

Guarantees the Protection of the Rights of Syrian Refugees in Jordan

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Abstract

Forced migration of the Syrians is one of the major international challenges today and lies at the heart of the basic concepts of humanity and equality. War, conflict, environmental disasters and human are forced the individuals to move in search of safety and stability. This research defines international and regional systems, and the standards for the protection of refugees from the legal perspectives, and theoretical and practical.

Also this research analyzes private protective mechanisms such as supplementary protection or temporary escalating challenges for the protection of refugees caused by the increasing mixed migration of Syrians to Jordan and are analyzing the links between human rights law and humanitarian law and refugee law in the views of States' compliance with its legal and ethical obligations, Which gives the three durable solutions for refugees (repatriation, local integration and resettlement) special attention and express some of the major challenges presented by each and every one of them.

This research Shows challenges of complex emergencies, which discuss flows collective responses as developed by the international community to provide humanitarian aid effective, such as the "Group Policy". And explains the critical importance of the approach of the refugee population as groups heterogeneous with different needs and resources, and discusses the approach to identify and respond to the needs of special protection for vulnerable individuals within the community.

Keywords: the united nations high commissioner for the refugees (UNHCR), international committee of the red cross (ICRC), human rights, Syrian refugees, protection guarantees, the public international protection, the private international protection, international criminal court (ICC)

1. Introduction

The International legitimacy focused on issue of asylum and refugee status through the guarantees of human rights because of the increasing phenomenon of violation of the rights of individuals and groups, the main objective of the protection of refugees is concentrated in the protection of the rights of refugees and to provide them with a decent conditions, as well as to create the conditions to enable them to find a safe haven in another country.

But there are countries of asylum many fed up with what seems the refugee problem, and set up a variety of physical barriers, legal and administrative in order to hinder the access of people who want to seek refuge in its territory, and is increasingly becoming refugees displaced are subjected to pressure in order to stay in the countries of origin or their back to it even if the prevailing conditions are unsafe.

The legal framework for determining refugee status and its definition is influenced by multiple factors it may be affected by the cold war and immigration mankind from third world countries to developed countries, as the refugee status has been linked after the Second World War by torment the human and the need to provide individuals with alternative accommodation for their homelands as a result of war and conflict internal fear of persecution or a result of a defect in their respective countries.

Note that there are great challenges facing refugees Perhaps most important, the challenges posed by the increasing armed conflict, and the changing nature of international conflicts and local moves and the growing population, and the challenges facing humanitarian work, and the failure of the international community for the support of UNHCR and host countries for refugees physically, All of these challenges require a review protections cooperation between all countries, and to support UNHCR's programs in order to ensure its from

doing its work according to long-term programs, and address the causes of asylum and that States bear that occupies other countries of their responsibilities in this regard, and that is to deal with the problem of asylum as a matter of humanitarian primarily first away from any other responsibilities.

Although the international conventions had been granted refugee many rights, but these rights do not find their legislative basis in these agreements, but also that these rights find its backer considering that this is a refugee in the first place is the man, and when you search in this regard will be placed on those rights in conventions on human rights, As the refugee entry to that State gives foreign status, which we need to look for guarantees of their rights in this capacity.

1.1 The Definition of Refuge

Refuge in language: derived from the refuge, said: refuge to the thing or place, and is said: refuge to person: which: based on him and asked for his help, and resorted to person, if changed him with him to the other, as if the refuge in this sense the signal to go out and monopoly, said: refuge from folk: which, separately from them and went out of their Federations to the other, as if he were barricaded, and refuge to forcibly thing, which: forcing him to.

There is no specific definition of who is a refugee, so defined by some as "every human being's life or physical integrity, or liberty at risk, a breach of the principles of the Universal Declaration of Human Rights, and then have the right to seek refuge.

Also known as: "everyone abandoned his native, or been deported him by means of intimidation, took refuge to the territory of another state, for protection, or to deprive him from returning to his native country"

1.2 Refugee in Public International Law

Refugee definition contained in the Convention relating to the Status of Refugees 1951, Article 1: definition of the word "refugee"

A - For the purposes of this Convention, the term applies to refugees:

1) Everyone considered a refugee under the Arrangements of 12 May / 1926 and June 30, 1928, or under the Conventions of 28 October / 1933, and February 10/1938 and the Protocol of 14 September / 1939, or under the Constitution of the International Refugee Organization.

