

## The Occupied Palestinian Territory West Bank and Gaza Strip

### West Bank



**Population:** 2,622,544; approximately 311,100 Israeli settlers live in the West Bank and 186,929 Israeli settlers live in East Jerusalem (2010)  
**Population Growth Rate:** 2.063%  
**Birth Rate:** 24.19 births/ 1,000 population  
**Life Expectancy:** total population: 75.24 years; Male: 69.82 Female: 75.1  
**Literacy Rate:** total population: 92.4% male: 96.7% female: 88% (2004 est.)  
**Net Migration Rate:** 0 migrant(s) /1,000 population (2012 est.)  
**Unemployment Rate:** 46.9% (2008 est.)  
**Gross Domestic Product per Capita:** \$2,900 (2008 est.)  
**Religions:** Muslim 75% (predominantly Sunni), Jewish 17%, Christian and other 8%  
**Languages:** Arabic, Hebrew (spoken by Israeli settlers and many Palestinians), English (widely understood).  
**Ethnic Groups:** Palestinian Arab and other 83%, Jewish 17%,  
**Capital:** subject to Israeli-Palestinian further negotiations<sup>1</sup>

### Gaza Strip



**Population:** 1,710,257  
**Population Growth Rate:** 3.108%  
**Birth Rate:** 34.3 births /1,000 population  
**Literacy Rate:** total population: 92.4% male: 96.7%, female: 88% (2004 est.)  
**Life Expectancy:** total population: 74.16 years; Male: 72.48 years Female: 75.95 years  
**Literacy Rate:** total population: 92.4% male: 96.7% female: 88% (2004 est.)  
**Net Migration Rate:** 0 migrant(s) /1,000 population (2012 est.)  
**Unemployment Rate:** 40% (2010 est.)  
**Gross Domestic Product per Capita:** \$2,900 (2008 est.)  
**Religions:** Muslim (predominantly Sunni) 99.3%, Christian 0.7%  
**Languages:** Arabic, Hebrew (spoken by many Palestinians), English (widely understood)  
**Ethnic Groups:** Palestinian Arab  
**Capital:** subject to Israeli-Palestinian further negotiations<sup>2</sup>

<sup>1</sup> CIA, THE WORLD FACTBOOK, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/we.html> (last visited Jun 12, 2012).

<sup>2</sup> CIA, THE WORLD FACTBOOK, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html> (last visited Jun 12, 2012).

## Trafficking Routes

Trafficking routes connected to the occupied Palestinian territory (oPt) involve crossing both the national borders (e.g. within the West Bank, East Jerusalem and Gaza Strip) and international borders (e.g. to Israel).<sup>3</sup> The occupied Palestinian territory is mainly a country of origin for trafficked persons.<sup>4</sup> The majority of human trafficking cases there have involved child recruitment,<sup>5</sup> forced labor and sexual exploitation of Palestinian women and children.<sup>6</sup> However, the occupied Palestinian territory is also a destination country for victims trafficked through Israel from Eastern Europe countries, particularly from Ukraine and Russia.<sup>7</sup>

## Factors That Contribute to the Trafficking Infrastructure

Difficult economic conditions and high unemployment render the Palestinians vulnerable to labour trafficking and exploitation in Israel and Israeli settlements.<sup>8</sup> Widespread poverty and lack of economic opportunities have been cited as primary factors in human trafficking within the occupied Palestinian territory, including sex exploitation<sup>9</sup> and worst forms of child labor.<sup>10</sup> Finally, many cultural factors contribute to making Palestinian women and girls vulnerable to trafficking including susceptibility to family violence, forced marriage and lack of educational and employment opportunities.<sup>11</sup>

## Forms of Trafficking

Trafficking in the occupied Palestinian territory exists for purposes of prostitution,<sup>12</sup> forced labor,<sup>13</sup> and child soldiers.<sup>14</sup> Women are trafficked for forced prostitution and forced marriage.<sup>15</sup> Victims, witnesses and law enforcement agencies have documented reports of sexual violence and abduction. However, an accurate number is impossible to calculate, given the breakdown in keeping accurate and accessible police and hospital records. This is coupled with the fact that

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<sup>3</sup> UN Development Fund for Women (UNIFEM), *Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery*, June 2008, available at: <http://www.unhcr.org/refworld/docid/4bcc13862.html> [accessed 14 June 2012]

<sup>4</sup> Id.

