

## **FROM GUIDING QUESTIONS DOC (Focus Area 2- Economic Security):**

### **Scope of the rights**

2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:

- c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;

### **Existing national legislative and policy barriers limiting and/or preventing access to the formal labor market for Palestine refugees**

#### **Background**

The deteriorating socio-economic conditions in UNRWA's area of operations, precipitated by multiple economic crises and shocks, conflicts and recurring hostilities in the region, and the influx of hundreds of thousands of refugees, have resulted in high levels of poverty and socio-economic needs amongst Palestine refugees. The lack of a solution to their displacement means that opportunities to work, earn a living, and be active members of society are needed for Palestine refugees to be able to support themselves and to realize their fundamental human rights. Existing national legislative and policy barriers significantly prevent the participation of Palestine refugees in the work force, weakening opportunities for work as a route out of poverty and leaving Palestine refugees exceptionally vulnerable to economic shocks, particularly for groups at higher risk of exploitation, violence and abuse, including older persons and persons with disabilities.

#### *Jordan*

The Government of Jordan has taken legal and administrative measures to protect the rights of older persons and ensure their inclusion in socio-economic life. Following the release of its first National Strategy for Older Persons in 2008, the Jordanian government followed up most recently with its National Strategy for Senior Citizens 2018-2022. It also established a national committee under the auspices of the National Council for Family Affairs to follow up on progress made in the implementation of each strategy.<sup>1</sup> More recently, the National Center for Human Rights has called for one law to be enacted that is all encompassing in covering the needs and rights of the elderly in Jordan.<sup>2</sup> Despite these positive developments, Palestine refugees who either are unable to regularize their legal status in Jordan, including Palestine refugees from Syria (PRS), or who are only issued with temporary residency, particularly Palestine refugees who fled to Jordan from Gaza in 1967 (hereafter ex-Gazan), continue to face barriers in accessing socio-economic opportunities as well as national support schemes including the National Aid Fund (NAF), state-sponsored services and free of charge specialized medical care due to their precarious legal status. Some of these challenges disproportionately impact older persons.

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<sup>1</sup> <https://ncfa.org.jo/ar/elderly>.

<sup>2</sup> <https://www.jordannews.io/Section-106/Features/NCHR-calls-for-special-legislation-to-protect-rights-of-elderly-18327>.

As of December 2022, there were 19,619 PRS registered with UNRWA in Jordan, over 70 percent of whom are women and children (14,333 individuals). PRS living in Jordan are not granted “refugee status”. Instead, their entry is regulated under Law No. 24 of 1973 on Residence and Foreigners’ Affairs.<sup>3</sup> This law governs the entry and stay of foreigners in Jordan and allows foreigners to be issued with a 3-month visitor visa at the border provided they hold a valid passport, which can be renewed for up to six months.<sup>4</sup> It also allows those who meet certain criteria to apply for a one-year residency permit (*iqama*).<sup>5</sup> Those who overstay their visa or residency permit are fined 1.5 JOD per day, are considered to be residing ‘illegally’ in Jordan and thus at risk of detention and deportation and are barred from re-entering Jordan for five years should they fail to pay their overstay fines. While special provisions were made for Syrian nationals registered with UNHCR in Jordan – including issuance of Ministry of Interior (MoI) cards that provide *de facto* refugee status, grant temporary protection, and facilitate access to subsidized public services, as well as the establishment of a separate work permit regime for holders of MoI cards with streamlined application procedures and reduced fees to facilitate formal employment in occupations open to non-Jordanians – PRS who entered Jordan through official pathways continue to be subject to the 1973 Law on Residence and Foreigners’ Affairs. The majority of PRS have been unable to secure an *iqama*, while those who entered Jordan irregularly after January 2013 are considered ‘illegal’ by the Jordanian authorities. In particular, PRS have no way to regularize their status in Jordan.