Does not preclude that they have taken the International Refugee Organization during its mandate Decisions of non-eligibility for refugee status being accorded to persons who fulfill the conditions set forth in paragraph 2 of this section.

2) Everyone a result of events occurring before January 1, 1951, and due to well-founded fear of being persecuted for because of his 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, unwilling to avail himself to the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence result of such events is unable or, owing to such fear, unwilling to return to that country.

B- 1. for the purposes of this Convention must understand the words "events occurring before January 1, 1951", contained in section "A" of Article 1, to mean: (a) either "events occurring in Europe before January 1 / 1951 ", or (b)" events occurring in Europe or elsewhere prior to January 1, 1951 ", and on each Contracting State to announce, a sign of this Agreement or ratify or accede to any of these meanings on the level of commitments received this Convention.

But it maligned on this definition, the following:

I- consider this Convention especially affected the peoples of Europe from the ravages of the Second World War only, for this has been develop this definition in an attempt to find a solution to the refugee problem the Europeans who have left their homes as a result of the war, of this was drafted this Convention to absorb the effects of the war. This agreement dealt with individuals, not groups, which stipulates persecution actually a person because of race, religion, nationality, membership for the a particular class or political opinion, and of this demonstrates their applicability to cases of political asylum to individuals who are being persecuted by their governments, most of the coverage collective refugee situations.

II- Anyone who has to resort after the first of January 1951 for the year not covered by the Convention, legal experts have realized this shortcoming, Is this has been adoption of the Protocol on the refugees issued by the United Nations in 1967, where he was a refugee meets all of the conditions away from the rest of history. But when compared to a deficit of international conventions on the status of a comprehensive definition of the

concept of refugee organizations provided regional definitions broader refugee, has stated in Article 1.2 of the Basic Law of the Organization of African Unity within the Treaty 10 / September of the year 1969, that the term refugee is called "no man forced to leave his residence national and resort to another place outside his home of origin or national, due to external aggression or occupation or foreign domination, or because of incidents of breaching a threat to public order, while the focus of the Charter of Europe in its definition to those who cannot and do not want .. For the various reasons return to their country of origin "of his nationality.

III- It also provided covenants European issued by the European Union concerning the refugees described a more accurate and comprehensive concept of a refugee from what other agreements mentioned above and regional treaties, text of Resolution 14 of 1967, on the right of asylum to individuals who are at risk of persecution and oppression, and pointed out the European Agreement 1980 to carry dependencies seekers, as well as recommendation in 1984 for the purpose of protection of the Geneva Convention beneficiaries conditions, and committed Treaty "Dublin" for the year 1990 any Member State of the Union is responsible for considering the asylum when the person wants to do one or more of the countries of the European Union.

society Latin America this dilemma were faced before the European society since 1889 in the "Montevideo Convention" It is the first regional document dealing with asylum and then followed by the "Treaty of Caracas" in 1954 for the right of diplomatic asylum and regional, and then followed by the "Declaration of Carthage" In 1984, the famous and the development of the legal basis for the treatment of refugees from Latin America specifically after the confrontations and bloody battles that led to the displacement of more than a million people outside the country, creating social and economic difficulties of the country to a refugee.

The "Declaration of Carthage" defines refugee as follows: "that people fleeing their country because of the threat to their lives, security or freedom, because of the violence or external aggression or internal conflicts or breach in human rights, or any other circumstances evacuated strongly of public order in the country".

So the text of the definition of a refugee: "any person because of external aggression or occupation or foreign domination or events seriously disturb of public order, either in part or all of the state to which he belongs through he's origin or nationality.

Perhaps it goes without saying that the concept of "refugee" definition found in the Universal Declaration of Human Rights of 10 December / 1948, where Article 14 of the:

I. Everyone has the right to seek and to other countries or trying to take refuge from persecution.

II. Does not benefit from this right to trial in non-political crimes or from acts contrary to the purposes and principles of the United Nations.

The Geneva Convention of 1949 states that the refugee "every human fear of seriously tortured / persecuted because of his religion or nationality, or sex, was found outside his country before the tenth of January 1951 AD, due to events occurring in the country of his nationality".

