

Ruled out of work: Refugee women's legal right to work

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Summary

Refugee women seeking jobs and economic opportunities must navigate a labour market mired in complex and gender discriminatory rules and regulations. Burdened with the effects of violence, trauma and displacement and the responsibility of building a new life in a new country, they find their ambitions and their potential thwarted.

This briefing assesses the impact of the law on refugee women's right to work and access economic opportunities in high refugee hosting countries. We find that laws governing women's opportunities to get a job or start a business are far from gender equal. For example **five out of 10 of the highest refugee hosting countries impose legal barriers in the majority of areas measured by the World Bank's Women Business and the Law index.ⁱ Dig deeper into the data and we find that women suffer particularly high legal barriers in certain areas: Just two of the 10 highest refugee hosting countries mandate equal pay for work of equal value; just three of the top 10 mandate equal rights to inherit assets; and seven of the top 10 restrict women's participation in certain industries.**

We worked with a team of lawyers to assess the legal framework for refugees' participation in the economy in four different contexts – Ethiopia, Germany, Jordan and Uganda – and found a complex set of rules and requirements affecting refugees' opportunities such as onerous requirements for work permits, limitations on freedom of movement and constraints on the ability to establish a business. These laws affect men and women refugees differently and we find refugee women suffer economic exclusion and marginalisation as a consequence.

Laws restricting refugees' labour market access tend to be rooted in popular assumptions driven by xenophobic rhetoric that the host populations will suffer. On the contrary, a review of 49 empirical studies, covering 17 major displacement crises between 1922 and 2015 to host countries at different levels of economic development, show that in most cases forced displacement did not impact negatively on wages or employment among host populations. For wages in particular, the negative results tend to disappear in the long-term.ⁱⁱ What is more, investing one euro in welcoming refugees can yield two in economic benefits within five yearsⁱⁱⁱ and we estimate that refugee women could generate \$1.4 trillion to annual global GDP if employment and earnings gender gaps were closed.^{iv}

We know from our experience that paid work can boost women's confidence and self-esteem and is key to refugee women's empowerment, we hear this directly from refugee women themselves. However a restrictive legal and policy environment is hindering their ambition and limiting their potential.

Regulatory requirements are an underlying structural cause of the refugee gender gaps in pay and employment. We are now at a watershed moment to close these gaps and achieve refugee women's economic empowerment – a decade away from the 2030 Sustainable Development Goals of gender equality and decent work for all and one year on from the endorsement of the aim of refugee self-reliance included in the Global Compact on Refugees. Stakeholders across the board must use the opportunity support refugee women achieve their ambition and rebuild their lives.



Above: Dalal, left, and Amal, who are part of a group of Syrian women who went through a program to help prepare them for work in the country, look at a photo at the CareForward offices in Berlin, Germany, January 25, 2018. Tara Todras-Whitehill/IRC



Recommendations

Host governments

- Review, assess and revise national laws and policies to achieve gender equality and enhance economic opportunities for refugee women in consultation with refugee women, civil society and employers.
- Measure refugee men and women's inclusion in the labour market and their progress towards the Sustainable Development Goals – particularly the goals on gender equality and decent work – and the fulfilment of the aims of the Global Compact on Refugees.
- Respond to the multiple barriers to economic opportunities facing refugee women by supporting women's organisations, skills building and employment services combined with language training, soft skill development and support in accessing professional networks.
- Address and challenge misconceptions, stigma and hostility among employers and the general public related to refugee employment rights through national action plans for labour market integration.

Bilateral and multilateral donors

- Finance livelihoods programmes for refugee women that respond to market needs and refugee skills and interests while also assessing the implications and risks of their increased economic activity. Integrate responses to the challenges arising from displacement including trauma and violence.
- Use financing and “beyond aid” tools to incentivise policies that will improve gender equality and increase economic opportunities for refugee women.
- As host governments, lead by example by improving the regulatory environment for refugee women's right to work and labour market access.

Private sector

- Establish effective partnerships with humanitarian organisations to support women's access to work and accommodate refugee women's rights and protection needs in the labour market. Advocate for the expansion of economic opportunities and legal reform to increase refugee women's right to work.

Global Stakeholders

- Establish a Global Refugee Women and Work Commission representing refugee women, host governments, civil society, international organisations and the private sector responsible for identifying the structural causes of gender gaps in pay and employment for refugees, assessing the gender impact of refugee women's economic inclusion and defining best practice approaches to gender transformative legal and policy reform.

Above: Safa'a (right) is Jordanian, Hajar (left) is Syrian. They work together, providing plumbing services in Irbid, Jordan. *Timea Fauszt/IRC*

Introduction

Refugee women, struggling to rebuild their lives and restore control and dignity benefit from economic opportunities in many ways. A chance to earn a living from a job or a business offers security and certainty in place of chaos and hopelessness. Our research shows that paid work shapes refugee women's sense of identity and self-worth.^v It offers them a chance to overcome trauma and hardship and become leaders and role models in their chosen professions.

