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## **Tested at the Margins: the Contingent Rights of Displaced Iraqi Children in Jordan**

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## **Executive Summary**

The inalienable and universal character of children's rights is asserted as a fundamental principle within the text of the UN Convention on the Rights of the Child (as it is within the Universal Declaration of Human Rights). Yet, our enquiry into the institutional response to Iraqi children seeking refuge in Jordan suggests that such a principle may be hard to uphold in practice. The realisation of children's basic rights is, instead, contingent upon changing circumstance, most notably: the availability and allocation of funding, the disposition of agencies and individual staff members, and the fluctuating attitude of the host state authorities. Due to their non-citizen status Iraqi children in Jordan lack the institutional support necessary to assure them, as a matter of course, the basis for safety and wellbeing.

## **Research and Findings**

The research that informs this study took place in Jordan from January to March 2014. It involved interviews with 47 people employed across 27 different agencies plus seven independent observers. We also pursued on-the-ground engagement with displaced Iraqis across a range of settings – within a community centre, in classrooms and through visits to families in their homes. This primary research was augmented by review of a large number of studies, newspaper articles and agency reports. The aim of our enquiry was to comprehend the evolving situation of displaced Iraqi children, and the institutional response to this situation. A framework of child rights was employed to guide our line of enquiry and subsequent analysis.

Through the process of research a broad focus on children's rights as articulated in the UNCRC was narrowed down to consideration of specific themes. Family life, access to services, involvement in exploitative labour, and discrimination emerged strongly from interviews, observations and the literature. The contingency in realisation of Iraqi children's rights in these domains can be illustrated by reference to (1) access to education and (2) family life.

### *Access to Education*

At the time of our research free access to primary and secondary education had been available to Iraqi children within Jordanian public institutions for seven consecutive school years. However, take-up was far from universal. Non-enrolment rate in 2013 was estimated at 37.5%, and non-attendance amongst those enrolled at 40%. Factors that account for these figures were reported to include: associated costs of schooling (materials, transportation, uniforms, etc); fear of bullying, the humiliation of participating in a class with much younger children due to years out of school, and lack of motivation due to the sense of being in limbo. In addition, conditions imposed by the Jordanian authorities discouraged attendance. These included the need for certification from Iraq; the stipulation that any child over the age of 13 out of school for three years or more cannot re-enter; and the non-admittance of young people over the age of 18 even if they have not completed secondary education. In addition to these constraints, Iraqi children might only be admitted to school without charge for tuition or books if they are already registered with UNHCR.

In the academic year 2013-14 no foreign funding was available to support Iraqi children's access to the public school system. Instead, the Jordanian authorities bore the costs themselves. Our interviews with government officials revealed grave concern about the

sustainability of such access should foreign funds not be forthcoming in the future. This raised the spectre of a return to the situation in the years 2003-2007 when western donors did not cover the costs of Iraqi children's schooling, placing the public education system off-limits. This is one significant example of the contingent realisation of Iraqi children's rights: their access to free schooling (UNCRC, Article 28) is dependent upon funding arrangements or governmental benevolence that may change year-on-year.

### *Family Life*

As savings dwindle and foreign donors cut funding for services and assistance, the levels of stress experienced by parents was widely reported to have reached unsustainable levels. Some mental health workers spoke in terms of the 'double trauma' of Iraqis, referring to a combination of the ill effects of violence and displacement experienced in Iraq together with the insecurity and stress of daily life in Jordan.

There is an inevitable negative impact of this situation upon the ability of parents to offer care and support to their children. In addition, interviews with practitioners, discussions with displaced Iraqis and existing studies all point to a clear connection between the socio-economic conditions of Iraqis and heightened levels of domestic violence. One man who had been waiting for resettlement with his wife and children for several years spoke as follows:

*What kind of fun do you think the children here have had? No fun, nothing, because they're at home and they're listening to us - the parents - struggling, fighting each other due to the lack of money, no source of income.*

The inability of parents to provide for their families has also led to greater involvement by Iraqi children in the informal labour market. Assisting in the family's quest for survival young people engage in work such as selling items on the street or working in shops and garages where they are vulnerable to exploitation due both to their age and to their legal status in Jordan.

In signing and ratifying the UNCRC States Parties signal their agreement with the following sentiment articulated in the Preamble:

*Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,*

Denied employment in the formal labour market, with depleted or exhausted resources, and severely reduced access to financial and other forms of support, many Iraqi parents' efforts to care for and protect their children are seriously undermined. Furthermore, uncertainty about the future given the years typically required to process applications for resettlement and lack of information about progress of one's application add immensely to the anxiety of parents. As one youth worker observed:

*I think [parents] are so concerned with survival – food, rent, stress – that they don't have much time to think about the children.*

### *Reduced Support, Increased Contingency of Children's Rights*

One might assume that the lack of support for Iraqi children in early 2014 was a result of the enormous burden of the Syrian crisis unfolding since 2011. Certainly, donor governments and

the various humanitarian and development agencies offered much greater assistance to the Iraqis in the years preceding the explosion of violence in Syria. However, the causal link is not so direct. Much of the funding and activities for displaced Iraqis, including programmes for resettlement to various Western nations, were already winding down prior to the Syrian crisis, in part as a result of the perception that the situation in Iraq was improving and partly due to donor fatigue.

Recent rises in the number of arrivals and the reduction in opportunities for resettlement are producing an increase in both the number of displaced Iraqis in Jordan and in their needs. New arrivals are generally in a poorer and more desperate state than were their co-nationals who left earlier. Amongst the latter are a minority whose wealth enabled them to buy residency in Jordan and some with special skills who have received special dispensation to work, for example in the hospitals and numerous private universities. However, there are thousands of Iraqis who have been waiting in Jordan for years for a long-term solution. The continued withholding of support cannot objectively be justified by realities on the ground. Nevertheless, in our interviews we encountered narratives that sought to do just that – whether by reference to the educational level and middle class status of the Iraqis (in contrast to the Syrians) or by assuming that, having been in Jordan for several years, most Iraqis had somehow found a way to manage their situation.

To be sure, the lack of support for displaced Iraqis – in both financial and advocacy terms - is a major contributory factor in the non-realisation of the rights of children within this population group. It has resulted in a situation where displaced young Iraqis are at risk of exploitation, exclusion from basic services, social alienation and heightened levels of domestic violence. While poor Jordanian children and young Syrian refugees may face some or all of these same problems, withdrawal of funding by outside agencies and deliberate exclusion by the government have led to the institutionalization of harm in the case of Iraqis. Moreover, systemic disregard for children due to their membership of a specific population group arguably constitutes discrimination – a violation of one of the fundamental principles of the UNCRC. Other national groups, including Sudanese and Somali children, are also subject to discrimination in this way.

How, then, to account for this systemic neglect of displaced Iraqi children? We argue that this needs to be seen as a consequence of the interaction between four different actors: (1) Government of Jordan; (2) UN agencies and INGOs; (3) western donors; and (4) Government of Iraq.

### ***Government of Jordan***

As a middle-income country with limited resources, especially water and agricultural land, providing refuge to refugees from across a region beset with conflict is a considerable burden to Jordan. It is thus understandable that the government would wish to limit not only the numbers of new arrivals but also the strain that they create upon the economy and society. At the same, however, this heavily aid-dependent country has obtained considerable benefit from its refugee-hosting role over many decades. The ambivalent attitude of the authorities towards refugees upon its territory can be seen in the manner in which the Iraqis have been addressed in public discourse. At the height of foreign donor interest around 2007-2010 the Jordanian government was keen to play up the number of displaced Iraqis. As this interest has waned so has the government's engagement. Normally describing the Iraqis as 'guests' and 'visitors' the authorities have forbidden humanitarian agencies from including them amongst

the beneficiaries of assistance and programming provided to Syrians, even when residing in the same neighbourhoods.

As well as the practical burden of hosting displaced Iraqis (who lack the wealth and / or professional skills to obtain residency), there are also serious political sensitivities for the Government to negotiate. Opening up the labour market to Iraqis, for example, entails risk on a number of fronts. Firstly, it sets a precedent for other displaced persons. These include not only people living outside Jordan but also the large population of ex-Gaza Palestinian refugees already resident in the country whose access to the labour market is carefully curtailed. Furthermore, Iraqis could take the jobs of Jordanians and of guest workers from Egypt whose presence is important to Jordanian-Egyptian relations. Thus, for all its negative impacts upon children, keeping the Iraqis at the margins of economy and society has been important to the Government's effort to maintain stability.

### *UN Agencies and INGOs*

Iraqis who fled the political violence that followed the US-led removal of Saddam Hussein have, as a population group, been present in Jordan for more than a decade. Nevertheless, for agencies working on the ground their situation as displacees has remained within an institutional framework of 'crisis'. This has had several negative consequences for Iraqi children. For example, it shifts attention away from evolving needs, more developmental in nature. For the young this includes access to higher education / training and the possibility to embark on a regular working life. This, in turn, has important social implications since marriage and the achievement of social adulthood are constrained by economic circumstance and the inability to plan for the future. As the 'crisis' in Iraq – signaled by the scale of sectarian violence - was deemed to diminish around 2010-11 agencies switched their focus and in some cases closed their operations. The reduced but continuing stream of new arrivals and the increasingly difficult situation of many Iraqis still in Jordan after several years, unable to work and stripped of savings, did not register on a radar calibrated to trigger response only to major emergencies.

Operating in crisis mode it is unsurprising that agencies should lose interest in the Iraqis given the mass displacement from Syria. More visible to the world's media due to partial encampment and evidently in need of humanitarian relief, rather than developmental programming, Syrians have inevitably drawn attention away from the complex situation of Iraqis. For the latter long-term solutions are needed that entail action by governments balancing a number of competing concerns. Having tried and failed to persuade the Jordanian authorities to open up the space for developmental initiatives, such as vocational training that might lead to regulated entry to the labour market, there is little incentive for agencies to take on the difficult fight to improve the conditions of Iraqis. Thus, while we encountered considerable anguish about Iraqi children from amongst interviewees with memory of previous engagement, the general mood was one of resignation that little could be done to improve the support available.

At the time of our fieldwork and in the months afterwards violence in Iraq increased greatly giving rise to an increase in the number of civilians seeking refuge in Jordan. While this may cause a resumption of assistance, it will likely do little to improve the conditions of thousands of Iraqi children who have been in Jordan for several years and who are no longer in either the media spotlight or the consciousness of humanitarian agencies.

