

BRUSSELS CONFERENCE III FOR SYRIA AND THE REGION

PUBLIC BRIEFING PAPER – JORDAN INGO FORUM



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The upcoming Brussels conference for supporting Syria and the region marks the eighth year of the war in Syria, a conflict that has left 11.7 million people inside Syria in need of humanitarian assistance, 6.2 million internally displaced, and 5.6 million forced to flee to neighbouring countries. Three years after the groundbreaking signing of the Jordan compact, the partnership between the Government of Jordan (GoJ) and the international community is as important today as it was back in 2016. Both the government and international donors have delivered on many fronts, including on the accountability one as they committed and launched the first ever independent monitoring mechanism of the Jordan Compact. As the gains remain fragile, it is of the utmost importance that the spirit of partnership, shared responsibility and international solidarity persists.

The following briefing paper seeks to review the progress made against commitments and propose recommendations to all participants of the Brussels conference, including the government of Jordan, the donor community and the overall aid sector. It is divided into 5 sections: Protection, Education, Livelihood, Health, and Durable Solutions and was drafted based on extensive consultations of International NGOs and National NGOs in Amman, Zarqa, Mafraq and Irbid governorates in Jordan.

The Jordan INGO Forum (JIF) is an independent network of international organizations (INGOs) implementing development and humanitarian program in Jordan. More info <http://jordaningoforum.org/>



Protection

The government of Jordan has achieved major progress in 2018 by launching and extending the Rectification of Status Process (RSP), which allows certain categories of refugees living informally outside of the camps to regularize their statusⁱ. In 2018, the RSP facilitated the issuance of at least 22,395 Asylum Seekers Cards by UNHCRⁱⁱ, which subsequently allows refugees to present themselves to authorities to obtain Ministry of Interior (MoI) Cards. The RSP had a positive impact on freedom of movement, the perception of safety and eligibility for public services and assistance.

Documentation

Despite the RSP, a certain number of Syrian refugees do not fit the criteria set by the GoJ and are not able to legally stay in their place of residence, move freely, access public services and humanitarian assistance, or register births, deaths, and marriages. In general, obtaining civil documentation remains challenging for some categories of refugees, with complex cases stranded in legal limbo and persisting financial barriers.

Recommendations

- A revision of the current criteria of the RSP to include more Syrians, in consultation with protection and legal partners;
- A guarantee that irregular, invalid, or otherwise lacking legal documentation will not result in forced relocations to camps, especially after the rectification process is over;
- The relaxation of the procedures to register and verify birth and marriages, and a permanent waiver of the fines related to late registration or informal marriages;
- The expansion of specialized legal support for Syrian refugees to facilitate the issuance of civil documentation;
- The return of the remaining backlog of confiscated civil documents by Jordanian authorities to Syrian refugees, in order to facilitate the issuance of new civil documentation and legal registration outside the camps.

Freedom of movement

In 2018, NGOs estimate that over 7,200 refugees were forcibly relocated to the Azraq refugee camp, including over 4,300 to 'village 5', for security reasons according to Jordanian authorities. Unable to receive any legal assistance, the vast majority of these refugees are not informed of the reasons for their involuntary relocation. Over 10,000 individuals are currently confined within the barbed-wire-enclosed area (some for almost 3 years), with no exit possibility unless screened out by security authorities.

Recommendations

- Increased dialogue between the GoJ and protection actors to explore suitable and dignified solutions for Syrian refugees retained in V5, compatible with GoJ's security concerns;

- The setup of procedural safeguards that include due periodic review of the grounds that initially motivated the forced relocation in V5, in a timely and transparent manner. Humanitarian/vulnerability criteria should be integrated into this due process;
- The completion of V-5 residents screening process, within reasonable and predictable timeframes, with clear and transparent screening procedures communicated to beneficiaries;
- A review of the level of restriction of movement imposed upon V5 residents and the relaxation of current leave policies for residents of the Azraq camp as a whole;
- The introduction of minimum procedural safeguards in case of forced relocations to refugee camps, with the possibility to access UNHCR and counselling bodies before the forced relocation and provide a window for appeal against the decision.

