

**Tamkeem Fields For Aid**

# **Syrian Refugee Child Labour in Jordan and the Risk of Exploitation**



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## **Executive Summary**

The key objective of this assessment was to examine the general characteristics of Syrian refugee child labour in Jordan, drawing particular attention to the exploitative characteristics often identified as a key part of the phenomenon. This paper examines existing studies and reports on child labour to identify the incidence of long hours, low wages, hazardous and abusive working environments, and contrasts the laws that prohibit such conditions for juveniles and adults. It notes that a single fine of 500JD is levied on nearly 50% of offending employers investigated, and recommends that fines should mount as the list of legal violations against the child piles up. Stricter measures like these could act as a suitable deterrent to hiring child labour in the first place and at the very least may improve the working conditions of those currently working. This paper also recommends further investment into the Child Labour Unit of the Ministry of Labour so that more inspectors are available to detect abuses.

The paper also identifies the factors that drive the practice of child labour, the consequences of child labour for the child and for the labour market and the response to the child labour phenomenon offered by government and the NGO community. This assessment has found that Syrian child labour is found across many sectors and types of work, particularly concentrated in the service industry (in restaurants, hotels and shops). Child labourers are predominantly over the age of 16, but children have been found working as young as 5 years old. The problem of child labour has been overwhelmingly found to occur amongst male children, although girls are often exposed to particular dangers in the line of work they are most commonly found in, namely paid domestic work for other families. Although, many child labourers in Jordan are over 16 (and therefore of legal working age), they are often found working in conditions that are illegal for juveniles. A very high proportion of Syrian child labourers are paid below the national minimum wage for foreign workers and sometimes work longer hours than is permissible for adults in the same line of work.

The main factor that drives Syrian child labour is the poverty and financial insecurity experienced by their parents. Many families have found themselves destitute in Jordan, struggling to pay the rent whilst lacking the legal entitlement to work. Consequently, many houses send their children into work and out of education to bring in much-needed income. Other possible causes for child labour include a lack of access to education, attitudes held by certain communities that have a favourable view of child labour and the demand pull from unscrupulous Jordanian employer who foresee better outcomes for their business through hiring cheaper workers. This paper recommends that more be done to support refugee families, with the international community and donors providing further financial assistance and help them to find ways to get their children back into education.

The consequences of child labour has been explored through numerous reports in different contexts but can be summarised as having a negative effect on the child's psychosocial and physical wellbeing at the time of working and a negative impact on their education and future prospects. This assessment can also recognise the negative impact that child labour has on the Jordanian labour market. As unscrupulous employers compete to exploit vulnerable refugee families in the informal economy, they create a situation where wages for unskilled employees are driven further and further down. This situation could create further poverty for the poorest Jordanian families. This assessment recommends that the government create specific projects and industries where Syrians can legally apply to work. This could allow them to draw a stable income in Jordan whilst lending their productive capabilities to the host nation, whilst also not threatening to exacerbate unemployment in the industries where Jordanians currently seek work.

## Objectives and Methodology

This paper seeks to examine the exploitative working conditions that Syrian refugee children face in Jordan, analyse the legal framework that protects against such exploitation and recommend ways that legal loopholes should be closed to better protect child labourers in Jordan. We will do this by analysing case studies to demonstrate the legal protections and sanctions for the offending employer (or lack thereof). These case studies will be formed from interviews conducted with Syria child labourers of various ages, genders, sectors of work and locations to provide a broad range of experiences.

This paper will also attempt to describe the current situation for Syrian child labourers in Jordan. It will attempt to analyse the causes of child labour, the current circumstances, the consequences of child labour and the response to child labour by the government and international community. This will be informed by a comprehensive literature review of NGO reports and data supplied by the Child Labour Unit of the Ministry of Labour. Informative interviews have also been conducted with stakeholders in the NGO community, the Ministry of Labour's inspection department and with community based groups

### **Terminology:**

This deals with definitions related to child labour , so as to ensure a common understanding. The following are some of the most important terms;

Child: a human being below the age of 18 years, unless under the laws applicable to the child, majority is attained earlier

Adolescent: a young person in the process of developing from a child into an adult.

Work: all intellectual or physical effort, carried on by a person in order to receive pay.

Hazardous work: According to the ILO Convention No. 182 on the worst forms of child labour, 1999 hazardous work is any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18.

### **The Syrian Crisis:**

Syrian refugees began arriving to Jordan shortly after the Syrian conflict began in March 2011. Initially, only small groups of Syrians refuted to Jordan and the groups were limited to the Syrians living in areas with close approximate to the Jordanian borders especially the city of Daraa. At that time Syrians would take refuge at homes of Jordanian relatives or others

who they are linked to by social relations. However, as the Syrian conflict grew, and extended to the rest of the country, large waves of refugees arrived to bordering countries ( Jordan, Iraq, Lebanon, and Turkey). The High Commissioner for Refugees (UNHCR) figures report that over three million have fled Syria, with the majority arriving to Jordan.

Today the number of Syrians in Jordan have reached a million and 800 thousand, including 747.360 thousand refugees registered with UNHCR by January of 2015, of whom 14,500 are Palestinian refugees from Syria. Out of the 747.360 registered 50.7 % are female and 49.3 % male. In addition an estimated 700 thousand Syrians were staying in Jordan before the beginning of the Syrian crisis and where unable to return since.

Jordan has five refugee camps for Syrian refugees; the largest of which is Al Za'atari, with around 83,000 Syrian residents, making it also the largest refugee camp in the Middle East. The four other camps include the Mrajeeb Al Fhood refugee camp which is funded by the United Arab Emirates where over 5 thousand Syrians reside, another in Al Ramthah that houses over 800 refugees, Al-Azraq camp that houses 13900 refugees, and Cyber City with 500 refugees.

Accommodation is one of the most stressful aspects of refugees' lives, Many resort to sharing one apartment between several families. Some cases have been reported where more than twenty people share three rooms in an attempt to escape having to pay expensive rent. Although the UN and other non-governmental organization offer cash assistance for refugees, the amount is rarely sufficient to cover rent, leaving many families in extreme poverty and in search for alternative sources of income.

## **B. Background**

The ongoing political crisis and civil war in Syria has sparked what the UN High Commissioner for Refugees has called “the biggest humanitarian emergency of our era”. Over three million refugees have fled Syria in total, seeking refuge from the violence in neighbouring countries.<sup>1</sup> Many Syrians have decided to secure lives for themselves and their families by fleeing to Jordan, due to its geographical proximity to Syria and the presence of relatives and friends already present in the country. The number of Syrian refugees registered in Jordan has risen steadily from 110,000 in 2011, to 618,000 as of October 2014.<sup>2</sup> The population of Jordan is only six million people, meaning that registered Syrian refugees are

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<sup>1</sup>Middle East Eye (2014) UN: Syria's 'biggest humanitarian emergency of our era' Accessed at:

<http://www.middleeasteye.net/news/un-syria-biggest-humanitarian-emergency-our-era-787934829>

<sup>2</sup>UNHCR (2014) Syria Regional Refugee Response, Inter-Agency Information Sharing Portal. Accessed at : <http://data.unhcr.org/syrianrefugees/country.php?id=107> on 1st October 2014

increasingly making up a significant proportion of the population. Refugees have settled into refugee camps and integrated with host communities within Jordan. Many suffer not only from the trauma of war in Syria, but with problems raised as their finances dwindle and their previous livelihoods are left behind.

The vast majority of Syrian refugees in Jordan reside in host communities. They live predominately in urban centres relatively close to the border, in cities like Mafraq, Irbid, Amman and Zarqa. Whilst living as part of these communities, refugee families tend to live in rented accommodation and have to find money to pay for this and other expenses. Shelter/rent is frequently identified as a primary cause for concern for refugees in host communities. Some resort to sharing single apartments amongst several families; some cases have been reported of over 20 people sharing three rooms. Most tend to find the cheapest housing possible, accepting cramped homes with structural and damp problems. The cash assistance they receive from the UN and other NGO's are rarely enough to cover rental outgoings, leaving many families in dire poverty and seeking to find alternative sources of income.<sup>3</sup>

The remaining refugee population resides in refugee camps administered by the Syrian Refugee Affairs Directorate and the UNHCR. The two biggest camps in Jordan are Za'atari Refugee Camp and Azraq Refugee Camp. Refugees that reside here are provided with comprehensive services by the NGO community including accommodation, food assistance and healthcare. Despite this, many refugees have voiced dissatisfaction with life in the camps, seeking sponsorship and other routes that could lead them to perceived better circumstances in cities and towns.<sup>4</sup>Za'atari Camp currently has 80,000 residents but has had more than 350,000 people registered there at some point since 2012.<sup>5</sup>

Syrian refugees rarely have legal entitlement to work in Jordan. Refugees are expected to secure work permits to secure the legal right to work, a process that has been poorly understood by the refugee community.<sup>6</sup> Consequently, many Syrians in both host communities and in the camps work informally in Jordan. Casual work is usually difficult to find and poorly paid. Some of them are exposed to exploitative practices by employers, including non-payment, paying less than had been agreed, and extension of working hours, for which they have no system of redress available due to their status. In general Syrians are paid below minimum wage, and less than their Jordanian counterparts.<sup>7</sup>

The economic situation of Syrian refugees is overall characterized by high rental costs, limited work opportunities, exhaustion of accessible assets and savings, and rising debt levels

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<sup>3</sup>Care International (2014) Lives unseen: Urban Syrian refugees and Jordanian host communities three years into the Syrian crisis

<sup>4</sup>Interview, Save the Children 20.08.2014

<sup>5</sup>UNHCR (2014) Syria Regional Refugee Response, Inter-Agency Information Sharing Portal

<sup>6</sup>Oxfam (2013) Integrated Assessment of Syrian refugees in Host Communities Emergency Food Security and Livelihoods; Water, Sanitation and Hygiene; Protection

<sup>7</sup>Care International (2014) Lives unseen: Urban Syrian refugees and Jordanian host communities three years into the Syrian crisis

within a context of increasing fuel and food prices. The most common sources of income are often the WFP vouchers, loans, donations from relatives (and occasionally locals), employment (predominantly irregular casual work), UNHCR cash assistance, savings and remittances, with most of the time a heavy reliance on vouchers, assistance, loans and donations. Some refugees have been able to find more regular work, although this rarely covers expenditure needs, and others, mostly men and boys, supplement with casual work when they can find it. Overall, stable and reliable income sources are very rare. It is in this context, that many families are resorting to the use of child labour to supplement their income. The desperation of these families to secure extra money is such that the working conditions of their children is often characterized by exploitative conditions, all of which will be explored in this paper.

