfam reported in 2012 that none of the Palestinian workers its staff interviewed that year in the Jordan Valley “received the benefits that Israeli workers are entitled to by law, including holidays, overtime pay, transportation costs, health insurance, sick pay, or payments from a provident fund.”¹³²

Health and Safety

Children described performing work on Israeli settlements that put their health and safety at risk. They handle pesticides that cause nausea, dizziness and skin rashes, and over the long-term, are associated with cancer, neurological problems, and infertility. They cut themselves with sharp tools and work with heavy machinery that can cause more serious accidents. They climb high ladders and work in extreme temperatures that can cause heat stroke. Many of the children Human Rights Watch interviewed said they were not provided access to medical care or compensated for their injuries, and were refused sick pay for work days lost to work-related illness or injury.

¹³⁰ Human Rights Watch interview, R., Jiftlik, April 11, 2014.

¹³¹ ILO, International Labor Conference, 103rd Session, 2014, Report of the Director-General, Appendix, The Situation of workers of the occupied Arab territories, May 12, 2014, p. 27, available at http://www.ilo.org/ilc/ILCSessions/103/reports/reports-to-the-conference/WCMS_242965/lang-en/index.htm (accessed February 9, 2015).

¹³² Oxfam, *On the Brink*, p. 17.

Exposure to Chemicals

The majority of Palestinian children whom Human Rights Watch interviewed said they sprayed crops with chemicals, as often as twice per week. Some carried canisters on their backs, while others used hoses connected to tanks. Only two of the 16 children interviewed who said they worked with chemicals said their middleman provided them with masks, eye protection, and gloves.¹³³ Many others whose tasks included crop spraying described suffering from symptoms that included dizziness, nausea, eye irritations, and skin rashes.

Pesticides widely used in agriculture include insecticides, herbicides, fungicides, fumigants, and plant growth indicators. Some pesticides identified in agricultural settlements in the Jordan Valley are organophosphates, which are neurotoxins.¹³⁴ They vary in toxicity and enter the body primarily through the skin, although they can also be ingested or inhaled. Although anyone who works on a non-organic farm may be exposed to pesticides, pesticide handlers are at particular risk, particularly if they do not use protective equipment.¹³⁵

According to the International Labor Organization, long-term pesticide exposure at low levels has not been well-researched, but has been “associated with chronic health problems in children, such as cancer and reproductive health problems.”¹³⁶ A 2011 ILO report on children and hazardous work cites a study of exposure to pesticides of children under 15 years old, which found the odds of soft-tissue sarcomas to be increased by four times and the odds of developing leukaemia by almost three times; and other studies “that show that young people’s neurological development is affected by exposure to pesticides,” potentially causing “lowered intelligence and behavioural abnormalities later in life.”

¹³³ S., 17, said he sprayed pesticide once or twice per week from a hose connected to a tank, and that he wore gloves and a mask that covers his eyes. Human Rights Watch interview, S., Jiftlik, May 10, 2014. An 18-year-old, who finished school, sprays pesticides from a hose connected to a tank once or twice a week; he wears a plastic suit but not a mask, gloves or eye covering. Human Rights Watch interview, A., Jiftlik, May 10, 2014.

¹³⁴ US Environmental Protection Agency (EPA), Office of Pesticide Programs, “Types of Pesticides,” May 2012 (organophosphates “affect the nervous system by disrupting the enzyme that regulates acetylcholine, a neurotransmitter”), <http://www.epa.gov/pesticides/about/types.htm> (accessed January 31, 2015).

¹³⁵ See e.g. Human Rights Watch, *Tobacco’s Hidden Children: Hazardous Child Labor in US Tobacco Farming*, May 14, 2014, available at <http://www.hrw.org/node/125316>.

¹³⁶ ILO, *Children in Hazardous Work*, 2011, p. 23, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf (accessed December 11, 2014).

Most children interviewed by Human Rights Watch did not know the names of the chemicals or whether they were pesticides, herbicides, or fertilizers. According to O., a Palestinian middleman, different crops require different chemicals. “Grapes need Alzodef, for instance. Lots of guys have peeling skin on their faces during grape season.”¹³⁷ Alzodef is a cyanamide pesticide. The European Union decided in 2008 to stop authorizing the use of cyanamide in plant protection, due to health risks.¹³⁸

An adult who worked in settlements said he had sprayed Thionex on crops (a trade name for endosulfan, an off-patent insecticide) and believed it was in common use in settlements.¹³⁹ The US Environmental Protection Agency stated in 2010 that it was phasing out endosulfan “because it can pose unacceptable health risks to farmworkers.”¹⁴⁰ The ILO noted in 2011 that “a cross-sectional study among young working boys chronically exposed to the insecticide endosulfan” found the boys “experienced complications in sexual development, including improper testosterone production and delays in reaching sexual maturity when compared with a control group of boys who were not exposed.”¹⁴¹ M., 16, said he left school in Grade 6, when he was 14, to work. In the Tomer settlement, where he worked in greenhouses, M. said he sprayed chemicals on crops two full days per week from a container of around 30 liters he carried on his back. “I have a lot of back pain,” he said.¹⁴² He explained:

There’s more than one kind of pesticide; one is strong, another is weaker. I wear gloves, and when I use the strong pesticide I also get a paper mask.

¹³⁷ Human Rights Watch interview, O., Jiftlik, May 10, 2014.

¹³⁸ European Commission Decision 2008/745/EC, September 18, 2008, “Concerning the non-inclusion of cyanamide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (notified under document number C(2008) 5087),” para. 5 (“there are clear indications that it may be expected that it has harmful effects on human health and in particular on operators”), available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008D0745> (accessed October 12, 2014).

¹³⁹ Human Rights Watch interview, J., Fasayil, April 5, 2014. A master’s thesis by students at al-Najah University, in Nablus, surveyed Palestinian farmers who were not employed in settlements, and found that they also used these and other chemicals and suffered toxicity symptoms. Maysoon Tahsin and Abdel Raouf Al Faris, “The exposure of Farmers and their families to pesticides in an agricultural community,” 2007, available at http://www.najah.edu/sites/default/files/Centers_document/Document/The_exposure_of_Farmers.pdf (accessed October 10, 2014).

¹⁴⁰ US EPA, “Endosulfan Phase-Out,” November 10, 2010, <http://www.epa.gov/pesticides/reregistration/endosulfan/endosulfan-agreement.html> (accessed October 10, 2014).

¹⁴¹ ILO, *Children in Hazardous Work*, 2011, p. 23, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf (accessed December 11, 2014).

¹⁴² Human Rights Watch interview, M., Fasayil, May 4, 2014.

Decathlon is one of them. You mix 30 liters of water and 100 centiliters of this. Basta is the other one. We mix the two of them together for better effect, with water.

Decathlon is the trade name for an insecticide; Basta is the trade name for an herbicide.¹⁴³ According to standards set by the US Environmental Protection Agency, after spraying with Decathlon in a greenhouse, workers should not enter the area for a period of 12 hours without special protective equipment.¹⁴⁴ Labels for Basta state: “When opening the container, preparing spray and using the prepared spray, wear cotton overalls buttoned to the neck and wrist (or equivalent clothing) and a washable hat, elbow length PVC or nitrile gloves and face shield or goggles.”¹⁴⁵

M., an 18-year-old from a village near Jenin who dropped out of school in Grade 9 and was living in a warehouse in Al Ouja when Human Rights Watch interviewed him, said he normally wore a mask when spraying pesticides twice a week. He sprayed once without a mask and required hospital treatment. “I got dizzy and couldn’t stand up,” he said. “My stomach hurt and my eyes were red, so [the middleman] took me to the hospital in Jericho. They kept me there for six hours before I went home. I don’t know what was in the pesticide, [the middleman] prepared it.”¹⁴⁶

Two brothers, aged 16 and 17, from the Aqabat Jaber refugee camp, said they worked in the Petzael settlement seven days a week, from 5:30 a.m. to 12 noon, spraying sweet peppers with pesticides and picking them, and digging trenches for irrigation pipes. Neither had access to a protective mask or eye wear, they said. The 17-year-old said, “When I spray, sometimes I feel dizzy and don’t walk very well, but after 12 hours I am OK again.”¹⁴⁷

¹⁴³ See sample product labels for Decathlon at <http://www.entomology.umn.edu/cues/mnla/decathlon.pdf> and for Basta at <http://www.bayercropscience.com.au/resources/uploads/label/file10165.pdf?2014102217713> (accessed October 12, 2014).

¹⁴⁴ A “specimen label” for Decathlon 20 WP Greenhouse and Nursery insecticide states, per EPA requirements, “Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours”; label available at <http://www.entomology.umn.edu/cues/mnla/decathlon.pdf> (accessed October 12, 2014); see also University of Tennessee, Agricultural Extension Service, “Using Pesticides in Greenhouses,” Table 6, p. 11, and pp. 12-14, available at <https://utextension.tennessee.edu/publications/documents/PB1595.pdf> (accessed October 12, 2014).

¹⁴⁵ See sample product label for Basta, note 119 supra.

¹⁴⁶ Human Rights Watch interview, Muhamad, Al Ouja (warehouse), April 12, 2014.

¹⁴⁷ Human Rights Watch interviews, R., 16, and R., 17, Jericho, May 7, 2011.

Another pair of brothers, both aged 17 and also from the Aqabat Jaber refugee camp, near Jericho, said they quit school in Grade 9 to work in Petzael.¹⁴⁸ They pick, clean and pack tomatoes, eggplants, peppers, herbs, and sometimes dates, and spray vegetables using gloves but not masks. “When we spray peppers, we get rashes, but they go away after a week,” H. said. “If we get sick and can’t work, we are not paid that day.”