But, like women everywhere, they must juggle this ambition with the demands of unpaid care and the challenge of gender discrimination. For refugee women, these constraints are compounded by isolation, gender-based violence, intersecting discrimination, the threat of exploitation and a maze of discriminatory laws, rules, regulations and onerous requirements.

There are global commitments in place designed to secure gender equality, end economic inequality and close labour market gaps for all women everywhere. In particular, the 2030 Sustainable Development Goals include commitments by all UN member states to end poverty (SDG 1), achieve gender equality (SDG 5) and promote inclusive growth and decent work for all men and women (SDG 8).

In addition, the Global Compact on Refugees (GCR), a pact of international solidarity and cooperation for refugee protection and host community development agreed in 2018, includes an aim to enhance refugee self-reliance and '... foster inclusive economic growth for host communities and refugees' through '...economic opportunities, decent work, job creation and entrepreneurship programmes...'.^{vi}

However, refugee women are making slow progress towards these global goals and commitments and are in grave danger of being left far behind. IRC's research in partnership with the Georgetown Institute for Women Peace and Security, *Unlocking refugee women's potential: Closing economic gaps to benefit all*^{vii} calculates the vast gaps in pay and employment rates between refugee women and men and between refugee women and host men and women. The analysis of available data from six high, middle and low income countries hosting high numbers of refugees – Germany, Jordan, Lebanon, Turkey, Uganda and the U.S. – finds a wide variation in employment and earnings with the highest rate of employment of refugee women in the U.S. at 40% and employment rates as low as 6% in Germany, Jordan and Lebanon. The refugee gender pay gap is the widest in Turkey with refugee women earning just 6 cents for every dollar earned by a host man. By closing the gaps in pay and employment in the six countries we estimate that overall GDP could be boosted by \$53 billion, by closing them globally refugee women could generate up to \$1.4 trillion to annual global GDP.

The drivers of these gaps vary depending on the context but discriminatory social norms and laws are a persistent, deep rooted structural cause. Global, regional and national laws and policies supporting all women's rights to inheritance, assets, property, enterprise and work are a fundamental precondition to women's economic empowerment everywhere.^{viii} Gender discriminatory laws combine with

complex and prohibitive laws regulating refugee employment to diminish refugee women's equal chances of making a fair and decent living.

This briefing offers an illustrative snapshot of gender discriminatory laws in high refugee hosting countries and the legal barriers to refugees' right to work and labour market access. We have worked with the law firm DLA Piper to assess the current national legal frameworks governing the fulfilment of the refugee right to work enshrined in the 1951 Convention relating to the Status of Refugees in Ethiopia, Germany, Jordan and Uganda. We in turn offer a humanitarian, operational and policy perspective of how these laws are interpreted in practice and how they impact on and constrain refugees' opportunities particularly those of refugee women.

This briefing represents the beginning of an assessment of legal barriers that will evolve over time and vary from context to context, informed and driven by the obstacles we face in our work to advance women's economic empowerment. It represents a first step in IRC's commitment to build the collective momentum toward achieving the objectives of the Global Compact on Refugees, in line with our own pledges, and strengthen collective response. It promotes progress towards the fulfilment of the SDGs for all by defining recommendations on the policy and regulatory reforms required to close refugee gender labour market gaps and drive refugee women's economic empowerment.



Above: Taghreed Alian, Driver. Chris de Bode/IRC

Assessing the right to work and labour market access for refugee women

Refugee right to work

An extensive study on refugees' right to work by the Global Knowledge Partnership on Migration and Development KNOMAD found significant limitations on labour market access. Only just over half of countries that are party to the 1951 Refugee Convention grant refugees the right to work (see Box 1). Among the 20 countries reviewed, 15% allow the right to work with similar restrictions that citizens would face, 40% allow the right to work with strong restrictions and shortfalls in practice, 25% have unclear or temporary legislations, and 20% officially do not allow refugees to work at all. Even where eligible for formal employment, in practice, access is constrained by high fees, complex administrative processes or outright obstructions, as well as a lack of social networks.^{ix}

Box 1 Refugee Right to Work^x

Article 17 of the 1951 Convention relating to the Status of Refugees accords refugees "the most favorable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment," and exempts refugees from the restrictive measures imposed on foreigners if they have completed three years of residence in the country or have a spouse or child possessing the nationality of the country.

The Convention requires state parties to give "sympathetic consideration" to granting the right to engage in wage-earning employment on the same basis as nationals. Articles 18-19 provide for opportunities for self-employment and employment in liberal professions.