## ***Western Donors***

In light of Jordan's long-standing reliance on foreign aid as a mainstay of the economy one might expect major donors, such as the US and EU, to seek to influence government policy. Granting formal refugee status, opening up access to tertiary education and training, and allowing at least some participation in the formal labour market are all measures that the Jordanian authorities might implement to the benefit of the Iraqis, with very positive implications for children's rights. Yet, it seems that the donors have been reluctant to exert any serious pressure to such an end. This reluctance may be understood in light of the broad aims of western donors amongst which the following seem primary: (1) ensure the stability of the country as an important strategic ally of the West in a highly volatile region; (2) minimize immigration by supporting Jordan to serve as country of (temporary) asylum until return becomes possible. In addition, we should not over-estimate the level of concern amongst western donor governments. Once a displaced population disappears from the headlines there may be little incentive to utilise national resources particularly when those people do not constitute a threat to the status quo. Furthermore, for a country such as the UK, engagement with displaced Iraqis risks perpetuating debate about national responsibility for the sectarian violence following their invasion of Iraq in 2003 and the removal of Saddam Hussein. In any case, as one embassy official noted in respect of donors in general:

*There's only one fish that can be fried at one time and currently that fish is Syria.*

## ***Government of Iraq***

Many of our interviewees pointed out the responsibility of the government in Baghdad for the care of Iraqi citizens displaced by violence that it had been unable to curtail. However, no-one expressed the hope that this government might offer assistance of any kind. Such absence of engagement by the Iraqi government in the welfare of its displaced citizens was consistent with the wholly negative view of the authorities in Baghdad expressed repeatedly to us by Iraqi families as corrupt and self-serving.

## **Concluding Observations & Questions**

Constraining the realisation of the rights of displaced Iraqi children in Jordan are a combination of factors. These weigh directly upon children, for example through the lack of financial support that makes basic services inaccessible, and indirectly through their impact upon the ability of families to provide adequate care and protection. Moreover, this situation has the potential to grow progressively worse as assistance is further withdrawn and the resources of displaced families deplete further. Such a situation is occurring despite the stated commitment of the host government to children's rights and the active presence of numerous humanitarian and charitable organisations dedicated to the wellbeing of displaced children in Jordan. This raises important questions that relate directly to this context and more broadly to other settings where displaced children are obliged to live in a situation of limbo over several years.

1. How can the UNCRC be used more fully by UNHCR in efforts to advocate with governments for the protection of Iraqi refugees, especially children?
2. How can understanding of 'crisis' be expanded in order to embrace the situation of people living in limbo who experience increased material hardship and psychological stress as time passes?

3. What are the long-term impacts – socially and politically – of ignoring the denial of opportunity (for study, training and employment) to displaced children and youth? How might such denial serve to fuel future crises?
4. How might the current mechanisms for overseeing the performance of governments in respect of their obligations under the UNCRC be more thorough and consistent, particularly when attending to the rights of displaced children?
5. Is there potential to expand understanding and attribution of responsibility for displaced children beyond the State Party on whose territory those children reside? Such responsibility might particularly, but not exclusively, extend to nations from which children flee, and those strongly implicated in the conditions giving rise to such flight.
6. How might the current framework of non-governmental and UN agencies focused on children's rights be strengthened with a view to holding governments to account for realisation of the rights of displaced children?

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## Background

More than a decade after the US-led invasion of Iraq in 2003, the displacement of civilians continues. The numbers at any point may never have reached the massive scale of the current Syrian crisis. Nevertheless, over this period hundreds of thousands have fled their homes. Sectarian conflict, which emerged strongly in the post-Saddam era, is the most common source of violence and although this has grown and diminished in intensity during the past ten years it has never entirely disappeared. Thus the displacement of families, whether internally or across national borders, has continued.

Even prior to the 2003 fall of Saddam Hussein Jordan was a principal refuge for Iraqis fleeing their country (Chatelard: 2010). Between 2003-2011 Syria housed the largest number. However, that country's descent into civil war left Jordan as the primary destination for those unable to find sanctuary within Iraq's borders, notwithstanding the thousands taken in by Lebanon, Turkey, Iran and the Gulf States over the years (Harper, 2008). Consequently, Jordan has also been host to a large number of organisations offering humanitarian aid – from the various UN agencies and large International Non-Government Organisations (INGOs) to smaller foreign organisations that operate in only a few locations. In addition, many local NGOs and Community Based Organisations (CBOs) have delivered services to the displaced Iraqis, often with funding channeled through the UN and international agencies.

During the first three months of 2014 we undertook research in Jordan that sought to understand the nature of the institutional response to the Iraqis as a long-term displaced population, particularly the children amongst them. Between 2003 and the end of 2013 some had been resettled in countries such as the US, Australia, Canada and Germany and some had, reportedly, returned to Iraq at moments of relative calm. However, at the time of our fieldwork, there were around 30,000 registered with UNHCR for support and / or resettlement. Moreover, the numbers crossing the border appeared, once again, to be on the rise, notwithstanding the increased difficulty and cost involved in obtaining entrance to Jordan. Unable to return or to integrate formally into Jordanian society and with the opportunities for resettlement considerably reduced, how were families coping? What impact were these conditions having upon children and the realisation of their rights? And, most important for our research, how were humanitarian agencies engaged with this displaced population in seeking to realize the rights of young Iraqis?

The most immediately striking aspect of the response to displaced Iraqis in early 2014 was the lack of attention from humanitarian agencies. With only a few exceptions even those organisations providing support in the past had since cut back or closed their programmes. At first glance it seemed that the crisis in Syria and the resulting huge influx of refugees into Jordan was the main reason for the greatly diminished interest in the Iraqis. However, it soon became clear that the Syrian crisis was only part of the story. In most cases the withdrawal of support pre-dated the onset of this crisis (Dodd, 2010). Therefore, we had to look deeper to account for the relatively scant assistance offered to Iraqis faced with the economic, social and psycho-emotional challenges of life in limbo.

Through interviews with 54 people, 47 of whom were employed across 27 different agencies (plus seven independent observers), as well as through on-the-ground engagement across a range of settings – within a community centre, in classrooms and through visiting families in their homes – a picture of institutional support & response to displaced Iraqis began to emerge. This was augmented by review of a large number of studies, newspaper articles and agency reports. It should be noted that the majority of these were published before 2009. The

relative absence of more recent writing about the situation of the Iraqis in Jordan reflects the pronounced diminution in attention to this population group noted by many of our interviewees.

For all the complexities of which we became gradually aware, one key point emerged: the support for Iraqi children and their families that might ensure realisation of their rights to (a) receive basic services, (b) benefit from a nurturing family environment, and (c) be protected from abuse and exploitation was contingent upon a range of external factors. Inevitably this has significant implications for the children themselves. It also reveals something important about what we call ‘the project of children’s rights’. This project, of which the 1989 UN Convention on the Rights of the Child is a central element, asserts as a basic principle that all children (under age 18) should be seen and treated equally. That the enjoyment of displaced Iraqi children in Jordan of these rights is contingent upon a range of factors including donor interest, host government benevolence, and the initiative of individual humanitarian workers should be cause for concern amongst all advocates for the wellbeing of displaced Iraqi children. At a broader level, the institutional response witnessed in Jordan raises important questions about the limitations in conceptualization and operationalization of the child-rights based approach to development / humanitarianism. We articulate such questions at the end of this report.

### **The Situation of Displaced Iraqis in Jordan**

Unlike the response to the Palestinians who fled to Jordan due to the conflicts in 1948 and 1967, and the Syrians who have been arriving in large numbers since 2012, displacement camps were not established to house the Iraqis<sup>1</sup>. They have instead predominantly sought accommodation in urban centres, most especially Amman. Here the wealthy have settled in middle class and elite neighbourhoods of so-called ‘West Amman’ while those without such resources have entered the private rental market in working-class areas of ‘East Amman’ such as al-Hashemi, Marka and Ashraffiyeh or in low-cost neighbourhoods of other cities, notably Zarqa and Irbid.

Geographical location is not the only significant difference between the Iraqis in West Amman and others. Those with adequate funds, at the time of our fieldwork 25,000 Jordanian Dinar (IRIN, 2013), are able to obtain residency permits that enable them to enter the formal labour market. Employment is also allowed and associated residency granted for individuals who have the requisite skills for jobs that Jordanian citizens are not able to fill. This would typically include university lecturers and medical specialists. University students are also able to obtain residency permits for the duration of their studies. In the absence of sufficient capital to obtain residency, the specialized skills to gain a high status job, or enrolment in higher education, the majority of Iraqis are denied both legal residency and access to formal employment.

The legal status of those unable to gain residency remains ambiguous. The Government of Jordan has not signed or ratified the 1951 Refugee Convention and thus does not offer formal asylum. Iraqis have typically entered the country on tourist or medical visas and registered with UNHCR in order to receive a document attesting to their status as asylum seekers. While UNHCR may confer refugee status this does not bring with it any additional privileges in terms of access to employment or public services. In any case, under the complex terms of

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<sup>1</sup> A small number of Palestinians from Iraq were housed in al-Ruweished camp close to the Iraqi border following the fall of Saddam Hussein. By 2007 all residents had been resettled in Canada and Brazil.

the 1998 Memorandum of Understanding with the Government of Jordan, UNHCR should only grant such status to those who are certain to achieve a durable solution within a six-month period (Stevens, 2013: 8). This is hard for the agency to assure given the vagaries of the resettlement process (described below). In the meantime, most displaced Iraqis renew their original entry visas for the maximum time possible – a matter of months only. After that they become potentially liable for a fee of 1.5JD per person for each day they overstay their visa. When formally resettled through UNHCR this fee is waived but for those still awaiting a durable solution there is the fear of being forced to pay the outstanding amount. Leaving Jordan, even temporarily, renders one liable for payment – a strong disincentive for those looking to organize their own migration outside of UNHCR’s resettlement programme.