<sup>5</sup> Defence for Children International - Palestine Section, *Recruitment and Use of Palestinian Children in Armed Conflict*, February 2012, available at: [http://www.dci-palestine.org/sites/default/files/recruitment\\_report\\_-\\_final.pdf](http://www.dci-palestine.org/sites/default/files/recruitment_report_-_final.pdf) [accessed 14 June 2012]

<sup>6</sup> Supra, note 3.

<sup>7</sup> Israel and Sex Trafficking, THE FANONITE, Nov. 25, 2007, available at: <http://www.uruknet.info/?p=38585>.

<sup>8</sup> KAV LAOVED, PALESTINIAN WORKERS IN ISRAELI WEST BANK SETTLEMENTS 2008 (2008), available at: [http://www.kavlaoved.org.il/media-view\\_engc115.html?id=2764](http://www.kavlaoved.org.il/media-view_engc115.html?id=2764) [accessed 15 June 2012]

<sup>9</sup> Supra note 3.

<sup>10</sup> Nadia Shabana, *Child Labour in Palestine*, International Trade Union Confederation (30 October 2008), available at: <http://www.ituc-csi.org/child-labour-in-palestine.html> [accessed 15 June 2012]

<sup>11</sup> Supra note 3.

<sup>12</sup> Id.

<sup>13</sup> Supra notes 8, 10 and see: United States Department of State, *2011 Country Reports on Human Rights Practices - Israel and the occupied territories*, 24 May 2012, available at: <http://www.unhcr.org/refworld/docid/4fc75a905f.html> [accessed 15 June 2012]

<sup>14</sup> Supra note 5.

<sup>15</sup> Supra note 3.

many victims do not seek medical attention or justice for fear of the social and legal retribution.<sup>16</sup>

Men are trafficked for forced labor in Israel and Israeli settlements for working in various sectors such as industry, agriculture, construction and others.<sup>17</sup> Children are often trafficked within the country to work as beggars or to work in dangerous or unhealthy conditions that could result in a child being killed or injured.<sup>18</sup> Children have been also used as human shields and informants by Israeli forces and the Israeli authorities, while other children have been often recruited by some extremist Palestinian armed groups to carry out armed attacks.<sup>19</sup>

## Government Responses

The Palestinian Authority does not have a specific anti-trafficking law and does not explicitly criminalize trafficking in persons in its penal code. However, other laws can be used to address trafficking in persons and related crimes.

Under the penal code of 1960,<sup>20</sup> kidnapping is considered a crime. The punishment for this crime is increased to different levels if the victim is a child or a girl and if the victim were raped.<sup>21</sup> The code also prohibits using duress, threat, or deceit to procure a person for lewdness or prostitution.<sup>22</sup> Punishment is imprisonment from one year to three years.<sup>23</sup> If the act is committed against a minor (below 18 years of age), the punishment is three years' imprisonment.<sup>24</sup> The code penalizes any person who lives partly or wholly on the proceeds of prostitution, punishable by a fine and imprisonment for six months to two years.<sup>25</sup> The code penalizes any person who manages or helps to establish a place of prostitution by imprisonment for six months.<sup>26</sup>

Rape is also punishable by five years of imprisonment as a minimum and is increased if the victim is under 18 years of age or if the offender is a guardian or a person having any form of control over the victim.<sup>27</sup> Adultery and pederasty are punished with a long term of imprisonment.<sup>28</sup> The code outlaws committing a carnal act on a person below the age of 15 or a person with a physical or mental disability and penalizes the act with imprisonment for four to ten years, even if the act was committed without coercion, threat, or deception.<sup>29</sup> The code penalizes any person who deprives another of his liberty by abduction or any other means or who knowingly conceals an abducted person. The punishment is imprisonment one year to three years.<sup>30</sup> Child endangerment is also criminalized.<sup>31</sup> The penal code criminalizes bribery.<sup>32</sup>

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<sup>16</sup> Id.