Of the 145 state parties to the 1951 Refugee Convention only 75 formally grant refugees the right to work through accession to Articles 17-19 or through domestic employment laws. Almost half of the signatory countries declare reservations, often in full, and those that grant the right may impose conditions or reservations to this right. The same limitations apply to many of the 48 states that are not parties to the Convention. Some countries completely legally bar refugees from work, be it as an employee or starting a business. Many countries that in principle allow refugees to work place restrictions on their right to work, limiting for example the sectors in which refugees can work, the geographical areas where they can seek work, or the number of refugees who can be employed by a certain firm. Among the countries that restrict or prohibit refugees' access to labour markets are those that host the majority of the world's refugees.

Women, business and the law in refugee hosting countries

The World Bank's *Women, Business and the Law* index^{xi} shows that, globally, women's opportunities for employment and entrepreneurship are affected by legal discrimination impacting on factors such as their ability to move freely; start a job; get paid; run a business and manage assets. In these circumstances refugee women suffer a double burden of labour market discrimination based on their displacement status and gender.

According to the index, laws defending women's equal opportunities for employment and entrepreneurship are often weak in high refugee hosting countries. The index employs eight indicators that impact on women's economic opportunities throughout their careers and calculates a total index score with 100 being gender equal across all indicators (see Annex A). **Five out of 10 of the highest refugee hosting countries impose legal barriers in the majority of areas measured by the World Bank's Women Business and the Law index.^{xii} Dig deeper into the data and we find that women suffer particularly high legal barriers in certain areas: Just two of the 10 highest refugee hosting countries mandate equal pay for work of equal value; just three of the top 10 mandate equal rights to inherit assets; and seven of the top 10 restrict women's participation in certain industries.**

Women's rights must be enhanced through robust political leadership to overhaul entrenched and discriminatory gender norms, laws, and policies. Where women and girls are denied their rights and inherently disenfranchised there is limited space in which to shift the distribution of power. Women's voice and leadership is critical to asserting and securing these rights and identifying strategies for making labour markets more conducive to fair and decent work for refugees and displaced women.^{xiii}

In focused discussion groups, refugee women themselves describe the positive impact a job can have on their choices and control over opportunities, assets and finances. Women discuss the freedom paid work gave them as well as the confidence and self-worth. They describe the multiple challenges they must navigate to access the labour market but in spite of this there is a resounding consensus among refugee women in very different contexts that they find opportunities for economic independence empowering (see Box 2)

Box 2 Refugee women's perspectives on the challenges and opportunities of economic empowerment

"There is an old Arabic saying that the one who makes the money decides how to spend it."

In Jordan, refugee women and girls participating in focused group discussions spoke of the newfound power, respect and influence paid work offers. The girls in particular listed finding a job as one of their top life goals, increasing their access to choice and control over finances as well as social status and social networks.^{xiv}

In Germany refugee women from a range of countries of origin spoke of increases in their confidence and self-worth arising from economic empowerment along with increased family resources and resiliency. They welcome the opportunity to become a role model to their children, and contribute to the economic and social development of their host society.

Women in both settings spoke of the potential negative consequences and challenges such as becoming overburdened, facing tensions in the home, or harassment and violence at work or in the street. And an overwhelming, consistent challenge discussed in both settings was unpaid care described as a barrier to work by women in Germany and a demanding drain on women's time in Jordan. The household gender division of labour is persistent and a shift in household duties to male members has not coincided with women's increased economic activity. As one refugee woman in Jordan put it, "...this double role has a negative effect on our body and mind and pushes us beyond our limits."^{xv xvi}

Refugee right to work, inclusive growth and the private sector

Laws restricting refugees' labour market access tend to be rooted in popular assumptions driven by xenophobic rhetoric that the host populations will suffer. On the contrary, a review of 49 empirical studies, covering 17 major displacement crises between 1922 and 2015 to host countries at different levels of economic development, show that in most cases (more than 75% of results), forced displacement did not impact negatively on wages or employment among host populations. For wages in particular, the negative results tend to disappear in the long-term.^{xvii} What is more, investing one euro in welcoming refugees can yield two in economic benefits within five years.^{xviii}

Indeed business and employers identify the restrictive regulatory environment as a hindrance to the vital role they can play in creating economic opportunities, funding, resources, capacity and infrastructure. In September 2019, the Business Refugee Action Network (BRAN)^{xix} launched a statement on the SDGs calling on governments to '...create and support a policy environment open to refugee employment and economic inclusion by enabling entrepreneurship and permitting labour market access and the right to work, thereby increasing refugees' access to decent work and self-reliance'.^{xx}

Legal provisions and barriers to refugee labour market access

Access to the formal labour market as defined by law depends on a number of factors in the countries under review. In some instances that right is enshrined in national law in others the law is silent. In all cases the legal requirements are complex and affect men and women differently.

The IRC encounters a range of policy and legislative barriers to enterprise development and employment programming that prevents, limits or slows down our potential to generate jobs and livelihoods for refugees. Successful programming relies on legislation and policy permitting refugee freedom of movement, opportunities to start a business and access finance, jobs in wide ranging occupational sectors and opportunities to easily transfer their skills, qualifications and experience to their new employers.