Interacting with middle-class Jordanians it became clear that knowledge of the situation of displaced Iraqis overall is very partial. The profile of successful Iraqi businessmen and professionals living in upmarket neighbourhoods has fuelled popular perception that, as a whole, the remaining displaced are both few in number and managing well. Obscured from view is the reality of the majority struggling to survive on personal savings, loans, remittances from family abroad, financial support from humanitarian organisations, or on earnings from work in the informal economy (Moradian, 2010; Chatelard et.al. 2009:14; Human Rights Watch, 2006). According to a recent study commissioned by CARE, average household income for displaced Iraqis without access to the formal labour market was 119JD per month – a shortfall of 167JD from the estimated total amount needed on average to cover basic expenses (rent, food, utility bills, etc) (CARE, 2013: 9). Speaking about the difference between popular perception amongst middle –class Jordanians and the reality on the ground for many Iraqis one NGO worker observed:

*[Relatives and friends] will never think about Iraqis who are selling cigarettes downtown or in East Amman, and in West Amman here where you have Iraqi ladies who are selling all type of small things in front of bakeries, in front of supermarkets just to meet their daily needs - and you can see their children around them... So in that sense whoever says that Iraqis are not poor in Jordan - you can see it in front of your eyes.*

Aside from those Iraqis with the resources to acquire residency and pursue livelihoods in Jordan’s formal economy, the overwhelming majority view the country as a staging post on the path to resettlement. Several countries have run programmes to settle displaced Iraqis, most notably Australia, Canada, Sweden Germany and the United States. At the perceived height of the Iraqi crisis -between 2007-2011 - around 19,000 were resettled through UNHCR.<sup>2</sup> More recently, however, the opportunity for resettlement has diminished. At the time of fieldwork the US was alone in continuing a formal programme of resettlement while Australia and Canada were only taking special cases such as medical emergencies or those deemed especially vulnerable. Interviewees commonly affirmed that while the US has been relatively generous in accepting Iraqis for resettlement its procedures are especially cumbersome and opaque, with great emphasis placed on security screening. We met and heard about numerous families who had waited for long periods for the US authorities to process their resettlement application only to be turned down eventually on the grounds of ‘security’. In such cases no further explanation is generally given. Moreover, individuals who are believed to have had some connection to the Ba’athist regime of Saddam Hussein through

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<sup>2</sup> In 2012 there were 3,500 refugees resettled. However, in the absence of breakdown by nationality, we have to assume that these numbers likely include a number of non-Iraqis, particularly Syrians.

their work – however lowly – are routinely denied resettlement by the US. Thus there is a growing pool of long-term displaced Iraqis in Jordan:

*You know that many hundreds of Iraqis who live in Jordan were denied resettlement. They re-applied, they wrote petitions asking to be reviewed and they were denied. I know many families who were denied twice, and that was final. That was the end of it.*

The Iraqis who have been denied resettlement but remain in Jordan for lack of other options constitute one element of the displaced population as a whole. There are also thousands who are still awaiting review of their application either by UNHCR or by the country of potential resettlement to which UNHCR passes cases that it deems have the potential to be accepted. As we heard repeatedly from agencies working directly with Iraqis and from displaced individuals themselves, this process can take years. This in itself creates obvious practical problems as savings expire, and relatives struggle to sustain remittances. In addition, cash assistance offered by agencies other than UNHCR has largely disappeared for all but new arrivals. Families are thus obliged to reduce their outgoings through such measures as sharing rental accommodation with other families, reducing their food intake, and selling off personal possessions of any value, such as gold jewelry traditionally given to a woman by her husband at the time of marriage.

In a situation of dwindling resources and insufficient income it is also inevitable that some Iraqis seek employment in the informal economy, generally in unskilled, manual jobs. This exposes them to exploitation from unscrupulous employers. Deportation to Iraq for those caught working by the authorities is rare. However, an individual may be detained, fined and even subjected to long-term extortion by the Jordanian ‘guarantor’ required for an Iraqi to gain release from custody who then gains possession of the latter’s passport. In spite of such risks anecdotal evidence strongly indicates that an increasing number are seeking some form of employment. This includes children.

One form of economic activity that the Government of Jordan currently permits is home-based enterprise. Some agencies have sought to capitalize upon this apparent opportunity, most commonly through providing training for women in preparing food in their homes for sale to neighbours and local businesses. However, the potential of such endeavours to provide a regular and meaningful addition to household income was questioned by some of our interviewees. Iraqi families that we spoke to pointed out the obstacles for an individual, lacking transportation and the ability to buy ingredients in bulk, to compete for a share of the market in low income neighbourhoods where price is a paramount consideration for customers.

The violence that displaced Iraqis have experienced has taken many forms. Not only shooting and bombing but also rape, kidnapping and beatings intended to intimidate and / or extort money. Furthermore, several Iraqis that we spoke to recounted incidents of violence involving the US and allied forces, for example, when they happened to get in the way of military vehicles. In addition to the mental health consequences of violence endured before or during flight, agency personnel and displaced Iraqis spoke at length about the challenges to psychological and emotional wellbeing of life in Jordan: a situation that is often likened to that of ‘limbo’ with great uncertainty about the future. The majority did not consider return to Iraq or permanent settlement into Jordanian society as viable options. Yet, resettlement to a third country was elusive and information about one’s application hard to obtain. We were told repeatedly by displaced Iraqis about the sense of growing despair as months and years pass while waiting for news about an application for resettlement. Moreover, the reasons that some families were resettled relatively quickly and others continue to wait for news about

their case were not clear. The chronic sense of arbitrariness was articulated in relation to telephone calls from UNHCR. A typical scenario recounted to us involves a family head leaving their phone unattended for a short time – perhaps while they go to the bathroom or to another room to pray. A child answers the phone and explains that the parent is busy momentarily. The caller then tells the child that she / he will call back in a few minutes. That call doesn't come and when the person tries, repeatedly, to contact UNHCR they get no answer. Several months later, if at all, they eventually receive another call. As one Iraqi man commented ironically:

*I make sure that my phone is always in my sight. It's like I have three kids – Munia, Roula<sup>3</sup> and my phone.*

The sharing of such experiences of the 'missed call' amongst Iraqis revealed the deep sense of anxiety and lack of control over one's fate that evidently dominates the lives of many. As one local mental health worker explained:

*It's not easy just to be sitting all the time, all the day. Or open your eyes in the morning and think about what's happening in Iraq, what's happening with your family. ....Some of them they feel like they have no chance of getting out of this situation... But a lot of them they still cannot accept that, they hope that this will end...From time to time we hear that they are sitting outside UNHCR and waiting for someone to tell them when they can be resettled. ....So all the uncertainty, not sure about the future, and all the concerns that someone will knock on the door, maybe a Jordanian who wants the rent from this person, or a policeman who's asking for their residency which has expired or their registration which has maybe expired since more than one year.*

Particularly for Iraqis living in some of the poorer and more crowded urban neighbourhoods there is also the fear of everyday harassment from elements in the local population. This can take the form of teasing and name-calling in the street. There is also the fear of getting into a fight given the common perception that if the police become involved it will inevitably go against them as Iraqis. The intimidation and sexual harassment of women has been identified as a significant issue causing some to alter their accent and in other ways seek to pass themselves off as Jordanian (Nusair, 2013). Bullying has been reported as a common aspect of the daily lives of Iraqi children in schools and neighbourhoods. It is to their specific experiences that we now turn.

## **Displaced Iraqi Children from a Rights Perspective**

*The principal normative standards of child protection are equally applicable to migrant children and children implicated in the process of migration. Accordingly, international law provides that all such children be seen and protected as children first and foremost, rather than letting their migratory or other status, or that of their parents, dictate their access to protection and assistance.*

OHCHR, 2010:1

Conducted at the start of the 25<sup>th</sup> anniversary year of the United Nations Convention on the Rights of the Child (UNCRC), our study focused on the institutional response to displaced Iraqi children from a child rights-based perspective. This entailed attention to two

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<sup>3</sup> Names changed.

interlocking issues. The first of these is the situation of Iraqi children framed in respect of key elements of the UNCRC, to which Jordan is a State Party. We explored this topic principally through the accounts of our interviewees – academic experts, practitioners and policy-makers. We also sought to gain the insight of parents and consulted the available literature. Had a longer period of fieldwork been possible we would have sought to elicit the experience and views of children themselves. However, the sensitivity of the issues involved and the precariousness of the setting added to the challenge of building trust with children and parents sufficient to make our work safe and meaningful for all. For this reason we chose not to attempt such enquiry in the time available. This definitely leaves a significant gap in our work that we hope ourselves or others will address in the near future.

As we gained a picture of the situation of Iraqi children in Jordan we began to consider the underlying reasons for the divergence between the rights to which they are formally entitled and the reality on the ground. Thus the second principal area of our project focused on understanding the current field of humanitarian praxis in Jordan and the political, economic, social and organisational forces that shape this field.

While some of our interviewees discussed their work with explicit reference to children's rights, this was not the case for many people, nor is it a constant theme in much of the literature. This is important as an observation in itself. Nevertheless, given that most of the organisations, including the Government of Jordan, are formally committed to a child rights agenda it remains pertinent to consider the implications of actions generally for the realisation of those rights. Indeed, it is precisely through our effort to understand and account for this gap between formal obligation / mandate and reality that we seek to contribute to debate about the response to Iraqi children in Jordan specifically and the challenges of a child rights-based approach in general. Elaboration of this second point will be offered later. Before that, we consider the situation of Iraqi children, framing this in terms of relevant articles of the UNCRC.

### ***Discrimination***

*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

UNCRC (1989): Article 2(1)

Appearing at the start of the Convention text (after Article 1 which defines who is a child), this statement makes explicit a principle fundamental to the UNCRC: that all children within a sovereign territory are to be addressed as subjects of the rights contained within the text as a whole. This includes children who are not citizens and those who might be considered members of a minority group. How the obligation not to discriminate is to be interpreted in practice is, however, open to interpretation. For example, it is doubtful whether a child who is visiting with her parents for a brief holiday should be able to participate in public schooling free of charge or enjoy immediate access to other services provided by the State to resident children. Thus the nature of a child's presence in a country is a potentially important factor mediating the way in which the obligations of State Parties are estimated. In the Jordanian context this point has particular relevance given the Government's non-ascription of refugee status and its common insistence, instead, that the Iraqis who have entered in recent years are merely 'visitors'.