Reading closer examination we can say that both conventions States mentioned and their definitions do not apply to cases of contemporary refugee.

1.3 Evolution the Concept of Refugee

The term of refugee has witnessed the remarkable development due to the fact that only a human phenomenon asylum eternal originated with the start of human life in this world, and accompanied over time, it does not wait for her demise as long as injustice in the world and a strong violation of basic human rights.

This system has been known when the civilization of Mesopotamia, and the Pharaohs, Jews, Greeks and Romans, as defined by the Arabs before Islam, then recognized by the Islamic Sharia, and organized in accordance with the tolerance principles.

When a - on the ruins of feudalism and church authorities - modern European states as regional units enjoy absolute sovereignty, and are not subject to the authority of the highest of them, turning the intended against the refugee than just a moral duty rests with the governor, to become truly human state branching sovereignty absolute on its territory, and then became a sanctuary state or civil authority to accept as many individuals within its territory and refused to extradite them to another state , and this is what is known as "territorial Refuge", Which that man leaves his country and resort to another country, as well as the granting of asylum work of a sovereign, in the sense that the state has the right to be granted asylum on its territory for people fleeing from other countries, and based on this basis, any attached accept asylum State sovereignty is for this alone the right to asylum or to prevent rejection, and demand from refugee to leave the territory in case of refusal to grant asylum to another state request "to get refuge.

Regional refuge often has taken nature of the mass influx of refugees, in the sense that the phenomenon of resorting taken in the majority of cases the shape out refugees in large groups number is estimated not thousands, but millions, which will create a number of problems for the State of refuge as a burden cannot often afford alone, as well as become refugee problem whether due not respect human rights or war or external aggression or foreign occupation is an international problem, in the sense that they affect the interests of the entire international community, and thus call for the intervention of its members in order to confront, But this kind of refuge has earned it Evolution in terms of the protection of refugee or deported, after he was a refugee who resort to another country it because the crime of normal, it differed in the starting point of the crucial extradition treaty signed between France and Switzerland in 1831, and the law of extradition for political crimes, has moved this principle, then the majority of extradition treaties concluded between states later, as well as domestic laws and constitutions of most countries of the world.

The diplomatic refuge , it is available in international life , since fled thousands of refugees to diplomatic missions, did not include the Vienna Convention on Diplomatic Relations 1961, any provision to legalize or outlaw sanctuary diplomat , but merely article «41 » reference to respect the laws of the host country , and the Commission international law had recommended in its report to the General Assembly in 1956 not to authorize the mission that is home to a general principle, people hunted for political crimes , and that is strictly prohibited on these missions housed common criminals , no doubt that the Commission has targeted the maintenance of diplomatic missions , which could hit it from the problems of legalization asylum where the interests of the delicate situation of the missions and functions (1), From the above we can see that the concept of a refugee and refuge, has evolved by the evolution of political and social life of nations and human societies, and is worth mentioning that the use of regional, in the sense that the human being, whether individuals or groups, leaves his country and asked the protection of another country, is taken now the rest of the species of refuge has been leave.

2. The Legal Nature to the Situation of Humanitarian Refuge

Under article "2" of the Universal Declaration of Human Rights of 1948 that "No one shall be subjected to torture nor to cruel treatment or punishment or brutal or degrading treatment"

Article 14 stipulates (of the same declaration that "1. Everyone has the right to seek and to other countries or trying to take refuge from persecution."

So turns out that countries & governments should to respect all its citizens and to treat a gentle manner and a manner that preserves their dignity as human beings and not be subjected to arrest, detention or sanctions or cruel, inhuman, which expresses serious violation of their freedoms and their right to live in freedom and dignity, especially within their own country.

Cannot say that the man who persecuted within his rights are violated blatantly do not have the right - when it fails completely - in that looking for a safe haven secure it for his life and the life of his family and preserve the dignity, and as the latter violated and blatantly by the state and this is the same decision Treaty 14, paragraph 1 of the Universal Declaration has referred above, which show clearly that the humanitarian refuge is the right of every natural person has been persecuted in his country or in another country where he is a resident, in the same craving for a safe haven.