We have identified legal provisions that facilitate refugee women's labour market access and economic opportunities, drawing on both the Women, Business and the Law index as well as the areas assessed by the team of lawyers at DLA Piper supporting this work. In summary:

Women, business and the law includes eight indicators structured around women's interactions with the law as they begin, progress through and end their careers:

1. Going Places – constraints on freedom of movement
2. Starting a Job – laws affecting women's decision to enter the labour market
3. Getting Paid – laws affecting occupational segregation and the gender pay gap
4. Getting Married – legal constraints related to marriage
5. Having Children – laws affecting women's work after pregnancy
6. Running a Business – legal constraints on women starting and running a business
7. Managing Assets – gender differences in property and inheritance laws
8. Getting a Pension – laws affecting the size of a woman's pension

We worked with lawyers to assess where possible:

- Right to work and access the labour market
- Right to freedom of movement
- Provisions for self-employment
- Occupational sectors open to refugees
- Work permit requirements
- Qualification requirements

These provisions relate to relevant articles of the 1951 Convention Refugee Convention.

The following is a summary of the legal provisions and barriers with respect to refugees' labour market access in Germany, Ethiopia, Jordan and Uganda. We consider the legal provisions and barriers as well as recent relevant policy developments, challenges to interpretation and implementation alongside the limitations of the legal safeguarding of economic opportunities for women.

Ethiopia

Refugee right to work and access the labour market

By law, refugees in Ethiopia are only allowed to work and access education in so far as Ethiopia's laws allow other foreign nationals in Ethiopia to do so. Ethiopia's Ministry of Labour and Social Affairs only grants work permits to foreigners when there are no qualified nationals available and in practice does not grant work permits to refugees.^{xxi xxii}

A commitment to review and amend legislation to expand access to economic opportunities is included in the 2019 Kampala Declaration on Jobs, Livelihoods and Self Reliance for Refugees, Returnees and Host Communities (see Box 3).^{xxiii} Recent progress and commitments show promise for refugee labour market opportunities. Revisions to the law made in January 2019 allow some 700,000 registered refugees and asylum seekers to live outside camps. However, 11 months after passing the law, implementation is reported to be delayed with work and residence permits yet to be issued.^{xxiv}

Right to freedom of movement

Ethiopia's Refugee Proclamation provides for restrictions on movement and residence, allowing authorities to designate areas where refugees and asylum seekers must live. In 2010 the implementation of an 'Out-of-Camp' policy (OCP) began, allowing refugees to live outside camps provided they are able to support themselves financially or with the support of relatives already living in such areas. Originally applicable only to refugees from Eritrea, this policy was extended to refugees of other nationalities. The Urban Assistance Program (UAP) – allows refugees to live in Addis Ababa. According to recent estimates there are 17,000 OCP and 5,000 UAP refugees in Addis.^{xxv} For refugees employed in camps there is wage inequality between refugee and host employees which is a disincentive to refugees securing formal work in camps.

Opportunities for self-employment

Restrictions on movement, financial services and business licenses limit refugees' ability to set up businesses. Their options are therefore limited to livelihoods initiatives in camps delivered by NGOs and international organisations and opportunities in the informal economy – where women are reportedly overrepresented.

Ethiopia Jobs Compact

Since early 2017, the World Bank has been working closely with the government, including the Ethiopian Investment Commission and Ministry of Finance and Economic Cooperation, UNHCR, other donors— including the UK's DFID, the EU, and the European Investment Bank, Germany's GIZ —and NGOs to develop an economic opportunities project (also known as the "Jobs Compact"). Among the Compact's aims are to improve the broader investment climate; improve infrastructure; increase labour productivity; and improve refugee-related employment and protection guarantees. Critically, this last aim will entail providing the legal basis for refugees to take up employment opportunities and oversight mechanisms to ensure refugee rights are protected.^{xxvi}

Women's legal access to economic opportunities

Ethiopia falls short of gender equal legislation in close to 30% of the areas measured by the women business and the law index. Any revisions of the legislation and corresponding initiatives to increase economic opportunities for refugees in line with the Compact and the Kampala Declaration must consider the implications for women and girls. For example the rollout of industrial parks throughout Ethiopia has increased the number of women in the formal workforce but this work has generally not included refugee women. What is more the earning potential for refugees in industrial parks may not be competitive with the informal sector and these jobs are often dangerous and require long hours in poor conditions for pay that is no better than agricultural work or selling goods at a market.^{xxvii}

Box 3 The Kampala Declaration

The 2019 Kampala Declaration on Jobs, Livelihoods and Self Reliance for Refugees, Returnees and Host Communities was signed in March 2019 by the Ministers of Labour and Ministers in charge of Refugee Affairs in the Intergovernmental authority on Development member states Djibouti, Ethiopia, Somalia, South Sudan and Uganda. The declaration builds on the Nairobi Declaration and Plan of Action defined in 2017 that agreed a framework for durable solutions for the Somali Refugee Crisis. The Kampala declaration includes a commitment to '...develop, review and amend national policies and legislation to expand access to labour markets by simplifying procedures for accessing employment including work permits, self-employment and business opportunities'.^{xxiii}



Above: Income generation in Ethiopia. Donna Morris/IRC

Germany

Refugee right to work and access the labour market

The right to access the labour market in Germany applies differently to asylum seekers on the one hand and refugees and persons granted international protection on the other hand. In addition, there are specific rules regarding persons whose application has been denied, but who cannot be deported (so called tolerated persons).

