

We Can Do More...

Preliminary Assessment of Humanitarian Situation of Syrian Refugees in Mafraq and Zarqa



ARDD-Legal Aid



May, 2012

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Introduction

With the arrival of the Arab Spring in Syria in 2011, the ensuing conflict and uprising has led many Syrians to flee to neighboring countries, mainly Jordan, Lebanon, and Turkey. March 2011 witnessed the first wave of uprising and violence, resulting in tens of thousands of Syrians fleeing their cities of Jisr al-Shugur, Idlib, and others to Turkey. Months of violence and internal conflict between the regime forces and loyalists, on the one hand, and rebels, on the other hand, has threatened and taken the lives of many civilians.

The concentration of the military crackdown and conflict in the central city of Homs and the southern city of Dara'a in 2012, which is a border city five miles away from Jordan, caused refugees to move southwards in waves to reach Jordan. One of Jordan's main pull factors, other than the geographical proximity to Syrian southern cities and the open door policy Jordan has pursued with the Syrian refugees, is the tribal affiliations some families in southern Syrian have with families in northern Jordan, including the cities of Ramtha, Mafrq, and Irbid. A more important factor is Jordan's long history of being the destination country for Palestinians from the Occupied Territories and other states where conflict has occurred, refugees from the Caucasus, Iraq, and recently Libya and Tunisia – with the emphasis placed by the Jordanian government on Palestinians being the only ones granted the refugee status while others were resettled elsewhere. This is due mainly to the political stability Jordan has enjoyed compared to other countries in the region because of its moderate and non-confrontational foreign policies.

As of end of April, the number of Syrians registered with the UNHCR as refugees and/or asylum seekers in Jordan has exceeded 13,000.¹ According to Jordan

¹ Updates by UNHCR to partners via email.

officials estimates in mid April, more than 100,000 Syrians were present in Jordan since March.²

Neither number represents the actual number of Syrians “refugees” in Jordan; both numbers include an unidentified number of Syrian immigrants residing in Jordan prior to the Syrian uprising. The first number excludes Syrians who have declined to register; the second number represents the Syrians present in Jordan for any reason.

While the numbers of Syrian “refugees” received by Jordan have showed disparity depending on the source, most agree that the influx has been in tens of thousands. This ambiguity of information about the number of refugees is further hindering local and international agencies from responding proportionately to the crisis. Coupled with the chronic lack of resources Jordan has suffered from, this has put a humanitarian strain on the country and the refugee agencies active in the area. Indeed, action was taken to prepare sites for the purpose of placing refugees in Ramtha, integrate refugee children in schools, and provide them with access to health services. Relief efforts were organized by local and international NGOs as well. An assessment of their human rights situation shows that the response, however, is still not adequate to meet all the needs of refugees, due to several factors.

Methodology

Unstructured interviewing with Syrians on the conducted site visits were organized with refugees of all ages and backgrounds, listening to their concerns about the risks of their situation, their use of the access to basic services such as education and health, as well as their economic conditions and concerns. These visits and interviews were conducted in preparation for a more structured participatory assessment of the Syrians’ situation. The key topics around which the responses revolved pertained to access to food, health care, shelter, employment, education, and economic conditions and livelihoods. A total of 20 interviews took place with respondents from all ages, including youth and children. They included both newcomers and long stayers, both legal and illegal.

² From "Inter Agency Briefing in Syria Situation" on April 18, forwarded to ARDD-LA by UNHCR.

Additionally, members of the host communities were interviewed and visited to discuss their own concerns and the impact the refugee influx have had on the local people and the sense of community where refugees are hosted.

A total of 8 individuals from the host communities in Zarqa and Mafrq were interviewed. ARDD-LA has also drawn on its interviews with NGOs' staff and its visits to several organizations delivering services to refugees. Furthermore, it has conducted three site visits to schools in Mafrq and observed the hygiene conditions there.

