

The International Labour Organization's Fundamental Conventions

EFFECTIVE ABOLITION OF CHILD LABOUR

Children enjoy the same human rights accorded to all people. But, lacking the knowledge, experience or physical development of adults and the power to defend their own interests in an adult world, children also have distinct rights to protection by virtue of their age. One of these is protection from economic exploitation and from work that is dangerous to the health and morals of children or hampers the child's development.

The principle of the effective abolition of child labour means ensuring that every girl and boy has the opportunity to develop physically and mentally to her or his full potential. Its aim is to stop all work by children that jeopardizes their education and development. This does not mean stopping all work performed by children. International labour standards allow the distinction to be made between what constitutes acceptable and unacceptable forms of work for children at different ages and stages of development.

The principle extends from formal employment to the informal economy where the bulk of the unacceptable forms of child labour are found. It covers family-based enterprises, agricultural activities, domestic service and unpaid work carried out under various customary arrangements such as children working in return for their keep.

To achieve the effective abolition of child labour, governments should fix and enforce a minimum age or ages at which children can enter into different types of work. Within limits, these ages may vary according to national social and economic circumstances. However, the general minimum age for admission to employment should not be less than the age of completion of

compulsory schooling and never be less than 15 years. In some instances, developing countries may make exceptions to this, and a minimum age of 14 years may be applied where the economy and educational facilities are insufficiently developed.

Certain types of work categorized as “the worst forms of child labour” are totally unacceptable for all children under the age of 18 years, and their abolition is a matter for urgent and immediate action. These forms include such inhumane practices as slavery, trafficking, debt bondage and other forms of forced labour; prostitution and pornography; forced recruitment of children for military purposes; and the use of children for illicit activities such as the trafficking of drugs. Dangerous work that can harm the health, safety or morals of children are subject to assessment by governments in consultation with workers’ and employers’ organizations.

A key characteristic of any effective strategy to abolish child labour is the provision of relevant and accessible basic education. However, education must be an integral part of a wide range of measures that combat many factors, such as poverty, lack of awareness of children’s rights and inadequate systems of social protection, that give rise to child labour and allow it to persist.

Minimum Age Convention (No. 138)

Adopted: 26 June 1973

Entered into force: 19 June 1976

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Fifty-eighth
Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with
regard to minimum age for admission to employment, which
is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention,
1919, the Minimum Age (Sea) Convention, 1920, the Minimum
Age (Agriculture) Convention, 1921, the Minimum Age (Trim-
mers and Stokers) Convention, 1921, the Minimum Age (Non-
Industrial Employment) Convention, 1932, the Minimum Age
(Sea) Convention (Revised), 1936, the Minimum Age (Industry)
Convention (Revised), 1937, the Minimum Age (Non-Indus-
trial Employment) Convention (Revised), 1937, the Minimum Age
(Fishermen) Convention, 1959, and the Minimum Age
(Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instru-
ment on the subject, which would gradually replace the
existing ones applicable to limited economic sectors, with a
view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an
international Convention,

adopts this twenty-sixth day of June of the year one thousand nine
hundred and seventy-three the following Convention, which may be
cited as the Minimum Age Convention, 1973:

Article 1

Each Member for which this Convention is in force undertakes
to pursue a national policy designed to ensure the effective abolition
of child labour and to raise progressively the minimum age for
admission to employment or work to a level consistent with the
fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a
declaration appended to its ratification, a minimum age for admission

to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement:

- (a) that its reason for doing so subsists; or,
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of

16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the rel-evant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family

and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

- (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or,
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and,
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be under-taken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Under-ground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Under-ground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

- (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention;
- (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention;
- (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of

Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention;

- (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention;
- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention;
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention:

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof;
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof;
- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-

General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Worst Forms of Child Labour Convention (No. 182)