M., a 14-year-old from Fasayil, said that other workers sometimes “spray pesticides on the peppers while I’m picking them. We get gloves to wear but not a mask.” He earned between 60 and 70 shekels per day and said he gets “pains in my back from bending over to pick the tomatoes and peppers.”¹⁴⁹

A Palestinian trade union representative told Human Rights Watch that he knew of six Palestinian women and a girl who had suffered eye problems while working in the Beit HaArava settlement in 2011 after they picked cherry tomatoes that had been sprayed, without gloves, and had then touched their eyes. He said his trade union had advised them to sue the settler-employer but they declined to do so for fear that this would result in their dismissal, he said.¹⁵⁰

Two 17-year-olds and a 16-year-old boy from Sbeidat said they worked in Argaman, and sprayed vegetables with chemicals every other week, but did not know the names of the chemicals. They did not have protective gear and had rashes appear on their hands and faces, which took two or three days to disappear, whenever they sprayed, they said. They seldom sought treatment from a doctor, as this would cost more than a day’s wages.¹⁵¹ In the three years that they had worked in Argaman, they had never been approached by any labor inspector regarding their exposure to pesticides and had not seen any inspector at all, the three boys said, only security men from the settlement.

¹⁴⁸ Human Rights Watch interviews with H., 17 and M., 17, Jericho, March 12, 2011. At Beit HaArava, the brothers said, they begin work at 6 a.m. and leave at 2 p.m., 7 days a week, all year round, but sometimes have Saturdays off. Their “middleman” – a woman, K. – picks them up in a bus at around 4:30 a.m. They receive 50 shekels per day, paid on the 10th day of each month, with no pay slips or other documentation.

¹⁴⁹ Human Rights Watch interview with M., 14, Fasayil, May 7, 2011.

¹⁵⁰ Human Rights Watch interview, Wael Natheef, Jericho, March 5, 2011.

¹⁵¹ Human Rights Watch interviews, F., 17; I., 17; and M., 16, Sbeidat, March 12, 2011.

Three boys from Fasayil – two 16-year-olds and a 17-year-old – said they had “thrown up” after spraying pesticide from containers they carried on their backs.¹⁵² O., 16, who worked in the Tomer settlement on Fridays and Saturdays, said: “I spray pesticide from a backpack. Our bosses [Palestinian middlemen] tell us to be careful, but we don’t get masks, gloves, or other clothing. I have had rashes on my hands, sore eyes, and I’ve thrown up after spraying it. The boss tells us to go home until we get better.” Human Rights Watch could not determine whether the boys had vomited due to the effects of exertion or heat, or the toxicity of the chemicals, or other factors.

An 18-year-old, M., who worked for a different employer in Tomer, said he undertook spraying but was not equipped with protective gear and clothing. “The pesticide hurts our backs a lot, the packs are really heavy,” he complained.¹⁵³

M., 16, who said he left school at age 14 to work full-time in Tomer, worked five days a week picking sweet peppers, herbs, and other crops, and twice a week spraying crops while carrying a 30-liter canister of pesticide on his back, wearing only gloves and a paper mask for protection. He said the canister was heavy and he had “a lot of back pains.” He had gone to the hospital twice “because of a rash on my skin.” M. didn’t know the name of the pesticide he sprays, or the name of the settler on whose land he works. He said the settler paid a Palestinian middleman to provide Palestinian agricultural workers, who included two other 16-year-olds from M.’s village and a 15-year-old from elsewhere.¹⁵⁴

Other children did not spray pesticides, but still described ill-effects from exposure. Fifteen-year old I., for example, said, “Sometimes they spray with pesticides while I’m working; I use my shirt to cover my mouth and nose but I still feel itchy on my skin.”¹⁵⁵

Israel in 1992 adopted Labor Safety Regulations on workers who handle pesticides, which it has not applied to Palestinian children working in settlements, which prohibit children under 18 from working with phosphoric-organic pesticides.¹⁵⁶

¹⁵² Human Rights Watch interviews, Fasayil, April 10 and 12, 2014.

¹⁵³ Human Rights Watch interview, M., 18, Fasayil, April 12, 2014.

¹⁵⁴ Human Rights Watch interview, M., 16, Fasayil, May 4, 2014.

¹⁵⁵ Human Rights Watch interview with I.A., 15, Fasayil, May 7, 2011.

¹⁵⁶ Labor Safety Regulations (Occupational hygiene and the health of workers who handle phosphoric-organic and Karbamic pesticides) – 1992, Art. 16 (a)(5), available at http://www.nevo.co.il.ezproxy.colman.ac.il/law_html/law01/p175_053.htm (accessed March 1, 2015).

High Temperatures

Seven Palestinian children told Human Rights Watch that they worked inside settlement greenhouses where temperatures were stifling in summer.¹⁵⁷ M., 16, who said he left school at age 14 to work full-time in Tomer, where he earned 70 shekels for a seven-hour workday, appeared to have suffered heat stroke in a greenhouse.¹⁵⁸ He said that he had fainted several times in May 2013 while working in a greenhouse, where he sprayed, picked and packed peppers. “I couldn’t see, passed out, and the middleman took me home,” he said. “I took myself home when it happened the next day. On the third day, I took myself home, then to the hospital in Jericho, where they gave me headache pills and said it was heatstroke.” M. said that he fainted at work on five consecutive days and then was fired because of his fainting. He told Human Rights Watch:

On the sixth day, I went to a new employer. I got shots for a month, at the hospital first and then they gave me the medicine to take to a clinic to get injections, to help with heatstroke. I would pass out for 2 or 3 minutes. If it’s 40 Celsius outside, it’s 50 or worse inside the greenhouse in summer, which is when most of the kids are working, because school is out.

In 2013, M. started fainting again in June, and received daily injections for another month.

Israel in 1995 adopted domestic regulations on youth employment, which it has not applied to Palestinian children working in settlements, that prohibit children under age 18 from working in temperatures below 4 degrees Celsius or above 40 degrees Celsius.¹⁵⁹

Handling Heavy Loads

Several of the children Human Rights Watch described handling heavy loads. Fifteen-year-old I. A., who dropped out of school after the Grade 8, said “I like grapes because the boxes are only 5 kilos. But peppers are hard, the boxes can hold up to 20 kilos or so.”¹⁶⁰

¹⁵⁷ Human Rights Watch interviews, Fasayil, Jericho, Jiftlik, Sbeidat, April-May, 2014.

¹⁵⁸ Human Rights Watch interview, M., 16, Fasayil, May 4, 2014.

¹⁵⁹ Additional List of restrictions, Art. 3, Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) (5756-1995), issued by the Minister of Labor and Social Affairs pursuant to the Israel Protection of Youth Labor Law 5713-1953 (sometimes called “Protection of Youth Work Law” or “Youth Employment Law”), available at <http://www.moit.gov.il/NR/rdonlyres/0172DC1F-07C8-4192-A56B-FC38B29CED16/0/17.pdf> (accessed July 1, 2014) and <http://www.moital.gov.il/NR/exeres/335289F7-90Co-4874-AFB3-DA70F3C2B230.htm> (accessed March 1, 2015); see also http://www.nevo.co.il.ezproxy.colman.ac.il/law_html/law01/p175_053.htm (accessed March 1, 2015).

F., 13, said he worked in Petzael on weekends, sometimes starting at 5 a.m. and working until 3 p.m.¹⁶¹ He told Human Rights Watch, “I cut peppers and put them in boxes, then we have to move them, they’re heavy, around three feet long and half that wide. My arms and the side of my back hurt. At first I dragged the box of peppers but then the supervisor told me I had to carry it.”

Several of the Palestinian child workers interviewed by Human Rights Watch also spoke of the physical demands they faced when spraying pesticides or herbicides.¹⁶² Yusef, an 18-year-old, who said he had dropped out of school at 14 to work at the Tomer settlement, said he suffered from persistent backache due to carrying a heavy spray container on his back.¹⁶³ Saleh, a 15-year-old worker from Fasayil, said he had dropped out of school in Grade 7, and told Human Rights Watch,

My shoulders are numb from carrying the backpack that I spray the pesticides with – it’s a 15 liter tank. I spray for half an hour each time, then I refill the tank. I need to do this 15 times before I’m done, on the days I’m spraying. I don’t do it every day – the older guys spray every day.¹⁶⁴

Israel in 1995 adopted domestic regulations on youth employment, which it has not applied to Palestinian children working in settlements, that prohibit children under age 18 from doing jobs that require lifting objects that weigh more than 12.5 kilograms for boys, and 8 kilograms for girls, for a maximum of 2 hours per day.¹⁶⁵

¹⁶⁰ Human Rights Watch interview, I. A., 15, Fasayil, May 7, 2011.

¹⁶¹ Human Rights Watch interview, Fasayil, May 7, 2011.

¹⁶² M., a 23 year old, said he had “a disk operation on my back four years ago” at al-Makasid Hospital in East Jerusalem, due to an injury he believed was the result of carrying heavy spraying equipment in Tomer. He paid for the operation himself, which cost 12,000 shekels (\$3,425), but went back to work. Human Rights Watch interview, M., Fasayil, April 10, 2014.

¹⁶³ Human Rights Watch interview, Fasayil, April 10, 2014.

¹⁶⁴ Human Rights Watch interview, Fasayil, April 10, 2014.

¹⁶⁵ Additional List of restrictions, Art. 1, Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) (5756-1995), issued by the Minister of Labor and Social Affairs pursuant to the Israel Protection of Youth Labor Law 5713-1953 (sometimes called “Protection of Youth Work Law” or “Youth Employment Law”), available at <http://www.moit.gov.il/NR/rdonlyres/0172DC1F-07C8-4192-A56B-FC38B29CED16/0/17.pdf> (accessed July 1, 2014) and <http://www.moital.gov.il/NR/exeres/335289F7-90C0-4874-AFB3-DA70F3C2B230.htm> (accessed March 1, 2015); see also http://www.nevo.co.il.ezproxy.colman.ac.il/law_html/law01/p175_053.htm (accessed March 1, 2015).

Work Injuries and Lack of Compensation

In interviews with Human Rights Watch, children often described cutting themselves, and some accidents that were more serious. A statistical survey of work injuries among Palestinian children who work found that of all working children, 79.1 percent reported an occupational injury in the last 12 months (81.7 percent of boys and 73 percent of girls), and that 33 percent of children who worked in agricultural production reported back pain.¹⁶⁶

O., 16, who works in Tomer at weekends, said that he and other workers commonly sustained cuts from using vine clippers during the grape season: “We’ve all hurt our fingers like that. If it’s bad, you sit at home for four days and don’t get paid, you wait until you heal so you can come back to work. If you get sick and have to go home in the morning, you’re not paid for the hours you worked that day.”¹⁶⁷

Before working in Beit HaArava two 17-year-old brothers worked for two years in Petzael, with other child workers. In Petzael, H. recalled,

Anyone who got injured on the job would have to wait there until the end of the day to leave with the van, either to go home or to the hospital in Jericho. One of the workers cut his finger off in an accident. They taped the finger back on and made him wait for the end of the day. Another time, a small tractor flipped over, and a boy was stuck until the Thai workers rescued him. If you were injured, you would not receive any salary for the hours you didn’t work.¹⁶⁸

Their work conditions at Beit HaArava were an improvement over Petzael, they said, because their current middleman would take workers who were injured on the job to the hospital.