## C. Legal Framework

### I. Child Labour Legislation

#### 1. Defining Child Labour

Child labour is viewed by most international laws and legislatures as an unacceptable form of work that leaves children neglected of activities that contribute to their mental, physical and social development. The ILO defines child labour as work which is mentally, physically, socially or morally dangerous and harmful. Work identified as “child labour” would also require that children give up their education, or have to combine what little education they receive with long hours of work.<sup>8</sup>

A key document in which to see this commonly held definition enshrined in law is within the **UN Convention on the Rights of the Child** (ratified by Jordan in 1991). This convention is the first legally binding international document that defines the range of human rights applicable to children, and is especially authoritative in that it has been the most endorsed human rights treaty yet written (with only two nations yet to ratify its terms). Article 32 of this convention obliges governments to protect children from work that isn't conducive to their development. Work must not be exploitative or harmful, and must not interfere with their other fundamental rights such as the right to an education (Article 28). A child is defined within the convention in Article 1, as someone who is under 18 years of age.

It is important to clarify that child labour is seen by the ILO as a wholly negative activity, one that has aspects of the harmful effects listed above. This is distinct from certain types of work that may actually contribute somewhat positively to a child's development; this might include assisting with a family business, or earning pocket money in school holidays. If it doesn't interfere with education, is undertaken for a limited number of hours and helps the child grow to be a productive member of society, it should be regarded as positive and complementary to education.<sup>9</sup> Work of this nature is thought of as “light work”, and should be understood as a phenomena distinct from “child labour” in quality and character.

#### 2. The Minimum Age for Employment

The minimum ages one must reach for different kinds of employment are set in the **Convention No. 138 concerning Minimum Age for Admission to Employment** of 26<sup>th</sup> June 1973, which Jordan ratified in 1998. This convention sets the minimum age for child labour as 15 years old (14 years old in some developing countries) and 13 years old for “light work” (i.e. work that isn't likely to threaten the child's education or health and safety). The convention also states that, in most circumstances, children under 18 years of age shouldn't be engaged in hazardous work.

Incidentally, Jordanian national legislation goes beyond the minimum requirements of the international law in this instance. According to Article 73 of the **Jordanian Labor Law**

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<sup>8</sup> ILO (2002) Eliminating the worstforms of child labour A practical guide to ILO Convention No. 182

<sup>9</sup> Ibid



**No.(8) of 1996**, children under 16 shall not be employed under any circumstances. This age is the point at which education is no longer compulsory<sup>10</sup>, meaning that the national framework is consistent with the international characterisation of child labour (particularly that it not interfere with a child’s development and education).

### 3. Worst Forms of Child Labour

The “Worst Forms of Child Labour” was defined and prohibited in the **Convention No. 182 on the Worst Forms of Child Labour** of 1999. It outlaws extreme practices such as using children for slavery (including debt bondage, forced labour and human trafficking), using children for commercial sexual exploitation, using children to aid in committing crimes (such as transporting drugs) or any other type of work likely to harm the safety and morals of the child. In the first article, Convention No. 182 requires ratifying States to take immediate and effective measures to prohibit and eliminate the worst forms of child labour as a matter of urgency. It is also interesting to note that, unlike Convention No. 138 mentioned above, Convention No. 182 contains no “flexibility clauses”, and makes no distinction between developed and developing countries.

The **UN Convention on the Rights of the Child** also has several articles specifically prohibiting many of the practices detailed in ILO No. 182. Articles 33 and 34 prohibit the use of children in production and trafficking of drugs and the use of children for sexual exploitation respectively. Article 36 prohibits the abduction and trafficking of children for any purpose, and Article 39 provides for the physical, psychological and social recovery of child victims. Two Optional Protocols to the Convention on the Rights of the Child, adopted in May 2000, also deal with some of the worst forms of child labour. They relate to the involvement of children in armed conflict and the sale of children for child prostitution and child pornography. The Optional Protocol on Armed Conflict actually goes further than ILO No. 182 since it prohibits the participation of children under the age of 18 in armed conflict, and governs both voluntary and forced recruitment of minors.

Jordan ratified ILO No. 182 in 2000 and the CRC in 1991 and has several national laws outlawing the crimes listed within them. According to Article 74 of the **Jordanian Labor Law No. (8) of 1996**, no child under the age of 18 years old may be employed in dangerous or exhausting occupations or those harmful to his health. The most recent Ministerial Order of 2011, **Concerning occupations that are dangerous or tiring or harmful to the health of youth** (No. 5098), is an attempt to adapt the national legal framework to the international conventions signed by the country. It prohibits juveniles under the age of 18 years undertaking hazardous work, like physical or chemical hazardous works, moral hazardous work or working on ships.

Jordanian criminal law also criminalises many of the associated practices of ILO no. 182. Prostitution of children has been criminalised in Jordan; the solicitation of sex of boys under 18 (or females of any age) is prohibited and the penal code also forbids the procurement of

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<sup>10</sup>According to both the 1994 Education Act and the Jordanian Constitution

girls under 20 for prostitution. **Jordan's Law on Narcotic Drugs** recommends the death penalty for those who use children to transport drugs.<sup>11</sup>

In March 2009, Jordan introduced the **Anti-Human Trafficking Law No. 9** (the “Law for Preventing the Trafficking of Persons”), which consists of 17 articles . It is the direct result of the so-called Palermo Protocols (particularly the **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**). Jordan’s anti-trafficking law defines the crime of human trafficking in the same way as the international law (see appendix) and recommends a sentence of a fine (between 1000D and 20,000JD) and imprisonment (between 6 months and 10 years), depending on the circumstances.

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<sup>11</sup>US DoL (2012) Findings on the worstforms of child labour - Jordan

## II. Rights in the Workplace for Adults

The Jordanian labour laws and various international conventions it has signed offer a wide range of rights and protections for both Jordanian workers and migrant workers in the country. These include, but are not limited to, the right to terminate employment, the right to holidays with pay, the right to social security and the right to be paid on time, amongst others. Although it is clear from the law that children under 16 should not be employed at all, this does not mean that their employment should forgo the rights afforded to adults in the same position. Below is an examination of some of the rights afforded to workers in the Kingdom, many of which are denied to refugee child labourers. In the absence of a comprehensive national child protection law, these regulations are the only protection available to child labourers when suffering from exploitation at work.

### 1. The Right to a Minimum Wage

The labour tripartite commission order of 2011 updated the government regulations on the minimum wage, raising the minimum monthly salary to 190JD for Jordanians and to 150JD for foreign workers. Article 53 of the **Jordanian Labor Law No. (8) of 1996** states that any employer paying less than the national minimum wage will be fined and the employee compensated accordingly.

### 2. The Right to Holidays and Sick Leave

Jordan has ratified the **International Covenant on Economical, Social and Cultural Rights**, which states in Article 7 that everyone has the right to rest, leisure and periodic paid holidays. Article 61 of the **Jordanian Labor Law No. (8) of 1996** upholds the principles of this convention, saying that each employee is entitled to annual leave of 14 days each year with full pay. Articles 56 and 60 also define the working week, and declare Friday as a weekly holiday. Finally, Article 65 of the labour law says that each employee is entitled to 14 days of sick leave per year, with longer period allowed if the employee is hospitalised.

### 3. The Right to Paid Overtime and the Limits of the Normal Working Week

Article 56 of the **Jordanian Labor Law No. (8) of 1996** defines the normal working week. Employees must not work for longer than 8 hours a day and must not work more than 48 hours in a week in total. Article 59 states that it is permissible for an employee to work beyond these hours only if he is paid overtime. This must be 125% of his normal wage and must reach 150% of his normal wage if he is asked to work on a religious or other holiday. Even if these conditions are met, the employee mustn't be asked to work more than 20 extra days per year.

### 4. The Right to be Paid on Time

The national labour law also prohibits withholding wages for any time other than a negligible period. Article 46 (A) says that the wage must be paid in a period not exceeding seven days from its maturity. Deducting wages for arbitrary reasons is also forbidden. Article 47 specifies that the deduction of wages must only be for reasons such as paying for social

security and employee subscriptions to savings plans etc. The withholding or deduction of wages as a punishment would clearly violate these laws.

#### 5. The Right to Safe and Healthy Working Conditions

As previously highlighted, children under 18 are not allowed to work in hazardous or inappropriate working environments (despite the right of children over 16 to work in general). The recent Ministerial Order of 2011, **concerning occupations that are dangerous or tiring or harmful to the health of youth (No. 5098)**, offered special protection to children. It prohibits juveniles under 18 years of age undertaking hazardous work, like physical or chemical hazardous works, morally hazardous works or working on ships. Even for those over 18, many protocols have to be followed to guarantee the safety of employees. Articles 78-81 dictate the employer's responsibility for providing safety equipment and training and for ensuring the containment of flammables, diseases and other harmful substances. These national laws are underlined by Jordan's ratification of the **International Covenant on Economical, Social and Cultural Rights**. In Article 7b of the Covenant, it guarantees the right of everyone to safe and healthy working conditions.

#### 6. The Right to Resignation

**The International Covenant on Economical, Social and Cultural Rights** also dictates that everyone has the right to freely choose and accept work. This implicitly gives workers the right to seek alternative employment and to end their current employment if they so choose. The **Jordanian Labor Law No. (8) of 1996** also upholds this right to an extent. Article 29 lists the acceptable reasons allowing one to terminate their employment contract before it was due to finish. If an employee was deceived as to the nature of the work, was assaulted on the premises or has had an unjustified change in his place of work or wages, then he may leave the job contract with no punishment. Article 26, however, says that if one resigns for reasons not listed above, then he will have to pay damages to his employer.