Did not entrust the persecution is the only element that creates the humanitarian refuge to those who are exposed to him, but has recently appeared in new conditions is because of individual persecution forced many people to abandon their country and emigrate to another country.

And is therefore right arises directly to someone just offering basic rights and freedoms of a serious violation, whether within the country of his nationality or was a resident of another country, and since the emergence of refugee status for such a person, he regales the legal protection of international approved by a Convention on the 951 and contained in the Protocol 1967.

It is regulator right not grants from the host country, has organized the international conventions that are part of international humanitarian law, so states may not face as the host did not want it.

Nor shall protected persons under international humanitarian law conventions waiver in any case for some or all of the rights granted to them under this Convention and its Protocol, or even public agreements or other special if any.

This means that the individual refugee cannot be waived by agreement on the protection his provided by agreements, and we can say that the refugee as he weak party in the country of refugee, So the case of humanitarian asylum where organized by respective agreements provide him with adequate protection, they also offer him protection against his weakness, which may seem at, it is not able to contract to reduce or cancel the

protection does not exempt the other party (the host country) of the effects of violations of its obligations.

As well as the State shall not be treated as the detaining refugees. Who are not in fact the protections of any government as enemy aliens just who are affiliated to a hostile state, which is the rule of article 44 of the Fourth Geneva Convention of 1949 on the protection of civilians in time of war.

Where it should provide the appropriate conditions for them such as shelter, housing, health and food for those who have been displaced outside their countries, for the duration of their stay in the host countries, and kept them retain always the right of return to their homes safely once they disappear reasons refuge, and the host country as well as the UNHCR to help them in matters in their safe return.

It must be international organizations role in documenting and promoting respect for the rights of these refugees and maintaining the legal status of refugees and the lack of prejudice to it, and constitutes the study of the role of the United Nations example on the subject of intervention here an important focus in the field to determine the theoretical framework for this issue, so that this organization has expanded dramatically in recourse to humanitarian intervention and expanded to include many cases have become part of humanitarian intervention, such intervention to protect human rights and freedoms of the violation.

2.1 The Reasons for Refuge

There are many reasons that lead human beings to leave their country, seeking protection from another country to him, according to the United Nations Convention concerning refugees in 1951, and the Protocol to the United Nations on Territorial Asylum in 1976, the reasons for accepting the refugees are following:

2.1.1 The Persecution

The persecution is the standard which was based in the majority of treaties and international agreements and declarations, regional, about who is he meets the definition of refugee, but the concept is defined, where the concept of The persecution is relative, and more importantly, the substance that underlies description refugee also provides that rights either may be signed by persecution or fear hindsight, this is an important point that allows for a person to claim many claims, as well as difficult is how to prove The persecution or fear of it, In general, gives these countries the right of refuge to individuals who meet the definition of a refugee in accordance with Article 1, paragraph a sub-paragraph (2), and with that there is scope for interpretation in the jurisprudence, for example, what it means or includes persecution? , What is the evidence showing that fear is warranted? And how can identify the persecution reasons, race, and religion, and nationality, membership in a particular social group and related political opinion.

2.1.2 The War

Wars between nations lead to leaves that a number of people their own countries asking for safe haven in other countries.

2.1.3 External Aggression

Some countries are exposed to external aggressions, either on the entire country or part thereof, which leads to this act of aggression that leaves the citizen of his country and looking for refuge secures his security.

2.1.4 The Occupation

The occupation of an independent state by a foreign country, action isn't sanctioned by heavenly religions or by international legislation.

2.1.5 Armed Conflicts

Sometimes Armed conflicts occur within the same country, which affects the stability and security, and thus lead to think that a number of the citizens of that country to leave the resort to another country they believe it gives them security.

2.1.6 Civil War

This kind of wars is catastrophic on the citizens of the state, where it produces the victims of appalling.

2.1.7 Fall of the Ruling Regime

Gets sometimes that the system of a particular state is collapsing because of the coup, or revolution, leading to the number of segments of society adversely affected by this change, and the most important is the absence of authority and the law, and that's what affects and violently on a number of these segments, are forced to leave the country for fear of disorder and chaos that accompany this collapse, despite the fact that those in charge of the revolution or coup claim that they came to the benefit of the people, but that does not prevent a number of

citizens affected by procedures, "Revolution."