PRS living irregularly in Jordan are unable to apply for formal work permits and thus can only work in the informal sector which has a heavy concentration of low skilled, low paying jobs. Informal workers are at higher risk of exploitation, especially financial exploitation (e.g., refusal to pay wages or being underpaid, lack of entitlements like sick pay or annual leave), work for lower wages and often experience poorer working conditions. For this reason, informal workers must often rely on multiple sources of income to supplement low wages, are more likely to incur debt to meet basic expenses and are at higher risk of relying on negative coping mechanisms such as a reduction in food intake given limited household budgets. They also face more precarious security of tenure including the threat of eviction. While older persons are unable to build up adequate financial resources to secure their retirement, they also do not qualify for national financial support programs such as the NAF, leaving them wholly dependent on family and in a particularly precarious position.

There are currently over 174,000 ex-Gazan Palestine refugees living in Jordan who are registered with UNRWA, as well as an unknown number of ex-Gazans who, for various historical and/or personal reasons, are not registered with the Agency. Ex-Gazan Palestine refugees are dependent on temporary passports that do not denote citizenship in Jordan. As such, ex-Gazans are only permitted to pursue formal work opportunities in those sectors and occupations open to non-Jordanians and are barred from joining professional associations. Occupations open to non-Jordanians with a work permit are typically unskilled or semi-skilled jobs where wages are lower and conditions can be poor. Higher paying professional occupations are reserved for Jordanian nationals. Some ex-Gazans choose to or are forced to work informally by their employers, with some private labour sectors are hesitant to recruit ex-Gazans in case they are requested to pay for and renew their work permits. Barriers in accessing these higher paid

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<sup>3</sup> This is the same for Syrian nationals as well as the arrival of other refugees such as Iraqis fleeing war in 2003

<sup>4</sup> This holds for citizens of a non-restricted countries. In contrast, citizens belonging to a *restricted* country must obtain a visa prior to their arrival at the border

<sup>5</sup> This includes holders of an employment contract and work permit, investors and/or individuals who deposit a certain amount of money in a Jordanian bank account, as well as students enrolled in a Jordanian educational institution.

professions, have a direct impact on Palestine refugee families' capacity to improve their socio-economic situation. As with PRS, older age ex-Gazans are also highly dependent on family and are in an equally precarious situation.

### *Lebanon*

In Lebanon, recent years of social unrest and dire economic crisis, coupled with the COVID-19 pandemic, have seen a drastic deterioration in the ability of all Palestine refugees to meet their basic needs. Palestine refugees in Lebanon (PRL), who are estimated to number up to 300,000,<sup>6</sup> are extremely vulnerable due to challenges they face at the legal, administrative and security levels. Despite considerable advancements in Lebanese labour laws since 2005, including a special provision for Palestinian refugees as a specific entity, their right to work remains subject to both formal and informal restrictions making it difficult for them to maintain dignified lives. Palestine refugees continue to have limited access to public services,<sup>7</sup> cannot own property,<sup>8</sup> face restrictions on working in 39 prominent professions, and report experiencing regular discrimination in the workplace and in wider society. In addition, a lack of accessible public information around restrictions on Palestinian employment and permitted professions causes confusion and can deter employers and potential employees. Palestinian refugees also report facing differential treatment when they do apply for and obtain jobs.

Over time, these real and perceived restrictions on access to formal employment have limited Palestinian refugees' aspirations to obtain higher-paid jobs<sup>9</sup> and have made them more vulnerable to poverty and exploitation than their Lebanese counterparts: in 2015, 65 percent of the Palestinian refugee population lived below the poverty line,<sup>10</sup> whilst in 2019, only 28 percent of the Lebanese population did.<sup>11</sup> As of October 2022, 93 percent of Palestine refugees in Lebanon were estimated to be living in poverty.<sup>12</sup> Palestine refugees from Syria (PRS) are treated as foreigners, and do not benefit from any labour law facilitation normally applicable to PRL. As a result, only 2 per cent of PRS hold a work permit<sup>13</sup> and 93 per cent of employed PRS work in the informal private sector, leaving them vulnerable to abuse and exploitation.<sup>14</sup> Over 90 per cent of PRS rely on UNRWA assistance as their main means of survival.<sup>15</sup>

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<sup>6</sup> UNRWA Registered Population Dashboard: <https://www.unrwa.org/what-we-do/relief-and-social-services/unrwa-registered-population-dashboard>.