#### 7. The Right to a Work Contract with Agreed Terms

A large part of the **Jordanian Labor Law No. (8) of 1996** specifies the nature and necessity of work contracts. Article 15 of the labour law states that work contracts have to be written so each party has a copy, that the contract is valid for the agreed period of work and that work carried out beyond the period must be treated as a renewal of the work contract. This law comes with associated protections for the employee. Article 17 goes on to explain that one is not obliged to continue with work that was significantly different from what which was originally agreed. The existence of the original work contract is vital when officiating over a labour dispute, and the illegal nature of hiring child labourers means that the offending employer is highly unlikely to draw one up.

#### 8. Non- Discrimination

In the case of Syrian refugee and child labour many of the above laws are blatantly disregarded. This in of itself, falls foul of one further international law that Jordan has already agreed to. One important primary principle of the legal framework of Jordan is non-

discrimination and equality before the law. In 1975, Jordan ratified the **International Covenant on Civil and Political Rights** which says in Article 26 that it is prohibited to discriminate against somebody because of their race, sex, religion, language, political affiliation or other opinion, national or social origin, property, birth or other status.

Unscrupulous employers across Jordan afford fewer legal protections to their child labourer employees because of their place of origin and relative vulnerability. As we can see above, this is not only morally reprehensible, but thoroughly illegal in both international and Jordanian law.

### III. Refugee and Asylum Law

Refugee status is defined as having fled your home country as a result of actual or perceived persecution. It implies a level of extreme vulnerability and international law has had to develop specific regulations to acknowledge its distinction from other forms of migration.

On a global level, the most important legal texts are the **1951 convention relating to the status of refugees** (which defines refugees and their rights ) and the associated **1967 protocol relating to the status of refugees** (which removes the geographical limitations that the original convention had). Some of the rights listed in the 1951 Convention include the right not to be expelled (Art. 32), the right to work (Art 17 to 19), the right to housing (Art. 21), the right to education (Art. 22) and the right of movement within the state's territory (Art. 26)<sup>12</sup>. One of the most important provisions of this convention and of international law is the principle of *non-refoulement* (the right not to be expelled). This rule is part of international customary law and is binding even on those states that haven't ratified the convention or the protocol.

In the Arab world, the states of Algeria, Egypt, Morocco, Tunisia and Yemen have ratified the 1951 convention and its protocol. Jordan is amongst a number of Arab states that have yet to sign it. Instead of being a signatory state to the 1951 convention, Jordan has agreed a Memorandum of Understanding (MoU) with the UNHCR in 1998. There are similarities and differences between the UN convention of 1951 and the MoU of 1998 which will be illustrated further.

#### 1. The definition of *refugee*

The very first article of the convention defines who should be designated as a refugee and be eligible for the rights detailed in the convention. According to Article 1A (1), anybody who has been persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and is consequently outside of his country and cannot return

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<sup>12</sup>UN (1951) The 1951 protocol convention relating to the status of refugees and its 1967 protocol. Accessed at: [<http://www.unhcr.org/4ec262df9.html>]

to it out of fear shall be given the status of a refugee. In the MoU of 1998, the first article says that the definition of refugee was reproduced without the geographic and time limitations of the 1951 Convention.

## 2. The principle of *non-refoulement*

The aforementioned *non-refoulement* principle refers to the prohibition of expelling or returning refugees to the country from which they fled, as outlined in Article 33. This is the cornerstone of the convention and is respected internationally as a fundamental international law. The only exceptions to this are detailed in article 33 (2), which does allow for the expulsion of a refugee who can be regarded as a danger to the security and the community of the country.

The MoU of 1998 says that Jordan is obligated to respect this principle (Art. 2 (1)). Even without this provision Jordan was bound to non-refoulement because it is a signatory state to the International Covenant on Civil and Political Rights.<sup>13</sup> Even though there are some isolated cases of deportation of refugees back to the border, Jordan has in large respected the principle<sup>14</sup>.

## 3. The right to work

Articles 17 to 19 of the 1951 convention outline the rights refugees have to work as wage-earners, in liberal professions and as self-employed persons. When seeking employment in these professions, the convention declares that they shall be given the most favourable treatment accorded to foreigners in the same circumstances (Art. 17 (1)).

Jordan also agreed to grant refugees the right to work but with a reservation. According to article 8 legally residing refugees can work “whenever the laws and regulations permit.” This can be any law of Jordan<sup>15</sup>. Refugees have to get a work permit before they can legally work and there are restricted jobs such as engineering, administrative, accounting, medical and clerical professions which cannot be accessed by Syrians or any other foreigner<sup>16</sup>. In total there are 13 major sectors which are denied to foreigners<sup>17</sup>.

## 4. Duration of stay

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<sup>13</sup> Emanuel, James, (2011) Embracing Reality to Find Sustainable Solutions: An Examination of the Law Surrounding Work for Iraqi Refugees in Jordan

<sup>14</sup> Interview, ILO 27.08.2014.

<sup>15</sup> Emanuel, James (2011) Embracing Reality to Find Sustainable Solutions: An Examination of the Law Surrounding Work for Iraqi Refugees in Jordan

<sup>16</sup> Sadek, George (2013) Legal status of refugees: Egypt, Jordan, Lebanon and Iraq

<sup>17</sup> Tamkeen (2014) Conditions of Migrant Workers in Agricultural Sector

One of the more controversial points is the duration of stay for refugees. As Jordan does not want the refugees to integrate locally<sup>18</sup> their time in Jordan should not exceed six months according to Article 5 of the MoU. In practice however, refugees can renew their permit to stay by re-registering every six months. Refugees are exempt from overstay fees and fines in order to facilitate a repatriation in third countries (Art. 10). There is the possibility of gaining a residency permit which is valid for one year, but only a minority of the refugees is granted this right<sup>19</sup>.

#### 5. Additional rights and obligations

In the Memorandum of Understanding, Jordan promises to treat the refugees as per international standards (Art. 5) together with UNHCR which should provide assistance and a durable solution to the refugee situation (Art. 11). The refugees are obligated to respect the laws and regulations and to not undertake any activity which could endanger the public security or embarrass the government vis-à-vis other countries (Art. 4).

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<sup>18</sup>Olwan, Mohamed Y (2009) Iraqi refugees in Jordan: Legal perspective.

<sup>19</sup>Sadek, George (2013) Legal status of refugees: Egypt, Jordan, Lebanon and Iraq

## **D. Causes of Child Labor**

Child labour is becoming increasingly common in Jordan, especially amongst refugees. The vast majority of Syrian refugees reside in host communities, and face increasing difficulty with paying rent and bills, leading them to resort to child labour as a coping mechanism. This factor, together with a lack of access to education, the cultural permissibility of child labour in certain contexts and the demand for child labour from unscrupulous employers, is leading to a growth in the phenomenon in Jordan. In this section, we will examine each of these factors in turn.

### **I. Financial Pressures on the Household**

When speaking to refugees, stakeholders or local experts, it is clear that financial pressures are by far the most important factor that drives families to send their children to work. When examining the financial state of the average Syrian household, this becomes easier to understand. Families that use child labour as a source of income tend to be those suffering the most due to problems earning it in other ways. ILO researchers found that “the living conditions of families where children laboured are very poor”. When interviewed, these families reported that they lacked basic items and income to deal with non-rental costs like electricity bills and repairing the house.<sup>20</sup>

This is often because Syrian families have found living costs in Jordan to be far higher than the income they expect to receive. A study conducted by CARE International found that the average expenditure for Syrian families was 297JD per month, compared with an average income of 190JD per month. The study also found that 89% of Syrian households in host communities had taken loans, with an average debt reported of 573JD.<sup>21</sup> This income imbalance could also be exacerbated if the family suffers with on-going health problems (necessitating regular medical expenses) or if the family has a high proportion of young children. These circumstances are a reality for many families, who consequently find themselves with growing debt and depleted assets.

These problems with income can be linked very strongly with the difficulty for Syrians in finding work in Jordan. Although Syrians have the legal right to work in Jordan if they apply for the correct work permit, many refugees report that they have little knowledge of how this process works and believe it to be prohibitively expensive.<sup>22</sup> Consequently, many Syrians either work informally in exploitative conditions or find it hard to get a job at all (a study last year claimed that 67.9% of Syrian adults in host communities are unemployed).<sup>23</sup> There is a

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<sup>20</sup> ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

<sup>21</sup> CARE (2014), Lives unseen: Urban Syrian refugees and Jordanian host communities three years into the Syrian crisis

<sup>22</sup> Oxfam GB Jordan (2013) Integrated Assessment of Syrian Refugees in Host Communities Emergency Food Security and Livelihoods; Water, Sanitation and Hygiene; Protection.