<sup>17</sup> Supra note 8.

<sup>18</sup> Child Labor between Law and Practices, ICHR, available in Arabic at: <http://www.ichr.ps/pdfs/legal31.pdf> [accessed 17 June 2012]

<sup>19</sup> Supra note 5.

<sup>20</sup> Penal Code no. 16, 1960, available in Arabic at: [http://www.palpolice.ps/ar/?page\\_id=1675](http://www.palpolice.ps/ar/?page_id=1675) [accessed 17 June 2012]

<sup>21</sup> Id, article 302.

<sup>22</sup> Supra note 20, article 311.

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> Id, article 315

<sup>26</sup> Id, article 312.

<sup>27</sup> Id, articles 292-295

<sup>28</sup> Id, articles 282-283/ 310

<sup>29</sup> Id, article 296.

<sup>30</sup> Id, article 346.

<sup>31</sup> Id.

<sup>32</sup> Id, articles 170-173.

In addition, a number of specific laws criminalize economic offenses, including corruption and favoritism, and require the reporting of illegal gains as well as the submission of financial declarations to the proper authorities.<sup>33</sup> Finally, The Palestinian labor code prohibits child labor under age 15.<sup>34</sup>

The Palestinian Basic Law<sup>35</sup> guarantees the equality of all Palestinians, without distinction based upon sex, before the law as well as the liberty and human dignity of any human being.<sup>36</sup> The Basic Law also specifies that Palestinian National Authority shall abide by the regional and international declarations and covenants that protect human rights.<sup>37</sup> The Basic Law also provides for a permanent independent human rights commission, the Palestinian The Independent Commission for Human Rights ICHR.<sup>38</sup> Any person whose fundamental human rights have been violated can file a complaint before the ICHR. In this case, the commission can refer the case to the legal authorities and assist in defending the rights of the complainant.<sup>39</sup>

The Ministry of Women's Affairs (MoWA) focuses on advocacy and gender equality, aims at ensuring that the specific needs of women are reflected in national policy, develops projects targeting vulnerable women, promotes gender awareness among the public, collaborates with nongovernmental organizations on advocacy, and monitors government action on the development and implementation of national policies affecting women.<sup>40</sup>

### **Nongovernmental and International Organizations Responses**

SAWA is a nongovernmental organization that is dedicated to enhancing gender equality, the protection of women and children from violence, and the empowerment of women to become leaders in society. In its fighting against human trafficking, SAWA works with the Palestinian Authority by advocating for improved legislation concerning the protection of Palestinian women and children against human trafficking, prosecution of traffickers and enforcement of the law. SAWA also sponsors awareness lectures and workshops.<sup>41</sup>

Women's Support Hotline Program provides primary counseling, psychological support and escorting services to Palestinian women victims of sexual, physical and psychological

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<sup>33</sup> Palestinian Anti-Corruption Law no.1, 2005, available in Arabic at: [http://www.google.com/url?sa=t&rct=j&q=مكافحة الفساد+داسفلال+ينيطسلفلال&source=web&cd=1&ved=0CFYQFjAA&url=http%3A%2F%2Fwww.aman-palestine.org%2FDocuments%2FLaws%2FAntiCorruptionLaw.doc&ei=EYfeT\\_-8KdOe6QHBwanGCw&usg=AFQjCNGNEHV5uHOSrPy3Ta3tZ\\_YTuDFiKg](http://www.google.com/url?sa=t&rct=j&q=مكافحة الفساد+داسفلال+ينيطسلفلال&source=web&cd=1&ved=0CFYQFjAA&url=http%3A%2F%2Fwww.aman-palestine.org%2FDocuments%2FLaws%2FAntiCorruptionLaw.doc&ei=EYfeT_-8KdOe6QHBwanGCw&usg=AFQjCNGNEHV5uHOSrPy3Ta3tZ_YTuDFiKg) [accessed 17 June 2012]