2.1.8 Natural Disasters

Natural disasters Are considered such as floods, earthquakes, and other reasons why the citizens of the country in which you get when this disaster to leave the country and search for another country they reside.

2.1.9 The Economic Situation

The economic situation of any country evidence recovered or misery, if the situation was secures for the citizens a life well-being of a reasonable, this does not lead the citizens of that country to search for another port in another country secures his minimum dam assuage his hunger, and the opposite is true, especially when it increased the gap between the rich and the poor countries in the world, showed the human waves, not only individuals fleeing from their countries to the poor countries they believe provide them with the lowest its life at least.

2.2 *Types of Refuge*

2.2.1 The Individual Refugee

In the beginning this was the prevailing method of refuge, meaning that the human leaves his home and moving to another home in search of protection because of an act committed in his native country, and was often the main reason for this kind of refuge is that this man has committed a crime unusual such as murder.

2.2.2 The Family Refugee

This type of refugee refuge because that is often the owners of scientific talent that cannot secede from the family, or that refugee fear of arbitrary actions may affect members of his family in his country.

2.2.3 The Collective Refugee

This type of refuge appeared because of the wars, or external aggression, occupation states, where the totals for humanity to leave their countries and resorting to other countries, often adjacent to the mother country, or close to it.

2.2.4 Political Refugee

Political refugee which was more common than other types of seekers, and to the fact that some politicians from the countries of the world, especially from the developing world intersect with the policy of their systems, forcing them to think of resorting to other countries.

Humanitarian asylum

2.2.5 Humanitarian Refugees

This type of refuge is appear in a period of late from the end of the twentieth century, so as not to be a refugee in a situation that may affect the family members that remain in his own pursuit of power, and that some of the refugees are actually not their political interests, so it has been the characterization of this refugee that "humanitarian refugees".

3. **The First Topic: Protection Guarantees**

Guarantees means protect refugees defined as those constitutional means and legal and regulatory to do in practice to preserve the rights of refugees, and protect them from tampering with or violated or infringed upon or not be applied, The search in the protection of those rights and guarantees mean in the fact of the matter is how to put these texts at stake Executive, a statement of how to exercise with her all the guarantees that the actual stresses on the practice.

It must be emphasized in this regard that there is no area to search for these guarantees as long as is not enshrined in the charters of specific and clearly defined unequivocal and unambiguous, and that has been stipulated clearly it is not the area to discuss these guarantees as long as these texts does not work out, as long as it was be applied not only prevail in a true democratic societies.

3.1 *National Guarantees*

Constitutional rules are considered the foundation stone in the legal architecture of any State, to scale under which the rest of the legal rules that regulated the legal structure within the state, The Constitution shows the system of government and the rights and duties of individuals and the relationship between the three authorities in the country, this attention to the constitutional rights and fundamental freedoms of the human being in general, reflected by extension on the legislative field were issued numerous laws which emphasizes the protection of

refugees and the penalty resulting from the hurts them.

Although the Jordanian Constitution does not mention the issue of refugees, except in the article (21/1) of the Jordanian Constitution, which stipulates: "Political refugees shall not be extradited because of their political beliefs or their defense of liberty", but there texts of what can be learned as they apply and protect the same time, where is the guarantee of its own, And to identify those guarantees the researchers will divide this axis for the following items:

3.1.1 Constitutional Guarantees

The rights of refugees cannot be arise and grow in the any political system without guarantees and explicitly within the state constitution, which later translates into a number of relevant laws, when The Constitution defines the relationship authority with authority on the one hand and the relationship power of the individual on the other hand then it determines the nature and extent of freedom and how to report and ensure its implementation, which in its entirety is a fundamental pillars include human rights no matter how small or large.

The Jordanian constitution did not come out on this matter, where the text of those guarantees built into the Constitution, and so that we dealt with in some detail we will divide this item to the following points:

3.1.1.1 The State of Law

This principle is at the top of the basic guarantees of the rights of refugees and means constitutional State is that the State which is subject in which both rulers and ruled alike to the law, and to be constitutional State in this regard is that the state authorities are three - legislative, executive, judicial - are subject to the law

In the absence of state law be talking about the rights of refugees and to protect them just ink on paper, because we are here within a police state does not abide by the rules of law rulers are not subject to its provisions.