<sup>23</sup> UN Women (2013) Inter-agency assessment: Gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage



perception that it is easier for children to find work as the necessity for a work permit is reduced.<sup>24</sup>

It can also be quite telling to see how the child's income is spent. The ILO survey of child labourers in urban areas found that their wages were overwhelmingly used for household expenditures, food and rent.<sup>25</sup> This is in stark contrast with Jordanian child labourers in the same survey, who were more likely to spend their earnings on personal expenditures such as mobile phones. 94% of households in the ILO survey identified children's wages as the second and a significant source of income along with UNHCR cash assistance.<sup>26</sup>

## II. Poor Access or Attitudes to Education

The Jordanian government has made great efforts to extend education for all young people, including the children of Syrian refugees. By law, public schooling is free for all and Jordanian schools have been instructed to absorb the Syrian population along with their current classes. However, there have been problems in practice with enrolling all children into formal education. At the start of the last academic year (September 2013), there were 190,000 school-age Syrian children in Jordan. Only 83,232 were actually enrolled into primary or secondary education (64% of the population that were eligible for formal education).<sup>27</sup> Although NGO's and other actors consistently try to find other forms of education for those who have missed out (including informal, non-formal education, or vocational training), there are certainly many individuals who are receiving no form of education or training at all.<sup>28</sup>

The reasons for this shortfall are primarily to do with the current capacity and infrastructure of the education system in Jordan. Although attempts have been made to double the capacity of existing schools through "double-shifting" (where several groups of students are taught in different sessions throughout the day) many Syrians still find barriers to enrolment. Some report administrative barriers such as having insufficient documentation to enrol, and others have been left on waiting lists due to overcrowding.<sup>29</sup> Some families find the costs associated with buying books, uniforms and other materials to be prohibitively high. More recent studies have also found a growing tension in schools between Syrian and Jordanian children, with some parents concerned enough with bullying and violence as to remove their children from the education system altogether.<sup>30</sup> Parents have a well-founded fear that their children will be targeted by other students and even teachers due to their

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<sup>24</sup> UNICEF (2013) Syrianrefugeechildren in Jordan: Assessments desk review on the situation of Syrianrefugeechildren living in Jordan

<sup>25</sup> ILO (2014) Report of the rapidassessment on child labour in the urbaninformalsector in threegovernorates of Jordan (Amman, Mafraq and Irbid)

<sup>26</sup> Ibid

<sup>27</sup> UNICEF and MoE (Sept 2013) Figures from Information Management Education, UNICEF

<sup>28</sup> Interview, Save the Children International 25.08.14

<sup>29</sup> REACH (2013) Findings of Householdassessment of SyrianHouseholds in host communities in the northerngovernorates of Jordan

<sup>30</sup> REACH (2014) Education and Tensions in JordanianCommunitiesHostingSyrianRefugees, ThematicAssessment Report

country of origin and accent, and wish to avoid any potential for conflict with their neighbours.<sup>31</sup>

There are also some children who may be able to attend school but are simply not interested in furthering their education. Professionals who work with children note that some don't value education, preferring to invest their time in earning money or imitating their father.<sup>32</sup> If children are unable or unwilling to further their education, then they may enter the labour market so as to avoid doing nothing with their day. Education is compulsory in Syria up until the age of 14 (in contrast to 16 in Jordan), and so some children may have finished their schooling in Syria and subsequently uninterested in continuing it in Jordan.

This encouragement could also come from family members, who may want their children to get technical skills and a wage if schooling is not available or desired.<sup>33</sup> In certain contexts, such as amongst agricultural families, working children overwhelmingly have parents with a very basic education or who are illiterate.<sup>34</sup> It is certainly possible that they would view working as a suitable alternative to education, especially as it was the path that they had taken in life themselves.

### III. Cultural Acceptance of Children Working

There is also the small factor that child labour is not seen as controversial or unhealthy in certain rural communities in Syria and Jordan.<sup>35,36</sup> Some parents consider it an appropriate mechanism to teach their children about money and responsibility. When surveyed on their attitudes to child labour by the ILO in 2014, 67% of Syrian and Jordanian families agreed with the statement that "children should be allowed to do any work that comes their way" as long as this work is for the benefit of the family.<sup>37</sup>

There have also been reports of certain cultural attitudes amongst Syrians in particular that permit child labour. A 2012 report on child labour in Syria noted that there is a culture of acceptance when it comes to allowing the eldest son to work in place of his mother.<sup>38</sup> This norm could potentially be particularly relevant in the Jordanian context, where many families are female-headed due to fathers/husbands being lost or separated from their families in the war. From a purely practical perspective, many female-headed households may find it logical to send their eldest son to work, particularly if the mother has several other children to take care of.<sup>39</sup>

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<sup>31</sup> Interview, Care International 02.09.14

<sup>32</sup> Interview, ILO 04.09.14

<sup>33</sup> Interview, Save the Children International 20.08.14

<sup>34</sup> ILO (2014) Rapid assessment on child labour: Agricultural sector in Jordan / Mafrqa & Jordan Valley (Ghor)

<sup>35</sup> Interview, ILO 27.08.14

<sup>36</sup> Interview, Care International 02.09.14

<sup>37</sup> ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafrqa and Irbid)

<sup>38</sup> ILO (2012) National study on worst forms of child labour in Syria

<sup>39</sup> Interview, ILO 04.09.14

#### IV. The Demand Pull from Employers

When surveyed by the ILO, the majority of Jordanian employers stated that their main motivation for employing children was empathy for their situation. However, other responses better explain the rational economics behind hiring children. Employers noted that children accepted lower pay which helped their business, would be more flexible with their time than adults and were easier to manage than adults.<sup>40</sup> If desperate families request that employers hire their children (and the same study suggests that that may be happening too), then unscrupulous employers may find to be a temptingly attractive prospect for their business.

A key problem that goes hand-in-hand with this is that employers have little to fear in terms of prosecution and fines. The fine given to employers who hire a child is limited to 500JD, which is a little over the average monthly salary for employees.<sup>41</sup> Evidence from the Child Labour Department of the Ministry of Labour also shows that fines are not always administered even after a violation has been found. In 2013, the child labour inspection team fined only 41% of the employers found to be hiring children, the majority being given formal warnings or advice and guidance.<sup>42</sup> The limited geographic coverage of labour inspectors also means the vast majority of businesses need not fear inspection. The MoL has only 20 labour inspectors dealing with child labour specifically (out of a total of 150) and so is overstretched in its resources.<sup>43</sup>

All these factors combine to create a situation where unscrupulous employers can feel free to employ child labourers and know that to do so will probably make for a good business decision. More effective and damaging punishments have to be introduced to act as a strong deterrent to this attitude and behaviour.

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<sup>40</sup>ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

<sup>41</sup>Tamkeen (2014) Forgotten Rights. The working and living conditions of the agricultural workers in Jordan.

<sup>42</sup>MoL (2013) Achievements of the child labour department

<sup>43</sup>ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

## **E. The Characteristics of Syrian Child Labour in Jordan**

The characteristics of child labour will be explored in this section. Statistics have been taken from inspection figures from the Ministry of Labour, from survey data collected via ILO rapid assessments and other studies conducted by the Child Protection Sub-Working Group, amongst others. It should be noted that the statistics on the general characteristics of child labour refer to **both Jordanian and Syrian children** (except when mentioned otherwise).

Despite this, it should be noted that the problem of child labour is often thought to be particularly alarming within the Syrian refugee community (although in the absence of a comprehensive study, there remains little in the way of formal statistics to back this up). The Jordanian government has offered a rough estimate that perhaps 30,000 Syrian children are currently working.<sup>44</sup> This figure roughly matches the total number of children found to be working in the national survey of 2007, but is far more substantial as a proportion of the total number of children in the community.<sup>45</sup> For the country of Jordan, it also implies that the total number of child labourers in the country may have grown significantly since 2007.

### **I. Sectors and types of work that children do**

The general consensus amongst stakeholders who deal with child labour in Jordan is that its prevalence is felt across several sectors in the country. Child labour has been observed in places of work as diverse as shops, restaurants, construction sites, farms, factories and in homes. As one can observe in the following graphs, children have been employed in a wide variety of different sectors and professions.

The child labour inspection department at the Ministry of Labour predominantly found children working in restaurants, hotels and shops.<sup>46</sup> In these contexts, their job role is usually to help with cleaning the work area, serving customers, making tea/coffee or assistance with lifting and delivering things. In general, workers under 18 are usually left to perform simple and unskilled tasks; when questioned by the ILO as to the most suitable work activities for children, the overwhelming majority of employers mentioned highly basic roles like tidying or arranging goods.<sup>47</sup> Children are unlikely to receive training or work experience that will greatly benefit them in the future performing roles like these, calling into question beliefs by some parents and employers that the workplace is a suitable place for a child to receive training and education.<sup>48</sup>

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<sup>44</sup> UNICEF (2013) SyrianRefugeeChildren in Jordan: Assessments desk review on the situation of Syrianrefugeechildren living in Jordan

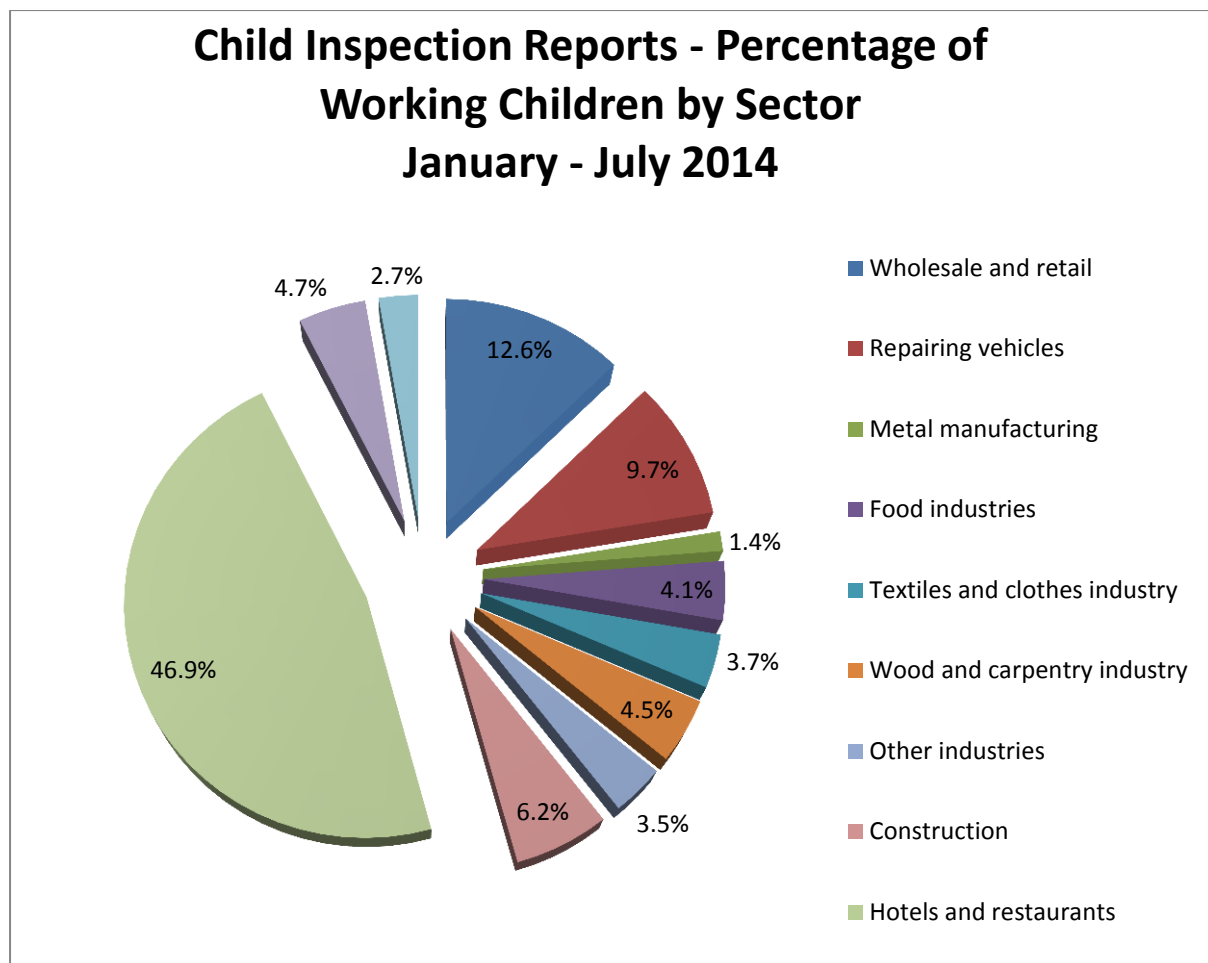
<sup>45</sup> In 2007, 2% of Jordanianchildrenwerefound to be working, whereas this proportion may be higher than 10% for Syrianchildrencurrently.