<sup>34</sup> Palestinian Labor Code no.7, 2000, article 93, available at: <http://www.jwu.org/about/labor2.pdf> [accessed 17 June 2012]

<sup>35</sup> THE PALESTINIAN BASIC LAW, 2003, available at: <http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law> [accessed 17 June 2012]

<sup>36</sup> Id, article 9.

<sup>37</sup> Id, article 10.

<sup>38</sup> Id, article 31.

<sup>39</sup> Id.

<sup>40</sup> DEVELOPMENT of CAPACITY DEVELOPMENT PROGRAMMES FOR MINISTRY OF WOMEN'S AFFAIRS AND GENDER UNITS IN PALESTINIAN AUTHORITY MINISTRIES, MDG, available at: <http://procroster.undp.ps/admin/appdocs/jid56/ToR%20for%20Capacity%20Development%20for%20MoWA%20stiff%20and%20Gender%20Units%20UN%20Women%20and%20UNDP%20doc%20final.pdf> [accessed 17 June 2012]

<sup>41</sup> SAWA, <http://www.sawa.ps/en/Views/PageView.aspx?pid=593> [accessed 18 June 2012]

violence.<sup>42</sup>

Palestinian Child protection Helpline aims at providing assistance, counseling and support to children and adolescents experiencing any form of abuse and neglect.<sup>43</sup>

### **Multilateral Initiatives**

The Palestinian National Authority supports the Global Initiative to Fight Human Trafficking of UN Office on Drugs and Crime (CTOC/COP/2010/11) of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.<sup>44</sup> The Palestinian National Authority has participated in the COP Anti-trafficking conferences and has shown an interest in working with the Working Group on Trafficking.<sup>45</sup>

The Palestinian National Authority further maintains Resolution A/HRC/RES/14/2, adopted by the Human Rights Council which outlines the topic of Trafficking in persons, especially women and children: regional and sub regional cooperation in promoting a human rights-based approach to combating trafficking in person, by cooperating with all industrial countries to fight against the determinant of human trafficking and to improve the persecution and prevention.<sup>46</sup>

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<sup>42</sup> SAWA, <http://www.sawa.ps/en/Views/PageView.aspx?pid=593> [accessed 18 June 2012]

<sup>43</sup> Id.

<sup>44</sup> The Palestinian National Authority, *Position Paper for the Human Rights Council (2009)*, Available at: [http://www.google.com/url?sa=t&rct=j&q=palestinian+national+authority+trafficking+in+persons&source=web&cd=2&ved=0CFYQFjAB&url=http%3A%2F%2Fmunol.org%2Fuploads%2FPositionPapers%2F2012%2FHRC%2FHRC%2520Palestine.doc&ei=dTrfT5yTJ6ig6QHkoOygCw&usg=AFQjCNF\\_HbuIzizdLcxo\\_SVjWNfGR85WfQ](http://www.google.com/url?sa=t&rct=j&q=palestinian+national+authority+trafficking+in+persons&source=web&cd=2&ved=0CFYQFjAB&url=http%3A%2F%2Fmunol.org%2Fuploads%2FPositionPapers%2F2012%2FHRC%2FHRC%2520Palestine.doc&ei=dTrfT5yTJ6ig6QHkoOygCw&usg=AFQjCNF_HbuIzizdLcxo_SVjWNfGR85WfQ) [accessed 18 June 2012]

<sup>45</sup> Id.

<sup>46</sup> Id.