**Keynote speech by Samar Muhareb, ARDD-Legal Aid (Jordan)**

**at the seventh annual event in the Mary Robinson Speaker Series on Business and Human Rights**

**September 26, 2016, New York City**

[***More about the event here***](https://business-humanrights.org/en/%E2%80%9Csyrian-refugees-in-supply-chains-exploitation-or-opportunity)

**Refugees in Supply Chains: Between Better Livelihoods and Fears of Exploitation**

**(The Case for Jordan)**

On 19 September 2016, 193 states adopted the New York Declaration at the UN Summit for Refugees and Migrants co-hosted by the US, the UN Secretary General, Jordan and five other nations. Fifty states and organisations have increased their contribution to humanitarian appeals to US$4.5 billion.[[1]](#footnote-1) The Declaration comprises of commitments to: combat exploitation, racism, save lives, as well as ensuring that border control procedures comply with international law. In addition, it requires states to attend to the particular protection needs of women, children and those with specific health needs.[[2]](#footnote-2) ARDD-Legal Aid welcomes these urgent developments and looks forward to playing a role in their implementation in Jordan. It is within this context that I will discuss the situation in Jordan, focusing on the experiences of Syrian refugees attempting to access to the labour market.

**Jordan: a country with the second largest population of refugees per capita in the world**

On the onset of the conflict which broke out in Syria in the beginning of this decade, massive number of Syrians sought haven in neighbouring countries, leading many of them to flee to Jordan, a country with scarce resources and a long standing history of hosting forced migrants within its borders. In Jordan, and according to UNHCR, 657,048 Syrians came to top off, 56,690 Iraqis, 4,523 Yemenis and 3,068 Sudanese and 776 Somalis,[[3]](#footnote-3) though the true figures of forced migrants seeking protection there are thought to be considerably higher.[[4]](#footnote-4) The Jordanian government has long suggested that the total Syrian population in Jordan differs significantly from the total registered with UNHCR. The latest Jordanian census published in January 2016, suggests that there are 1.3 million Syrians in the Kingdom.[[5]](#footnote-5) As CARE International pointed out in their report from June 2015, a number of people continue to arrive in Jordan and do not register with UNHCR.[[6]](#footnote-6) In addition, there are 2,117,361 UNRWA-registered Palestinian refugees who fled to Jordan in 1948 or are descended from those who did,[[7]](#footnote-7) and approximately 140,000 Gazan Palestinians who fled from 1967 onwards. [[8]](#footnote-8)eThere are 18,000 Palestinian refugees from Syria registered with UNRWA, living in Jordan, though again, the total number of Palestinians who have fled Syria, seeking refuge in Jordan is thought to be substantially higher.[[9]](#footnote-9)

According to a recent World Bank Group and UNHCR report nearly 90 percent of the Syrian refugees are either living in poverty or at risk of sinking below the poverty line in the near future. Although humanitarian programs have been able to provide some assistance to the most vulnerable, declining humanitarian assistance and lack of economic opportunities, especially legal work opportunities, have kept many refugees in a poverty trap.

Therefore, the announcement of the establishment of Special Economic Zones, in which a minimum of 15% of the workers employed will be Syrians (aiming to reach 25% within three years,) and an amnesty on work permit fees for Syrian refugees, made by the Jordanian government in March 2016, is an important and welcome development expected to alleviate the economic hardships suffered by Syrian refugees in Jordan.

**The Challenges facing Syrian Refugees in Accessing Work**

Although the above mentioned initiatives will undoubtedly contribute to alleviating refugees financial distress and provide prospects for their meaningful engagement in the labour force in Jordan; it also raises a number of concerns and poses several questions with regards to the protection of refugees within the supply chains as well as their ability to access the rights that are enshrined in the labour law and the body of legislation that regulates their involvement in the labour force. Hence, this talk aims to evaluate the opportunities for refugees to integrate into the labour force, but also highlight areas where exploitation can occur within the supply chains; ultimately seeking to provide recommendations to limit and combat exploitation and encourage stakeholders – Ideally the private sector and the government – to work closely to ensure the protection of refugees and all workers.