This represents an overview of our preliminary findings through the observations of our team from their site visits -- one to Zarqa and three to Mafrq -- and the interviews with members from the Syrian refugee community, host community, community based organizations there, and schools in Mafrq. We also share our assessment of the main gaps in the humanitarian response and relief delivered to Syrians and the obstacles hindering refugees' access to relief.

Framing the Syrian Refugee Situation in Jordan

The ambiguity that characterizes the Syrians' legal status in Jordan is one of the main contributing factors to their limited access to certain entitlements and services, increasing their vulnerability and susceptibility to rights' violations. Article 14 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to seek and to enjoy in other countries asylum from persecution." The international law does not obligate the state to actually grant asylum on the basis of which Jordan has refused to grant asylum to Iraqi refugees in the wake of 2003 and now to Syrians. Despite Jordan's expressed emphasis on describing the Syrians fleeing into Jordan as "guests" or "brothers" -- implying providing them with "temporary protection" vis-à-vis asylum -- it has pursued an open door policy with the Syrians since the beginning of the conflict. Politics, coupled with lack of resources, explains Jordan's reticence to recognize the Syrians' refugee status. Temporary protection, with respects to basic rights, is sometimes practiced as a compromise that is infinitely better than *refoulement*, while solutions of third-country resettlement and/or repatriation are explored.

This politics of naming is further demonstrated in the use of the definition of the term “refugee” introduced by the 1951 Refugee Convention in Article 1 as a person who:

[O]wing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The registration of those unable to return to Syria due to the conflict even though they were residing in Jordan when the conflict broke out attests to the UNHCR use of this particular definition. The Jordanian government, on the other hand, did not include Syrians who are residents of Jordan in its estimations of Syrian “guests” as for humanitarian purposes those forced to flee Syria are more vulnerable than those living in Jordan and are forced to remain so.

Jordan’s unilateral recognition of the Syrians as “guests,” in addition to the fact that Jordan is not a signatory to 1951 United Nations Convention Relating to the Status of Refugees, considerably limits the range of Syrians’ rights in Jordan (as recognized as refugees by the convention). Despite this, duty-bearers especially the state still have obligations towards Syrians, specifically civilians, as human beings first and displaced persons second to protect their basic rights as recognized in the international human rights law. Although there are no certain agreed-upon set of standards regarding the treatment and the rights “temporarily protected” people should enjoy, obligations regarding conditions of certain issues such as hygiene,

health, safety, nutrition, shelter, education, and most importantly relief and public assistance are always a matter of concern as part of human rights standards.³

Gaps and Obstacles

The lack of access and sharing of accurate information about the Syrian refugee situation (i.e., numbers, violations, etc) has created a large gap in the response as some actors lack the capacity to conduct their own assessment of the situation and therefore have to rely on inaccurate information to plan their responses. The lack of information and the secrecy with which certain sensitive information is treated is allowing for rumors to spread among refugees unaddressed, creating a situation of fear and panic at times. Such fear has kept many refugees from sending their children to school and even to play areas where they can play with other children. This has also hindered the visual documentation process of the efforts on the ground as refugees are refusing to have their photos taken even for documentation purposes and are reticent to register their names with centers that distribute relief fearing to be identified. This has hindered their access to services and relief efforts that could alleviate their situation considerably.

The lack of experience, capacity, and resources available to the locally-based NGOs where refugees are hosted, has hindered their ability to assess the situation and needs and to coordinate an adequate and efficient response. In fact, some organizations has played an active role, albeit inadvertently, in spreading rumors and panic among refugees, undermining the refugees' trust in local NGOs and actors, accounting partially for the small number of registered refugees so far. This is due to their lack of training on how to deal with sensitive issues related to alleged political persecution and personal safety of refugees.