Child protection

Social and cultural norms, as well as harsh economic realities, are pushing families to resort to harmful coping mechanisms like child labour and early marriage. The last national survey on child labour estimated that 69,661 children are engaged in child labour in the Jordanⁱⁱⁱ while a recent survey of Syrian refugees found that the percentage of married 15-year-old Syrian girls had gone up from around 3 per cent before the war, to 14 per cent in 2018. The current legal instruments are insufficient to protect children, whether Jordanians or refugees.

Recommendations

- Strengthened National Framework to Combat Child Labour and the development of a national strategy on child marriages, taking into consideration children's and youth's voice and engaging all stakeholders including educational, judicial and religious entities– with the support of the international community. This should include a more robust monitoring mechanism to capture up to date information and evidence;
- Continued improvement of the referral mechanisms and of the coordination at the local level (including amongst aid providers and public services) with appropriate child-friendly and gender-sensitive support services for children;
- Targeted livelihood and "cash for education" programming for vulnerable families to address underlying causes of child marriage and labour linked with poverty.

Education

In the context of the protracted crisis, the education sector is regularly referenced as applying good aid effectiveness practices in its transition towards the achievement of more development-focused outcomes. This has enhanced government ownership of the sector response, resulting in the drafting of the 5-year Education Strategic Plan (ESP) and in securing long-term funding for its implementation. In 2018, the GoJ also rolled out a number of inclusive policies to boost the school enrolment rate of Syrian refugees, extending the grace period for Syrian refugee children to enrol in school regardless of their documentation status and waiving the passport requirement for Syrian students as a condition to enrol and/or graduate from Jordanian Higher Education Institutions.

Out-of-school children and youth

Despite considerable efforts to increase the number of formal schools, a large caseload of Syrians and Jordanians—generally adolescent, remains outside of the formal school system, either for underlying reasons (i.e. low economic resources leading to the resort to child labour, early marriage) or because the system has failed to enrol and retain them. Data from the government in 2017 illustrates the stark decline in enrolment across age groups, with an enrolment rate of 99 per cent for Syrian children under-11, to 48 per cent for 15-year-olds and 15 per cent for 16-year-olds^{iv}.

Recommendations

- The expansion and rehabilitation of public schools in the areas most in need, and increased investments in decent and affordable transportation for students;
- The strict application of the waiver policies for Syrian refugees in all directorates and the creation of clear referrals and complaints mechanisms to identify and address cases of refugees rejected from enrolment;
- The set-up of a data aggregation system across all levels of education, to ensure an ongoing comprehensive understanding of needs and gaps across the full continuum of accredited education (kindergarten, primary, secondary, vocational and tertiary, formal and non-formal);
- Further programs to address the needs of out-of-school children and youth with clear referral and coordination mechanisms to enrol them in formal / non-formal education.

Quality of education and school environment

Deteriorated learning conditions, such as overcrowded and poorly maintained school, lack of basic pedagogical equipment, and inadequate training of teachers remain a vast problem and largely contribute to students dropping out. These conditions are exacerbated for Syrian refugee children who have largely been relegated to afternoon school shifts in host communities, with fewer teaching hours, and less experienced teachers. Syrian children, particularly those in camps, are performing far below the national average. Furthermore, the multifaceted violence in and around the

school, perpetuated both by children and school staff, affects all schoolchildren.

Recommendations

- Further investment in teacher training – both pre-and in service, as planned in the ESP, with on the job mentoring. It should focus on pedagogy, classroom management and inclusive education to accommodate schoolchildren with special needs;
- A comprehensive response to violence in schools, with the continuation of nationwide campaigns, further investment in school counsellors, the integration of non-violent disciplinary approaches in the formal training of all school staff, and the setup of an effective mechanism to identify, report, manage, and monitor cases of violence;
- The development of a comprehensive costed plan and risk analysis to gradually phase out the double shift system, in consultation with all partners, while enforcing quality assurance in second shifts and encouraging the mix of Jordanian and Syrians schoolchildren to foster social cohesion.