*Refugee Status and the Regularisation of Syrian Labour*

Jordan is not a signatory to the Refugee Convention, but signed a Memorandum of Understanding with UNHCR in 1998. Persons arriving as refugees are considered and treated the same as any other temporary foreigner. This is in line with the 1973 Law on Residence and Foreigners, which forms the basis from which refugees and other migrant groups are dealt with while in the Kingdom. However, the decision of Syrian refugees to flee to Jordan was conditioned by the prevalence of war and threat to life. As such, they cannot now simply be viewed as migrant workers – they have specific protection needs, though their status as refugees should also not prevent them from accessing the labour market lawfully.

UNHCR has made assurances that the provision of work permits will not affect the legal status of refugees or their right to be considered for resettlement, however, ARDD-Legal Aid is concerned that in practice, improved access to work may have a detrimental impact upon access to protection services or assessment of vulnerability criteria in resettlement decisions.

*Access to Work Permits*

The Jordanian Labour Law regulates the requirements and processes for non-Jordanians to gain legal employment in the Kingdom. Article 12 outlines that non-Jordanian labour must receive the approval of the Minister; the non-Jordanian must obtain a work permit; and the employer should pay the permit fee. Employing a non-Jordanian outside of this process, in a position other than the one specified in the work permit or in an occupation without a permit, is expressly viewed as a violation of the Labour Law and penalties are associated with such violations (this could ultimately lead to workers’ deportation.)

Before the announcement of the amnesty on work permit fees, it was estimated that only 1.7% of the working age urban Syrian population had a work permit[[10]](#footnote-10) with an estimated 160,000-200,000 working informally.[[11]](#footnote-11) The number of work permits issued to Syrians in 2015 was 5,307, whilst in 2016 the mid-year figure stood at 11,400 (just a few months after the announcement was made.

The cost of the work permit is not the sole barrier to obtain a work permit. Thus the amnesty on work permit fees will not exclusively overcome the challenges that exist in the process. The costs incidentally associated with obtaining a work permit during the pre-approval stage are a barrier to accessing the work permit itself. Considering that the majority of Syrian refugees are currently living below the poverty line, it is assumed that these costs will continue to pose as a barrier and will have to be covered to ensure the process can begin, continue and be finalized for those in greatest need. Aside from the cost barrier, Syrians lack some of the important documents necessary to obtain a work permit.[[12]](#footnote-12) This constitutes a potential barrier to access to work.

*Protection: ensuring refugees and migrant workers’ safety in supply chains*

The majority of Syrian refugees registered with UNHCR are under the age of 25, female, with a comparatively low level of education,[[13]](#footnote-13) which may determine the type of work they are able to obtain and the corresponding level of protection of their labour and other rights. The ILO and FAFO reported that:

‘the vast majority of [Syrian refugees] come from rural areas in Syria; they constitute a relatively young population… and they have considerably lower education compared to Jordanians. 60 per cent of Syrian refugees above the age of 15 have never completed basic schooling, and only about 15 per cent of the refugees have completed secondary education’[[14]](#footnote-14)

Due to the high proportion of female, uneducated refugees, combined with limited education opportunities, Syrians may also find themselves reliant on the domestic labour market. Whilst this may provide financial security for female-headed, single-parent households, this is of particular concern, due to the high incidence of rights abuses within the domestic labour industry in Jordan, the invisibility of abuse which occurs within the home, the limitations of legal protection in Jordan and the difficulties migrant workers face in accessing redress.