A., 13, said he helped his mother pick onions in Niran, a settlement, on weekends. “Last summer I helped my father work in Massua [settlement], shoveling and moving fertilizers

¹⁶⁶ Christine Jildeh, Ziad Abdeen, et al, “Labor and Related Injuries among Schoolchildren in Palestine: Findings from the National Study of Palestinian Schoolchildren (HBSC-WBG2006),” *ISRNI Pediatrics*, Volume 2014 (2014), available at <http://www.hindawi.com/journals/isrn/2014/729573/> (accessed January 10, 2015).

¹⁶⁷ Human Rights Watch interview, O., 17, Fasayil, April 10, 2014.

¹⁶⁸ Human Rights Watch interviews with H., 17 and M., 17, Jericho, March 12, 2011.

around,” he told Human Rights Watch. “That was better because I cut myself once working with onions. We use retractable razor blades. They just told me to keep on working.”¹⁶⁹ I., from Sbeidat, said that he cut himself once and had to be taken to the hospital in Jericho by his friends, but had to pay the costs himself.¹⁷⁰

M., a 15-year-old from Fasayil, dropped out of school in Grade 9, when he was 14, to work in the settlements of Tomer and Petzael.¹⁷¹ In the date season, he said, he was required to climb a ladder to a height of two to three meters, or use a crane, to prune date palms and pick dates. “The date trees have a lot of spikes, and once I cut myself and couldn’t work for a month,” he said. “I wasn’t paid any compensation, because if you don’t work, you aren’t paid. If I go to the doctor, I pay for it myself.” M. said he works six days a week and receives time off during Jewish, but not Muslim, holidays.

Some Palestinians described other working conditions that could be dangerous to underage workers, particularly during long shifts. In Fasayil, two boys, aged 15 and 16, who had both dropped out of school in Grade 9, said they worked “in the factory building in Tomer” on a machine “that makes boxes for vegetables and dates out of cardboard,” from 6:30 a.m. to 2 p.m.¹⁷² M., 18, said he was injured while working on one of the machines in April, 2014. “About 10 days ago I was working on a machine that folds cardboard into boxes, and part of it has really hot glue, like 150 Celsius, and it got on my finger and melted my skin off.” The middleman he worked under took him to the hospital and paid him for the time he had already worked that day, Mohammed said.¹⁷³

A 19-year-old woman who worked in Tomer picking cherry tomatoes recalled an accident in 2011 when a 17-year-old boy “got his finger caught in the date-sorting machine, and both the middleman and the settler said they were not responsible.”¹⁷⁴ Two workers, aged 17 and 18, said they knew people who had been injured when they fell from

¹⁶⁹ Human Rights Watch interview, A., 13, Jiftlik, June 11, 2011.

¹⁷⁰ Human Rights Watch interview, I., 14, Sbeidat, April 18, 2011.

¹⁷¹ Human Rights Watch interview with M. S., 15, Fasayil, March 4, 2011.

¹⁷² Human Rights Watch interview, Fasayil, April 12, 2014.

¹⁷³ Human Rights Watch interview, M., 18, Fasayil, April 12, 2014.

¹⁷⁴ Human Rights Watch interview, M., Jericho, April 2, 2011. M. noted that there were no bathrooms available for workers in the tomato fields.

ladders or platforms while pruning or picking from date palms, which can reach 15 meters in height.¹⁷⁵

Lack of Access to Medical Care and Lack of Compensation

Israeli labor laws applicable to settlers who employ Palestinians require employers to pay for health insurance for their employees.¹⁷⁶ The employer should purchase insurance for health care costs arising from injuries at work, and provide sick pay.¹⁷⁷ None of the children or other Palestinian workers whom Human Rights Watch interviewed had access to Israeli health insurance. In some cases, children who had been injured or fell ill on the job said that Palestinian middlemen had paid for their hospital care, and in one case, a middleman paid a boy daily wages for 25 days while he was recuperating from fractures to his hand caused by a work injury. In other cases, however, children had to pay for their transportation to Palestinian hospitals and their medical care.¹⁷⁸ Of the Palestinian adults and children Human Rights Watch interviewed, only one knew of a case of an injured Palestinian worker receiving treatment in an Israeli hospital. He said the worker in question, a man from Jiftlik who was injured and lost consciousness when he fell from a crane while picking dates in the Massua settlement, received treatment at Israel's Rambam hospital.¹⁷⁹

¹⁷⁵ Human Rights Watch interview, A., 18 years old, Jiftlik, May 10, 2014; Human Rights Watch interview, O., 17, Fasayil, April 10, 2014.

¹⁷⁶ Israeli laws and regulations make some 24 domestic laws applicable to settlers; see Association for Civil Rights in Israel, *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, pp. 16-18, October 2014, available at <http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf> (accessed February 28, 2015). In other cases, military orders make Israeli domestic laws applicable to settlers, and are updated when the corresponding laws are amended. Annex 6 of the Code of the [Settlement] Municipal Councils, enacted by the Israeli military commander in the West Bank, for instance, incorporates Israeli legislation including the Minimum Wage Law, 1987; the Employment Service Law, 1959; the Foreign Workers Law, 1991; and the Emergency Labor Law, 1967. Military Order on Administration of Municipal Councils (Judea and Samaria) (No. 892) (1981), cited in Amir Paz-Fuchs and Yaël Ronen, "Occupational Hazards," 30 *Berkeley J. Int'l Law* 580 (2012), pp. 600-601, available at <http://scholarship.law.berkeley.edu/bjil/vol30/iss2/7> (accessed January 14, 2015).

¹⁷⁷ National Insurance Institute of Israel, "Employment of a foreign resident" (employers of "a resident of the Palestinian Authority or a resident of Judea and Samaria in a settlement or a military site" must "pay national insurance contributions" for "work-injured persons, insurance to protect employee rights in the event of a bankruptcy or the dismantling of a corporation, and maternity insurance"), <http://www.btl.gov.il/English%20Homepage/Insurance/Employers/foreignresident/Pages/default.aspx> (accessed October 23, 2014); see also NIII, "Work Injury," <http://www.btl.gov.il/English%20Homepage/Benefits/Work%20Injury%20Insurance/Pages/default.aspx> (accessed October 12, 2014).

¹⁷⁸ Human Rights Watch interviews with M., 18, Fasayil, April 12, 2014; O., 16, and O., 17, Fasayil, April 10, 2014; A., 13, Jiftlik, June 11, 2011; I., 14, Sbeidat, April 18, 2011; M., Jericho, April 2, 2011; H., 17 and M., 17, Jericho, March 12, 2011.

¹⁷⁹ Human Rights Watch interview with R. M., 18, in Jiftlik, May 10, 2014.

The Ma'an Development Center reported in 2013 that while some 30 percent of workers it surveyed said that they had been injured on the job, only two had received "any compensation or paid leave days from their settler employers" or middlemen.¹⁸⁰

O., a middleman, said that the settler he worked with in Tomer had asked him to accept responsibility if any of his 16 workers was injured on the job: "My boss last week wanted me to sign a paper saying if anything bad happened to my workers, I was responsible. I refused."¹⁸¹ O. said he did not know whether the employer had purchased insurance to insure the workers against work-related accidents. Israeli law obliges employers to do so.¹⁸²

A 17-year-old who worked in the Petzael settlement, for instance, said that one of his co-workers was bitten by a snake – "they come out around the plants after 10 o'clock, when it gets hot," he said – and the middleman took him to the hospital. "The settler paid the cost to get him to the hospital, but refused to pay for the three days' rest that was required."¹⁸³

A 16-year-old boy who worked in Tomer said he was stung on his hand by a scorpion in mid-2013. "I'm allergic to stings," he said, "I went to the doctor, and had to pay 250 shekels for the hospital care and 80 shekels for the taxi."¹⁸⁴ A 17-year-old boy who dropped out of school in Grade 8 also told Human Rights Watch that a scorpion had stung him when he was at work in the same settlement. "I felt it crawling up my back. It was beginning of the season [in 2013] when we were hooking up the water hoses in the field. My friends took me in an ambulance to hospital. It [the scorpion] was a big black one, about 5 inches long, so it was not so bad. The little yellow ones are bad: as soon as they bite, the grave."¹⁸⁵ He was not paid for his time off work, he said.

Impact on Education

The high poverty levels of Palestinians in the Jordan Valley, exacerbated by Israeli policies that support settlements and restrict Palestinian land use – including for the construction of schools – and freedom of movement, result in many children dropping out of school and

¹⁸⁰ Ma'an, Limited Opportunities, p. 18.

¹⁸¹ Human Rights Watch interview, O., Jiftlik, May 10, 2014.

¹⁸² See "Israel's non-enforcement of labor laws," *infra*.

¹⁸³ Human Rights Watch interviews with R., 17, Jericho, May 7, 2011.

¹⁸⁴ Human Rights Watch interview, O., 16, Fasayil, April 10, 2014.

¹⁸⁵ Human Rights Watch interview, O., 17, Fasayil, April 10, 2014.

finding work to augment their family incomes.¹⁸⁶ For many children, jobs in settlement agriculture are the only option. Other children work in settlements part-time and still attend school, but said they were often tired and unable to concentrate. This combination of factors negatively affects Palestinian children's access to education and learning experiences while in school.

All the Palestinian children who worked in settlements told Human Rights Watch they did so to earn money for their families. A 15-year-old boy, I., who dropped out of school after Grade 8, said he went to work because "my father had a car accident and I'm the only one who supports the family," including his five siblings.¹⁸⁷ I. said he earned 65 shekels per seven hour work day – in Israel, the hourly minimum wage is more than 23 shekels – and worked six or seven days a week.