Livelihood

The government of Jordan has to some extent relaxed policies to allow more inclusion of Syrian refugees in the formal workforce by issuing flexible work permits in the agriculture and construction sectors, allowing work permits portability to different sectors, excluding Syrians refugees from the 25 per cent reduction of migrants under the National Empowerment and Employment Programme in the manufacturing sector, and permitting the issuance of short-term work permits. These measures contributed to stronger legal protection, offering the possibility of formalization to workers who would have otherwise remained in the informal sector.

Refugees access to work

Only 45,649 work permits were issued in 2018 and have not translated into decent jobs. A substantial part of the economy remains informal, and nearly half of all working-age Syrians are estimated to be employed informally^v, which raises the question of the efficiency of the work permit scheme. Refugees may choose not to obtain work permits due to a perceived higher risk of exploitation, fear of losing humanitarian aid or having to cover the cost of the permit themselves^{vi} – on the other hand, employers may prefer to hire informally, to avoid minimum wages, procedures or cost. As an example, the strict quotas for hiring non-Jordanian employees requires employers to increase the number of Jordanians on the payroll as they hire refugees, which constitutes a barrier to formalizing Syrian refugee work. Furthermore, limiting Syrians to low-skilled positions fails to harness their experience and potential contributions to the Jordanian economy. Thus far, there are little opportunities for Syrian refugees to formalize their business: barriers to entry are too high and despite the recent and welcomed policy allowing home-based business (HBB) to Syrian refugees outside of camps, the HBB scope remain restrictive (in opened sectors and funding modalities) and their procedures are constraining.

Recommendations

- A review and relaxation of the quotas and closed occupations, based on available skills amongst both the Jordanian and Syrian refugee workforce, particularly in the sectors targeted for growth;
- Increased engagement of GoJ and aid sector with the private sector, making a business case for refugee employment, and using the private sector's leverage and investment power to ensure more opportunities for refugees within the labour market;
- The promotion of business formalization processes for Syrian refugees, especially by simplifying procedures lowering barriers to entry and improving access to credit.

Decent work

NGOs report continued cases of abuses in the workplace: remuneration at the discretion of the employer, low wages, refusal to pay overtime, discrimination and harassment, especially for women. Realizing the Jordan Compact objective requires further changes that make the formal market more attractive and protective to Syrians and Jordanians, including in the Special Economic Zones. Most of all, it is a sine qua non condition to boost women and youth participation to the workforce.

Recommendation

- Stronger investment in the decent work agenda focusing on occupational health, labour rights, safe working environment for women and men, sexual harassment, notably by building the capacity of the Ministry of Labour to assess labour conditions and providing legal services to employees.

Youth and women integration

Women's participation in the labour force in Jordan has been consistently low and is even lower for Syrian refugees (respectively 13.9 per cent for Jordanians and 7 per cent for Syrian refugees)^{vii}. Similarly, young people are disproportionately affected by unemployment, with 20 per cent of 20-30-year-old refugee men unemployed and as many as 53 per cent for refugee women of the same age^{viii}. For women, this can be partially attributed to the strong pressure to undertake household duties. Both women and youth are faced with the same barriers, such as the lack of transportation, low wages, poor working conditions, harassment, discrimination, and skills mismatch.

Recommendations:

- The development of clear, targeted, inclusive, and cross sectors strategies for the empowerment of all youth and women over the longer term. They should be informed by the experience of the two groups through public consultations, tackle structural obstacles (including but not limited to transportation, day-care provision, and labour code), and include public campaigning;
- A reform of Technical Vocational Education Training (TVET), as planned in the GoJ's TVET strategy, in close collaboration with the private sector, to make it more attractive to both employers and trainees, demand-driven, and inclusive of refugees- especially youth, women and other vulnerable groups. All training – including those from the aid sector – should be informed by market demand;
- An emphasis on flexible work modalities, with consistent application of the recent flexible work policy and its expansion to include Syrian refugees. The sharing and gig economies should also be explored, with the private sector and meaningful involvement of communities, and keeping the best interest of the most vulnerable as a centrepiece.