<sup>46</sup> MoL (2013/14) Achievements of the child labour department

<sup>47</sup> ILO (2014) Report of the rapidassessment on child labour in the urbaninformalsector in threegovernorates of Jordan (Amman, Mafraq and Irbid)

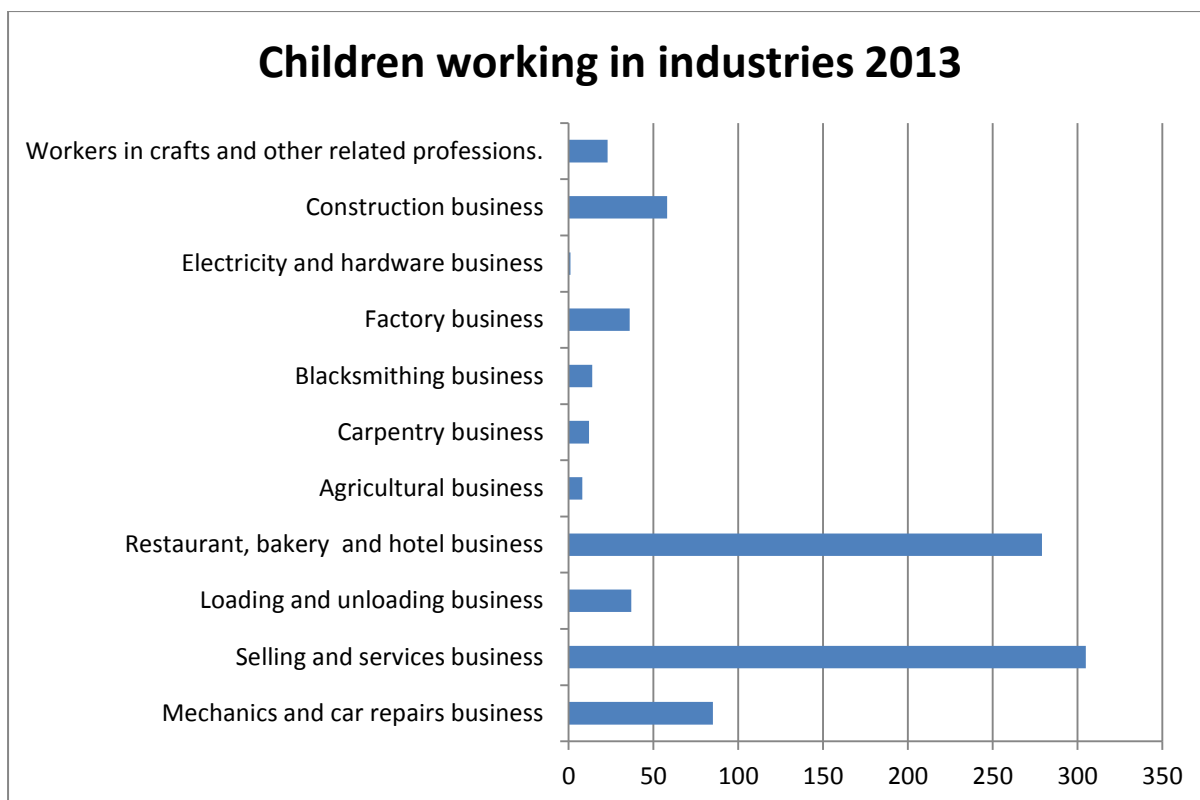
<sup>48</sup> This does not apply to all roles. For example, a significant percentage of child workers have been found working in car repair, a sector that could potentially provide useful skills training.

Statistics from the child labour department seem to suggest that there are proportionately fewer children working in agriculture but evidence from other studies suggests that may be due to fewer inspections in that sector. Assessments on the child labour problem have frequently identified the agricultural sector as one that employs children, with many performing uncomplicated tasks like picking vegetables.<sup>49</sup> Areas like Mafraq and the Jordan Valley host large farms with a high proportion of Syrian workers, many of them migrating to find seasonal work. This pattern of migration primarily follows the demand for work, and creates problems for stakeholders who would like to offer services (including education). The sector is also ripe for exploitation and abuse, with most Syrian families recruited informally, and consequently facing extraordinarily low wages and long hours.<sup>50</sup>



<sup>49</sup> UNICEF/ Save the Children Jordan (2013) Comprehensive outreach to Syrians in Ghor and Irbid on educational needs

<sup>50</sup> Tamkeen (2014) Forgotten rights: The living and working conditions of migrant workers in the agricultural sector of Jordan



Source: Child Labor Unit of the Ministry of Labour

There is also evidence that Syrian children work on the street in urban areas. Children have been observed selling trinkets and collecting scrap metal for cash. These activities raise huge protection concerns, as children may be vulnerable to violence and unsafe conditions, especially when working at night. It has also been suggested that children begging on the streets of Jordan are paid by adults to do so, and that they may have been trafficked for this purpose.<sup>51</sup>

Within the refugee camps, child labour takes on a distinctive character to that which is observed in host communities. In Zaatari, children are sometimes employed on the spot by adults, mainly performing small tasks such as wheelbarrow pushing and collecting gravel.<sup>52</sup> Children as young as 10 years old have also been observed working full time, particularly doing construction work, or working in the shops. Many Syrians also leave the camp daily to find work in Mafraq or in the agricultural areas surrounding the town. Children have been observed making similar searches for work outside of the camp before returning to it at night.<sup>53</sup>

## II. Age of Working Children

<sup>51</sup> US DoS (2012) Findings on the WorstForms of Child Labour - Jordan

<sup>52</sup> Interview, UNHCR 11.08.14

<sup>53</sup> Interview, Save the Children 25.08.14

The children interviewed by Tamkeen were between the ages of 11 and 17. In general, children have been observed working between the ages of 5 and 17, although those working at the youngest ages are less common and are specific to certain sectors. The majority of working children are between the ages of 16 and 17, and represent roughly two thirds of the child labour workforce in urban areas.<sup>54</sup> At least in the formal sector, employers are more likely to wait until the child reaches the minimum age for employment before giving him a job.

The youngest children are found working in the agricultural sector as part of a family unit; when working with their parents and siblings, child workers could be as young as 5-8 years old.<sup>55</sup> This may be due to the fact that children will accompany their families in the field (for protection reasons, or simply because the family want to be together) and help their parents and siblings with their tasks.<sup>56</sup> According to the ILO's rapid assessment on child labour in agriculture, 22% of the children surveyed were under 12.<sup>57</sup> This figure is extraordinarily high, as it is rare to find children working at that age in other sectors and areas of the country.

### III. Working Children by Gender

Studies conducted into child labour in Jordan have thus far shown that it is a problem dominated largely by male children. The child labour inspection department of the Ministry of Labour found that boys were far more likely to be working than girls; the department identified only 8 cases of girls working, out of 859 cases in total, in 2013.<sup>58</sup> Studies by NGO's have uncovered similar results but add that when girls do work, they are most likely to be found doing domestic work for other families, or assisting their family in agricultural work.<sup>59</sup> The nature of this work raises certain associated protection concerns, especially with live-in domestic work. Girls may be working in private homes and could face emotional, physical and sexual exploitation, problems that have been well documented with migrant workers in similar situations.<sup>60</sup>

### IV Exploitative Characteristics of Child Labour

There is also evidence that labour exploitation is a recurring feature of child labour in Jordan. Exploitative practices such as being asked to work extremely long hours, being grossly underpaid (or not at all) and working under threat of violence or abuse from employers have been recorded in other studies and in the case studies collected by Tamkeen. The following violations are highly illegal in Jordanian law and should attract greater penalties when observed.

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<sup>54</sup> ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

<sup>55</sup> Interview, UNICEF 04.08.14

<sup>56</sup> Interview, ILO 27.08.14

<sup>57</sup> ILO (2014) Rapid assessment on child labour: Agricultural sector in Jordan / Mafraq & Jordan Valley (Ghor)

<sup>58</sup> Child labour inspection etc

<sup>59</sup> UN Women (2013) Inter-agency assessment: Gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage

<sup>60</sup> Tamkeen (2010) The weakest link: Migrant labor in domestic and QIZ sectors in Jordan

Below we will describe these problems again and highlight individual cases that show these violations. Attempts have been made to show a broad experience of child labour, from extremely exploitative scenarios with numerous violations, to simpler examples with perhaps a single violation. All case studies were collected by Tamkeen (except where noted) via interviews with the children in question. All names have been changed for this report.