The Palestinian educational system comprises Palestinian Authority-run primary and secondary schools, with around 75 percent of the 1.18 million students in Gaza and the West Bank; schools run by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), with about 20 percent of the students; and private schools.¹⁸⁸ Under Palestinian law, education is compulsory and free for 10 years, from Grades 1 through 10, and free for secondary school education in Grades 11 and 12.¹⁸⁹

Overall student enrollment in basic education – Grades 1 through 10 – increased from 81 percent in 1994-95, when the PA was established, to 98 percent in 2008-09, and students who continued from basic to secondary education (Grades 11 and 12) increased

¹⁸⁶ A 2012 study by OCHA and UNICEF of school children from 116 Palestinian communities identified three main obstacles to access to education: delays and harassment at Israeli military checkpoints, violence by Israeli settlers, and lengthy commutes to school, and that "a restrictive permit process imposed by Israel, pervasive protection issues, persistent violence, and restrictions on access and movement have hampered both the PA and the humanitarian community in responding to the need for providing basic educational services in Area C." *Protection issues affecting access to education in the West Bank*, March 2012, p. 2, available at

http://www.ochaopt.org/documents/ochaopt_education_cluster_access_to_education_final_report_march_2012.pdf (accessed March 2, 2015). The Israeli military had issued demolition and "stop-work" orders against 29 Palestinian schools, serving 4,500 students, in Area C and East Jerusalem as of 2013. OCHA, *2014 Humanitarian Needs Overview: Occupied Palestinian Territories*, p. 12, available at http://www.ochaopt.org/documents/ochaopt_hno_2014.pdf (accessed March 2, 2015).

¹⁸⁷ Human Rights Watch interview, I.A., 15, Fasayil, May 7, 2011.

¹⁸⁸ Dr. Basri Saleh (Deputy Minister, Palestinian Ministry of Education), "An Overview of the Educational System in Palestine Achievements and Challenges," *This Week in Palestine*, No. 142 (February 2010), <http://archive.thisweekinpalestine.com/details.php?id=2992&edid=178> (accessed November 27, 2014).

¹⁸⁹ See e.g. Palestinian Child Law of 2005, Article 37; Nicolai, Susan, "Fragmented foundations: Education and chronic crisis in the occupied Palestinian territory," UNICEF/Save the Children, available at <http://unesdoc.unesco.org/images/0015/001502/150260e.pdf> (accessed October 16, 2014), p. 26 and Appendix III, p. 154.

from 65 percent to 91 percent in the same period.¹⁹⁰ From 1997 to 2011, school dropout rates in the West Bank for boys and girls aged 12 to 14 decreased from 5.8 percent to 1.7 percent, and from 26 percent to 20 percent for 15 to 17 year olds, according to the Palestinian statistics bureau.¹⁹¹

A 2004 survey, conducted by Birzeit University and UNICEF, found that 30 percent of working children were enrolled in school, whereas 70 percent had dropped out, mostly 15- to 17-year-olds.¹⁹²

Official Palestinian statistics were unavailable for Jordan Valley schools, but statements from principals, teachers, youth counselors and children indicated that school enrollment and dropout rates may be worse there than elsewhere in the West Bank.

The Palestinian authorities have not adequately enforced the compulsory education requirement in communities in the Jordan Valley, apparently due in part to lack of funding for educational services and law enforcement. According to school teachers, principals, and youth leaders interviewed by Human Rights Watch, many male students in the Jordan Valley drop out of school before or during Grade 10, and others fail to complete secondary school, in order to work in settlements. Of the 30 children whom Human Rights Watch interviewed who were then working full-time in agricultural settlements, 18 had dropped out of school in Grade 10 or earlier; the other 12 dropped out of secondary school in Grade 11 or 12. Five other children interviewed by Human Rights Watch still attended school but worked part-time in settlements, usually on weekends. Human Rights Watch interviewed another 10 men and 2 women aged 18 or older who worked in settlements, of whom 8 said they had dropped out of school in Grade 10 or earlier.

The principal of a secondary school in the Jordan Valley village of Sbeidat, whom Human Rights Watch interviewed in 2011, said that during each school year, an average of around

¹⁹⁰ Saleh, "An Overview of the Educational System in Palestine." *This Week in Palestine*. No. 142.

¹⁹¹ Palestinian Central Bureau of Statistics, "2011, 2000-2006, حسب العمر والجنس (6 سنوات فأكثر) نسبة التسرب للأفراد والمنطقة 1997," http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Education-1994-2013-09A.htm (accessed November 27, 2014). Palestinian schools however suffered a decline in enrollment and in educational attainment levels from 2000 to 2007. UNICEF reported that Palestinian children's enrolment in primary ("basic") education declined from 96.8 percent in 2000-2001 to 91.2 percent in 2006-07, that 30 percent of adolescents do not enroll in secondary school, and that "learning achievement rates are plummeting," with only 50 percent of Grade 6 students in Nablus and Jenin in the West Bank passing Arabic, English, math and science exams. UNICEF, "State of Palestine: Education," [no date], <http://www.unicef.org/oPt/education.html> (accessed November 27, 2014).

¹⁹² Birzeit University and UNICEF, *The Children of Palestine in the Labor Market*, October 2004, p. 34, available at <http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf> (accessed December 12, 2014).

eight boys dropped out of school, starting at around age 14, or Grade 8.¹⁹³ According to the school's annual reporting, about 60 percent of students completed Grade 12, he said, and "almost all of them are working in the settlements."¹⁹⁴ Of the students who complete Grade 12, about 50 to 60 percent pass the standardized university entrance exam, called the *tawjihi*, the principal said. "Those who go to university mostly attend the [tuition-free, Al Quds] Open University, since otherwise [...] they would have problems finishing their studies because they cannot afford to pay tuition."

The number of school dropouts in Sbeidat has apparently increased since 2011. In separate interviews in 2014, a teacher and a guidance counselor at the secondary school in Sbeidat said that staff at the school, which then had 134 students, conduct "counts" three times per academic year to identify children who have dropped out: when school begins after summer vacation, and during the Fall and Spring semesters. From September 2013 to May 2014, five boys had dropped out of grade 10, three from grade 11, and two from grade 12, to work in settlements; another two children dropped out of school for other reasons, but "we were able to get those two children to come back," the guidance counsellor said.¹⁹⁵ The students who leave tend to have received low grades and also to come from poor families, the teacher said.¹⁹⁶

Due to the economic situation of the families, the majority of children, in grade 7 and up, work after school. They leave school at 2 p.m., and some work until 7 p.m. Some go to help their families with their family gardens. If they didn't, their father would need to hire someone, and so by doing things like picking okra, they help save money and keep it in the family. Others go to settlements like Argaman to work after school.

The school principal said that he knew of children who had begun working in settlements after school or on weekends, accompanying another family member, when they were only 10 years old, who later dropped out of school.¹⁹⁷ He described one case from 2010:

¹⁹³ Human Rights Watch interview, M. J., Sbeidat, April 17, 2011.

¹⁹⁴ Human Rights Watch interview, M. J., Sbeidat, April 15, 2011.

¹⁹⁵ Human Rights Watch interview, A., Sbeidat school for boys, Sbeidat, May 4, 2014.

¹⁹⁶ Human Rights Watch interview, K. M., Sbeidat school for boys, Sbeidat, May 4, 2014.

¹⁹⁷ Human Rights Watch interview, M. J., Sbeidat, April 17, 2011.

A 13-year-old boy dropped out to work in Argaman [an agricultural settlement]. I talked to his mother, father, and brothers to get him back in school. He left school to work because his father is old and he needs to earn money for the family to survive. He is now 16 and still works in Argaman.

School staff work with families of children who drop out to try to get the child back to school, but with limited success, the Sbeidat school principal said. Children who drop out tend to come from poorer families where the parents or older siblings have not completed secondary school, he said.

All the children Human Rights Watch interviewed who had dropped out of school said they did so to help earn money for their families. M., 15, said he dropped out of school in Fasayil in the Grade 5, “because there are 10 people in my family and only me and my dad work.” He said he earned 70 shekels per day in Petzael, but spent 20 shekels on the taxi to and from work.¹⁹⁸

I., 14, from Sbeidat, said that he worked full time in Argaman -- picking, planting, packing and spraying herbs, while wearing gloves and a paper face mask -- to help pay his older brother’s university tuition.¹⁹⁹

F., 17, and I., 17, from Sbeidat, said they had dropped out of school when in Grade 7, when they were 13; of 15 boys in their class, only 8 had finished elementary school.²⁰⁰ F. and I. were working in Argaman, a settlement, along with M., 16, who had dropped out of school when he was 14.²⁰¹ F., the oldest of seven siblings, said that his family depended on his earnings and those of his father, a shepherd. About half of the 15 people who worked with F. were under 18. I., also the eldest of four siblings, said he was his family’s only source of income, because his father was too old to work. Two of I.’s co-workers were 17 years old, while the other two were 15, he said.

M, the oldest of five siblings, said that he was also the only breadwinner in his family; his mother had passed away and his father was too old to work. M., who said he would have

¹⁹⁸ Human Rights Watch interview, M., Fasayil, April 10, 2014.

¹⁹⁹ Human Rights Watch interview, I., 14, Sbeidat, April 18, 2011.

²⁰⁰ Human Rights Watch interviews, Sbeidat, March 12, 2011.

²⁰¹ Human Rights Watch interviews, Sbeidat, March 12, 2011.

liked to have become a teacher, said that 7 boys from his elementary school class of 17 students had dropped out to work in settlements before completing Grade 10.

Palestinian educators and activists said children were influenced by other children who earned a daily wage in agricultural settlements and lured by Palestinian middlemen or contractors, many of whom had “graduated” from working as laborers in settlements. The Sbeidat school principal observed, “After 20 years of working in the school, I don’t have much money, but a typical contractor can buy a car and a house after working for 5 years.”²⁰² Some students Human Rights Watch interviewed also pointed out that their older siblings had obtained university degrees but nonetheless ended up looking for work as laborers in the settlement agricultural sector. In Jiftlik, one Grade 10 student said that her brother finished nursing school but was picking grapes on a settlement. Another tenth-grader said, “my brother finished a degree in engineering at al-Najah University, now he’s looking for work in a settlement.”²⁰³ A 16-year-old from Fasayil who worked in Tomer settlement said, “My cousin is an engineer but he can’t find work, so I don’t really care about school anymore.”²⁰⁴ M., 18, said that he quit school in Grade 10 because, as he explained, “so what if you get an education, you’ll wind up working for the settlements.”²⁰⁵ M. said he worked from 6 a.m. to 1 p.m. for 75 shekels per day, and was the only member of his family of eight to work.