Adopted: 17 June 1999
Entered into force: 19 Nov. 2000

- The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its 87th Session
on 1 June 1999, and
- Considering the need to adopt new instruments for the prohibi-
tion and elimination of the worst forms of child labour, as the
main priority for national and international action, including
international cooperation and assistance, to complement the
Convention and the Recommendation concerning Minimum
Age for Admission to Employment, 1973, which remain fun-
damental instruments on child labour, and
- Considering that the effective elimination of the worst forms of
child labour requires immediate and comprehensive action,
taking into account the importance of free basic education
and the need to remove the children concerned from all such
work and to provide for their rehabilitation and social
integration while addressing the needs of their families, and
- Recalling the resolution concerning the elimination of child
labour adopted by the International Labour Conference at its
83rd Ses-sion in 1996, and
- Recognizing that child labour is to a great extent caused by
poverty and that the long-term solution lies in sustained
economic growth leading to social progress, in particular
poverty allevia-tion and universal education, and
- Recalling the Convention on the Rights of the Child adopted by
the United Nations General Assembly on 20 November
1989, and
- Recalling the ILO Declaration on Fundamental Principles and
Rights at Work and its Follow-up, adopted by the International
Labour Conference at its 86th Session in 1998, and
- Recalling that some of the worst forms of child labour are covered
by other international instruments, in particular the Forced
Labour Convention, 1930, and the United Nations Supplemen-
tary Convention on the Abolition of Slavery, the Slave Trade,
and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards,

in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

- (d) identify and reach out to children at special risk; and,
- (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced inter-national cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years

mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

Labour Law and its Amendments No. 8 of the Year 1996

Published on page 1173 of the official gazette, issue (4113) dated on 16/4/1996

Article 73:

Taking into consideration the provisions related to the vocational training, no juvenile not reaching sixteen might be employed under no circumstances.

Article 74:

No juvenile not reaching eighteen might be employed in the dangerous or exhausting occupations or those harmful to health. These occupations shall be specified by decisions issued by the Minister after consulting the competent official authorities.

- This article has become so after deleting the phrase (seventeen) and replacing it with the phrase (eighteen) by virtue of the amended law No. 11 of the year 2004.

Article 75:

No juvenile might be employed in the following cases:

- A. More than six hours per day provided that he/she shall be given a rest time not less than one hour after successive four working hours.
- B. Between 8 p.m. and 6 a.m.
- C. In the religious feasts, public holidays and weekly holidays.

Syrian Refugee Child Labour in Jordan

and the Risk of Exploitation

C. Legal Framework

III. Refugee and Asylum Law

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

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

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

1. The definition of *refugee*

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

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

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

2. The principle of *non-refoulement*

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

The MoU of 1998 says that Jordan is obligated to respect this principle (Art. 2 (1)). Even without this provision Jordan was bound to non-refoulement because it is a signatory state to the International Covenant on Civil and Political Rights.¹³ Even though there are some isolated cases of deportation of refugees back to the border, Jordan has in large respected the principle¹⁴.

3. The right to work

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

Jordan also agreed to grant refugees the right to work but with a reservation. According to article 8 legally residing refugees can work “whenever the laws and regulations permit.” This can be any law of Jordan¹⁵. Refugees have to get a work permit before they can legally work and there are restricted jobs such as engineering, administrative, accounting, medical and clerical professions which cannot be accessed by Syrians or any other foreigner¹⁶. In total there are 13 major sectors which are denied to foreigners¹⁷.

4. Duration of stay

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

¹⁴ Interview, ILO 27.08.2014.

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

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

¹⁷ Tamkeen (2014) Conditions of Migrant Workers in Agricultural Sector

One of the more controversial points is the duration of stay for refugees. As Jordan does not want the refugees to integrate locally¹⁸ their time in Jordan should not exceed six months according to Article 5 of the MoU. In practice however, refugees can renew their permit to stay by re-registering every six months. Refugees are exempt from overstay fees and fines in order to facilitate a repatriation in third countries (Art. 10). There is the possibility of gaining a residency permit which is valid for one year, but only a minority of the refugees is granted this right¹⁹.

5. Additional rights and obligations

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

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

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

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response to your queries - child labour and other issues - thesis

6 pesan

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18 September 2017 02.19

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Cc: Zeina Jadaan <jadaan@unhcr.org>, Douglas DiSalvo <disalvo@unhcr.org>

Dear Ekki,

I received your email from Mr Stefano Severe.

We will reply your questions myself (Livelihoods) and my colleague Zeina Jadaan (child protection) and Mr Di Salvo (protection)

Please let us know the deadline by which you need them answered.