Health

In 2018, the Government of Jordan announced that Syrian refugees would be required to pay 80 per cent of the 'foreigners' rates' in order to access public health care – roughly a threefold increase in user fees from the previous year. Worryingly, the policy change occurred at a time when access to essential medicine and health services for Syrian refugees was already deteriorating and refugees were increasingly self-medicating or forgoing medical treatment. The subsidies cut largely impacted the most vulnerable households, particularly those with elderly, chronic disease patients and persons with disability. It led to a 64 per cent decrease in the number of Syrians accessing public health services^x, and for those who required obstetric care, treatment for chronic diseases or complicated surgeries, a surge in household debt.

Subsidies policy for Syrian refugees

The government and international partners recently announced the creation of a multi-donor account, to offset the financial gap between the current policy and the earlier subsidised uninsured Jordanian rates. However, at the time of writing, the GoJ has yet to announce a policy. Outside of the immediate effects on health outcomes, the increased financial barrier to health care is eroding the modest self-reliance gains made since the 2016 Jordan Compact for refugee households. The most prevalent coping mechanisms reported by refugees are borrowing and indebtedness, selling household assets and goods, pulling children out of school and into work.

Recommendations

- A prompt vote by the cabinet rolling back the policy, with at a minimum, the reinstatement of the 2017 rates for lifesaving interventions, labour and delivery and obstetric services, primary health care, and non-communicable disease treatment, as well as an immediate return to free antenatal and postnatal care for all refugees – including for those with no MoI cards;
- An increase of donor support to gap-filling programming for the most vulnerable and excluded populations in Jordan, including through cash for health and similar interventions;
- The set-up of a monitoring/control mechanism to ensure that the future policy is consistently applied throughout the country, in all directorates;
- The tracking of health and vulnerability outcomes through multilateral funding and loan instruments.

Neglected segments of health: Mental health, Sexual Gender Based Violence (SGBV) & Persons with Disability

Syrian refugees, with children and older people being viewed as the most vulnerable, face a strong sense of helplessness and hopelessness associated with their experience of war, exile, and loss, which increase the prevalence of physical and psychological disability. Key contributing factors include economic instability, lack of access to educational

opportunities, the decline in mental wellbeing, the experience of discrimination, and SGBV. Jordan remains very limited in providing mental health and SGBV services, with underserved areas and lack of specialized services for child, adolescent, elderly and person with disabilities. For persons with disability, the unaffordability of healthcare is a serious barrier: already before the subsidies cut, only 38 per cent of Syrian refugee household who had a family member with disability reported getting proper care for their impairment. Inability to afford the user fee was the main barrier for 41 per cent of the households: a worrying figure which does not bode well for 2018.

Recommendations

- Placing mental health as a public health priority, with allocated funds, involving community-level services to ensure proper geographical coverage;
- An adequate SGBV response, fully resourced as opposed to the current chronic underfunding, and multisectoral, with sexual reproductive health, psychosocial support, access to justice and social and educational/economic empowerment. Special measures should be taken by all stakeholders, including in the aid sector, to ensure that SGBV holistic response is survivor centred and can be adapted for child survivors;
- The prioritization of multi-year funding to ensure a longer term, more sustainable approach to supporting persons with disability.

Lifesaving medical intervention: Rukban

The case of the Rukban camp has further sunk into a humanitarian tragedy this year. More than 41,000 people, 70-80 per cent of whom are women and children, remain trapped in a makeshift camp that has been largely cut off from humanitarian aid. The lack of appropriate infrastructure in the camp coupled with blatant gaps in the health sector led to 12 children losing their lives so far this year^x. In 2018, there were only 712 medical evacuation^{xi} granted by Jordanians security officials to Jordan. Many patients fail to reach the clinic and serious cases have reportedly even missed their appointment to be medically evacuated to Jordan, because of access and security restrictions on the way to the clinic, some imposed by armed groups.

Recommendations

- The respect of international humanitarian law by all parties by allowing and facilitating full access to humanitarian assistance and protection inside the camp;
- Continued support to increase medical evacuations of the most urgent cases to Jordan.