A Palestinian non-profit organization, the Ma’an Development Center, reported in 2013 that students in Jordan Valley communities in Area C, where the Israeli military controls land use and denies a majority of construction permit applications, face additional disincentives to attend school:

Students in Area C who do not have a school in their community must commute to schools located in Area B. [Since] 2011 [...] a majority of these 22 communities now have buses to transport students to school. Unfortunately, due to budget constraints from the [Palestinian Authority], the buses only have the capacity to transport around 50 percent of [these] school-age children [...]. Buses will make up to seven trips to each

²⁰² Human Rights Watch interview, M. J., Sbeidat, April 17, 2011.

²⁰³ Human Rights Watch interviews, S. and A., Jiftlik, May 4, 2014.

²⁰⁴ Human Rights Watch interview, O., Fasayil, April 10, 2014.

²⁰⁵ Human Rights Watch interview, M., Fasayil, April 10, 2014.

community [daily]. Long transportation times, delays at checkpoints, and a shortage of buses make students late for school, while others have no choice but to walk. Others stop attending school entirely.²⁰⁶

Fasayil, another Jordan Valley village, has a primary school that teaches children from Grades 1 through 10. S. N., 31, the head of the youth sports club in Fasayil, said there were 42 children in the Grade 1 class, but only 10 children in Grade 9; the rest had dropped out. “In the Grade 11 class now we have only seven girls and one boy. Contractors come and convince them to leave.”²⁰⁷ N. said that 14-year-old boys were most at risk of dropping out of school to work in settlements.

Some children went to school during the week and worked in settlements on weekends, which they said was tiring. M., a 14-year-old, told Human Rights Watch that he had been working 5 a.m. to 1 p.m. shifts on Fridays and Saturdays in the settlement of Petzael since he was 12. “I go to school during the week,” he said. “It’s tiring to work all weekend. You take a break in school, it’s time to relax.” M. said he wanted to finish secondary school, “but it might not be possible” because he needed to earn money for his family. His father was unemployed, and he and his 18-year-old brother, who quit school in Grade 4, were supporting their parents and nine siblings, M. said.²⁰⁸

The largest community in the Jordan Valley, apart from Jericho, is the village of Jiftlik.²⁰⁹ The Palestinian Authority-run secondary school there has 120 students, including 77 girls, in Grades 10 through 12. Of the 25 children in Grade 12, around 13 girls and 5 boys pass the final “*tawjih*” exam, a prerequisite to enroll in university, an administrative staff member said.²¹⁰

A teacher at the secondary school told Human Rights Watch:

²⁰⁶ Ma’an Development Center, *Limited Opportunities: The Labor Market for Youth in the Jordan Valley*, 2013, p. 8, <http://www.maan-ctr.org/pdfs/FSReport/LaborMarket.pdf> (accessed June 15, 2014).

²⁰⁷ Human Rights Watch interview, S. N., Fasayil, April 4, 2014.

²⁰⁸ Human Rights Watch interview with M., 14, Fasayil, May 7, 2011.

²⁰⁹ Many Jiftlik residents are refugees or their descendants from what is now Israel, and the United Nations Relief and Works Agency for Palestine Refugees runs an elementary school for approximately 900 students in Grades 1 through 9. Human Rights Watch interview, R., Jiftlik, April 11, 2014.

²¹⁰ Human Rights Watch interview, T. A., Jiftlik secondary school, May 10, 2014.

At the end of each semester, the elementary school sends us a list of 75 to 80 children who are going to come from Grade 9 there and enroll in Grade 10 with us, but only 50 ever turn up. We always ask where they go, and it's usually to work in settlements. After a month or two has passed in each semester, as well, there's usually another 2 to 5 kids who leave school to go to work in settlements, usually the ones who aren't great at school decide to leave. We follow up and try to get them to go to vocational training. But you'll find lots of people with higher degrees who still go to work in settlements.²¹¹

The school administrator, who said he had formerly worked for a decade in an agricultural settlement in the area, said that relatively few children from Jiftlik worked in settlements after school and on weekends compared to those in Sbeidat, and that those who did were not performing well academically. "It's very obvious which kids go to work in settlements, because they are exhausted in class, and some of them proudly explain why they are getting low grades," earning money at work, he said.²¹²

²¹¹ Human Rights Watch interview, H. S., Jiftlik secondary school, Jiftlik, May 10, 2014.

²¹² Human Rights Watch interview, T. A., Jiftlik secondary school, May 10, 2014.

III. Israel's Failure to Protect Palestinian Children from Child Labor

The UN Convention on the Rights of the Child, which Israel and Palestine have ratified, obliges states to implement compulsory and free basic education, to “recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”; and to “provide for appropriate penalties and other sanctions... in order to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education.”

Israel and Palestine have also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which requires states parties to protect children from “economic and social exploitation,” to make children’s “employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development” punishable by law, and to “set age limits below which the paid employment of child labor should be prohibited and punishable by law.”²¹³

Israel is a state party to International Labor Organization (ILO) conventions intended to protect children at work, jointly drafted by governments, employers’ associations and trade unions. The ILO General-Secretary’s annual reports on the situation of workers in Israeli-occupied territory apply these conventions to assess Israel’s responsibility toward Palestinian workers in the West Bank, including children. The ILO Convention on the Minimum Age for Employment (C138), ratified by Israel, and all EU member states, requires states to set the minimum age of work at 15 years or older, and prohibits work until “the age of completion of compulsory schooling,” which is 10 years of schooling in both Israel and Palestine.²¹⁴ It also bans hazardous work for children under 18.²¹⁵ Light work is allowed

²¹³ International Covenant on Economic, Social and Cultural Rights, Art. 10(3), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx> (accessed February 9, 2015).

²¹⁴ Israel’s Compulsory Education Law No. 5709-1949 requires compulsory for children between the ages of 3 and 15 years inclusive or until the completion of ten years of schooling; see Periodic reports of States parties due in 1993, Israel (Feb. 20, 2001) par. 61, *available at* <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/cf2615a74f16b41d85256c47004a10bc!OpenDocument> (accessed October 10, 2014).

²¹⁵ ILO Convention concerning Minimum Age for Admission to Employment (1973), Article 2.3,

for 13- to 15 year-olds only if it is not hazardous and does not interfere with schooling.²¹⁶ The convention requires states to provide appropriate penalties to ensure its effective enforcement, to define the “persons responsible” for ensuring compliance, and to prescribe by law that employers must keep registers containing the names and ages of employees less than 18 years old.²¹⁷

Israel is obliged by other ILO conventions to ensure children receive medical examinations before being allowed to work.²¹⁸ None of the children Human Rights Watch spoke to received medical examinations.

Israel is also a state party to the ILO Convention on the Worst Forms of Child Labor (182), which prohibits work including that which, “by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”²¹⁹ The ILO’s accompanying recommendation for the convention says that in determining work that is harmful or hazardous, states should give consideration to work at dangerous heights or in confined spaces; with dangerous machinery or that involves the manual handling of heavy loads; work in work in an unhealthy environment, which may expose children to hazardous substances or agents or to temperatures damaging to their health; and work for long hours.²²⁰ The ILO notes that long-term pesticide exposure at low levels has been associated with chronic health problems in children, such as cancer and reproductive health problems.²²¹

Israel’s international obligations to protect human rights, including the rights of children at work, extend to Palestinians in occupied territory.²²² Israel, however, disputes that its

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312283 (accessed October 10, 2014).

²¹⁶ Ibid, Article 7.

²¹⁷ Ibid, Article 9.

²¹⁸ ILO Convention Concerning Medical Examination of Children and Young Persons in Non-industrial Occupations (No. 78, 1946); the Convention Concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons (No. 77, 1946).

²¹⁹ ILO Convention on the Worst Forms of Child Labor, Art. 3(d), available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182. Israel ratified the convention on March 15, 2005.

²²⁰ ILO, *Children in Hazardous Work*, 2011, p. 4, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf (accessed December 11, 2014).

²²¹ ILO, *Children in Hazardous Work*, p. 23.

²²² See, e.g., Committee on Economic, Social and Cultural Rights, *Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant, Concluding Observations, Israel*, p. 2, (“The Committee is of the view that the State’s obligations under the Covenant apply to all territories and populations under its effective control”), December 4,

rights obligations extend to Palestinians in occupied territory, and it refuses to report on their implementation to the expert committees charged with monitoring Israel's practice as a state party to international human rights instruments including the ICESCR and the CRC. For instance, the Committee on the Rights of the Child, in its 2013 concluding observations on Israel, regretted that Israel "has consistently failed to provide information on the follow-up to the Committee's recommendations relating to children living in the OPT," including by failing to provide data with respect to all children living in the occupied Palestinian territory.²²³

Israeli Labor Laws

This report describes Israel's domestic laws on children and work because they reflect its international obligations, and because Israeli authorities have partly acknowledged a responsibility to enforce their protections for the benefit of Palestinians working in settlements, yet have consistently failed to do so. The report does not call on Israel to extend its domestic legal order, including workers' rights protections, into occupied territory. The international law of belligerent occupation, applicable to the West Bank, prohibits Israel, as the occupying power, from extending the jurisdiction of its domestic labor laws into Palestine as though it were the sovereign. Israel has unlawfully applied domestic laws in occupied territory for the benefit of Israeli settlers, such as laws on the establishment of companies.²²⁴ Israel should prevent abuses against Palestinians working in settlements, even though doing so would not mitigate the unlawful nature of the settlements themselves, which depend on unlawful Israeli policies of transferring its

1998, E/C.12/1/Add.27, available at <http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx> (accessed February 9, 2015); Human Rights Committee, *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Concluding Observations, Israel*, 63rd session, p. 3 ("The Committee is deeply concerned that Israel continues to deny its responsibility to fully apply the Covenant in the occupied territories."), August 18, 1998, CCPR/C/79/Add.93, available at <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> (accessed February 18, 2015).