Asylum seekers are unable to work at all if they have been in Germany for less than three months and as long as they are obliged to live in a welcome centre. From the fourth month, most asylum seekers and tolerated persons can apply for a work permit, which is valid for a specific employment (including internships) and is granted by the responsible foreigners authority with the approval of the Federal Employment Agency (BA). However, approval is granted on a case-by-case basis and the guidance is interpreted differently from state to state. Asylum seekers or tolerated persons will not be eligible if they come from one of the countries that have been declared as 'safe' countries of origin by the German Federal Government.^{xxx} Nor can asylum seekers or most tolerated persons work in a self-employed capacity.

Asylum seekers and tolerated persons can only work without the approval of the BA in certain cases, e.g. if they take up vocational training or work in an occupation which fulfills the requirements for the issue of an EU Blue Card (university degree and 48,000 EUR per annum salary) or have been resident in Germany for four years. As such, asylum seekers and tolerated persons do not enjoy the same right of access to the labour market as nationals, or EU citizens.

Persons who have obtained refugee status or other forms of international protection have the right of unrestricted access to the labour market (as long as they are not in a welcome centre) and the permission to work is automatic upon receiving their status and the residence permit associated with it. It should be noted that EU citizens can live and work in Germany without a residence or work permit (although other foreign nationals cannot). The realisation of this right however, remains compromised by barriers such as language, the equivalence of qualifications and in the case of refugee women in particular, access to childcare. The complexity of the legal and administrative framework in Germany also has a detrimental effect since employers are discouraged from hiring refugees due to the onerous processes involved.

Provisions supporting labour market access

Legislative provisions do exist to facilitate access to the labour market by asylum seekers, refugees and other persons granted international protection. For example, the 3 + 2 regulation in the German Residence Act is designed to prevent refugees from having to leave the country immediately in case they have started vocational company training. The 3+2 rule states that an asylum-seeker who has started training in Germany (which usually takes three years) and who fulfills the legal requirements can complete the training and continue to work for two years even if his asylum application is rejected. A prerequisite for this is a training contract. However, the regulation does not afford full protection and refugees can still be deported should the circumstances of their case change (e.g. it turns out they provided false information upon filing for asylum). Refugees can also be rendered vulnerable

to exploitation by employers who seek to take advantage of their reliance on the 3 + 2 scheme by contriving, for instance, not to provide a proper training or salary.

Right to freedom of movement

The right to move freely and choose a place of residence is subject to some restrictions and experienced differently by asylum seekers, refugees and persons granted international protection. Asylum seekers tend to be accommodated in an initial reception facility for at least three months. During their time at the reception facility, they are unable to leave the town or district where they are accommodated without permission. On leaving the reception facility, asylum seekers are distributed within the federal state and those that are reliant on social security are obligated to live where they have been assigned for the entirety of their asylum application.

Recognised refugees and persons with other forms of international protection are obligated to reside in the federal state where they underwent the asylum process for the first three years after receiving their status or residence permit. This obligation can be lifted once an individual works at least 15 hours a week that are subject to social security contributions, or in exceptional circumstances where they have family members in another part of Germany.

Provisions for recognising qualifications

Demonstrating the equivalence of qualifications remains a key barrier for refugees seeking to access the labour market. It is required that foreign professional qualifications are translated into German. The German Ministry of Economics has created an online-platform, the BQ-Portal, which provides useful information regarding the assessment of refugee qualifications from a number of countries of origin and on how to define German equivalents. This is useful resource for businesses seeking to employ refugees. While the German Professional Qualification Assessment Act allows an applicant (not necessarily a refugee or asylum seeker) without the relevant documentation to evidence their professional training through work samples or examinations, in practice this process is difficult to facilitate. Often refugees are required to retrain to obtain the German equivalent of their qualification. This can be a costly and time consuming process, meaning that in reality many skilled refugees end up working in roles below their professional capacity.

Women's legal access to economic opportunities

Germany has close to gender equal laws across all the areas measured by the Women Business and the Law index. Gender equality is protected as a constitutional principle in Germany and gender based discrimination is prohibited with respect to employment under the German General Equal Treatment Act. The law does not differentiate between refugees and other persons in this regard. However, we note that only 6% of women who are recognised as refugees are in employment (as opposed to 27% of refugee men and 53.5% of host women) reflecting broader challenges of integrating refugee women into the labour market. This suggests that a strong legal framework also requires policy and programmes to ensure that refugee women understand and are able to advance their rights while employers and the authorities must be equipped to fulfil them.