³ In its articles 12-30, the Refugee convention recognizes a set of refugee rights that states have obligation to satisfy. Refugees must have equal treatment regarding access to primary education (Article 22) and freedom of religion (Article 4) as nationals of the receiving country (i.e., Jordanian citizens) as well access to public relief and assistance (Article 23). Other recognized rights include non-discrimination (Article 3), free access to the courts of law on the territory of all States party to the Convention (Article 16), the right to wage-earning employment (Article 17), and access to housing (Article 21). Human rights standards such as protection against child labor apply.

This is due to their lack of training on how to deal with sensitive issues related to alleged political persecution and personal safety of refugees. This, coupled with their closeness to the local community enables to describe the impact of the situation on the local community and highlight those needs in a better manner than they assess the refugees' needs. It is, however, important that we acknowledge the remarkable efforts and services they have delivered to alleviate the situation and refugees' suffering.

Additionally, a large number of organizations have newly surfaced as strong actors in the area of Syrian refugee relief; however, it has been noted by ARDD-LA and beneficiaries that despite the large financial resources available to them and demand on the relief they offer, there has been many complaints about their treatment of beneficiaries. The lack of skilled aid workers and human resources that are capable and prepared to engage effectively in humanitarian response has caused some actors to recruit inexperienced staff.

This lack of resources and capacity has also hindered the development of efficient community outreach and dissemination of services mechanisms. The dissemination of services is limited to the premises of the organizations themselves, which limits the intended beneficiaries' access to them. There is a lack of awareness and knowledge among refugees about the services disseminated in addition to the lack of financial resources needed for transportation to and from relief centers.

Additionally, in certain areas such as Mafraq -- where poverty and malnutrition rates are high, resources especially water are scarce, and literacy rates are low compared to most governorates -- the needs of the host communities are sometimes equal to those of refugees. Many refugees reside in poverty pockets where relief is needed by host communities in terms of hygiene and medical care among other services, which places an extra burden on relief efforts and makes it imperative for actors to address both the refugee community's as well as the host community's needs.

In designated "sites" where only a limited number of refugees are placed in Ramtha (i.e., al-Bashabshe site, Cyber City, and King Abdulla Stadium) refugees leaving the "sites" are released into the protection of Jordanian male *kafeels* who are required to pay bail in the amount of 15-20JOD.⁴ This hinders the movement of refugees and puts more pressure on the government.

At a Glance

There are no specific statistics of the rate of women to men, but it was noted by ARDD-Legal Aid and its partner organizations working with refugees in the field that women are more than men. Women-headed families explained that many men



stayed in Syria or went back there after delivering their families into safety to work or to join the ranks of combatants. The majority are of young ages (teenagers and young adults).⁵ Families of the same extended family or origins in Syria usually keep close to each other for support and safety, often living in the same street or neighborhood. According to UNHCR, the majority of refugees are young adults and children.

According to the same source, approximately around 28.3% of Syrians are in Amman, 39.3 % in Irbid (including Ramtha), 3.5% in Maan, 20.3% in Mafraq, 5.5% in Zarqa, 1.2 in Balqa, and less than 1% in each of Ajloun, Jarash, and Karak.⁶

⁴ Confirmed by UNHCR.

⁵ UNHCR Presentation in Inter Agency Briefing Session on April 18, forwarded to ARDD-LA by UNHCR.

⁶ Ibid

Nutrition

Many refugees have complained about the lack and scarcity of food, especially those unregistered with the UNHCR, and the lack of nutrition received by children. Although some -- especially those unaware of food providers or unable to reach them-- are depending on the host community for food, others families complained that the food items they are indeed receiving from providers are not adequate in terms of both quantity and quality. The disappointment refugees expressed can be attributed to the lack of resources available to food providers, especially in light of the rapid influx of refugees, and/or the high expectations of the beneficiaries especially those who do not have a comprehensive view of the situation. Some commented that canned food, which is what is largely disseminated, is very different from what they are usually used to. This sudden change in their diet has caused many children to lose their appetites. Also, it was noted that in such cases where there is a limited amount of food, mothers tend to eat smaller portions than their husbands and male children, which has affected their health and the ability of the bodies of breastfeeding mothers to produce milk for their babies. Many mothers complained of the lack of dissemination of milk for children. This, coupled with the mothers' deteriorating ability to breastfeed, has affected the health of children. Some even complained that there is no food at all in their homes.