²²³ Committee on the Rights of the Child, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), CRC/C/ISR/CO/2-4, July 4, 2013; see also Committee on the Rights of the Child, Thirty-First Session, Consideration of Reports Submitted by States Parties, Concluding Observations: Israel, paragraphs 14 and 15, CRC/C/15/Add.195, October 9, 2002. Both reports are available at <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx> (accessed February 9, 2015).

²²⁴ On the establishment of settlement companies, see the section on subsidies in Chapter I of this report. In some cases Israel has extended the jurisdiction of domestic laws to settlers via military orders, but as Israel's Supreme Court noted, "a resident of Maale Adumim [settlement], for example, is putatively subject to military rule and the local Jordanian law, but actually lives according to Israeli laws with respect to his personal law and with respect to the local authority where he lives. The military government is nothing but a sign, through which the Israeli law and administration operate." *Worker's Hotline*, HCJ 5666/03 at ¶ 11 (quoting Amnon Rubinstein, "The Changing Character of the Territories: from Trust to a Legal Hybrid," 11 *Iyunei Mishpat* 439 (1986) (in Hebrew)), cited in Paz-Fuchs and Ronen, *Occupational Hazards*, p. 600.

civilian population into occupied territory and appropriating land and other resources there for civilian settlements.²²⁵

Article 2 of Israel's Protection of Youth Labor Law of 1953 prohibits employment under age 15, although children who are still in school may be employed as apprentices.²²⁶ Children of age 14 may be employed during the summer vacation, but only if the work is undemanding and does not pose hazards to their health. The Israeli Youth Employment Law (Amendment No. 14) 5770-2010, which came into effect on September 1, 2010, prohibits young persons in Grades 11 and 12 from work during school hours, unless they are employed as apprentices, and provides for fines of up to 43,800 shekels (\$12,000) as penalties for employers who violate this prohibition.²²⁷

Pursuant to article 31 of the 1953 Youth Labor Law, Israel issued regulations requiring Israeli employers to keep a register with specific information about any children they employ. Regulation No. 5718-1958 on Registry of Youth requires employers of juveniles to record, *inter alia*, the child's name, father's name, date of birth, address, identity card number, employment card number, hours of work, annual vacation, and the date of starting the work.²²⁸ Most of the children Human Rights Watch interviewed said they had never met their Israeli settler-employer, only the middleman, and he had never collected that information.

Other provisions of the 1953 youth labor law entitle children of legal working age to 18 days' annual leave from work, instead of 14 days for adults, and restrict the work week to a maximum of 40 hours, instead of 43 for adults.²²⁹ Palestinian children interviewed by Human Rights Watch for this report described work in settlements that varied with the

²²⁵ See, e.g., International Court of Justice, Advisory Opinion on Legal Consequences of the Construction of the Wall in Occupied Territory, 2004.

²²⁶ Israel Protection of Youth Labor Law 5713-1953 (sometimes called "Protection of Youth Work Law"), available at <http://www.moit.gov.il/NR/rdonlyres/0172DC1F-07C8-4192-A56B-FC38B29CED16/o/17.pdf> (accessed July 1, 2014).

²²⁷ ILO, Direct Request (CEACR), published 100th ILC session (2011), *Minimum Age Convention, 1973 (No. 138) Israel*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2324516 (accessed October 15, 2014).

²²⁸ ILO, Direct Request (CEACR), published 96th ILC session (2007), *Minimum Age Convention, 1973 (No. 138) Israel*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2273913 (accessed October 15, 2014).

²²⁹ For a summary of the law's provisions, see ILO, "National Labor Law Profile: The State of Israel," Judge Steven Adler, June 17, 2011, available at http://www.ilo.org/ifpdial/information-resources/national-labor-law-profiles/WCMS_158902/lang-en/index.htm (accessed October 10, 2014).

season and crop, but 5 of the 38 children interviewed described regularly working for more than 50 hours per week, and some described 7-day work weeks or 11- or 12-hour workdays during busy seasons.

Israel in 1995 adopted regulations on prohibited and restricted employment for children.²³⁰

The regulations, as amended, prohibit work with certain chemical and biological substances, lifting objects that weigh more than 12.5 kilograms, or exceed certain temperatures, and working with certain machines.²³¹ In addition, Israel informed the ILO that “the minimum age for admission to hazardous work is 18,” and that it had adopted regulations in pursuance of Work Safety Ordinance No. 5370-1970 to that effect.²³²

Israeli courts have ruled consistently that Israeli labor law protections extend to Palestinian workers in settlements. In a 1992 case, *Al-Harinat v. Ruth Village*, the National Labor Court ruled that an Israeli employer cannot use a contractor for the purpose of bypassing or evading the employer’s obligations under the law.²³³ Ruling in 2007 on a case that had lasted for 12 years, Israel’s Supreme Court held that Israeli settler-employers in the West Bank must comply with Israeli labor laws with respect to Palestinian workers, and rejected the argument that Jordanian labor laws, which do not protect minimum wage, severance pay and other rights, applied to Palestinian but not Israeli employees.²³⁴ (Palestinian labor laws, which the Palestinian Authority can enforce in limited areas of the West Bank, not including settlements, generally afford greater protection than the Jordanian laws.) In 2010, according to a summary of the judgment by Kav LaOved, the Israeli workers’ rights group, the Jerusalem District Labor Court held “that in the case of Israelis employing Palestinians through labor contractors, responsibility for the violation of

²³⁰ Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) (5756-1995), adopted pursuant to articles 6 and 7 of the 1953 youth labor law, which authorize the Minister of Labor and Social Affairs to prohibit or restrict the employment of children in work “likely to prejudice” their health, well-being, or physical, educational, spiritual or moral development.

²³¹ For instance, a 2001 Amendment to the 1995 regulations “expands the prohibition against the employment of youth in the manufacturing of cigarettes and cigars, and the handling of tobacco leaves, to include employment which involves the employee’s dealing with formaldehyde, ethylene oxide and other such substances.” Paragraph 636, <http://index.justice.gov.il/Units/InternationalAgreements/IA/Reports/ReportsUnCommittees/CRC2ndPeriodicreport2010.pdf> (accessed October 9, 2014).

²³² ILO, Direct Request (CEACR), published 95th ILC session (2006) *Minimum Age Convention, 1973 (No. 138) Israel*, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2248689 (accessed October 14, 2014).

²³³ Email from Rachel Idelevich, Kav LaOved lawyer, to Human Rights Watch, April 11, 2011.

²³⁴ HCJ 5666/03, Kav LaOved et al. v. National Labor Court in Jerusalem et al., Oct 10, 2007.

the employment terms lies with both the contractor and the employer.”²³⁵ In 2013, the Jerusalem Regional Labor Court ruled that a settlement company was required to pay compensation to workers for non-payment of minimum wages and other entitlements, on the basis that the 2007 ruling applied to all Palestinian workers in settlements.²³⁶

Israel’s Labor Inspection (Organization) Law of 1953 created an inspection service to help protect workers’ rights in Israel.²³⁷ However, Israeli inspections of labor standards for Palestinian workers in settlements in the occupied Palestinian territory have been lax or nonexistent.

The ILO reported in 2009 that although many of the estimated 1,900 children working in settlements “perform dangerous work, for instance on date plantations,” it was “unable to obtain any specific information” from the Israeli authorities “on any inspections carried out in undertakings located in Israeli settlements.”²³⁸ In 2010, the Israeli military’s Civil Administration division, which has jurisdiction over the West Bank, confirmed that “today there is no listed monitoring of minimum wage payments and social benefits regarding the employment of Palestinians in the settlements.”²³⁹ That year, the Israeli State Comptroller reported an “ongoing failure over many years to carry out meaningful supervision and enforcement in the realm of safety and hygiene in Israeli factories in Judea and Samaria, which indicates an ongoing contempt for human life” – a failure that implicitly extends to agricultural workers, who often work on lands outside settlement gates and do not have the official security and work permits that Israeli authorities more commonly grant to Palestinians who work in factories located inside settlements.²⁴⁰ In 2011, the comptroller criticized the Civil Administration and the Ministry of Industry, Trade and Labor for not regularly monitoring Palestinian workers’ rights in settlements.²⁴¹

²³⁵ Cited in Kav LaOved, *Employment of Palestinians in Israel and the Settlements: Restrictive Policies and Abuse of Rights*, August 2012, p. 41.

²³⁶ LC 2549/08, cited in Kav LaOved, *Non-Enforcement of the Law on Israeli Employers in the Occupied Territories: A Selective List of Israeli Companies Violating Palestinian Workers’ Rights*, p. 1, October 2013.

²³⁷ Israel Labor Inspection (Organization) Law 5714-1954, available at <http://www.moit.gov.il/NR/rdonlyres/A512C9D8-2B57-458B-AA74-D92B7CF5F313/0/33.pdf> (accessed October 14, 2014).

²³⁸ International Labor Conference, Report of the Director-General, Appendix, “The situation of workers of the occupied Arab territories,” para. 61 (2009).

²³⁹ Cited in Kav LaOved, *Employment of Palestinians in Israel and the Settlements: Restrictive Policies and Abuse of Rights*, August 2012, p. 38.

²⁴⁰ Cited in Kav LaOved, *Employment of Palestinians in Israel and the Settlements*, p. 48.

²⁴¹ The report found that although almost four years had passed since the HCJ ruling of October 2007, “which concluded that the existing distinction between an Israeli and a Palestinian worker employed in the Judea and Samaria Area is, in its

Israeli inspectors carried out no labor inspections into conditions for Palestinians working in settlements in the Jordan Valley in 2013, the most recent date for which information is available, the Israeli daily *Haaretz* reported.²⁴² None of the children Human Rights Watch interviewed had ever been spoken to by an Israeli labor inspector.