Jordan

Refugee right to work and access the labour market

Refugees are not granted equal access to the labour market in Jordan. Priority is always given to Jordanian nationals. There are complex limitations on occupational sectors that are completely closed or prohibited (partially closed with some exceptions) for non-Jordanians including refugees. These in turn affect refugees from different countries differently – for example, Syrian refugees are permitted in some sectors or professions that Palestinian refugees are prohibited from. Formal employment of Syrian refugees in Jordan is limited to five economic activities designated as ‘open sectors’ under the Jordan Compact — including agriculture, construction, food and beverage services, manufacturing, and wholesale and retail trade. It is reported that formalised work, where Syrians hold a work permit, accounts for a small proportion of overall Syrian refugee employment.^{xxxviii}

Right to freedom of movement

While there have been promising policy changes around refugees in camps being able to apply for permits and leave the camp for extended periods for work, certain populations remain restricted.^{xxxix}



Above: Khadeeja Mnawer Al Jarrah, Beekeeper. Chris de Bode/IRC

Occupational sector limitations

The sectors that are open to Syrian refugees such as agriculture, construction and manufacturing tend to be male dominated whereas the sectors that were re-stated as closed to non-Jordanians in a Ministry of Labour issued decision dated 13 October 2019 included female dominated sectors including secretarial work, sales, hairdressing and services in schools and nurseries.

These limitations are difficult for employers to follow and can discourage them from hiring refugees at all. What is more, the requirements on employers are demanding and time consuming. Employers seeking to employ non-Jordanians including refugees must seek approval from the Ministry of Labour demonstrating the appointment requires expertise and experience not available in the Jordanian market. There is a quota on non-Jordanians of different citizenships (including Syrian) permitted to work in certain sectors determined by the Minister of Labour and refugees can be permitted or denied at the Minister's discretion on a case by case basis.

Opportunities for self-employment

In 2018, home-based businesses were permitted for non-Jordanians allowing refugees to run businesses from their homes. However there are capital and work permit requirements that are reported as demanding. This leaves Syrian business owners operating illegally, vulnerable to exploitation in the informal economy. There are specific implications for women seeking livelihoods opportunities. The small number of women accessing work permits (see below) indicates, at least in part, that there are limited job opportunities in the formal sector that meet the skills, preferences, and needs of women. Instead, many Syrian women want to pursue home-based businesses, as it is often a better a match with their skills, can mitigate childcare challenges, and can address other cultural elements such as a preference for gender-segregated workplaces.

Work permit requirements and the Jordan Compact

Only refugees with work permits are allowed to in formal wage employment and the requirements for securing a permit are onerous for both the employer and refugee employee who can incur high costs. The Jordan Compact agreed in 2016 between the Jordanian government, the World Bank and the European Union included an ambitious target of issuing 200,000 work permits to Syrian refugees. The latest figures are at 164, 636 issued since 2016 for a 12 month period with only 4.8% of permits going to women.^{xxxix}

Women's legal access to economic opportunities

The law in Jordan is gender unequal in 65% of the areas measured by the Women Business and the Law index. Notably the law does not mandate non-discrimination based on gender in employment and there is no specific legislation on sexual harassment in employment, there is inequality in inheritance rights and the law does not mandate equal remuneration for work of equal value.^{xxxiv}



Above: Domitila, a Congolese refugee living in Kampala, Uganda, started her own clothing business after joining an IRC savings group. Once their group reached capacity she helped other women, many of them refugees, start their own savings groups. She is now referred to by all the group members by her nickname "President". Andrew Oberstadt/IRC

Uganda

Refugee right to work and access the labour market

Refugees are permitted to work in Uganda by law in accordance with the Refugee Act 2006 and there are no geographic limitations on where they can work. There are some professions prohibited for non-citizens including refugees unless they acquire Ugandan citizenship, examples are the police and membership of parliament.

Refugees in Uganda require a "conventional travel document", which is equivalent to a work permit, but they are free of charge. The Uganda Registration Bureau, in conjunction with the immigration office, helps facilitate this service, for those that have full status. Other refugees can only work as incentive workers.

While refugees have the right to work in Uganda by law, in practice there is confusion regarding the regulations and this, combined with social stigma, can make employers wary of hiring refugees. The rules governing asylum seekers' right to work are deemed even more opaque in practice with asylum seekers caught in limbo awaiting delayed claims without a clear right to work.^{xxxv}

Right to freedom of movement

Asylum seekers and refugees seeking to live outside designated transit centres or refugee settlements may apply to the Commissioner for Refugees for a movement permit allowing them to live outside of the settlements for a designated period. In practice, the cost of transport

is prohibitive and aid distribution confined only to the settlements can deter free movement.