And Relate to the principle of state law two important principles, namely the principle of legality and the principle of HH Constitution, Means the principle of legality: Business undergo issued by the executive branch to the legislature enacted legislation and laws, undergo any administration of the law.

On this differs this principle, from the principle undergo the state with the law, which means the undergo all rulers and ruled the law required undergo of public authority in all organs of the ruling of the legal rules in force so that the designation of the State, the State Legal, and considered this principle an extension of the of state law, the state when developing laws regulations and instructions, but rather abide by certain rules regulated by the Constitution, they are constrained by the limits of a pre-drawn.

Legislative power when enacting laws must be committed to limits prescribed by the constitution and that does not go against his wishes, and that the executive power in the exercise of their work is not subject to legal rules enacted by the legislature, but it has to be subject to the rules, which are also enacted. If the principle of legality governs the executive branch adherence to legal rules, it imposes the same time seeking to work in the public interest and the public interest.

The control over the acts of the authorities of the most basic rules of any government law, it is imperative for any government fair undergo rulers all - the head of state, parliament and the ministry - to the principle of legality in their actions, whether the work is to promulgate laws or regulations or instructions or decisions, and then do not correct to say that the same rules that the constitution of the legislative authority not only by the conscience of sergeant members of this authority and moral responsibility to the nation.

"The government cannot be legitimate only if it is actions within the limits of the law, acted outside the bounds of the law set for it to be authoritarian, and this government is authoritarian unimaginable even in a democratic government with an elected parliament whether their behavior do not a link to it, but the government on this situation be more dangerous than the authoritarian government of individual responsibility, because in that case becomes distributed to members of parliament".

I- The Principle of Highness The Constitution

Constitution of the State comes on top of the legal rules, where the legislation is a top, which transcends all other legal rules, and helps to establish the principle of legality and the placement of the rulers and the ruled with the law, so the principle of Highness Constitution of the characteristics of the legal state. This principle requires that the Constitution leading position in relation to other state laws, and all must be respected and the ruling authorities in the scope of work and commitment to the limits stipulated by the governing bodies in the exercise of their activity.

The principle of Highness the Constitution giving up the principle of legality and undergo the state with the law; it must each legislation touch with the every legislation on top of it.

The normal Legislation cannot be contrary to the provisions of the Constitution, and the subsidiary legislation issued by the executive branch, such as instructions, cannot breach the provisions of the legislation enacted by the legislative authority there is inserted between the different types of legislation requires that the subject of legislation the minimum degree of legislation highest degree of it in him hierarchy of legal norms.

II- The Highness in objective form

The Highness objective of the Constitution Lies in the context of constitutional rules included in the agenda as well as in the nature of the topics that organized, which revolves mainly around the nature of system of government in the state and the formation of public authorities and determine the terms of reference and their relationship with each other on the one hand and individuals on the other hand, this Highness is present in all constitutions were customary or written, flexible or static.

III- The Highness in formality

The Highness formality constitution Lies on the basis of the method and procedures that are by design and revise the constitutional rules so this Highness cannot be achieved except for the constitutions written sterols, this Highness not imagine achieved for the country with a constitutional law, which is not available to these constitutional rules inherently safeguards to ensure its sovereignty in the face of the legislative branch, also this is true for the country with written constitutions if a flexible constitution, which it was possible to modify the same procedures and by the same authority that the enactment of ordinary laws. Thus Highness formality constitution be relatively varies from country to country according to its constitutional and according to the procedures and forms that are placed by their respective constitutional processes, the more the procedure for the development of the Constitution and the amended special and complex prove to the Constitution Highness and superiority and sovereignty.

3.1.1.2 The Principle of Separation of Powers

The principle of separation of powers means distribute the three powers that are in the state - legislative, executive, and judicial - on multiple bodies, without those powers concentrated in the one hand.

If the meaning of this principle to proceed with the legislative power to enact laws government and implemented by the judicial authority represented by the courts are applying law to all poses in front of disputes, not inconsistent with the Constitution, so take each of these bodies from the other in a direct function and prevent tyranny and control by the other body.