As mentioned above, there is a general lack of awareness among refugees -- especially those living in secluded conditions far from other refugees -- about efforts of food item distribution and how to access centers offering such and other relief services. In one of our visits to Mafraq, a Syrian man claimed to have lost both his sons to disease and hunger upon their arrival in Jordan. They were both ill when the family joined the rest of their extended family from Syria to live in three drafty storerooms. They could not survive with the lack of nutrition and medical treatment the rest of the family have already suffered from since their arrival. The family, like many new-

comers, did not know who to turn to for assistance and was not aware of food provisions distributed and the health services available free of cost, so they were not able to reach either food providers or health care providers. Many commented that accessing relief and health centers often require transportations, which require financial resources they do not have.

Housing

The issue of housing has been mentioned by all refugees and host community members interviewed as a major problem. As a primary issue of safety, it is of paramount importance and needs to be addressed more closely by all stakeholders, in terms of the quality of the shelters found by the Syrians, the rent of those shelters, and the legal safety the contracts drawn between the refugees and the landlords allow the former. Although some refugees expressed their satisfaction with the quality of the houses they were staying in, ARDD-LA has observed that some Syrians were suffering from very poor housing conditions. Two of the families visited by ARDD-LA were staying in makeshift rooms and houses. Many houses were noted to be damp, small, infested with rats and vermin, and/or drafty. Some of the houses inhabited by Jordanian in Mafraq suffered from the same conditions. Such conditions were noted to be worse near absorption holes, which are prime sources of disease and other sanitation problems.



While some refugees depend on relief organizations for rent and some are hosted for free by their hospitable Jordanian landlords, some have failed to find sponsors and are forced to provide rent themselves. This was one of the major concerns raised by refugees both in Mafraq and Zarqa. Their fear of eviction has driven families to search for sources of income in such desperate straits, which make them vulnerable to exploitation and rights violations. In light of the unemployment suffered by the host community and the high competition for such jobs, Syrians are doubly disadvantaged and vulnerable.

Some Syrians shared their concern regarding the rent lease they signed with the landlords as a requirement for their rent to be paid by an NGO. A number of NGOs have undertaken the responsibility to pay the housing rents on behalf of Syrian refugees. As a condition, the beneficiaries were asked to sign annual contracts with their landlords. These NGOs, however, failed to offer the same assurance to the tenants themselves and offered no signed guarantees that they will continue to pay the said rent. In this case, the legal liability fall squarely on the shoulders of the tenants in the case of their failure to pay the rent, which is often very high and not affordable.

Host community members have also complained of increases in rent since the beginning of the influx of Syrians into Jordan. Despite the refugees' repeated affirmation that most have come with only "the clothes on their back," exaggerated rumors about the financial aid delivered to refugees have made some landlords raise rents. This has placed a burden both on refugees and Jordanians and is seen as a potential factor of cultivating animosity between refugees and the host communities.

Education

The issue of education elicited mixed responses; it was clear that the issue of education is not a priority to most Syrians as so little was spoken on the subject.⁷ During our visits, which were all conducted during school days at mixed times of the day, our teams sensed a general lack of indicators that children were attending schools. When asked about



the issue, only two households said that they sent their children to schools and they did not have to pay any fees for enrollment. Most parents expressed that they do not send their children to school. Most did not give specific reasons; two families said that they lacked the financial resources necessary to pay the school fees and for the books needed. This emphasizes the lack of awareness among parents of the availability of the services offered to refugees (i.e., free educational services). It was

⁷ The same finding was reached in the "Participatory Needs Assessment" conducted by UNHCR in March 2012 and shared with ARDD-LA.

noted that most parents and young adults had not completed their school education in Syria and that many adult women of all ages are either illiterate or have only basic reading and writing skills.