Restrictive fees for education and training and limitations on start-up loans for micro enterprises put formal labour market opportunities out of reach for refugees, leaving them prey to discrimination and exploitation in the informal economy.

Women's legal access to economic opportunities

Legal provisions defending women's access to economic opportunities are unequal in a little more than 25% of provisions measured by the women business and the law index. With high rates of national unemployment, restrictions on movement and confusion regarding permitted work, women refugees are particularly at risk of discrimination and exploitation including commercial sexual exploitation.

A promising recent development has been the Kampala Declaration on Jobs, Livelihoods and Self Reliance for Refugees, Returnees and Host Communities to which Uganda is a signatory (see Box 3 above). Any revisions of the legislation and corresponding initiatives to increase economic opportunities for refugees in line with the Kampala Declaration must consider the implications for women and girls. Livelihoods projects for refugees must be designed to recognise and address the trauma arising from violence and displacement by, for example, integrating social and emotional learning skills and GBV prevention and response services into livelihoods programmes.

Improving legal and policy conditions for refugee women's right to work

The review of the legal conditions in the four refugee hosting countries discussed above illustrate the complexity and challenges facing refugees, employers, government officials and NGOs – all navigating complex legal environments. We are at a watershed moment to review and improve policy and legislation to expand economic opportunities for refugee women in line with the GCR while progressing towards closing labour market gaps in line with the SDGs.

Pledges made at the GRF and at the regional level, such as the Kampala Declaration, are steps in the right direction but must be followed by prompt assessment, implementation and reform.

Policy guidance and national action plans can also help inform and incentivise the development of national level legislation, represent best practice and challenge stigma towards refugees. For example, the inclusion of refugees in national action plans and Voluntary National Reviews of progress towards SDG targets can ensure refugees are not left behind and highlight successful approaches to their inclusion.

The now expired EU action plan on the integration of third country nationals was another example of a common framework for best practice integration policy, including labour market integration. The GRF represents a milestone opportunity to review, improve and renew the action plan – which in turn could improve member states' national legislation governing refugees' economic opportunities and addressing barriers to women's economic empowerment (see Box 3).

Box 4: Steps to refugee women's labour market integration across the EU^{xxxvi}

Our recent analysis of refugee integration in the EU identified a number of policy and regulatory barriers to refugee and asylum seekers' labour market access that were magnified by discrimination based on gender and protection status intersecting with factors including race, ethnicity and disability status.

Persistent delays in asylum procedures across member states have meant that the likelihood of all asylum-seekers, including women, finding employment is significantly lower than that of recognised refugees. This can lead to demotivation and frustration among people in protracted asylum processes as well as de-skilling as people lose touch with their skills. Early involvement of asylum seekers in employment promotion during their asylum process is critical to labour-market outcomes. Delaying labour market integration at this early stage has significant effects: research shows that refugee income, occupational quality and labour market participation is weaker than migrants with similar characteristics, a gap which persists for ten years after arrival.^{xxxvii}

The 2016 EU Action Plan on the Integration of Third Country Nationals^{xxxviii} represented a critical step towards shaping a common European framework for integration policy, particularly as the power to legislate and act on integration remains in the hands of individual member states. However this expired in 2018.

With a new European Commission in office from December 2019, the EU should take steps to set a clear policy

framework for integration based on tried and tested approaches to successfully integrating refugees into the labour market by committing to a renewed and improved EU Action Plan on Integration, or an equivalent EU framework, with targeted, coherent and robust policy measures and backed by sufficient funding. This would include the collection of more recurrent gender disaggregated data on employment gaps, targeted funding aimed at empowering refugee women and, crucially, encouraging member states to develop and implement action plans and/or strategies on integration which include and monitor the implementation of both mainstreamed actions and specific priorities aimed at taking a structural approach to tackling gender gaps.

The Commission should also promote examples from member states that afford asylum-seekers access to the labour market earlier than the nine-month deadline outlined in the Reception Conditions Directive, and issue a specific call for proposals on early integration measures.

In addition to clear EU leadership on integration policy, long-term and binding European legislation could help ensure that specific discriminatory practices against refugee and asylum-seeking women are tackled head on. This could be achieved by restarting negotiations on the European Anti-Discrimination Directive, focusing on provisions with regards to protection status and links with gender, racial and religious discrimination.

Conclusion and next steps

The rules and regulations governing refugee women's right to work and labour market access are complex and extremely difficult for refugee women, employers and officials to navigate. Often opaque rules combine with gender discrimination to limit refugee women's opportunities to fulfil their ambitions, advance their skills and contribute to the place they now call home.

Bringing laws regulating labour market access in line with the provisions of the Refugee Convention is an important first step but the laws must also translate into policy and practice with a properly financed plan of action.

The IRC will continue to identify barriers to refugee women's economic empowerment through research, evaluation and programming. We will test approaches to effectively respond to the challenges they face and the opportunities they seek in order to build evidence and best practice in line with our own GCR pledge.