### 1. Long Hours

In the 2007 national study on child labour, long working hours emerged as a distinctive characteristic of child labour in Jordan, affecting a large proportion of child labourers. 46% of child labourers worked over 44 hours a week, which in 1997 was deemed by the Ministry of Labour to be exhausting and disruptive enough to be hazardous. The 2007 study found this to be a problem encountered primarily by boys; just under half of all male child labourers worked over 44 hours per

week, whereas for girls this proportion was around 14%.<sup>61</sup> An earlier rapid assessment in 2006 made similar findings. The survey found that 58% of children worked 10 hours or more

per day, with many working 6 days a week.<sup>62</sup>

#### *Osama, 16*

*Osama has a comparatively good job, working in a clothing shop for 280JD per month. He is paid overtime despite not having access to a weekly holiday. He works because his father is recovering from injuries incurred in the war, and is the primary breadwinner for the family. He is of legal working age but works for more than 6 hours every day and during weekly holidays, both of which are prohibited under Article 75 of the Jordanian Labour Law.*

The evidence suggests that this feature hasn't changed much for the Syrian refugee child labourers in the years since. The most recent ILO study on child labour found that 80% of Syrians were working 6-7 days a week. The majority of children surveyed were working between 4-8 hours a day, with just under a third working more than 8 hours per day. The same study notes that

<sup>61</sup> ILO/DOS (2009) Workingchildren in the HashemiteKingdom of Jordan: Results of the 2007 child labour survey

<sup>62</sup> ILO/IPEC (2006) Rapidassessment of the worstforms of child labour in Jordan



long working hours can be experienced by children of different ages, with no clear trends toward older or younger children.

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*Merhaf, 16*

*Merhaf works selling children's toys and balloons at traffic lights. He usually works in Irbid for 12 hours or more a day, beginning at around 10am and finishing at 11pm. He returns home earlier on cold days. He has worked for two years and lives with his five siblings and his mother. One of his sisters sometimes helps him, often begging, and therefore obtains a good income of up to 10JD per day. He complains a lot about the way drivers treat and abuse him, and hopes to return to his country. The father has abandoned the family and remarried, and the family home has been demolished due to shelling, making this a remote prospect. Merhaf works extraordinarily long hours, works at night and works in a hazardous environment, all of which is prohibited in the Jordanian labour law. However, because he is self-employed and will likely be identified as a beggar, he has very little legal protection available to him.*

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When children work long hours, it raises concerns for their health, wellbeing and safety. Children who work the longest hours will be least likely to receive any form of education alongside their working life, and will be most likely to feel tired and exhausted as a result of their work.<sup>63</sup> Studies have also shown that children who work long hours will also be more likely to return to their home late at night.<sup>64</sup> The Labour Law of Jordan considers it unsuitable for minors to be working past 8pm, even for children over 16.

## 2. Low Wages

The national study conducted on child labour in 2007 indicated that the average monthly wage for children was around 85JD at the time.<sup>65</sup> This was below the minimum wage in 2007 and more recent indications suggest that this fact hasn't changed in the years since. Children surveyed in 2014 most commonly cited a daily wage of between 3-5JD.<sup>66</sup> When we consider that most Syrians work 6-7 days per week, this indicates a typical monthly wage between 69JD - 150JD. As the monthly minimum wage for foreign workers is 150JD per month, this suggests that a large number of Syrian child workers are working for below the national minimum wage for adults.

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<sup>63</sup> NCFA/CHF (2010) Physical and Psychosocial Impact of Child Labour in Jordan

<sup>64</sup> Questscope (2013) Participatory Reflection and Action (PRA) Report: Factors Affecting the Educational Situation of Syrian Refugees in Jordan

<sup>65</sup> ILO/DOS (2007) Working children in the Hashemite Kingdom of Jordan: Results of the 2007 child labour survey

<sup>66</sup> ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

The acceptance of extraordinarily low wages by the families could be explained in different ways. Many Syrian children may be prepared to accept very low wages as their families already receive financial assistance from the UNHCR and other NGO's.<sup>67</sup> It may also be due to families having extremely scarce resources and being inexperienced as to what's normal in Jordan.<sup>68</sup> Whatever the case, if employers are aware that they can pay someone 3JD per day rather than 6JD per day, they would gravitate toward the lower price for the sake of their business. Competition between employers may also serve to drive these wages further down.<sup>69</sup> It is important that the penalties one faces when breaking the law significantly outweighs the perceived benefits of doing so.

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*Yasan, 16, and Mohammad, 15,*

*Yasan and Mohammad are brothers who work in a restaurant, doing miscellaneous tasks like washing up and cleaning. They work from 7am to 4pm and each earns 100JD per month. They left school to work and support their mother and siblings. Both of the boys (and their mother) are paid below the national minimum wage in Jordan (of 150JD/month for foreign workers) and work far longer than is permitted for juveniles in Article 75 of the labour law.*

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*Hadiil, 17*

*Hadiil works as a house maid for a family who sponsored her to live permanently with them, and in doing so gave her the opportunity to leave Zaatari camp. Her husband is injured and lives separately with a group of Syrian men. Hadiil has worked for the family for more than two years and has a three year old child. She earns a salary of 100JD per month with her sponsors providing milk and blankets for her son and some clothes for herself. She is treated well by the owners of the house, but they are more impatient with her son, who is "restless" due to the explosions and trauma he experienced in Syria. They prevent her husband from visiting her but grant her a day off each week to visit him. Hadiil is paid far lower than the minimum wage set by Ministry of Labour (150JD for foreign workers) and works in an environment deemed inappropriate and hazardous for those under 18 (the Ministry of Labour deems paid domestic work to be a hazardous sector for children).*

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<sup>67</sup> Interview, Ministry of Labour 19.08.14

<sup>68</sup> Interview, Care International 02.09.14

<sup>69</sup> Interview, Save the Children 25.08.14

### 3. Hazardous Working Conditions

In contrast to long working hours and low wages (which are general features of child labour in Jordan, observable in most sectors of work and across different age ranges), hazardous working conditions can be observed in specific sectors and roles. The Ministry of Labour has declared construction to be an unsuitable line of work even for those over 16 years of age, and yet roughly 6% of child labourers revealed by its inspectors have been working in that industry.<sup>70</sup> Hazards associated with construction work are numerous and clear. Along with frequently having to engage in heavy lifting, children may also be expected to operate heavy machinery and work from great heights. There is evidence that children

engage in construction work in both refugee camps and in host communities.

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#### Ahmad, 13

*Ahmad works alongside his father on a construction site near Zarqa. He carries rocks to help his father, who is very ill, and works from 6am till 5pm. Ahmad also works with his brother, who is 15, but neither of the boys are paid for their work. The construction company treats them as one person, and pays them 5-7JD per day depending on the level of work they do. Despite the fact he is not acknowledged as a paid worker in the company, Ahmad is still berated by his employer if he doesn't work hard enough. His case contains multiple violations. He is working in the construction sector doing manual labour, which is deemed hazardous by the Ministry of Labour, and therefore in violation of ILO no.182. He is also not paid for his work, which could constitute forced labour, and works longer than juveniles are permitted to work in the labour law.*

Another potentially hazardous area of work for children is in agriculture. Some reports have suggested that children's work in agriculture could be hazardous, as they may be working with dangerous pesticides.<sup>71</sup> Other reports have suggested that children work with dangerous equipment and machinery and transporting heavy loads.<sup>72</sup> However, it should be noted that the most recent study on child labour in agriculture found that reports of hazardous working conditions in the sector needed further investigation to be

corroborated. When asked about hazards at work, nearly half of the children interviewed mentioned pesticides as potentially dangerous. However, in focus group discussions with stakeholders and community members conducted as part of the same study, some

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<sup>70</sup>MoL (2014) Achievements of the Child Labour Department

<sup>71</sup>US DoS (2012) Findings on the WorstForms of Child Labour - Jordan

<sup>72</sup>Tamkeen (2014) ForgottenRights: The living and working conditions of migrant workers in the agricultural sector in Jordan

participants casted doubts on these assumptions, saying that dangerous pesticides are too expensive to be given to children to work with.<sup>73</sup>

**Note here on MoL decision when translated**

Other work environments are dangerous when children are brought into conflict with the community or the police. During the earlier days of Zaatari refugee camp, officials noticed that children were being paid by smugglers to throw rocks at policemen, thereby creating a suitable distraction to divert attention from their own activities.<sup>74</sup> Children sent to work out in the streets to beg and search for scrap are subject to the hazards of spending long hours unsupervised on the street, as well as sometimes attracting abusive language and behaviour from passers-by.

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*Hamad, 13\**

*Hamad and his cousins work every day collecting scrap metal to sell to scrap collectors. They face verbal abuse from passers-by on the streets of Mafraq, and are generally treated as a nuisance. Many of the businesses they sell scrap metal to try to cheat them by tampering with the scales. The work they do is clearly hazardous and unsafe (and therefore falling under ILO no. 182) but as the boys are self-employed and viewed as beggars they have very little legal protection. The boys are aware of this, and try to avoid the police, fearing that they are more likely to be arrested than anything else.*

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\*Case Study collected by Save the Children International

Trafficking amongst Syrian children has been reported as happening in certain contexts in Jordan. It seems to be a rare occurrence and one that is hard to quantify, yet should be highlighted as one that can cause untold misery and suffering for children. One potential outcome of trafficking in children is to use them as part of sexual exploitation. There is evidence that girls under 18 of various nationalities have been tricked into working as prostitutes in nightclubs in Amman. Groups that help women out of this situation note that Syrian girls have been counted amongst those who have been trafficked this way, although instances of this happening are not common.<sup>75</sup>

The recent trend of early marriages of Syrian girls in Jordan has also raised concerns of human trafficking and forced prostitution amongst some actors. There has been a notable “temporary” quality to some of these marriages, in that the couple are married for a year or less before the girl is abandoned or, in the most extreme cases, sold into prostitution. There are indications that marriages have been brokered by third parties, between Arab men from the gulf who have paid for the privilege, and Syrian girls who may not have offered their

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<sup>73</sup> ILO (2014) Rapid Assessment (RA) on child labour agricultural sector in Jordan / Mafraq & Jordan Valley (Ghor)

<sup>74</sup> Interview, UNHCR 11.08.14

<sup>75</sup> Interview, Jordanian Women’s Union 20.08.14

consent.<sup>7677</sup> Some aid agencies have also witnessed some girls who have remarried multiple times in the same way.<sup>78</sup>

#### 4. Abuse from Employer

Suffering physical or verbal abuse from your employer is a key aspect of exploitative working conditions, and is an unfortunate characteristic of working life for other categories of worker in Jordan (such as migrant domestic workers). There is not much evidence to suggest that this is a widespread problem felt by Syrian child labourers, but is certainly more prevalent in certain sectors and contexts. When surveyed by the ILO in 2014, Syrian child labourers generally reported that their employer was not abusive; only 10% of Syrian respondents claimed that they were subjected to abuse (physical or verbal).<sup>79</sup> An earlier study on the worst forms of child labour in Jordan reported an even lower number of children reporting abuse from their employer, but those conducting the study noticed a discrepancy

between what the children said and what they

experienced themselves whilst

questioning the labourers. The interviewers noted

that the employers referred to their

juvenile employees as “donkeys” to their

face, and yet the children did not

consider this to be verbal abuse. Since

verbal abuse is a

relative term, the low response to this question may still reflect the fact that some child labourers have normalised the way they are treated.<sup>80</sup>

In certain sectors, the risk of abuse and violence is greater. It is believed that children are more likely to face abuse and mistreatment in small farms in the agricultural sector, due to the fact that they lack the protection mechanisms that the larger ones put in place.<sup>81</sup> Children working out on the streets are also sometimes sent out to work by abusive employers.