Israeli authorities claim that they have been stymied for bureaucratic reasons from protecting the rights of Palestinian workers in settlements. The Israeli military commander in the West Bank applies Jordanian labor law that was in force there prior to the 1967 occupation, as well as military orders that incorporate Israel's minimum wage law, women's labor law, and foreign workers law.²⁴³ In 2013, the Ministry of Economy stated that the enforcement of other Israeli labor laws for the benefit of Palestinians working in settlements would depend on the recommendations of an inter-ministerial committee including representatives of the military, and the ministries of justice and economy.²⁴⁴

In May 2014, responding to questions from *Haaretz*, the Israeli military Civil Administration stated that under a military order that incorporated Israeli labor laws, enforcement of labor laws in the West Bank settlements is the responsibility of the same officials as in Israel proper.²⁴⁵ The Ministry of Economy acknowledged to *Haaretz* that it has the authority to enforce Israeli laws on minimum wage and foreign workers in the West Bank, and stated it was working with the Civil Administration and the justice ministry on "amending" military orders applicable in the West Bank. The ministry said:

The goal is to apply [Israeli] labor laws ... to Israeli employers in this area as well. The High Court of Justice's ruling in the Givat Ze'ev case [2007] applied on the level of private international law alone, giving workers the possibility to file a suit against an employer. But the government cannot

circumstances, unlawful," the inter-ministerial committee tasked with the required legislative reforms "is 'only just beginning' its analysis of labor law" in the West Bank. Cited in Kav LaOved, *Non-Enforcement of the Law on Israeli Employers in the Occupied Territories: A Selective List of Israeli Companies Violating Palestinian Workers' Rights*, pp. 3-4, October 2013.

²⁴² Heruti-Sover, Tali, "Low pay, no leave," *Haaretz*.

²⁴³ Matt Surrusco, "Palestine: Children Laboring," *World Policy Journal*, Spring 2014 (quoting "Avner Amrani, senior research director in the labor relations division of the Israeli Ministry of Economy"), available at <http://www.worldpolicy.org/palestine-children-laboring> (accessed January 7, 2015).

²⁴⁴ Kav LaOved, *Non-Enforcement of the Law on Israeli Employers in the Occupied Territories: A Selective List of Israeli Companies Violating Palestinian Workers' Rights*, pp. 3-4, October 2013.

²⁴⁵ Heruti-Sover, Tali, "Low pay, no leave," *id.* The Civil Administration was presumably referring to Military Order 967, Regarding Employment of Workers in Certain Locations (Judea and Samaria) 5742-1982.

acquire enforcement powers regarding laws that have not been applied to the area through military orders.

The inter-ministerial committee had decided to implement Israel's Youth Labor Law in the West Bank – presumably by issuing a military order incorporating the law – according to a 2014 news report citing a Ministry of Economy official.²⁴⁶ However, Israel has not yet done so.

The Jordan Valley Regional Council, the municipal authority in the settlements, stated to *Haaretz* that it did “not have any data” on labor rights violations by settlers.²⁴⁷

Palestinian Labor Law Protections for Children

Palestinian laws and regulations provide protections for children at work, but suffer from under-enforcement in general, and particularly in the case of children who work in settlements.²⁴⁸ Palestinian labor inspectors cannot enter settlements, over which the Palestinian Authority has no jurisdiction.²⁴⁹

Palestinian Labor Law No. 7 of 2000 (article 93) and Palestinian Child Law No. 7 of 2004, applicable to the West Bank, prohibit the employment of any person under age 15; among numerous other requirements, children between ages 15 and 18 must receive medical examinations every 6 months while working.²⁵⁰

The Labor Law prohibits children under age 18 from being employed in industries identified by the Minister of Labor as dangerous or unhealthy (article 95), as well as from

²⁴⁶ Surrusco, “Palestine: Children Laboring,” id.

²⁴⁷ Heruti-Sover, Tali, “Low pay, no leave,” *Haaretz*, id.

²⁴⁸ Palestine is not a member of the International Labor Organization (ILO). The ILO signed a Memorandum of Understanding with the Palestine Liberation Organization in 1994 that “endorsed a programme of action focused on capacity building for social development”. ILO, Occupied Palestinian Territory, available at <http://www.ilo.org/beirut/countries/occupied-palestinian-territory/lang-en/index.htm> (accessed February 9, 2015).

²⁴⁹ The Palestinian labor ministry “is incapable of protecting Palestinian workers rights given their lack of access to settlements, thus leaving Palestinians to grapple with labor disputes with settlement employers on their own.” Ma'an Development Center, *Limited Opportunities: The Labor Market for Youth in the Jordan Valley*, 2013, p. 21, <http://www.maan-ctr.org/pdfs/FSRreport/LaborMarket.pdf> (accessed June 15, 2014).

²⁵⁰ Summary drawn from US Department of Labor, “West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority),” *2009 U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor*, pp. 746-7, available at <http://www.dol.gov/ilab/reports/pdf/2009OCFTreport.pdf> (accessed on December 10, 2014). The Palestinian Labor Law provides exceptions for children who work for direct relatives and are under their supervision, as long as the work does not negatively impact the child's mental and physical development or education.

work on night shifts, overtime, piece work and employment away from their communities. In 2004, the Minister of Labor created a list of 32 activities prohibited for children ages 15 to 18, including producing and using pesticides and lifting more than 10 kilograms.²⁵¹ The Ministry's decision allows the employment of children for a maximum of 6 hours of work per day, and requires employers to keep a record of birth certificates and other information such as letters of consent from parents allowing the children to work.

In December 2012, the Palestinian Authority adopted amendments to the Child Law that penalized child labor violations, including fines up to approximately \$2,800 for exposing children to dangerous work conditions. The law calls for the doubling of fines and closure of work facilities upon repeated child labor violations.²⁵²

Overall, the Palestinian authorities' capacity to inspect labor conditions is "weak," the ILO reported in 2014. The General Directorate of Labor Inspection, in the Ministry of Labor, employs "a mere 40 inspectors [...] in the West Bank, where an estimated 300 are needed."²⁵³ The Ministry of Labor employs 12 labor inspectors assigned to monitoring child labor conditions.²⁵⁴ The Palestinian Ministry of Social Affairs is attempting to register all employed youth, in an effort to improve the monitoring of working conditions, but employs only 13 child protection social workers in the West Bank.²⁵⁵ The Palestinian government established a National Committee on Child Labor to combat the problem of child labor. The Ministry of Social Affairs, working with UNICEF, also established "Child Protection Networks" in all 12 governmental districts in the West Bank, through which it leads awareness-raising campaigns on the damaging impact of child labor on children's development and well-being, and the legal implications of child labor for adults involved.²⁵⁶

²⁵¹ Ministry of Labor Decision Number (1) and (167) for 2004. See US Department of Labor, *Report on the Worst Forms of Child Labor*, 2011, p. 704, available at <http://www.dol.gov/ilab/reports/pdf/2011TDA.pdf> (accessed January 4, 2015).

²⁵² US Department of Labor, *Report on the Worst Forms of Child Labor*, 2012, p. 797, available at <http://www.dol.gov/ilab/reports/pdf/2012TDA.pdf> (accessed January 4, 2015).

²⁵³ ILO, *International Labor Conference, 103rd Session, 2014, Report of the Director-General, Appendix, The Situation of workers of the occupied Arab territories*, May 12, 2014, p. 33.

²⁵⁴ US Department of Labor, *Report on the Worst Forms of Child Labor*, 2013, available at <http://www.dol.gov/ilab/reports/child-labor/findings/2013TDA/westbankgazastrip.pdf> (accessed January 5, 2015).

²⁵⁵ US Department of Labor, *Report on the Worst Forms of Child Labor*, 2012, p. 799.

²⁵⁶ US Department of Labor, *Report on the Worst Forms of Child Labor*, 2013, available at http://www.dol.gov/ilab/reports/child-labor/west_bank_gaza.htm, and 2012, p. 798.

Palestinian authorities have not adequately enforced these laws in areas where they have jurisdiction in the West Bank (Areas “A” and “B” under the Oslo agreement, corresponding to Palestinian cities and towns). Between 2007 and 2011 the Palestinian labor ministry referred only 10 people to the Attorney General for employing children under age 15 in dangerous work. As the US Department of Labor reported, “Further information on any penalties imposed as a result of these referrals is not available.”²⁵⁷

Under the terms of the Oslo agreement with Israel, Palestinian authorities do not have criminal enforcement powers in Area C, where settlements are located, as well as in many rural Palestinian communities in the Jordan Valley. At best, Palestinian police can arrest *middlemen suspected of* child trafficking if they are traveling through areas where the Palestinian Authority has jurisdiction. The Palestinian Ministry of Labor’s Jericho office reportedly worked with Palestinian police to prosecute five child labor cases related to work on settlements from February 2013 to early 2014.²⁵⁸

²⁵⁷ US Department of Labor, *Report on the Worst Forms of Child Labor*, 2011, p. 705.

²⁵⁸ Matt Surrusco, “Palestine: Children Laboring,” *World Policy Journal*, Spring 2014, <http://www.worldpolicy.org/palestine-children-laboring> (accessed January 7, 2015).

IV. International Law Obligations of Businesses and Third Countries

Businesses have responsibilities to abolish child labor, including in their supply chains. Israel and its trade partners, including the US and EU member states, are members of the Organization for Economic Co-operation and Development (OECD).²⁵⁹ The OECD Guidelines for Multinational Enterprises stipulates that enterprises should “contribute to the effective abolition of child labor.”²⁶⁰

The UN Guiding Principles on Business and Human Rights oblige businesses to “respect the standards of international humanitarian law,” and to “respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them,” including children. The responsibility to respect human rights requires businesses to:

Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.

Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.²⁶¹

Israel’s trade partners that import settlement agricultural products, like the EU and the US, have incorporated human rights obligations into their internal laws and regulations. Article 32 of the EU Charter of Fundamental Rights prohibits child labor and protects young people at work. It states that “The minimum age of admission to employment may not be lower than the minimum school-leaving age,” and that “Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or

²⁵⁹ For OECD membership, see <http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm> (accessed October 12, 2014).

²⁶⁰ OECD Guidelines for Multinational Enterprises, 2011 Edition, Chapter V, Article 1(c), <http://mneguidelines.oecd.org/> (accessed October 12, 2014); see also paragraph 52 (citing ILO Convention 138, and noting “the role of multinational enterprises in contributing to the search for a lasting solution to the problem of child labor. In this regard, raising the standards of education of children living in host countries is especially noteworthy.”)