Durable Solutions

The reiterated public stance of the government of Jordan on voluntary, dignified and safe return has sent a strong signal to refugees, Jordanian citizens, and the international community. This message not only contributes to preserving the asylum space in Jordan, but also demonstrates the need for a collective respect of the commitments to the Refugee Compact: ease the pressures on host countries; enhance refugee self-reliance; expand access to resettlement and other legal forms of admission; and support conditions in countries of origin for return in safety and dignity.

Sustained support to Jordan to provide quality asylum

In 2018, around 8000 spontaneous returns have been registered by UNHCR and the last intention survey showed that 78 per cent had no plan to return in the next 12 months, which highlights, even more, the need for continued support to Jordan. Global trends also showed that empowering refugees, investing in their protection, education, and employment not only preserves the asylum space but also equip refugees to undertake sustainable return^{xii}.

Recommendations

- A commitment to support Jordan in the long term, both through humanitarian funding via the Jordan Response Plan and through development/on-budget support, all prioritizing multi-year support schemes;
- The collective recognition that the numbers of returns do not equate to a reduction of humanitarian needs in Jordan, and that sustained assistance will be needed for those who chose to remain in Jordan or to delay their return;
- A commitment to preventing the emergence of push factors, such as restriction on freedom of movement, funding reduction, and any policy that would restrict Syrian refugee access to essential services (education, livelihood, health etc.);
- Stronger engagement of the aid sector to preserve social cohesion between refugees and host communities, including by ensuring that assistance is needs-based, transparent, and impartial;

- A renewed commitment to the principle of non-refoulement by allowing Syrian to seek asylum in Jordan and other countries.

Safe, dignified and voluntary returns

The current situation in Syria is not conducive for safe, sufficiently informed, dignified and sustainable returns and the numbers of spontaneous returns do not challenge this reality. The different narratives from parties to the conflict, the high prevalence of rumours, and the unpredictability of the context in Syria undermine Syrian refugees' decision-making process. It is important to build a conducive environment for informed choice.

Recommendations

- The assurance that programmes, including those of the aid sector, will remain needs-based, enabling a principled humanitarian response that respects the principle of 'do no harm', and will neither expressly nor inadvertently incentivize returns;
- The establishment of a re-admission policy in order to allow Syrian returnees to seek asylum again in Jordan if they assess that their lives are at risk in Syria.

Resettlement and complementary pathways

The drop-in resettlement number over the past 3 years is severe: only 4,404 Syrian refugees departed from Jordan to be resettled in 2018, compared with 17,956 in 2016^{xiii}. This sends a negative message to host governments like Jordan and should not be accepted as a 'fait accompli'.

Recommendations

- Commitments to a specific, measurable target for an increase in resettlement and other forms of legal admission of all refugees, including family reunification;
- The fulfilment of the resettlement commitments announced during the previous international conferences.

ⁱ Any Syrian national who left refugee camps without a bailout or with a leave permit before 01 July 2017 and did not return; Syrians who arrived in Jordan through the informal borders and did not register with UNHCR.

ⁱⁱ ASC delivered only through the rectification campaign in 2018.

ⁱⁱⁱ This includes Jordanian and Syrian refugee children –Ministry of Labour, Directorate of Statistics and International Labour Organization National Child Labour Survey (2016)

^{iv} FAFO 2019 The Livelihoods of Syrian Refugees in Jordan

^v Jordan Response Plan 2019

^{vi} ERF, Syrian refugees: limited participation in Jordan's Labour force; K. Lenner Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labour Market in Jordan (2018); Betterwork examining Barriers to Workforce Inclusion of Syrian Refugees in Jordan (2017)

^{vii} World Bank data & UNWOMEN

^{viii} Fafo-report 2019:04

^{ix} IRC- Impact and Effect of health policy changes on vulnerable Syrian refugee communities in North Jordan (March 2019)

^x Of the 12 children who have died so far this year, five were newborns who did not even make it past their first week of life – UNICEF, statement (Feb 2019)

^{xi} Compilation of UNHCR-UNFPA-UNICEF Dashboard-Health Analysis for Rukban clinic (Jan 2018-Dec2018)

^{xii} World Bank, The mobility of displaced Syrians: An economic and social analysis (2019)

^{xiii} UNHCR Resettlement Data Finder