Notwithstanding governmental ambivalence in formally recognizing Iraqi children as refugees, the realisation of particular rights becomes an issue for this population of young people by virtue of their lengthy stay in Jordan – typically far longer than the label ‘visitor’ would suggest. Moreover, the extension to Iraqi children of asylum seeker status by UNHCR constitutes recognition that they are more than merely passing through Jordan. This status also brings squarely into consideration Article 22 of the UNCRC:

*States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.*

UNCRC (1989): Article 22(1)

In sum, there can be no dispute that, on the basis of clear principle, Iraqi children in Jordan should be viewed and treated as holders of rights under the UNCRC (and other applicable international instruments). In practice, however, these young people are not addressed by governmental agencies and by the humanitarian community - composed of donors, INGOs, UN agencies and local NGOs - in a manner equal to that of other children in Jordan. As we shall illustrate with reference to articles of the UNCRC Iraqi children are systematically disadvantaged in comparison to Jordanian children. Furthermore, at the time of our research, they and their families fared worse in terms of access to services and various forms of support than Syrian children. As with small groups of displaced children of Somali and Sudanese origin and stateless Palestinians, and Palestinian refugees from Gaza, the realisation of their rights is evidently not a matter of principle but contingent upon a range of factors, including material circumstances and political consideration.

### *Access to Services*

The UNCRC identifies State Party responsibility for provision of services to children in a number of areas. The most obvious of these are education (Article 28), and healthcare (Article 24). In addition, assistance should be offered to children with physical or mental disabilities (Article 23) and, of special relevance to a population exposed to extreme violence, support for psychological recovery (Article 39).

#### *Education*

Examination of Iraqi children’s access to the Jordanian public school system reveals a chequered history. Until 2007 only private schools were accessible to the majority of this population (Nelems, 2008). In August of that year King Abdullah II issued a decree opening the public school system to Iraqi children for ‘humanitarian reasons’. This decree timed in with the provision of funds from the European Union and the US Government. Iraqi children were thus admitted from the 2007-2008 school year onwards. The funding made available was generous: new schools were built and the costs for each individual child’s participation covered.

At the time of our research free access to primary and secondary education was offered to Iraqi children within Jordanian public institutions. However, take-up was far from universal. The 2013 CARE survey indicated a non-enrolment rate of 37.5%, and a non-attendance rate



of 40% among those enrolled (CARE, 2013:10). Factors that account for these figures are commonly reported to include: associated costs of schooling (materials, transportation, etc); fear of bullying, and fear of humiliation in participating in a class with much younger children due to years out of school. In addition, certain conditions governing access imposed by the Jordanian authorities discourage attendance. These include the need for certification from Iraq, the stipulation that any child over the age of 13 out of school for three years or more cannot re-enter, and the non-admittance of young people over the age of 18 even if they have not completed schooling (Women's Refugee Commission, 2009: 5; Nelems, 2008: 37-40;).

In addition to these constraints, Iraqi children might only be admitted to school without charge for tuition or books if they are already registered with UNHCR. However, the registration process is not necessarily immediate. Indeed, with the huge numbers of Syrians adding immensely to the workload of UNHCR staff, several interviewees reported that it can take 4-6 months for an Iraqi family to register and thereby obtain the documentation required by school administrators.

These observations about enrolment and attendance notwithstanding, it is important to note that in the academic year 2013-14 no foreign funding was available to support Iraqi children's access to the Jordanian public school system. Instead, the Jordanian authorities bore the costs themselves. Our interviews with government officials revealed grave concern about the sustainability of such access should foreign funds not be forthcoming in the future. This is one significant example of the contingent realisation of Iraqi children's rights: their access to free schooling (UNCRC, Article 28) dependent upon funding arrangements that are subject to change year-on-year. As one development agency staff member recalled:

*One of the key things in the early days with the Iraqi response was access to education. At that time, I remember we were begging for access and we said "Wait a minute, let's go back to the legalities of it: Jordan signed the [UN]CRC, and education is not something that you choose to give or not. It's a basic right."*

### *Health*

Access to public health services in Jordan is a complicated matter even in relation to citizens and those with residency permits. Different sections of the population enjoy different levels of access depending on factors such as field of employment, and nationality status. In addition Jordan has a parallel primary health care system run by the United Nations Relief and Works Agency (UNRWA) that caters principally for Palestine refugees. Iraqis registered with UNHCR can access the public health system but on the same basis as uninsured Jordanians. This means that they are required to pay a small sum even for emergency treatment. Registered Syrian refugees, by contrast, do not have to pay. If further care is needed, whether on an out- or in-patient basis, Iraqis must bear the full cost. Two main NGOs – Caritas and JHAS - work to support them in accessing this level of care through a system of referrals in which these organisations pay a large proportion of the costs. As with access to public schools, UNHCR registration is a prerequisite for Iraqis to gain the support of these two organisations.

As widely noted by our interviewees, the funding dedicated to assist Iraqis in their use of medical and other services has diminished greatly in recent years. By contrast funds to enable delivery of services to Syrians were relatively plentiful at the time of our fieldwork. The government has stipulated that out of all funds provided by foreign donors for refugees a proportion, typically around 30%, are to be spent on "host community". The vast majority of

such funding is now for Syrians, and Iraqis are not formally included within the category of Jordanians even if they live in the same neighbourhood where services are being offered to others. In light of these conditions, organisations that are approached by Iraqis for services – including physical and mental therapy, and assistance in dealing with chronic conditions or disabilities - must strive to find a source of support on a case-by-case basis once any available funds dedicated to Iraqis are used up. This raises an important question as to whether an Iraqi child requiring, for example, a wheelchair might be disadvantaged in her or his request in comparison to a Syrian or Jordanian child of similar need. At present, it seems, frontline organisations are seeking to avoid discrimination based on country of origin, largely through their own resourcefulness. For example, one NGO worker responding to a question about the potential discriminatory impact of current funding trends noted:

*We can request approval from [name of organisation] for exceptions. For example if an Iraqi child needs a particular medical item - I know the person at [name of organisation] so can arrange this with a phone call.*

The commitment of NGO staff to meeting the needs of Iraqi children, despite the lack of funding, is laudable. However, as with the access to public schooling, questions arise about the sustainability of an *ad hoc* approach over the medium to long-term. And if it is not sustainable, then the rights of Iraqi children to assistance in the case of disability (Article 23) and, more generally, to enjoy equitable access to health facilities (Article 24), are rendered contingent and the fundamental principle of non-discrimination is liable to be breached.

### **Family Life**

*This is a story I just keep in my mind, I will never forget...I was working with the children's group. Part of our session was a happy moment in your life. And you can imagine a child seven years old who has been in the conflict experience in Iraq, witnessing killing of close family members. And they were hardly having a happy moment in their life there or here. So, we try to talk with them about something in Jordan that they like. There was an exercise about what kind of animals you like. One of those children said "I like cats. And I wish that I can get a cat". We asked "but you can get a cat, why not? Your mum is not allowing you to have a cat in the home?" She said "no, no, but I will travel to the US. I don't want to bring a cat and to like it and then I need to go, to leave again." So you can imagine this situation living in the limbo how much it affects a child who can't live his life to have a cat in his home, because he feels he will leave again. Because he was in Iraq and he came to Jordan and he will leave again. So he doesn't want to be attached to friends or to animals or to a place.*

Local community worker

Life in Jordan for the majority of Iraqis displaced by violence in Iraq was likened repeatedly to a state of limbo. This, our interviewees observed, poses particular challenges for the young. There are pressures to make the best of the opportunities for education available to them, sometimes facing discrimination and bullying in school on account of their foreignness. Yet, at the same time, our interviewees reported a common awareness amongst children that Jordan is not and will never be their home. Once through formal schooling higher education is inaccessible to most due to the high fees charged to them as non-Jordanians, while work in the regular labour market is forbidden, as it is for their parents. As one INGO worker commented:

*I can't imagine what I would do if I was 18 years old and an Iraqi and I might have been allowed to finish 10<sup>th</sup> grade, maybe couldn't finish 12<sup>th</sup> grade and certainly can't*

*go to college. And can't really get a job, can't get a work permit and I can't go back to Iraq, and I'm not going to be resettled.*

This highly ambiguous situation in which the young should develop themselves towards an uncertain future creates its own tensions and mental pressures that only increase as years pass and the sense of wasted time grows. Unsurprisingly, the need of Iraqi children for the emotional support and understanding of their families was remarked upon by many interviewees.

At several points the text of the UNCRC acknowledges the importance of the immediate family unit as a key institution mediating the realisation of a child's rights. As such, support for the family is an important element of a child rights- based approach. In signing and ratifying the UNCRC States Parties assert their agreement with the following sentiment articulated in the Preamble:

*Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community...*

As noted by several of our interviewees and asserted unequivocally by parents that we met, in general displaced Iraqis place a strong value upon family, with each member fulfilling a specific role. Although many women had pursued careers prior to displacement, it was evident that men saw themselves as holding ultimate responsibility for the socio-economic condition of the family. Children's place was at school, certainly not in any paid work.

For reasons already explained, aside from the wealthy minority and those able to secure formal employment, the conditions for most Iraqis in Jordan are not conducive to economic and social wellbeing. Denied access to the labour market and obliged, typically, to wait for years in the hope of resettlement (if not already refused that opportunity) the pressures upon Iraqi families were remarked upon as immense by many of our interviewees. As savings dwindle and foreign donors cut funding for services and assistance the levels of stress experienced by parents was widely reported to have reached unsustainable levels. Some mental health workers spoke in terms of the 'double trauma' of Iraqis, referring to a combination of the ill effects of violence and displacement experienced in Iraq together with the insecurity and stress of daily life in Jordan. The negative impact of this situation upon the ability of parents to offer care and support to their children was noted by several interviewees:

*Parents don't really notice the difference in what children are going through. I'm always surprised when asking "haven't you noticed this or that over the last month?" and they say "no". I think they are so concerned with survival – food, rent, stress – that they have don't have much time to think about the children.*

Local community worker

Beyond shortcomings in care as a result of the pressures upon parents our interviewees also made a clear connection between the socio-economic conditions of Iraqis and heightened levels of domestic violence. According to UNHCR, domestic violence has become a common reason that registered Iraqi refugees seek to access the protection services of that organisation. As one locally-based child protection specialist observed:

*More poverty and less certainty lead to family violence. Also, lack of purpose, stress,*

*overcrowding and lack of privacy – including the privacy needed for sexual relations - contribute to the frustration that can lead to violence.*

Iraqi men with whom we discussed this issue confirmed the level of stress and the effects that this has on home life. One man who had been waiting for resettlement with his wife and children for several years spoke as follows:

*What kind of fun do you think the children here have had? No fun, nothing, because they're at home and they're listening to us - the parents - struggling, fighting each other due to the lack of money, no source of income.*

Another in a similar situation said simply:

*I feel worry and stress all the time. And sometimes with my family I behave in a way that makes me feel shame.*

In her 2008 participatory research study with Iraqi children Martha Nelems quoted an Iraqi mother who admitted beating her children due to “too much stress and too much time spent together in cramped living conditions” (p.41).