²⁶¹ UN Guiding Principles, Articles 12 and 13, available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed October 16, 2014).

social development or to interfere with their education.” Other European directives require member states to prohibit young people from work involving harmful exposure to toxic agents, including some pesticides and herbicides; the risk of accidents that young persons cannot be assumed to be able to avoid; and exposure to extreme heat or cold.²⁶²

The EU has committed to seek to eradicate child labor globally and supports a “ban on child labor.”²⁶³ An EU report from 2010 noted that “child labor is both a cause and a consequence of poverty, and it perpetuates impoverishment by compromising children’s education. Working children delay entry into school, fail to complete a basic education or never attend school at all.”²⁶⁴ A commentator notes that in order to operationalize these rights in EU foreign policy, the EU could insert “social clauses” in trade instruments.²⁶⁵ The EU offers trade incentives, under the “General System of Preferences” and “GSP +” trade regimes, to developing countries that take steps to combat child labor, such as signing and implementing relevant ILO conventions.²⁶⁶ These incentives do not apply to Israel. The EU has not undertaken to restrict trade in products made with child labor, including products from Israeli agricultural settlements.

The 1995 EU-Israel Association Agreement, which entered into force in 2000, states in a preambular paragraph that “the principle of economic freedom and to the principles of the United Nations Charter, particularly the observance of human rights and democracy [...] form the very basis of the Association,” but contains no enforceable provisions relating to workers’ or children’s rights, human rights abuses, or violations of international

²⁶² Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, Article 7 (b) – (e), available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31994L0033> (accessed January 14, 2014).

²⁶³ See, e.g., Council of the European Union, “EU Strategic Framework and Action Plan on Human Rights and Democracy,” June 25, 2012 (“15. Ensure [...] promotion of universal ratification and implementation of the four ILO core labor standards: the ban on child labor [etc]”), available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf (accessed February 9, 2015); European Commission Communication, “A Special Place for Children in EU External Action”; and EU Action Plan on Children’s Rights in External Relations, cited in European Commission, *Staff Working Document: Combating Child Labor*, p. 7, January 14, 2010, available at http://trade.ec.europa.eu/doclib/docs/2010/february/tradoc_145803.pdf (accessed February 9, 2015).

²⁶⁴ EC *Staff Working Document: Combating Child Labor*, p. 9, id.

²⁶⁵ Bercusson, Brian, ed., *European labor law and the EU Charter of Fundamental Rights*, ETUI, Brussels, 2002, p. 76.

²⁶⁶ European Commission, *Staff Working Document: Trade and Worst Forms of Child Labor*, pp. 14-15, April 30, 2013, available at http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-trade-and-worst-forms-child-labour_en (accessed April 7, 2015).

humanitarian law.²⁶⁷ An EU-Israel agreement to liberalize trade in agricultural products, which expanded the scope of the 1995 Agreement, entered into force in 2010; it contains no reference to workers' or children's rights.²⁶⁸

Israel claims tariff-free preferential treatment for exports of settlement agricultural products to EU countries under the 1995 Agreement. The terms of the Agreement allow Israel to determine its territorial scope, and Israel insists that it applies to settlements in occupied territory. In 2004, the EU and Israel agreed to a "Technical Arrangement" that required Israel to supply the postal codes of the point of production of each product it exported to Europe, in order to distinguish products from Israel from products from settlements, and deny preferential tariff treatment to the latter.²⁶⁹ However, in shipments to the EU, Israeli exporters mix settlement products with products that originate inside Israel, and claim tariff-free treatment for the entire shipments.²⁷⁰ The EU's policy places the burden of checking each item in the shipments on European importers, rather than requiring Israeli exporters to distinguish such products in the first place.²⁷¹

The United States Department of Labor, pursuant to the Trafficking Victims Protection Reauthorization Act of 2005, maintains and publishes a list of consumer products from foreign countries that the Bureau of International Labor Affairs "has reason to believe are produced by forced labor or child labor in violation of international standards."²⁷² The US defines child labor under international standards as "all work performed by a person below the age of 15" as well as "all work performed by a person below the age of 18" in

²⁶⁷ "Euro-Mediterranean Agreement: establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part," Official Journal of the European Communities, June 21, 2000, available at http://eeas.europa.eu/delegations/israel/documents/eu_israel/asso_agree_en.pdf (accessed October 16, 2014).

²⁶⁸ The agreement took the form of an exchange of letters. "Agreement," Official Journal of the European Union, November 28, 2009, available at <http://www.enpi-info.eu/library/content/eu-israel-agreement-agriculture> (accessed October 16, 2014).

²⁶⁹ European Commission Taxation and Customs Union, "EU-Israel Technical Arrangement," updated on February 4, 2014, available at http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/preferential/israel_ta_en.htm (accessed February 27, 2015).

²⁷⁰ See APRODEV and Euro-Mediterranean Human Rights Network, *EU-Israel Relations: Promoting and Ensuring Respect for International Law*, 2012, p. 42, available at http://aprodev.eu/files/Palestine_Israel/ra_eu_isreal_en_web72dpi_00_5498995891.pdf (accessed October 16, 2014).

²⁷¹ See "Notice to importers: Imports from Israel into the EU," 2012/C 232/03, Journal of the European Union, 3.8.2012, available at [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012XC0803\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012XC0803(02)&from=EN) (accessed February 28, 2015).

²⁷² US Department of Labor, Bureau of International Labor Affairs, Office of Child Labor, Forced Labor, and Human Trafficking, "Frequently Asked Questions: Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) List of Goods Produced by Child Labor or Forced Labor," available at http://www.dol.gov/ilab/reports/pdf/TVPRA_FAQs2014.pdf (accessed December 10, 2014).

practices including “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.”²⁷³

There are currently 136 listed goods from 74 countries, a total of 353 items.²⁷⁴ Israeli settlement agricultural products have never been included on the list, although Israel was among the countries researched in 2008-2009, when the first list was published.²⁷⁵ Other US labor department reports on the worst forms of child labor have focused mainly on child labor in Palestinian-administered areas, but also repeatedly noted that Palestinian “children traveling to and working in Israeli settlements may be subject to exploitation and harassment.”²⁷⁶ The US should publicly list Israeli settlement agricultural products as among the goods produced with child labor. Further, the US should instruct US-domiciled companies not to import such products.

The United States–Israel Free Trade Agreement, as revised in 1996, treats products from the West Bank as products of Israel for the purposes of the agreement.²⁷⁷ In 2004, the US and Israel liberalized trade in agricultural products, via an exchange of letters that did not exclude settlement agricultural products.²⁷⁸ The US should revise the FTA to exclude settlement agricultural products on the basis of international legal violations, including systemic abuses of children’s rights.

²⁷³ Id., p. 3.

²⁷⁴ Id., p. 3.

²⁷⁵ U.S. Department of Labor, Bureau of International Labor Affairs, Office of Child Labor, Forced Labor, and Human Trafficking, “List of Goods Produced by Child Labor or Forced Labor,” available at <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>; “List of Countries Researched in 2013-2014,” http://www.dol.gov/ilab/reports/pdf/TVPRACountriesResearched_2013-2014.pdf (both URLs accessed December 10, 2014). Reports from 2012 (<http://www.dol.gov/ilab/reports/pdf/2012TVPRA.pdf>); 2011 (<http://www.dol.gov/ilab/reports/pdf/2011TVPRA.pdf>); 2010 (<http://www.dol.gov/ilab/reports/pdf/2010TVPRA.pdf>); and 2009 (<http://www.dol.gov/ilab/reports/pdf/2009TVPRA.pdf>), do not list Israel.

²⁷⁶ US Department of Labor’s Bureau of International Labor Affairs, “West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority),” *U.S. Department of Labor’s 2007 Findings on the Worst Forms of Child Labor* p. 370, available at <http://www.dol.gov/ilab/reports/PDF/2007OCFTreport.pdf>; see also reports from 2006, p. 472, available at <http://www.dol.gov/ilab/reports/pdf/2006OCFTreport.pdf>; 2009, pp. 746-7, available at <http://www.dol.gov/ilab/reports/pdf/2009OCFTreport.pdf>; and 2010, p. 845, available at <http://www.dol.gov/ilab/reports/pdf/2010TDA.pdf> (all URLs accessed December 10, 2014).

²⁷⁷ United States–Israel Free Trade Agreement, available at <http://www.gpo.gov/fdsys/pkg/FR-1996-11-18/html/96-29613.htm> (accessed October 16, 2014).

²⁷⁸ “Proclamation 6955--To Provide Duty-Free Treatment to Products of the West Bank and the Gaza Strip and Qualifying Industrial Zones,” US Federal Register Volume 61, Number 223 (Monday, November 18, 1996), available at <http://www.ustr.gov/sites/default/files/2004-US-Israel-Agricultural-Agreement.pdf> (accessed October 16, 2014).

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RIPE FOR ABUSE

Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank

Hundreds of Palestinian children work for low wages on Israeli settlement farms in the occupied West Bank, where they grow, harvest and pack agricultural produce, much of it for export.

Based on interviews with 38 children and 12 adults who work on settlement farms in the Jordan Valley area, *Ripe for Abuse* documents dangerous working conditions to which children employed on Israeli settlement farms are subjected, in violation of international standards.

Children described working in high temperatures, carrying heavy loads, and spraying or being exposed to pesticides. Some children said they had to pay themselves for medical treatment for work-related injuries or illness. Many said they dropped out of school before completing the 10 years of basic education that are compulsory under Palestinian as well as Israeli laws.

Discriminatory Israeli policies have allocated 86 percent of the land in the Jordan Valley to settlements. The Jordan Valley covers about 30 percent of the West Bank. In addition, Israel has restricted Palestinian access to farmland and water in the area, contributing to high Palestinian poverty rates.

Human Rights Watch calls on Israel, which does not meaningfully enforce labor rights for Palestinian children working on Israeli settlement farms, to end unlawful settlement policies and in the meantime to prohibit settlers from committing human rights abuses against Palestinian children. Other countries and businesses should uphold their own responsibilities not to benefit from or contribute to these abuses by ending business relationships with settlements, including imports of agricultural produce grown on the settlements.



A Palestinian youth works in a date palm orchard in the Jordan Valley near the West Bank city of Jericho, May 2010.

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