*Abdul, 12*

*Abdul works selling chewing gum at traffic lights for 6 to 10 hours a day. His father died in the conflict, but he still lives with his four siblings and his mother. He is paid 1JD per day by his employer and can earn 5JD per day from through sales. He is exposed to many abuses on the street. He is told he must sell 10 packets a day but rarely manages this. When he fails, his employer curses and hits him. Abdul is paid well below the minimum wage for his work, and works well in excess of the hours a juvenile is allowed to work. His situation also shows the necessity of a child protection law that penalizes the physical abuse he suffers, and the dangers he faces on the streets.*

<sup>76</sup> Mercy Corps (2012) Analysis of Host Community-Refugee Tensions in Mafraq Jordan

<sup>77</sup> US DoS (2012) Worstforms of child labour - Jordan

<sup>78</sup> Interview, Save the Children 14.08.14

<sup>79</sup> ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

<sup>80</sup> ILO/IPEC (2006) Rapid assessment of the worstforms of child labour in Jordan

<sup>81</sup> ILO (2014) Rapid Assessment (RA) on child labour agricultural sector in Jordan / Mafraq & Jordan Valley (Ghor)

Children begging and selling small items at traffic lights have often been sent by adults who use physical punishment and threats as a means of discipline.<sup>82</sup>

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<sup>82</sup> Interview, Tamkeen date

## **F. The Consequences of Child Labour**

The kind of exploitative child labour that this report describes is often seen by decision makers and NGO's as wholly negative. It can potentially affect the child's life for the worse, both at the time of working and further on in life. It can also create adverse effects for the whole community, by driving down wages and limiting employment opportunities for those old enough to benefit from them.

### **I. Life of the Child at Present**

Previous studies in Jordan have noted the numerous physical and psychosocial effects that have become associated with child labour. One government-funded study in 2010 conducted medical tests and questionnaires of child labourers and students in Jordan to test the degree to which the respondents felt healthy and positive about their life. They reported that working children were more likely to have flu, headaches and feelings of depression and isolation.<sup>83</sup> The study also found that the physical impact of child labor could include injuries, such as exposure to harmful substances, extreme exhaustion, increased pressure to the bones due to carrying heavy loads and a general negative impact on height, growth and the Body-Mass-Index.<sup>84</sup> For high-risk industries, injuries and conditions related to exhaustion are more likely to be identified in children. In the agricultural sector for example, more than half of the Syrian children surveyed by the ILO stated that they felt extreme exhaustion due to their work. Out of 368 children surveyed, more than 22% of them also stated that they were injured during work, with Syrians reporting more injuries than Jordanians<sup>85</sup>.

Psychological problems can also be exacerbated when children are working long hours and attempting to study as well; children reported feelings of acute stress and pressure to study. They were also found to be more likely to have anger problems and poor coping mechanisms for stress.<sup>86</sup> Groups that work with children (and child labourers) on a regular basis also report observable stress and pressure on children that are expected to provide an income for the family. There could be an expectation on child labourers to rid themselves of their childhood and live up to the current situation.<sup>87</sup> Children see their peers attending school, playing with their friends and being with other children, and know that this is an experience they can't share in. For the large numbers who work extraordinarily long hours, their life is defined by the work routine and little else.<sup>88</sup> This fact could also ring true for many adult labourers but is especially tragic for children who should be enjoying the youth that most others get to enjoy before their working life.

There is also a lot of evidence to suggest that children are affected negatively by working in an adult environment for which they're not equipped. Studies have found that children who

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<sup>83</sup> NCFA/CHF (2010) Physical and Psychosocial Impact of Child Labour in Jordan

<sup>84</sup> Ibid

<sup>85</sup> ILO (2014) RapidAssessment (RA) on Child Labour in the agricultural sector

<sup>86</sup> NCFA/CHF (2010) Physical and Psychosocial Impact of Child Labour in Jordan

<sup>87</sup> Interview, UNICEF 04.08.14

<sup>88</sup> Interview, Save the Children 13.08.14

work are more likely to smoke, drink alcohol and do drugs than children in schools.<sup>89</sup> This can perhaps be attributed to the company of older men who encourage illicit behaviour and the greater potential for these negative behaviours to be shared in the workplace. Other professionals have noted that the work environment could be ripe for bullying or aggression in some circumstances. In the case of a dispute or other conflict, a child would be out of his depth amongst adults and could be far more vulnerable than in a comparable situation in school.<sup>90</sup> In the work environment, a child working amongst adults would always be more likely to be the weakest actor, and therefore the easiest to take advantage of.

There are many problems associated with working long hours, but some are devastating to a child's psychological and emotional wellbeing when they happen in combination with the trauma of fleeing war. After escaping from the brutal and traumatic conflict in Syria, many children are given counselling to help manage their feelings. Many have lost their homes, their former lives and their family members. These services can be vital for providing children with the means to recover from the conflict, and yet child labour can sometimes interfere with their provision. One group tasked with delivering psychosocial counselling to refugee children found that many 13-17 year olds were unable to receive the counselling they needed, because their employer would fire them if they didn't attend work every day.<sup>91</sup> The denial of this care could cause irreparable harm to a young person's mental health, at present and in the future.

## II. Life of the Child in the Future

Although missing out on education could be distressing for a child at the time, it has far more potential to be a problem in the future. It has been proven in numerous studies over the years that failure to engage in any sort of education will lead to an inability to compete in the job market and earn a better wage in later life. One study in Ghana in 2000, attempted to find whether child labourers are able to score as well as their peers in school in a variety of maths and literacy tests. The study found that even if working children attended school, they were still far more likely to score considerably lower on these tests.<sup>92</sup> This finding has a large implication for future earnings; research in the developing world has confirmed that strong maths and numeracy skills correlate to high earnings in the future, and the reverse is also sadly true.<sup>93</sup>

There are also numerous other ways that engaging in education can be beneficial for the future. School offers the potential to set up networks of career-minded peers that can assist each other in finding work opportunities after school; children may not benefit from that kind of network if he is in a workplace without people his own age. School also offers students the

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<sup>89</sup> NCFA/CHF (2010) Physical and Psychosocial Impact of Child Labour in Jordan

<sup>90</sup> Interview, ACTED 01.09.14

<sup>91</sup> Interview, Jordan River Foundation 01.09.14

<sup>92</sup> Heady, C. (2000) What is the Effect of Child Labor on Learning Achievement? Evidence from Ghana, Working Paper No. 79-UNICEF.

<sup>93</sup> Glewwe, P. (2002) Schools and Skills in Developing Countries: Education Policies and Socioeconomic Outcomes



chance to study in higher education, access careers advice and possibly abroad, all of which have been shown to unlock opportunities unavailable to those who stop school early.

By contrast, the kind of labour described in this report (low-skilled, associated with long hours and low pay) does not provide the same level of opportunity for the future. In focus group discussions conducted by the ILO, many parents and employers felt that work experience was more relevant and useful to life than education.<sup>94</sup> In some contexts, this could certainly be true. If a child is engaged in what this report terms “light work”, then he could reasonably gain a lot from employment in a family business or other job that complements his existing education. Even with no formal schooling, a job that provides a reasonable level of skills training and learning could be beneficial (and more accurately be called “vocational training”). However, most work described as “child labour” does not provide this training and so, in the absence of education, should lead to a stagnation of future wages and prevents social mobility.

### III. Downward Pressure on Local Wages

The prevalence of child labour in Jordan could also have some very negative consequences for the community at large. Unscrupulous employers are increasingly finding out that they can hire Syrians and their children for wages well below the standard that locals expect. As discussed in the previous chapter, children are regularly hired below the minimum wage, and for between 2-5JD per day. This has implications for the demographic of people that would normally be competing for those jobs; as long as children are being hired for extremely low pay, that low pay becomes the new standard in that sector. There is evidence that this has already been happening, especially within the sectors that Syrian children are likely to be hired (namely the informal private sector).<sup>95</sup>

The consequences of this downward pressure on wages for Jordanian society are potentially devastating. It could intensify poverty for the 14.4% of Jordanians who are below the absolute poverty line, and potentially push those just above that line into poverty.<sup>96</sup> It could also intensify unemployment issues that are already problematic in Jordan, particularly in low-skilled informal employment.

### IV. Bringing in Wages

One of the most important effects, which cannot be underestimated, is the contribution of the children’s wages to the family income. Households that use child labour are often desperately poor, and rely on the meager wages they bring in to survive. When surveyed by the ILO, over 90 % of Syrian households using child labour state that it is the second largest source of income for the household<sup>97</sup>. If this income were to be removed with no plans made for what

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<sup>94</sup>ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

<sup>95</sup> ILO (2014) The impact of the Syrian refugee crisis on the labour market in Jordan: a preliminary analysis

<sup>96</sup> Ibid

<sup>97</sup>ILO (2014) Report of the rapid assessment on child labour in the urban informal sector in three governorates of Jordan (Amman, Mafraq and Irbid)

could replace it, families could be pushed further into poverty and destitution. This fact must be taken into consideration when thinking about all measures that are being undertaken to counter child labor. Cracking down on offending employers would solve only part of the existing problem.