During the course of our research we heard numerous anecdotal reports about Iraqi children engaging in work within the informal economy. It seemed that no organisation had, up until that point, undertaken a systematic study looking at the scale and incidence of such employment. Nevertheless, several organisations that work close to the ground were certain that this was occurring, particularly amongst boys, typically from age 13-14 upwards. As one NGO worker told us:

*The door is more open for job opportunities for children than adults. Police and labour inspectors are more lenient on women and children. Mostly male children work because of cultural norms. The father can't work because he will be detained.*

According to several interviewees Iraqi children's engagement in the informal labour market was a relatively new phenomenon. Drawing a distinction with Syrians who many deemed to be more commonly disposed to children working and contributing to the household economy, Iraqis were repeatedly described as holding ‘middle-class values’. Nevertheless, conditions for some families appear to have reached a point where the young have to take on an economic role for the sake of family survival. Iraqi children were understood to be involved in jobs such as selling items on the street or working in shops and garages, and this was seen by many as an indication that at least some families can no longer protect their young from exploitative labour.

*I know some people who will say “OK, this is good he is finding something to fill the time that is wasting”, but still it has all the negativities of child labour. I would consider him having normal child activities rather than for him to worry about having one JD per day and being able to buy bread for the family. This is too much for the maturity of a child. He shouldn't be burdened with such responsibilities.*

Local NGO staff member

In summary, we have sought in these last pages to convey some key aspects of the situation of Iraqi children as understood in terms of their rights as contained in the UNCRC. The areas that we have focused upon are intended to be indicative rather than an exhaustive account of the situation of young Iraqis in Jordan. Each illustrates the key observation arising from our research: that the realisation of the rights of Iraqi children are not currently being pursued as a

matter of principle but in a manner that might be described as ‘contingent’. Whether it is access to education as dependent on the funding of donors and the benevolence of the Jordanian monarch; the provision of non-food items such as wheelchairs through the personal intervention of development workers; or the ability of parents to provide care and support while being kept in a state of limbo with no entry to the formal labour market, the realisation of Iraqi children’s basic rights under the UNCRC are contingent upon a range of conditions. In the section that follows we consider various forces that have given rise to this situation. We pay attention to the immediate economic factors. However, we are also concerned to explore the political, social and institutional forces that have created a situation in which Iraqi children have, in many ways, become invisible to the agencies that bear responsibility for their protection and wellbeing. These agencies consist of the Government of Jordan; (western) donors; UN agencies and INGOs; as well as the Iraqi Government. We discuss each in turn.

## **The Contingency of Rights Realisation**

### ***The Government of Jordan***

Often overlooked in debates about refugee flows within Europe and North America is the fact that the vast majority of people displaced beyond national borders find refuge in the global South (UNHCR, 2013). The burden of hosting refugees upon economy, infrastructure and natural resources is thus borne overwhelmingly by nations that are relatively poor and ill-placed to absorb a sudden influx of foreigners fleeing for their lives. Jordan is a prime example of a country the location of which, at the heart of the Levantine Middle East, has led to it becoming “a refugee haven” (Chatelard, 2010). This small state – one of the most water scarce in the world – has been home to the Palestinian refugees (and their descendants) who fled their homes in 1948 and 1967 as well as those who were expelled from Kuwait in 1991. Estimates vary greatly but it is believed that the Palestinians constitute at least 50% of the population. People fleeing violence in Iraq have come to Jordan at various junctures over the past three decades. And the recent Syrian crisis has brought refugees in numbers that exceed even the original influx of Palestinians in the mid-20<sup>th</sup> Century. Thus any analysis of the Jordanian Government’s response to the Iraqis who have entered the country since 2003 must take into account the massive influx of refugees – both in volume and in relation to the size of the citizenry.<sup>4</sup> It is inconceivable that the leaders of European and other developed countries, particularly at a time of rising popular opposition to immigration, would admit even a fraction of the number allowed to remain by the Jordanian authorities.

Whilst acknowledging the hospitality of the authorities under very challenging conditions, it is also important to note that Jordan has received significant benefits through its role as a host country (Chatelard, 2010). It has been argued that the Iraqis have contributed significantly to the growth of the economy. According to Human Rights Watch, in 2006 the Jordanian economy experienced a doubling of its growth rate as a result of Iraqi investments (HRW, 2006: 52), while the Jordan Times reported in 2005 that Iraqis had deposited \$2billion into the country’s banks (Jordan Times, 2005, cited in HRW, 2006).<sup>5</sup>

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<sup>4</sup> According to the UNHCR 2012 Statistical Yearbook (the last available), in that year Jordan hosted the eighth largest number of refugees in the world. When the number of refugees is considered in relation to the size of the host country population Jordan came out number one. These figures do not reflect the continued influx of Syrian and Iraqi refugees since December 2012. See <http://www.unhcr.org/pages/4a02afce6.html>

<sup>5</sup> The economic benefits of the Iraqis’ presence have, inevitably, not been distributed evenly. It is widely acknowledged that prices have risen across many parts of the economy. Thus, for example, landlords have

Furthermore, the country has benefitted from significant amounts of foreign aid to support the hosting of Iraqis and other displaced populations (Dodd, 2010: 5). This aid has been given directly to the Government of Jordan or spent in-country. The National Resilience Plan 2014-2016, developed by the Government together with donors, UN agencies and NGOs, illustrates the scale of funds potentially available, in this case for hosting Syrians. The final draft of this plan indicates a total figure of \$2.48 billion to be provided to Jordan over a three year period for spending to mitigate the impact of the Syrian crisis on the Jordanian host community as well as supplementary budget support to compensate for direct costs incurred on behalf of Syrians in areas that include education, health, water and sanitation, and security (MOPIC, 2014).

Particularly since the 1970s Jordan has depended heavily on foreign aid combined with the remittances of workers abroad to develop its economy (Piro, 1998: 64). The decline in remittances as a result of events such as the expulsion of the Palestinians from Kuwait in 1991 ensured that aid has remained a vital element of the economy. Donor fatigue thus poses particular risks while new crises, such as those in Iraq and Syria, entail opportunity for new funding. The differences between the government and other organisations in estimation of the numbers of Iraqis in Jordan should be understood in light of these considerations. In 2007 the Jordanian authorities insisted that the displaced Iraqi population numbered around half a million – a figure that diverged greatly from the estimations of all other bodies, including the Norwegian research organisation FAFO whose survey originally identified 161,000 displaced Iraqis in Jordan. According to Harriett Dodd, head of CARE International's Jordan programme 2005-2009 "the high figures were used to call for international assistance." (2010: 5)<sup>6</sup>

Seeking to ensure that the local population benefits from the aid offered by foreign donors, the government has insisted a proportion of all funds are spent on the 'host community'.<sup>7</sup> Interviewees commonly concurred that this was important not only to avoid conflict but also because, in many cases, local people experience material deprivation to a comparable, if not greater, degree than many of the Iraqis. However, questions have been raised about whether, on occasion, it may have been Jordanians rather than Iraqis who gained most or even sole benefit from aid. This was the case in respect of funds given to develop the schooling infrastructure with the ostensible aim of ensuring that Iraqi children could access services in an overstretched system. Writing in 2010, at the tail-end of the three year period of greatest donor expenditure since the start of the crisis, Nicholas Seeley pointed to schools being built with foreign funds that were more likely to serve Jordanian children from impoverished families than young Iraqis. Writing of one particularly well-equipped new school, he observes:

*The irony remains, however, that the school in Dahiyat Amir Hasan, while it*

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benefitted from increased rents while existing tenants have been faced with a sharp hike in payments. Similarly, employers willing to employ Iraqis (and more latterly Syrians) informally have reduced their wages bill while poor Jordanians and Palestinians have lost their jobs.

<sup>6</sup> In addition to the arguable inflation of the total number of Iraqis, several interviewees also commented that the Jordanian authorities quoted unrealistically high figures for the cost of educating displaced children. In March 2014, for example, a Government of Jordan representative stated that it cost \$3,500 per annum to accommodate a Syrian child in a public school <http://www.petra.gov.jo/library/635298759423020000.jpg> accessed 20.3.14. This sum, in the view of our interlocutors, bore no relation to the reality.

<sup>7</sup> For discussion of the Jordanian government's restrictions on funding see the 2008 report by the International Crisis Group.

Aside from resettlement the single measure most likely to improve the situation of the Iraqis in the short-term, as identified by our interviewees and by all the Iraqis that we spoke to, was access to the labour market. Allowing this population to use their skills in order to earn a decent livelihood would have immense positive consequences for children: enabling parents to provide greater material and emotional support and alleviating much of the stress that has proven so damaging to intra-household dynamics. It would also enable at least some of the Iraqis to access private educational and health services, thus reducing the burden on the public sector. Furthermore, unlike the innumerable migrant workers from Egypt, South and South-East Asia, Iraqis would be more likely to spend their wages in Jordan rather than remit them elsewhere. Nevertheless, the authorities have remained adamant that only those with the certain amount of wealth or specific skills should enjoy residency and formal access to the labour market and the donors, despite the huge sums they are giving to the Jordanian government, have evidently given way.