Best regards

Laura

Laura Buffoni | Senior Livelihoods Officer | UNHCR Jordan | Tel: +962 (0)6 530 2107
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1. Why do Syrian refugees still choose to stay in Jordan, even though they know the country is vulnerable to child labor involving refugees?
2. How is the policy implemented by the Jordanian government related to the flow of refugees in the country?
3. What is behind the government to close the border from Jordan? Does it affect the Syrian refugees who want to enter the territory of the country?
4. Is there any influence from the ratification of the 1951 Refugee Convention

against the realization of the right of Syrian refugee children in Jordan?

5. What kind of action should be taken to ensure that child labor involving vulnerable groups can be minimized, both from the government in the country and in terms of international assistance?

Join our [#WithRefugees](#) campaign
Sign the petition today

Cindana e. prativi <cindana.prativi@gmail.com>
Kepada: Laura Buffoni <buffoni@unhcr.org>

18 September 2017 22.29

Thanks for your reply Ms. Laura. I hope you and your colleagues can help me. Actually, i need that answer as quickly as you can. But, how's until October 31st, 2017 ? I will wait until the due, thanks for your help.

[Kutipan teks disembunyikan]

Laura Buffoni <buffoni@unhcr.org>
Kepada: "Cindana e. prativi" <cindana.prativi@gmail.com>

19 September 2017 13.57

Dear Ekki, thank you Some replies below. Please follow up with my other colleagues in protection on what additional info you need especially on child labour.

Please do check the UNHCR portal under livelihoods for more background information.

http://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=107&Id=73

Bests

Laura

1. Why do Syrian refugees still choose to stay in Jordan, even though they know the country is vulnerable to child labor involving refugees?

You should reformulate this question. Refugees move forcibly and cannot chose where to stay.

2. How is the policy implemented by the Jordanian government related to the flow of refugees in the country?

GoJ welcomed hundreds of thousands of refugees, now the borders are closed and there is a no-reentry

policy. If refugees leave , they cannot come back to Jordan.

3. What is behind the government to close the border from Jordan? Does it affect the Syrian refugees who want to enter the territory of the country?

Yes it does. Security concerns I believe. Protection colleagues can answer this.

4. Is there any influence from the ratification of the 1951 Refugee Convention against the realization of the right of Syrian refugee children in Jordan?

Protection colleagues.

5. What kind of action should be taken to ensure that child labor involving vulnerable groups can be minimized, both from the government in the country and in terms of international assistance?

Joint action with Government and civil society. Make available better livelihoods opportunities that can sustain families in a way that they do not have to send children to work. Provide affordable and accessible education.

Join our [#WithRefugees](#) campaign
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Cindana e. prativi <cindana.prativi@gmail.com>

21 September 2017 18.59

Kepada: Laura Buffoni <buffoni@unhcr.org>

Dear Laura, thanks for your answers and reply to my email. yeah, I will sent the questions soon to your colleagues about child labor. By the way, is it difficult to join as a member and volunteer for child labor there? and then, what are you talking about in livelihoods division? thanks Laura.

[Kutipan teks disembunyikan]

Laura Buffoni <buffoni@unhcr.org>

23 September 2017 14.57

Kepada: "Cindana e. prativi" <cindana.prativi@gmail.com>

Working on child labor requires coordination with institutions and legal work. Check with Zaina.

Please see UNHCR portal for more info on livelihoods work.

Thanks

Laura Buffoni | Senior Livelihoods Officer | UNHCR Jordan | Tel: +962 (0)6 530 2107 Mobile:+ 962 (0)79 1096299

From: Cindana e. prativi [mailto:cindana.prativi@gmail.com]
Sent: 21 September 2017 13:59
To: Laura Buffoni <buffoni@unhcr.org>
Subject: Re: response to your queries - child labour and other issues - thesis

[Kutipan teks disembunyikan]

Cindana e. prativi <cindana.prativi@gmail.com>
Kepada: Laura Buffoni <buffoni@unhcr.org>

29 September 2017 18.43

Hi Laura, a few days ago I've sent a question to your colleague, Ms. Zeina, but still can not reply from her until this day. By the way, do you know how to get the fact sheet or dashboard on the number of child refugees and child laborers in Jordan? from 2011 to 2016. Thank you, Laura

[Kutipan teks disembunyikan]