The issue of protection and personal safety of children was raised by few refugees to explain parents' reticence to send their children to school. Rumors about children being photographed at schools and harmed have been circulating among some refugees.

Health

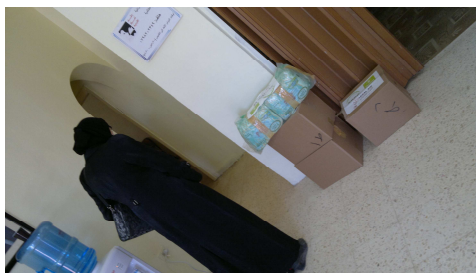
On the one hand, most refugees are unaware of the health services offered for free at health centers. On the other hand, most of those aware of the services are not able to access them because of financial reasons. Most refugees cannot afford transportation, which has kept them from utilizing many services and much-needed relief. In Zarqa, one family mentioned that Syrian refugees who have medical backgrounds are offering their medical services for free as a substitute, which means that patients have only to pay the cost of medication.

It was noted that most of the refugees suffering from health problems are the children, the elderly, and the young adults. Health problems suffered by especially children are exacerbated by the general lack of sanitation and poor hygiene conditions, given the limited access to clean water and hygiene items like soap, shampoo, and detergents.



Hygiene

The lack of access to clean water in the community and the lack of hygienic sanitation facilities and items, especially for children in schools, leaves both refugees and the community children in Mafraq vulnerable to contagious health hazards and diseases, including the flue, diarrhea, and other parasitic infections. The rural style of life of the Mafraq community means that individuals are often in direct contact with cattle and sheep, which is conducive to disease transfer. The usage of absorption holes poses another threat to sanitation and health in Mafraq as such site attracts rats and disease transferring vermin. Refugees have expressed their need for items such as soap, detergents, and diapers, to better keep their houses clean and themselves safe from diseases. Based on this, ARDD-LA has launched a humanitarian response initiative in Mafraq aimed at responding to the hygienic needs of refugees and the host community, which would prevent the need for medical treatment in the future.



ARDD-LA has undertaken the dissemination of hygiene kits to both Syrian and Jordanian beneficiaries since April, as the main component of its relief efforts. The packages include personal hygiene items, detergents and disinfectants, as well as diapers. They are sufficient to respond to the needs of 3000 beneficiaries in hygiene items over the period of two months. The project is implemented in cooperation with the Jordanian Women Union in Khaldiyya, Mafraq, and is funded by Oxfam GB, and is conducted in accordance with Sphere standards – which are the minimum standards in humanitarian response. The distribution of kits is accompanied by awareness-raising sessions about minimum standards of hygiene and how to maintain them and human rights issues. The project was based on a participatory needs assessment ARDD-LA had conducted with the residents of the area and stakeholders in Mafraq. ARDD-LA has also delivered crucial capacity building trainings and technical

assistance to the JWU/Khaldiyya to ensure its ability to complete the distribution process successfully and deliver services even after the end of the project. It will deliver a more specialized training on engagement with beneficiaries in times of crisis and on relief standards in June.



Labor

As mentioned above, the financial straits in which most refugees find themselves – as many have affirmed that they have come to Jordan with only "the clothes on their back" – have put them in a vulnerable position in the labor market. Most engage in short-term and labor-intensive jobs like house painting, slabbing, loading and unloading, etc, with no guarantees of safety. The phenomenon of child labor was mentioned discreetly several times by several refugees as children sometimes are engaged in the same kind of jobs. They were widely observed to engage in manual work as well as begging. Refugees claim to suffer from discrimination and to receive wages that are unfair and much less than Jordanians. ARDD-LA was informed that children receive approximately 1-2JOD for a full day's work. This has led some to sell what is available of food items (especially cans) in order to liquidate their resources and increase their financial capacity in order to pay the rent and for other needs not covered by the efforts so far.