## **G. The Response to Child Labour**

Despite many problems with child labour in Jordan, there still remains hope that these will be overcome. The government, NGO's and many community based groups are making large efforts to combat child labour and find alternatives for families resorting to it as a coping strategy. Progress is still in the early stages for many of these, and it remains to be seen whether child labour has been reduced since the national survey in 2007.

### **I. National Framework to Combat Child Labour**

The NFCCL was first introduced in 2011. It was a government initiative that aimed to combine the efforts of different ministries to combat the child labour problem that had been identified in the 2007 national child labour survey.<sup>98</sup> In 2012, the ILO launched its own project ("Towards a Child Labour Free Jordan"), and began working with the government on a combined project.

As of writing, the NFCCL is currently piloting and testing a national database, which will eventually be used to record and monitor child labour cases that have been identified by the Ministry of Labour. The project also aims to unite the efforts of the Ministry of Labour, the Ministry of Social Development and the Ministry of Education. The three government departments have begun to develop referral mechanisms between them, so that cases identified by the Ministry of Labour's inspectors can be referred on to other government department's for a possible solution. There has also been an effort to commission further studies and research on the issue so that professionals involved can better understand the problem and find ways to combat it. The Ministry of Labour has also made efforts to target child labour specifically in its inspection campaigns. The Child Labour Unit of the inspection Department was reinstated in 2009 and inspects businesses suspected of using child labour. The Child Labour Unit in Amman also collects and analyses the data from these inspections to identify trends and design strategies.

The NFCCL also works to raise awareness of the current state of child labour in Jordan. Conferences have been hosted by the National Committee to Combat Child Labour (an advisory group made up of representatives of government ministries) and the Ministry of Labour, to discuss the issues and to hopefully design long-lasting solutions.<sup>99</sup>

### **II. NGO Referral Pathways**

The NFCCL has not only set up referral pathways within the government itself, but has also made efforts to set up similar pathways to external actors, such as religious authorities, police and NGO's. For Syrians in particular, NGO's are the groups most likely to detect and record cases of child labour, as many organisations are mandated to work with refugee families and monitor their wellbeing. Organisations like UNHCR often refer children to psychosocial case-management specialists like the Jordan River Foundation and the IMC,

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<sup>98</sup> MoL (2011) National framework for combating child labour

<sup>99</sup> Interview, ILO 04.09.14

who are able to examine cases in detail and follow up on the responses to them. The groups are also encouraged to refer child labour cases to the Ministry of Labour, so that these cases are noted and dealt with by the government, as well as NGO's.<sup>100</sup>

### III. Improving Access to Education

The Ministry of Education has also been working with international NGO's to improve the educational infrastructure in Jordan to cope with the influx of new students. UNICEF has been working with the MoE to expand existing classrooms so they can absorb more students, which should also have the effect of reducing child labour as more children engage with education.<sup>101</sup> Save the Children and UNICEF have also been exploring alternative forms of education for those who are no longer eligible for formal education. Attempts have been made to set up informal and non-formal education opportunities, as well as vocational training that could offer the training that child labour often fails to provide.<sup>102</sup>

Save the Children International have also created a project that aims to provide informal education for child labourers in particular. The "Promising Futures" project targets child labourers of all nationalities, encouraging them to return to education and providing training at centres for those who cannot.<sup>103</sup> Similar services have been provided in refugee camps, including drop-in centres where child labourers can relax and socialise with others in the same situation.

### IV. Providing Alternatives to Families

Other groups have been trying to find ways to ease the financial pressures on Syrian household. The UNHCR provides emergency cash assistance to refugees upon registration and they and many other groups can provide on-going cash assistance on a case-by-case basis. NGO's are working extensively in refugee camps and host communities, providing cash and non-food items to the most vulnerable refugee families. Some of these projects are aimed very specifically toward combating child labour. For example, Care International have recently begun providing "conditional" cash assistance to vulnerable refugee families, to compensate them for the loss in income they will suffer by taking their children out of the labour market and back into school.<sup>104</sup> This strategy has been successful in the past (when targeted toward Iraqi refugees in similar situations) and is commendable in its attempt to tackle the root causes of child labour.

NGO's have made efforts to create livelihood programmes within refugee camps, but similar action is heavily restricted in host communities due to regulations regarding work permits. Efforts to ease the financial burden on families will help prevent the need to engage in child labour and could also free up money to fund schooling.

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<sup>100</sup> NCFA/CPSWG (2013) Inter-agency emergency SOP's for prevention of and response to GBV and child protection in Jordan

<sup>101</sup> UNICEF/MoE (2013) Figures from Information Management Education

<sup>102</sup> Interview, Save the Children 25.08.14

<sup>103</sup> Ibid

<sup>104</sup> Interview, Care International 02.09.14

These measures mentioned here are by no means exhaustive, as there are undoubtedly many encouraging efforts being made by the government and NGO's to tackle the problem. Difficult international circumstances, such as the ongoing political crisis and war in Syria and Iraq, may prove to be particularly challenging when designing solutions to child labour, as outward pressures could further exacerbate the factors that drive it. Additionally, there are still important gaps to close to render these efforts as effective as they could be.

## **The World and Child Labour**

A study published by the International Labor Organization (ILO) in 2015 reports that 20 to 30 percent of children living in low income countries transition from school to work by the age of fifteen, the majority of which begin working before reaching the age of 15.

The ILO report titled 'World Report on Child Labour 2015: Paving the way to decent work for young people'; estimates that the number of working children worldwide is 168 million, of which 120 million are between the age of 5 and 14. Additionally, ILO states, 47.5 million children aged between 15 and 17 work hazardous jobs.

Five million children work under slavery-like conditions, where the majority of these children do not have access to basic education. It is estimated that there are about 21 million child that are victims of forced labour in the world today, where children settle for jobs that fail to offer a fair income, security in the workplace, social protection or other basic decent work attribute, furthermore they are forced into debt bondage and other forms of slavery.

## **I. Recommendations**

There still exists gaps in the law and response to child labour that prevent the current measures from being as effective as they could be. The government of Jordan has been working hard to combat the problem of child labour for well over a decade and closing these gaps could help it in achieving its aims.

1. The government should work to increase the fines levied on employers who use child labour. The current fine of 500JD is far too low to act as a serious deterrent, and many businessmen could reasonably calculate that employing children is beneficial enough for their business to warrant the risk of that fine. When punishing child labour employers, the fine should reflect the list of violations that have been committed. For example, if a child labourer has been employed for hours longer than is legal, for less than the minimum wage and in circumstances deemed hazardous to children, then the fine levied on the offending employer should reflect these abuses. We believe that the fine for employing a child under 18 should be 1000JD at a minimum, and should be progressively raised as violations stack up.
2. As highlighted in the case studies, many children working self-employed on the streets are not covered by any existing labour law, and therefore have little legal protection. For this reason (and many, many others not covered in this assessment), we believe that there should be a comprehensive child protection law, that focuses on protecting children from danger and abuses without penalising them. A revision to the Juvenile Law has been under debate for some time now, and we believe it is time to finish that process and provide for non-penalising protective measures if children are found to be working unsafely.
3. We believe that the current inspection infrastructure is insufficient, simply because it is unable to cover as large a geographic area as needed. This problem is due simply to funding, not to the competence of those working within the inspection department. For this reason, we call upon the government of Jordan and the international community to provide extra funding to inspect and penalise those who use child labour.
4. Another extremely important measure is to provide alternative sources of income for Syrian families that feel they have to resort to child labour as a coping mechanism. We call upon the Jordanian government to consider creating employment-intensive infrastructure projects for Syrians to work in. If Syrians are permitted to work in a restricted way (limited to certain projects or industries), then their productive

capabilities can be used to assist Jordan, without negatively affecting the precarious labour market. Stopping child labour in the Syrian refugee community starts with protecting the father's right to access legal work. Failure to do so could create a job market where wages are driven further down (for both Jordanians and refugees), as unscrupulous employers race to exploit the vulnerability of Syrians and Syrian children who are working illegally.

5. Where the above is not possible, the government and NGO's should continue to design and implement projects to get children enrolled into some form of education. Attention should be paid to the "conditional cash" project utilised by Care International, providing cash to families to compensate for their lost earning when they send their children back to school. Projects like these help to provide an economic alternative for desperate families sending their children to work, although projects like these would require substantial funding from the international community.

## **J. Interviews/Acknowledgements**

### **Interviews Featured in this Report**

- 4<sup>th</sup> August 2014 – UNICEF, MahaHoms (Chief Child Protection) and Rafiq Khan (Child Protection Specialist)
- 11<sup>th</sup> August 2014 – UNHCR, Killian Kleinschmidt (Zaatari Camp Director)
- 13<sup>th</sup> August 2014 – Save the Children Jordan, AbeerZiadeh (Programme Manager) and MajdSwais (Protection Program Officer)
- 19<sup>th</sup> August 2014 – Ministry of Labour – Child Labour Unit, MaysounRemawi (Safety and Health Inspector) and Ayman al Khawaldeh (Inspection Director)
- 20<sup>th</sup> August 2014 – Save the Children International, FarrukhMirza (Education Specialist)
- 25<sup>th</sup> August 2014 – Save the Children International, NaimaChohan (Child Protection Adviser) and Ahmad Abdel-hadi (Livelihoods Specialist)
- 27<sup>th</sup> August 2014 – ILO, Alia Hindawi (National Officer)
- 1<sup>st</sup> September 2014 – Jordan River Foundation, Rula al-Hiyari (Program Director)
- 1<sup>st</sup> September 2014 – ACTED, Lucy Cracknell (Child Protection Advisor)
- 3<sup>rd</sup> September 2014 – Care International, Eman Abu Mohammad (Program Director)
- 4<sup>th</sup> September 2014 – ILO, Kholoud Abu Zaid (National Programme Co-ordinator)

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