The rigidity of the government's position needs to be understood in a wider political-economic context. Change of status and free access to the labour market has implications for other groups within the country, most particularly Palestinian refugees who came from the Gaza strip after the 1967 war. The so-called 'ex-Gazans' have remained in a highly ambiguous position – on one hand they have been allowed to remain in Jordan and provided with passports. On the other hand, these passports, which must be renewed every two years instead of the standard five, do not include a national ID number that confers full citizenship. The ex-Gazans are denied employment in a wide range of jobs and their access to health care and higher education is more constrained than the majority of Palestinian refugees (who have been granted full citizenship). Any change in the status and work opportunities granted to Iraqis is thus deemed to have implications for the way in which the government manages the ex-Gazans. An interviewee from academia, speaking about the Iraqis, commented:

*...with refugees it's a political issue with the Palestinian refugees, the rights they are lacking, what they cannot do... The entire political discourse is shaped by animosity towards Palestinian social mobility and questioning the entire trajectory of Palestinians acquiring citizenship in the country.*

To make sense of governmental opposition to upgrading the status of certain Palestinian refugees – and thus potentially Iraqis as well – it is necessary to understand the fragile nature of the Jordanian polity and society. Since its creation in 1922 by the British the existence of Jordan as a coherent nation has been threatened by tensions between different tribal and other groupings that has extended, at times, to open challenge to the ruling Hashemite monarchy (Alon, 2009; Shlaim, 2008). Distribution of power and wealth is thus an issue of intense political import. This is reflected in several areas of domestic policy including the provision of subsidies on key goods, public sector employment, the demographic make-up of the army, and access to higher education and health services. Maintaining a balance between the so-called 'East Bankers' – those whose families were living in present-day Jordan prior to 1948 – and the Palestinian 'West Bankers' in terms of numbers, wealth and power has also been an important priority. Any additional population group of a reasonable size may, in itself, affect the fragile inter-group dynamics. In addition, by setting a precedent for the treatment of non-citizens, outsiders such as the Iraqis could, by default, affect the 'East Banker' vs 'West Banker' balance, risking the wrath of important tribal groupings amongst the former. Senior members of these tribes dominate the upper echelons of government and army, hence the care

taken by the monarchy to avoid steps that could alienate them (Alyssa, 2007; Baylouni, 2008).

Power politics amongst Jordan's elite might appear at first glance to be a topic far removed from the realisation of displaced Iraqi children's rights. However, we would contend that in the effort to understand the reasons for young Iraqis' current situation – the highly contingent access to services and assistance, the inability of families to function effectively as institutions of care and protection, the denial of access to the labour market for the vast majority of parents – basic comprehension of this larger context is essential.

As noted Jordan is a State Party to the UNCRC and is obligated accordingly to treat all children on its sovereign territory with equal regard to their basic rights. In practice, however, the universality of childhood and the recognition of each child as an individual subject of the same rights, are considerations of lesser import than the national and sub-national (e.g. tribal) affiliation of the child. Indeed, besides the calculations and sensitivities of the ruling elites, it is important to bear in mind that in Jordan a culture of human rights that entails recognition of each person as, first and foremost, an individual remains alien to much of the population. Instead each person is apprehended and treated in terms of their familial, communal, confessional, tribal and other identities. As one long-term advocate of children's rights observed:

*If you want to fit in you have to belong to a group. Our challenge is to ensure that each human being is perceived as worthy.*

In spite of the political-economic and socio-cultural constraints to the fuller embrace of children's rights, it is notable that the Government of Jordan has been willing to invoke a discourse of rights on the world stage. A recent example of this came in March 2014 when the Senior Deputy Permanent Representative of Jordan at the UN, speaking in an open debate at the Security Council on children and armed conflict, reportedly stated that:

*Jordan deeply believes in the need to adopt concrete measures on the short term that ensure the commitment of all concerned parties for human rights and international humanitarian law as well as the activation of all charters and conventions and incorporate it (sic) into national legislation.*<sup>8</sup>

At the time of writing, the Government of Jordan had yet to incorporate the UNCRC into its national legislation.<sup>9</sup>

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<sup>8</sup> Petra News Agency, 8 March 2014 'Jordan urges international community to help protect children's rights' accessed 16.6.14 at [http://www.petra.gov.jo/Public\\_News/Nws\\_NewsDetails.aspx?Site\\_Id=1&lang=2&NewsID=142767&CatID=13&Type=Home&GType=1](http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=1&lang=2&NewsID=142767&CatID=13&Type=Home&GType=1)

<sup>9</sup> In 2013 the Government of Jordan submitted its regular five-yearly report to the UN Committee on the Rights of the Child. In response the Committee asked, *inter alia*, about the reasons for Jordan's "considerable delays" in finalizing and adopting the Children's Rights Bill. See [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJOR%2fQ%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJOR%2fQ%2f4-5&Lang=en) accessed 22.6.14



## *UN Agencies and INGOs*

*There was never a stabilization of Iraqis here. This was always seen as a relief issue.*  
INGO worker, Amman

The displaced Iraqis in Jordan have predominantly been considered by outside agencies through the prism of ‘crisis’. This has remained the case in spite of the passing years and the evolving needs of this population. According to our interviewees, relief in the form of aid for new arrivals and psychosocial support for those dealing with traumatic experiences of conflict and flight does not address the complex totality of needs as these evolve for the displaced Iraqis living in exile over several years. In addition, there are more ‘developmental’ needs that include livelihood support, health care, housing, and education and training. For the Government of Jordan, which insists on characterizing the Iraqi presence as temporary, development programming is anathema. Even efforts to deliver vocational training have been opposed by government officials due to concern that this may encourage engagement in the labour market.

Remaining within an emergency framework has several significant implications for the ways that outside agencies operate on the ground. As a ‘crisis’ various agencies have engaged in offering assistance to the Iraqis, particularly in the period 2007-2010. However, as this crisis was perceived to become less intense the rationale for continuing the work and, in some cases, for remaining in Jordan was deemed to have ceased. The continuing stream of new arrivals – albeit small in number at times – and the increasingly difficult situation of many Iraqis still in Jordan after several years, unable to work and stripped of savings, did not register on a radar calibrated to trigger response only to major emergencies.

A further consequence of viewing the situation of the Iraqis through the prism of ‘crisis’ is that institutional memory becomes especially hard to retain. Emergency roster staff coming in to offer their specific expertise and agencies that arrive at the height of the emergency and leave as this is deemed to diminish have added to the common challenges arising from staff turnover in development work more generally. We encountered only a small number of agency personnel with awareness of actions taken previously, of the lessons learned through both failures and successes, and even of the existence of displaced Iraqis in significant numbers with serious needs. As conveyed to us in several exchanges with UN and INGO staff members, this was a crisis that predated their arrival and was thus of little interest. They had come to work on the Syrian crisis and were working flat out to try and keep up with the challenges that this presented. This state of affairs led one long-term NGO worker to observe:

*The Iraqis are almost forgotten, except by a few individuals who have been here long enough to remember. Even local staff don't have much memory.*

Those interviewees who were aware of the Iraqis’ presence in Jordan tended to react to our questions about the evident lack of support in one of two distinct ways. Roughly half bemoaned the lack of support and expressed grave concerns about the many families whose resources were depleted and whose opportunities for resettlement were reduced due to the scaling back of resettlement programmes. Several claimed to have made repeated efforts to raise the topic of the Iraqis in meetings with other agencies and with donors, but reported a general lack of interest. In the words of one interviewee:

*I am the only person in donor meetings talking about the Iraqis and they look at me strangely.*

The alternative response that we heard from several interviewees consisted of some form of justification for the lack of attention to the Iraqis. This typically included reference to their relatively privileged position in comparison to the Syrians and even many Jordanians. Reference was often made to the Iraqis as mostly middle class, to their high level of education and their professional skills, and to their consequent ability to manage. Little attention was paid to the effects of years spent living in Jordan without the ability of most to utilize their skills and education to support their families and the consequent impoverishment and growing desperation. Speaking candidly one long-standing NGO worker articulated the logic that leads practitioners to characterize the needs of the Iraqis as minimal in comparison to the Syrians:

Interviewee: *Both the Government and the NGOs believe that if [the Iraqis] managed for five years or more they should not need more assistance or it's more important to give it to new arrivals.*

JH: *Is this true in your opinion?*

Interviewee: *Under the circumstances and without funding, I will say "yes", but if I have no funding problems, I would say "no".*

Those people seeking to bring the needs of Iraqis back into discussion amongst agencies and donors have had to contend with a vicious circle the main elements of which are (1) lack of current knowledge; (2) absence of funding; (3) excessive workload particularly as a result of the Syrian crisis. Breaking through any of these entails addressing the others. So, for example, in order to obtain funding for the Iraqis it would be necessary to engage donors with detailed information about current needs. However, acquiring such knowledge requires resources of time and money – neither of which the agencies whose staff we met could spare. According to the same interviewee:

*You need people who have time to go and fight through the media to convince the international community. You need people for big lobbying to go to New York and Geneva. And that needs money. That's why things are left as they are.*

The absence of a more developmental, sustained approach to working with Iraqis may also be linked to the reported lack of coherence in the ways that agencies engage with displaced Iraqis. Several interviewees reported that at the height of the funding (around 2007-2010) there was a good deal of replication resulting from lack of co-ordination. According to a government official at one point 90% of projects seeking approval focused on psychosocial needs. Although co-ordination is acknowledged to have improved, we still encountered complaints from officials and agency workers that the limited resources were not being best utilized due to inadequate co-ordination. Indeed, a properly holistic approach, it was suggested to us, would look at the needs of Iraqis together with those of Syrians, taking a medium to long-term view. However, the large-scale planning initiatives currently being pursued at national and regional levels – the National Resilience Plan, Regional Response Plan and the 'No Lost Generation' initiative – attend to the Syrians and, to a lesser extent, the host community, but entirely omit the Iraqis.

The consequences for Iraqi children of assistance efforts that are lacking in coherence were made apparent to us in respect of mental health. It is a sad irony that UNHCR, which channels the funds to many of the organisations undertaking psychosocial work, is also strongly implicated in exacerbating the stress of displaced Iraqis through its reported inability to respond in a clear and detailed manner to enquiries around resettlement applications. While

impatience and frustration at the slow progress of one's application are perhaps inevitable, this is evidently made much worse by the perceived dismissive manner in which requests for more detailed information are dealt with. Several Iraqi families recounted similar experiences of being called to UNHCR offices for interviews at intervals of a year or more to be asked the same questions as in previous meetings with no explanation of the purpose of such questioning nor updates on the progress of one's application.<sup>10</sup>

At stake, it seems, is the sense of control over one's destiny and that of one's family - with potentially damaging impacts upon domestic life and the wellbeing of the young.