Relief

Syrians have received relief from many national and international, national organizations, as well as individuals (both Jordanians and Syrians settled in Jordan), mostly but not exclusively in kind. According to refugees and to organizations, forms of relief ranged from canned food



items, clothing items, shelters, mattresses, blankets, cooking gas, kitchen utensils, heaters, small washing machines, refrigerators, and cash. However, some women in Zarqa have called into question the frequency and fairness of the distribution of the relief among families.

Legal Services

Since its arrival, the Syrian refugee community in Jordan has manifested an increasing need for legal services, especially in light of the lack of protection and their vulnerable position that makes them more susceptible to violations and exploitation. The need is for both cases that are related to their situation in Jordan, like rent lease issues and status determination, and cases that are not directly related to their situation as displaced people, such as divorce and family disputes. Lack of outreach and access to information has created confusion and apprehension among refugees as to how register at the UNHCR in order to claim protection and access services and about their rights. As mentioned above, refugees are also faced with other problems such as inadequate access to health provision, food shortage, extreme poverty, exploitation at work, child labor, unstable housing situation, and a general perceived lack of personal security.

ARDD-LA has coordinated with UNHCR to respond to these their legal needs and related violations through offering its free legal advice and representation services to Syrian refugees. It has established a hotline service at which it is able to receive calls and offer professional consultation in times of urgency around the clock. It has also established a referral system with other NGOs so cases are referred to more specialized actors when needed for optimal results. ARDD -LA offers advice and guidance on a broad spectrum of issues, including accessing UNHCR services, registration, labor issues, labor rights, safe house renting procedures, and marriage procedures. Such cases were received by ARDD-LA from across more than four governorates where refugees have settled. We have offered legal assistance to refugees regarding detention in demonstrations in Amman, including following up on their situation in temporary detention in Jordan.

Conclusion

In order to change the above-depicted poor humanitarian situation and for Jordan to meet its humanitarian obligations towards Syrian persons, it needs the support of all other duty-bearers, including both national and international actors. Despite the lack in financial and human resources Jordan suffers from, it has spent a lot of efforts in responding to the needs of both Syrians and their Jordanian hosts. However, to ensure these efforts' efficiency and optimize them, stakeholders at all levels must act to offer support. Receiving such a large influx of refugees has consequences including "depletion of resources, competition with Jordanian youth on limited new job opportunities, expanding the informal sector in addition to other social effects."⁸ Despite difficulties, Jordan has offered Syrians free education in public schools, in addition to "health services, subsidized water, subsidized electricity, subsidized household gas and subsidized bread, as well as basic commodities to all the Syrians on its territory helping the most vulnerable make ends meet."⁹

Meanwhile, the suffering is increasing and desperation is near. The Jordanian society has tried to respond through donations of items such as clothing, dishware, toys, dolls, books and pencils, even through tweeting and other forms of social media advocacy. It has tried to share the meager resources it has with Syrians. The local community supported More resources has to be shared by actors at all levels.

The gaps and difficulties explained above account, however, for many refugees' inability to benefit from such relief and services offered. In short, these obstacles can be summarized as poverty and economic hardship, lack of outreach mechanisms, lack of awareness about services available, lack of accurate information and spreading of rumors and fear, lack of coordination among NGOs and stakeholders, and finally the poor treatment of refugees by untrained and unqualified relief workers. The sensitivity of the situation calls for relevant stakeholders to support NGOs by offering need capacity building and special training to both actors in the above mentioned areas.

⁸ From the report "Hosting Syrians in Jordan" issued by the Ministry of Planning in March 2012.

⁹ Ibid.

Additionally, stakeholders have to realize the role of the media in curtailing the spreading of rumors and inaccurate information, some of which have caused panic and hindered relief efforts. Therefore, this is a call for stakeholders to provide the media, including social media actors, with special training on documentation, proper selection of information sources, locating information sources and accessing information, ethical standards of sharing information, and the use of terminologies related to human rights and refugees rights and on investigative work in order to be able to track actions taken by different actors and hold them accountable.