<sup>7</sup> While in theory Palestinian refugees have the same level of access to education as Lebanese citizens, in practice most schools will first enrol Lebanese students and then those of other nationalities if there is space. Palestinian refugees do not have any access to health care from the Ministry of Public Health. They can, however, access elementary and secondary education, and primary health care, as well as support for secondary and tertiary healthcare, through UNRWA.

<sup>8</sup> Until 2001 Palestinians were able to own property in Lebanon. Since the passing of law no. 296 in 2001, (amendment to Decree No. 11614) Palestinians have not been able to own or inherit property. While there are restrictions on other foreigners owning property in Lebanon, there is no outright ban, as there is for Palestinians.

<sup>9</sup> For example, in a context where the majority of the work force are men, UNRWA schools regularly report girls doing better than boys at school and being more likely to enrol in secondary school, with boys seeking paid jobs at an earlier age. In 2021, for example, female and male students each made up 50 percent of students enrolled in UNRWA elementary and preparatory education in Lebanon; at secondary level, however, 60 percent of students were female and only 40 percent male – see UNRWA, 'Annual Operational Report,' 2021 at [link](#).

<sup>10</sup> Chaaban, J., Salti, N., Ghattas, H., Irani, A., Ismail, T., Batlouni, L., 'Survey on the Socioeconomic Status of Palestine Refugees in Lebanon 2015', American University of Beirut (AUB) and UNRWA, 2016, at [link](#).

<sup>11</sup> UN ESCWA, 'Wealth Distribution and poverty impact of COVID-19 in Lebanon', 2020, at [link](#).

<sup>12</sup> UNRWA High Frequency Socio Economic survey of PRL, September 2022, at [link](#).

<sup>13</sup> UNRWA, Socio-Economic Survey of PRS, March 2020 (internal document, not publicly available).

<sup>14</sup> *Idem*.

<sup>15</sup> *Idem*.

Palestinian respondents to a 2019 UNDP survey described unemployment as ‘the core of all their problems’, with devastating economic and social consequences, leading to poverty, stress, depression and substance abuse among others.<sup>16</sup> Formal and informal restrictions on their right to work continue to be one of the most important barriers to Palestine refugees’ ability to access other rights in Lebanon. The current socio-economic context in Lebanon, including the impact of COVID-19 restrictions is likely to have severely exacerbated this situation.<sup>17</sup> At the start of the COVID-19 pandemic, nearly half (49 per cent) of PRS families already reported severe food insecurity<sup>18</sup> and more than 9 out of 10 PRS reported being dependent on UNRWA for their survival. In May 2020, 80 per cent of PRL and PRS reported having lost their livelihood or a considerable part of their income before or during the COVID-19 outbreak.<sup>19</sup>

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<sup>16</sup> Nothing and Everything to Lose: Results from a Qualitative WhatsApp Survey of Palestinian Camps and Gatherings in Lebanon, UNDP, October 2020, see: <https://www.lb.undp.org/content/lebanon/en/home/library/nothing-and-everything-to-lose--results-from-a-qualitative-whats.html>.

<sup>17</sup> In 2015, 65 per cent of PRL were found to be living in poverty (less than US\$ 200 per person per month) and 23 per cent were unemployed. 86 per cent of those employed did not have contracts and 48 per cent were paid on a daily basis (UNRWA AUB 2015: Survey on the Socio-Economic Status of Palestine Refugees in Lebanon, see: [https://www.unrwa.org/sites/default/files/content/resources/survey\\_on\\_the\\_economic\\_status\\_of\\_palestine\\_refugees\\_in\\_lebanon\\_2015.pdf](https://www.unrwa.org/sites/default/files/content/resources/survey_on_the_economic_status_of_palestine_refugees_in_lebanon_2015.pdf)).

<sup>18</sup> UNRWA, Socio-Economic Survey of PRS, March 2020 (internal document, not publicly available).

<sup>19</sup> Interagency In Focus: Rise in evictions due to increased economic vulnerability, July 2020, <https://data2.unhcr.org/en/documents/download/77872>, based on WFP Assessing the Economic Impact of the Economic and Covid Crises in Lebanon, June 2020, <https://data2.unhcr.org/en/documents/details/77304>.