The organisations for whom our interviewees worked varied considerably in the extent to which they engage with children's rights as an explicit aspect of their approach. However, as reported by these same individuals, even organisations that are explicit about their commitment to a child rights-based approach, have struggled to ensure that the work reflects the core principles of the UNCRC. In some cases this appeared to be due to a lack of resources required in order to monitor the situation of Iraqi children. As one senior officer in a child-rights based organisation, responding to a question about the scale of Iraqi children's involvement in the informal labour market, told us:

*Honestly speaking, I can't give specifics. Our interaction with the Iraqis has really gone down since the funding was cut two years ago.*

Beyond the issue of resources, agencies with the mandate and aspiration to work explicitly for the realisation of children's rights are obliged to operate in a field that is shaped by geopolitical calculations. At the time of our research it was clear that the situation in Syria and that in Iraq were viewed very differently by donor governments despite the violence and mass displacement occurring in both countries. Even a regional initiative focused on children - 'No Lost Generation' - addresses only the situation of Syrian children. This initiative, supported by four major INGOs, the governments of Canada, the US and UK, and five UN agencies calls upon the public to become "champions" for Syrian children<sup>11</sup> through providing funds to organisations seeking to avert the risk that the future of these children "could be lost forever" (Childrenofsyria.org, 2014: 12). No such campaign exists for Iraqi, Palestinian and other children displaced within the same region, thousands of whom live in similarly dire circumstances.

UNHCR has assumed prime responsibility for the protection of displaced Iraqis: a role defined in unclear terms in its Memorandum of Understanding with the Jordanian government. (Stevens, 2013: 8). Ann Evans Barnes explains the protection work of UNHCR in Jordan as including a focus on 'capacity-building': consisting principally of advocacy with the authorities to accede to the 1951 Convention and its 1967 Protocol, as well as to introduce national legislation regarding the treatment of refugees (2009: 28-29). This is in keeping with the approach to protection as defined by the Global Protection Cluster:

*...all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law.*

GPC, 2010:7

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<sup>10</sup> Chatty and Mansour (2010) quote a policy-maker in Lebanon who commented as follows: "Refugees have no idea what happened to their files. They say "I applied three years ago and I'm still waiting for an answer; I go back and I don't get an answer" [ . . . ] that's not right." Page 79 See also Saltsman, 2011

<sup>11</sup> See <http://championthechildrenofsyria.org>, accessed 18.6.14

In addition to the 1951 Convention, legal instruments that are relevant to the rights of displaced Iraqis include the International Covenant on Civil and Political Rights (1976) and the International Covenant on Economic, Social and Cultural Rights (1976), both of which have been signed and ratified by Jordan. These instruments assert the fundamental rights of individuals regardless of their status within a given jurisdiction. In addition to these, there is the UNCRC which has direct bearing on the situation of young Iraqis in Jordan both as children in general and specifically as asylum seekers / refugees. One might, therefore, anticipate concerted advocacy efforts with the Government around its obligations under this Convention. However, aside from the efforts of a few committed organisations this was not the case as we found it.

Whether the lack of advocacy around the UNCRC is a consequence of donor pressure, organizational strategy or poor co-ordination we are not in a position to say. It may also be that there is a lack of awareness or thought given to the potential uses of this instrument. With some notable exceptions the staff members of most UN agencies, INGOs and donors with whom we spoke made little reference to children's rights other than in very general terms. Some suggested that since Iraqi children were able to access schooling (at least for the time being) and basic health services their rights were being more or less upheld. This response seemed indistinguishable from a conventional needs-based approach. It failed to acknowledge that children are subjects of civil, political, social and economic rights and that the realisation of such rights for all children on its sovereign territory without discrimination is incumbent upon a State Party. Displaced children's immediate needs may be met through a conventional emergency response. However, as the time spent in limbo becomes countable in years vulnerabilities are liable to multiply due to progressive impoverishment, growing stress and frustration, strained access to services and dim long-term prospects for higher education and regular employment. In this situation, holding responsible parties to account in terms of their obligations under the UNCRC (and other applicable instruments of international law) might be deemed particularly necessary.

### ***Western Donors***

In seeking to examine the institutional response to displaced Iraqis in Jordan our interest inevitably included what was *not* being done and the reasons for this inactivity. Thus we were keen to meet with bilateral and multilateral donors who were not supporting work with Iraqis as well as those who continued to provide funds. Understandably perhaps, several of the donors we approached for an interview were unwilling to meet in order to discuss work that they *weren't* doing and to explore the reasoning behind their lack of engagement with the Iraqis. Instead, we were told on several occasions that the focus of their support was on the Syrians. In the words of one donor agency staff member, uttered with a note of irony:

*There's only one fish that can be fried at one time and currently that fish is Syria.*

We were, however, able to meet with a small number of donor organisations. Of these only the US Bureau of Population, Refugees and Migration (BPRM) was still active in support of displaced Iraqis while others had done so until fairly recently. A few donors met with us out of apparent curiosity about the research: perhaps with one eye to the future should the situation deteriorate further in Iraq and large numbers flow into Jordan. We also gained a sense of individual donor bodies through interviews with staff at various agencies who had, over the years, received funds from different governments. In addition, we consulted the available literature analysing the agenda of major western donors with a view to

understanding the considerations that lay behind their actions and inactions in respect of the Iraqis in Jordan.

Most of this literature related particularly to the United States. This helped us to make sense of the US government's continued on-the-ground support for displaced Iraqis in Jordan and the ongoing resettlement programme. However, the available literature offered little that could help to explain the *non-engagement* of many other donors: western nations that might be expected to share the agenda and concerns of the US. The position of the Americans towards Jordan has been recently described in the following terms:

*Given Jordan's pro-West strategic orientation, commitment to peace with Israel, and cooperation on counterterrorism and security matters, the United States has a strong interest in helping Amman manage potentially destabilizing change.*

Satloff and Schenker, 2013:1

Ensuring the stability of Jordan has entailed support for the monarchy: conventionally seen as a singularly moderate government in the region and one that reliably serves US interests (Rothkopf, 2014). Like his forbears King Abdallah II has pursued a strategy that has reinforced such an image. This has included not only continuation of the peace treaty with Israel; but also granting permission to use Jordanian territory for the 2003 US-led invasion of Iraq; and efforts to liberalise the economy. Bordered by Israel, Syria, Iraq and Saudi Arabia, with Egypt just across the narrow Gulf of Aqaba, Jordan's dependability as a Western ally has only gained in importance as the region experiences growing conflict and instability.

A second major aim, closely related to the first, but less openly acknowledged by western governments, is that Jordan keeps the region's displaced peoples on its sovereign territory (Hart, 2014). In so doing Jordan serves to stem the potential flow of asylum seekers to the West, enabling the pursuit of a programme of resettlement for only the most vulnerable and least threatening refugees.

How might we understand the connection between, on one hand, the concerns of Western donors for Jordan's stability and its accommodation of refugees and, on the other, the kind of institutional response to displaced Iraqis that renders the realisation of children's rights as a matter of contingency? This is a complex question to which we can only offer some speculative suggestions in response. In any case, one should not assume an explicit cause and effect relationship. Rather, it is necessary to consider Western aims as aspects of a field of forces that contribute to certain outcomes for displaced Iraqi children. With these caveats in mind, we shall here trace out our own understanding based upon the insights revealed by the literature and through our interviews.

The importance to Western governments of the stability of the monarchy and the continued accommodation of refugees may be discerned in the relatively large funds that have been supplied to Jordan in recent years. For example, in the period 2011-2013 the country received on average \$750 million per year in economic and military aid from the USA (Sharp, 2014: 23).<sup>12</sup> This made it the second largest recipient per capita after Israel. During the same period the EU supported the Jordanian state to the tune of €223 million (European Commission, 2012): a figure that does not include monies granted by individual member states. Additional funds for the support of refugees have been channeled directly to organisations such as UNHCR, CARE, UNICEF and others, rather than to the state. However, by acceding to the

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<sup>12</sup> In addition, over the last two years the US has provided loan guarantees to Jordan. In 2013 this covered loans up to \$1.25 billion. In 2014 the amount was \$1 billion. See <http://www.state.gov/r/pa/prs/ps/2014/05/225626.htm> (accessed 4.7.14)

authorities' demand that a proportion of all funds for refugees be spent on Jordanians (typically 30%), western governments have provided further direct benefit to Jordan.

Given the large sums of money provided by the United States, the EU and other western donors to a nation that has long been heavily reliant on foreign aid for its economic wellbeing and the survival of its monarchy, it might be expected that these same donors exert pressure to alter policies that are evidently detrimental to displaced populations including the Iraqis. Yet they seem reluctant to flex their muscles. Various interviewees expressed frustration that the donors had pushed very little for changes in government policy that might ameliorate the situation of displaced Iraqis. Even at the height of donor spending on the Iraqis in the period 2007-2010 it seems that little challenge was made to Jordanian government policy in respect of this population (Seeley, 2010). The areas that might be addressed include, for example, entrance to the labour market, the granting of formal refugee status, and greater access to tertiary education. All of these are aspects of a developmental approach to the displaced Iraqi population. Yet, as our interviewees repeatedly told us, the switch from an emergency mode of working, predicated on the assumption of 'crisis', to a strategy that recognized and responded to the situation of a long-term displaced population entailed crossing a 'red line'.

Thus the donors remain attendant to those deemed to be in 'crisis' and in early 2014 the Iraqis no longer appeared to meet that criterion, especially when compared to the Syrians. In light of this we should perhaps ask why any donor might continue to offer support. As mentioned, amongst the major Western donors only the US government – through its Bureau for Population, Refugees and Migration - has continued to offer significant assistance. A partial answer to this question may relate to an enduring recognition of responsibility for Iraqi civilians in light of the sectarian violence that overtook much of the country following the US-led removal of Saddam Hussein. This responsibility was highlighted by the late Senator Edward Kennedy:

*The refugees are witnesses to the cruelty that stains our age, and they cannot be overlooked. America bears heavy responsibility for their plight. We have a clear obligation to stop ignoring it and help chart a sensible course to ease the refugee crisis.*

<sup>13</sup>

The continuing support of the US stands in sharp contrast to the stance of its main ally in the 2003 invasion of Iraq, the United Kingdom. At the time of our fieldwork there was no programme to resettle Iraqi refugees in the UK and the efforts of the UK Department for International Development on the ground in Jordan were focused solely on the Syrians. The following quote from a long-standing expatriate agency worker about the Western donors in general has particular resonance for the United Kingdom:

*There's not really any political will to examine the situation more at the moment because no-one wants to look back.*

In response to questions about prompts that might cause donors to re-engage with the displaced Iraqi population two main scenarios were identified by our interviewees. The first of these was a considerable upsurge in the arrival of Iraqis – in other words, a new 'crisis' that might generate fresh humanitarian aid. In this scenario, however, it seems unlikely that the situation of the existing Iraqi population in Jordan will be addressed adequately since their needs go beyond emergency assistance and require a more long-term, developmental

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<sup>13</sup> Edward M. Kennedy 'We Can't Ignore Iraq's Refugees' *Washington Post* December 30<sup>th</sup>, 2006, accessed 24.6.14 at <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/29/AR2006122901066.html>

perspective. The other scenario identified by a few individuals entailed significant mobilization of the displaced Iraqi population as a result of their frustration. While some small-scale protests occurred during the period of our fieldwork, mass protest seemed a distant prospect. Were this to occur in the future, it was conceivable to some of our interlocutors that Western donors would engage more thoroughly with the Jordanian authorities and perhaps take a stronger line on tackling the causes of frustration. For the time being, however, the aid agenda seems focused on humanitarian assistance, principally to the Syrians. In the words of one political analyst that we interviewed, the current activities supported by Western donors constitute “nothing beyond charity”.