We call on stakeholders united around the aims of the GCR and advancing towards the SDGs to seize the opportunity to advance economic opportunities for refugee women and unlock their potential.

Recommendations

Host governments

Review, assess and revise national laws and policies to achieve gender equality and enhance economic opportunities for refugee women in consultation with refugee women, civil society and employers. Including reforms to:

- Defend all women's right to economic opportunities in line with the areas measured by the Women Business and the Law index and international frameworks on human rights.
- Set and enforce effective laws to protect women from and respond to violence and exploitation.
- Increase refugees' free movement and expand access to economic opportunities outside of camps.
- Simplify procedures for securing work permits and business licences eliminating prohibitive fees.
- Expand occupational sectors refugees and asylum seekers are permitted to work in and simplify procedures and requirements for qualification recognition
- Support women with additional skills and qualifications to engage in approved sectors

Measure refugee men and women's inclusion in the labour market and their progress towards the Sustainable Development Goals -particularly the goals on gender equality and decent work for all men and women – and the fulfilment of the aims of the Global Compact on Refugees by:

- Improving the collection and sharing of accurate, comparable data on refugee employment disaggregated by sex and gender.
- Including refugees in SDG Voluntary National Reviews (VNRs) and national action plans
- Aligning GCR indicators with the SDGs

Respond to the multiple barriers to economic opportunities facing refugee women by:

- Supporting facilities for building social networks including women's organisations.
- Supporting skills building and employment opportunities in non-traditional and market responsive sectors.
- Offering 'bundled' services — employment services such as job matching and referrals, vocational training, and entrepreneurship support combined with services like language training, childcare, soft-skill development and support in accessing professional networks.

Address and challenge misconceptions, stigma and hostility among employers and the general public related to refugee employment rights through:

- National and regional action plans or strategies for refugee labour market integration that include and monitor the implementation of both mainstreamed actions and specific priorities aimed at structural approach to closing gender gaps.
- Awareness-raising campaigns and training and the promotion of examples of policy/legislative approaches and reforms that support refugees labour market integration.

Bilateral and multilateral donors

Finance livelihoods programmes for refugee women that respond to market needs and refugee skills and interests while also assessing the implications and risks of their increased economic activity. Integrate responses to the challenges arising from displacement including trauma and violence by:

- Integrating market relevant, social and emotional learning and work readiness skills and GBV prevention and response services into livelihoods programmes. This requires multi-year flexible financing.
- Supporting refugee women's organisations that increase opportunities for women's leadership and social networking.
- Supporting training and education programmes for employers on refugee women's rights and protection needs.
- Integrating social norm change programmes such as gender discussion groups into programmes to reduce and redistribute the division of unpaid care work.

Use financing and “beyond aid” tools to incentivise policies that will improve gender equality and increase economic opportunities for refugee women, such as by:

- Providing funding and technical assistance for reviews and assessments of host government's national laws and policies to determine where improvements can be made
- Linking financing to refugee-hosting governments, such as the World Bank's IDA Window for Refugees and Hosts and the Inter-American Development Bank's grant facility, to progress towards specific policies, such as freedom of movement and right to work
- Deploying a refugee compact model that combines aid and “beyond aid” (e.g. trade concessions) contributions with policy reforms

As host governments lead by example by improving the regulatory environment for refugee women's right to work and labour market access.

Private sector

Establish effective partnerships with humanitarian organisations to support women's access to work and accommodate refugee women's rights and protection needs in the labour market. Advocate for the expansion of economic opportunities and legal reform to increase refugee women's right to work.

Global Stakeholders

Establish a Global Refugee Women and Work Commission representing refugee women, host governments, civil society, international organisations and the private sector responsible for:

- Identifying the structural causes of refugee gender gaps in pay and employment.
- Assessing the gender impact of refugee women's economic inclusion.
- Defining best practice approaches to gender transformative legal and policy reform.

Annex A

Women Business and the Law Index, 2019 in the top 10 highest refugee hosting countries.

ECONOMY	WBL INDEX SCORE	GOING PLACES	STARTING A JOB	GETTING PAID	GETTING MARRIED	HAVING CHILDREN	RUNNING A BUSINESS	MANAGING ASSETS	GETTING A PENSION
Iran, Islamic Rep.	31.25	0	0	50	0	60	75	40	25
Jordan	35	25	0	25	20	20	75	40	75
South Sudan	45.63	100	25	0	80	20	75	40	25
Pakistan	46.25	75	75	0	60	20	50	40	50
Bangladesh	49.38	100	50	25	60	20	75	40	25
Lebanon	58.75	100	50	50	60	20	75	40	75
Ethiopia	71.88	100	100	25	80	20	75	100	75
Uganda	73.13	75	100	100	80	40	75	40	75
Turkey	79.38	100	100	50	80	80	75	100	50
Germany	91.88	100	100	75	100	60	100	100	100

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