Many observers had suggested that the Syrian labour demographics were ‘complimentary’ to the Jordanian labour population and could be directed into regularized work in construction, agriculture, and factory work. The Special Economic Zone (SEZ) initiative appears to work on this assumption.[[15]](#footnote-15) EU Rules of Origin (trade tariffs and quotas) will be relaxed for certain categories of exports, produced in SEZs by a workforce which must include at least 15% Syrian workers with a goal of reaching 25% Syrians in the next three years.  Lower tax rates are applied to SEZs to attract foreign direct investment so it is hoped that these measures will boost the Jordanian economy,[[16]](#footnote-16) enabling it to cope with the refugee crisis and create 200,000 jobs for Syrian refugees, as well as jobs for Jordanians and other workers.  It is clear that UNHCR and ILO are working hard to make sure that such an opportunity will be made available for men and women. They are currently in talks with factory owners and management of the zones regarding the provision of child facilities.[[17]](#footnote-17)

While these extensive efforts must be commended, there are concerns that stringent production quotas will be prioritised above labour rights, and it is clear that work in such areas requires significant oversight because of the violations that continue to face migrant workers in Jordan. Being Refugees, especially women and children, places them at a rather more vulnerable status than regular migrant workers; hence special mechanisms must be put in place to ensure refugees men and women protection needs are met as well as to ensure that they will not fall victims to human trafficking, exploitation, and rights abuse within supply chains.

*Jordan’s Closed Professions List and the Deskilling of Skilled Syrian Labour*

There are a number of Syrians with higher education, and who have already practiced professions such as law, accounting, medicine, teaching, engineering and pharmacy, it is clear that it will be difficult for these people to obtain jobs in similar professions due to the Jordanian ‘closed professions list’ excluding migrant workers from certain professions, this is mainly done in order to avoid tensions between the host community and the refugee community. However, this exclusion necessitates that people who were once professional will be de-skilled. There appears to be few opportunities for them with the focus of organizations on engaging lower skilled staff. Host community tension,

Tied to the issue of deskilling is the welcomed increased number of scholarships provided to Syrian youth to study at Jordanian universities.[[18]](#footnote-18) Once these youths have finalized their education there must be established links to the employment market. Without such links, these developments will constitute a significant waste of critical funding made by the international community to enable access to higher education.

**Recommendations**

Based off ARDD-Legal Aids experience in the Iraqi refugee crisis and our deep and long engagement and support for Syrian refugees in Jordan, a number of recommendations can be made:

* **Awareness and Education:** refugees need to be more aware of their rights, it is also necessary to increase refugees access to education opportunities and establish links between higher education institutions and the employment market.
* **Engaging the private sector:** engaging the private sector and mobilising investors in Jordan is key to ensuring the protection needs of refugees in within their supply chains this ideally done through establishing strategic partnerships with non-governmental organisations who are focused on refugee issues as they are very well acquainted with the protection needs and vulnerabilities of refugees
* **Establish wider legal protection systems**: it is necessary to put in place effective legal protections systems to cater to the growing needs of migrant workers.
* UN involvement: It is crucial for the UN to take a leading role in combatting trafficking and exploitation; ideally through maximizing the presence of its missions on the ground and appointing special rapporteurs.
* **Taking practical measures:** such as providing substantive access to legal work this guarding refugees in Jordan against discrimination, promote greater self-sufficiency, reduce social tension between communities and help to ensure the protection of all refugees, not just one nationality. Practical measures also include Enhancing the system and fix the legislative framework allowing for the recognition of refugees as an independent category of workers thus ensuring their protection from abuse, exploitation, and deportation, and ultimately ensure the enforcement of protection of all workers.
* **Recognising Refugees’ vulnerabilities:** Recognizing refugees as special category of migrant workers due to their increased vulnerability and putting into effect proper policies and regulations to ensure their protection from abuse and exploitation accordingly.
1. http://www.unhcr.org/news/latest/2016/9/57e2481e8/unhcr-welcomes-new-support-refugees-leaders-summit.html [↑](#footnote-ref-1)
2. http://www.unhcr.org/news/latest/2016/9/57ceb07e4/un-summit-game-changer-refugee-migrant-protection.html [↑](#footnote-ref-2)
3. UNHCR Jordan, Operational Update, 29 August 2016 <http://reporting.unhcr.org/sites/default/files/UNHCR%20Jordan%20Operational%20Update%20-%20August%202016.pdf> [↑](#footnote-ref-3)
4. The latest Jordanian census published in January 2016, suggests that there are 1.3 million Syrians in the Kingdom, Department of Statistics, 2016, Jordan 2015 Census [↑](#footnote-ref-4)
5. Department of Statistics, (2016) Jordan 2015 Census. PDF (Arabic document) [↑](#footnote-ref-5)
6. CARE, (2015), Five years into exile: the challenges faced by Syrian refugees outside camps in Jordan and how they and their host communities are coping, June 2014. Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/care%20five%20years%20into%20exile%20exec%20summary%202015%20print%20final%20recut.pdf>, p6 [↑](#footnote-ref-6)
7. UNRWA, Jordan, Where we work – Jordan [↑](#footnote-ref-7)
8. United States, State Department, Country Report on Human Rights Practices for 2015, Jordan <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252931#wrapper> [↑](#footnote-ref-8)
9. UNRWA (2016), Syria regional crisis emergency appeal <http://www.unrwa.org/sites/default/files/2016_syria_emergency_appeal.pdf> [↑](#footnote-ref-9)
10. ILO and FAFO, (2015), Impact of Syrian refugees on the Jordanian labour market, Available at: <http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf>, p63 [↑](#footnote-ref-10)
11. ILO, (2015), Access to Work for Syrian refugees in Jordan: A discussion paper on labour and refugee laws and policies. PDF; The Jordan Times, (2015), Around 200,000 Syrians illegally work in Jordan – ministry, 20th June 2015. Available at: <http://www.jordantimes.com/news/local/around-200000-syrians-illegally-work-jordan-%E2%80%94-ministry> [↑](#footnote-ref-11)
12. Amnesty International, (2016), Living on the Margins, p14. [↑](#footnote-ref-12)
13. UNHCR, (2016), Registered Syrians in Jordan, 15th April 2016. UNHCR, (2016), Jordan: Factsheet Livelihoods working group, March 2016, Syrian refugees Education, Urban Settings. Available at: <http://reliefweb.int/report/jordan/unhcr-jordan-factsheet-livelihoods-working-group-syrian-refugees-education-urban> . [↑](#footnote-ref-13)
14. ILO and FAFO, (2015), Impact of Syrian refugees on the Jordanian labour market: findings from the governorates of Amman, Irbid and Mafraq. Available at: <http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf> P5. [↑](#footnote-ref-14)
15. UNHCR and Better Work, (2016), UNHCR Work Permit Pilot Project to Support Syrian Refugee Employment in Jordan’s Apparel Industry, Available at: <http://betterwork.org/jordan/wp-content/uploads/UNHCR-4.pdf> [↑](#footnote-ref-15)
16. Communication from the Commission to the European Parliament, The European Council, The Council and the European Investment Bankon establishing a new Partnership Framework with third countries under the European Agenda on Migration, 7 July 2016, p14 <http://eur-lex.europa.eu/resource.html?uri=cellar:763f0d11-2d86-11e6-b497-01aa75ed71a1.0001.02/DOC_1&format=PDF>; see also *The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis*, The Government of Jordan, 7 February 2016 <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498021/Supporting_Syria__the_Region_London_2016_-_Jordan_Statement.pdf>  and Hillary Mellinger and Patrick van Berlo, The Jordan Compact: Turning the Syrian Refugee Crisis into a Development Opportunity, University of Leiden - Law Blog, 20 August 2016  <http://leidenlawblog.nl/articles/the-jordan-compact-turning-the-syrian-refugee-crisis> [↑](#footnote-ref-16)
17. UNHCR and Better Work, (2016), UNHCR Work Permit Pilot Project to Support Syrian Refugee Employment in Jordan’s Apparel Industry, Available at: <http://betterwork.org/jordan/wp-content/uploads/UNHCR-4.pdf> [↑](#footnote-ref-17)
18. ARDD-Legal Aid, (2016), Access to Higher Education for Refugees: Protection and Sustainable Development [↑](#footnote-ref-18)