### ***The Government of Iraq***

It was not possible for us to meet with representatives of the Iraqi government in Amman. Indeed, in light of our interviews there seemed little reason to seek a meeting. Only three of our interviewees mentioned the authorities in Baghdad at any length. In each case the speaker asserted the responsibility that the Iraqi government bore for supporting its displaced citizens forced into exile through sectarian violence that the security forces were unable to prevent. Yet, the few attempts to engage the Iraqi leadership in providing assistance proved fruitless according to our interviewees. The single action that anyone could report was an initiative through the embassy in Amman to facilitate access to the private Jordanian health system by wealthy citizens based in Iraq. This reported lack of engagement by the Iraqi authorities in the welfare of its displaced citizens was consistent with the view of their government expressed repeatedly by Iraqi families that we met. The description most commonly offered was of a ‘mafia’, backed up by tales of corruption and ethnic chauvinism.

### **Conclusion**

This study has taken as its focus the institutional response to displaced Iraqi children. Through our fieldwork we observed that efforts to address the rights of this population are highly dependent upon three main factors: (1) the availability and duration of foreign funding; (2) the initiative and personal commitment of individual agency staff; and (3) the benevolence of the Jordanian state. This is far from the inalienable and universal vision of rights at the heart of the UNCRC. Not only does such contingency render the realisation of even the most basic rights – such as to schooling and primary health care – a matter of chance, it prevents the emergence of a virtuous circle in which the sustained enjoyment of certain rights contributes to the realisation of others. Instead, a potentially downward spiral may occur. This can be witnessed, for example, in the connection between the lack of assistance to caregivers, as incumbent upon States Parties to the UNCRC according to Article 27(3), and children’s exposure to domestic violence, exploitative labour, and health problems. In this final section we draw together points made, respectively, about the humanitarian agencies, donors and host government, in order to suggest ways in which the inter-relationship between each of these bears upon the current state of rights realisation.

To be clear, it is not our claim that displaced Iraqi children in Jordan are uniquely disadvantaged. Indeed, there are undoubtedly large numbers of displaced young people around the globe whose situation is more desperate. Even in Jordan, young Iraqis receive greater institutional support and are understood to fare better than their peers displaced from countries such as Somalia, Sudan and Eritrea. That said, the rights of children are not open to negotiation on the grounds that others are in an even worse situation. The situation of Iraqi children in Jordan is bleak in its own terms and made much worse by the lack of prospects for

integration – socially, economically and politically – into any sovereign nation where they may be safe and able to build their lives.

As well as meriting concern in itself, we believe that consideration of the situation of displaced Iraqi children in Jordan may also help to encourage attention across other settings to the relationship between the realisation, or otherwise, of children's rights and a range of forces operating at national, regional and global level. In this way, we can gain a fuller picture of the challenges to children's rights than that afforded by the very localized focus that, we would argue, has dominated child rights thinking and practice within the field of international development and humanitarianism (see Hart, 2008).

It is our contention that the actions of humanitarian / development organisations working on the ground in Jordan are not equal to the task of ensuring that the rights of displaced Iraqi are realized in a systematic and sustained manner. This is true even for those organisations that pursue an explicitly (child) rights-based approach in their work. There are immediate organizational issues that partly account for this inadequacy - such as poor co-ordination between agencies and an insufficiently holistic approach that, for example, fails to connect the registration and resettlement process with efforts to promote psychosocial wellbeing. Here, however, we focus on the reasons for the contingent realisation of children's rights that are attributable to the inter-relationship between humanitarian / development agencies, the host government and western donors. These reasons are, at least, four-fold. Firstly, the agencies lack the funds to ensure adequate assistance to families and the maintenance of and free access to basic services. Secondly, partially as a consequence of the lack of funds, they do not maintain sufficient knowledge of the evolving situation of Iraqi children; thirdly, they operate within an emergency framework that precludes engagement with the increasingly developmental needs of children displaced over the long-term; fourthly, they lack the political will or capacity to engage with the host state in challenging policies inimical to the rights of Iraqi children.

To focus the analysis only at the level of development / humanitarian agencies, however, would result in a very partial account that risks parking blame solely at the door of individuals and organisations striving to do their best amidst challenging circumstances. When we pull back to embrace a wider field of vision the ways in which forces operating at higher levels impact upon the efforts of such agencies become apparent. Our discussion has explored these forces – and the actions and inactions that they produce – in relation to the host government, Western donors and the government of Iraq. The last may be dismissed since, apart from continuing payments to government employees now in exile, the authorities in Baghdad have chosen not to take responsibility for their displaced citizens. This leaves the Jordanian state and the major Western sources of funding. As we have argued, the donors mostly lost interest in the displaced Iraqis even before the Syrian crisis. Operating within a humanitarian paradigm they were unable or unwilling to look at the evolving needs of the Iraqis in exile, including children, once the situation in Iraq appeared to become more settled, around 2010. Moreover, challenging the Jordanian authorities to alter policies that might allow Iraqis to cope – economically, socially and psychologically – with the strains of life in exile has evidently not been a priority for these same donors, notwithstanding the massive aid given over recent years. Absent mass mobilization by the displaced Iraqis, there seems to be little incentive for Western donors to move out of a charitable humanitarian mode of operating and engage with longer-term developmental needs. Thus, whilst these same donors and the agencies that they support express great concern for the future of Syrian children – as evidenced in the 'No Lost Generation' initiative – the future of Iraqi children seems currently to be of little concern.



The shortage of funds to support Iraqi children, the lack of detailed knowledge about their evolving conditions, the lack of political will to challenge the host state over its policies, and the insistence on an emergency mode of action are all reflections, we would argue, of implicit rejection by Western governments of responsibility for the consequences of invasion in 2003. While the public in the US and UK may, to some degree, recognize that the current sectarian violence in Iraq is in no small measure a product of that invasion, they have not raised their voices to demand that the victims of the violence – including the displaced Iraqis in Jordan – be properly supported.

Given the absence of serious pressure from both the development / humanitarian agencies and Western donors, the Government of Jordan has been able to maintain policies and practices that fall some way short of its obligations under various international legal instruments, including the UNCRC. Even after years in the country, displaced Iraqi children are still labeled as ‘visitors’ and their access to services portrayed as an expression of the nation’s benevolence rather than fulfillment of legal obligations. Yet, for all the criticism that might be leveled at the Government of Jordan, we cannot lose sight of the basic fact that this small, resource-poor country has served as a refuge for displaced populations from surrounding countries. In doing so there has been only token and intermittent burden sharing by powers far more directly implicated in the conflicts that have given rise to mass displacement across the region.

### *Questions Arising*

At the end of a document such as this - describing and analyzing practice – it is customary to make recommendations for further action. In this case, however, we have chosen to offer instead key questions prompted by our study. We fear that by making practical recommendations we will take attention away from due consideration of core findings and, most particularly, that we may be interpreted as suggesting that problems of a thoroughly political nature are amenable to solution through a technical fix or a slight alteration of policy. The questions that we wish to raise relate to two main themes: (1) the perception of crisis, and (2) responsibility and accountability. We take these in turn.

Our study of the institutional response to displaced Iraqis in Jordan reveals the connection between the perception of ‘crisis’, on one hand, and, on the other, efforts to promote realisation of children’s rights: both directly and through support for their primary caregivers. As the crisis of the Iraqis was deemed to have diminished and, subsequently, when a new, larger crisis occurred, funds waned and, with that, efforts to provide assistance reduced significantly. Yet, the situation of many Iraqis has only worsened with extremely negative consequences for the young. This situation leads us to the following questions:

- i. How can the UNCRC be used more fully by UNHCR in efforts to advocate with governments for the protection of Iraqi refugees, especially children?
- ii. How might understanding of ‘crisis’ need to be expanded in order to embrace the situation of people living in limbo who, although safe from immediate threat of persecution, experience increased material hardship and psychological damage as time passes?
- iii. What are the longer-term impacts – socially and politically – of ignoring the denial of opportunity (for study, training and employment) to displaced children and youth? How might such denial fuel future crises?

The attribution of responsibility for displaced populations and accountability for efforts to ensure realisation of their rights is always complex. In the case of the Iraqis in Jordan not only are the state of origin and the host state part of the picture. Here, the responsibility and resulting need for accountability of other states – especially the US and its allies in the 2003 invasion, notably the UK – must also be considered. Indeed, the immense demands placed upon Jordan as host for the Iraqis and other large displaced populations, adds urgency to the attribution of responsibility as a key element of decisions about burden sharing. As the years pass with no long-term solution for the majority of displaced Iraqis in Jordan, and exodus from Iraq increasing again these concerns only grow in import. Specific questions that merit exploration include:

- i. How might the current mechanisms for overseeing the performance of governments in respect of their obligations under the UNCRC be more thorough and consistent in attending to the rights of displaced children upon the sovereign territory of a State Party?
- ii. In respect of displaced children is a sole focus upon State Parties to the UNCRC as responsible for the rights of children adequate and appropriate? Is there potential to include the ‘international community’ in some form: particularly states from which children flee, and those strongly implicated in the conditions giving rise to such flight?
- iii. How might the current framework of non-governmental and UN agencies focused on children’s rights be strengthened with a view to holding governments to account for realisation of the rights of displaced children?

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