However, it is not intended that principle of independence of each authority completely independent from the other, there is nothing to prevent the existence of mutual cooperation between all the authorities with other authorities in the state

The intended cooperation is the existence of a connection between the legislative and executive authority, and this is achieved cooperation through the right of the ministry to enter parliament and participate in the meetings and discussions that take place within it, and the right of the government in the provision of draft laws to Parliament and the right is released, and to call for the convening and postponed Parliament.

While Parliament can constitute committees of its members to investigates some of the actions of the executive authority and the right of its members to ask questions and interrogations of Ministers.

And in Jordan, we find that the Constitution taking the principle of separation of powers, where the distribution of powers between the different bodies, and elections are held periodically to participate in authorities legislative, parliamentary system Jordanian parliamentary system, based on this principle with the presence of cooperation between the two authorities, it is not a system which secures the merger authorities and focus with one hand, nor is it a system that provides a strict separation between them.

Whereas parliamentary system is based on two pillars, that are dual-executive authority, and of separation of powers with the creation of cooperation and reciprocal control between the legislative and executive authority, and what was Jordan with a parliamentary system consists of the executive of the King, who exercised his constitutional authority by his ministers and the government, represented Council of Ministers.

According to the article, "35" of the Constitution, the king appoints the prime minister and dismiss him and accept his resignation and appoint ministers and accept their resignation upon recommendation by the Prime Minister.

And The Council of Ministers in accordance with Article "45" of the Constitution is responsible for managing all the affairs of the state, internal and external, except as may assigned to such affairs under this Constitution or any other legislation to any other person or entity.

As the executive authority in Jordan consists of two parties namely King and the government, but the king is considered independent of the government and the parliament, which would entail that the king does not bear any political responsibility and thus be intact from all liability and this is confirmed by the article, "30" of the Constitution.

The responsibility will be on the government and the ministers, and the oral king orders and written not exempt to the ministers from their responsibilities, "m / 49" of the Constitution.

This independence of the king comes as a result of the impact the Jordanian parliamentary system by parliamentary system in British, which is the traditional model for this kind of political systems, where assume King standing supreme in the state and cannot criticize him, and shall be vested legislative authority in Jordan, according to the article, "25" Constitution from the National Assembly and the king and parliament consists from the two chambers of the Senate and House of Representatives.

3.1.1.3 The Control

Widely believed that the abuse of power resulted only from the executive branch, so it must control its business and to reconsider its decisions affecting the human rights, But the reality is different to the Legislative power may err also in its work and issued the law is contrary to the principles of the Constitution which would entail that violate these power rights of individuals under the law, although the latter is considered the basis for the rights of individuals. And where the proper law of Forensic is the one that protects the rights and not law violates the Constitution, we will discuss the principle of control in terms of control over the constitutionality of laws and oversight of the Department's work.

I- The Constitutional Control: mean is that the Constitution assigns to an independent body with the efficiency and integrity of the high task of making sure about the compatibility of the law issued by the legislative authority of the provisions of the Constitution.

The controls on the constitutionality of laws is devoted to the principle of legality, which is based on the principle of the Constitution and rules Highness is the ultimate restriction with all the authorities in the State to respect and act accordingly, including legislative power.

The controls on the constitutionality of laws is considered an effective guarantee for the protection of human rights and freedoms, but also to protect the legal architecture of the state in general, there is no value to the Constitution and do not benefit from the principle of the Highness the Constitution as long as it is permissible for the government to violate it without penalty.

In Jordan, the text of the constitution on the control of the constitutionality of laws and regulations of the jurisdiction of the Constitutional Court, where the Constitutional Court to control the constitutionality of laws and regulations in force and shall be final and binding on all authorities and for all, as the provisions of the window with immediate effect unless specified rule another date for entry into force, and publish the provisions of the Constitutional Court in the Official Gazette within fifteen days from the date of issuance.

Also the Constitutional Court has the right to interpret the provisions of the Constitution if requested to do so by a decision of the Council of Ministers or a decision of a majority of both houses of the nation and its decision shall be effective after its publication in the Official Gazette.

3.1.2 The Local Institutions

The local institutions - governmental and non-governmental - Occupied increasingly important in the past few decades as a result of the vital role played by the national and regional level.

And institutions of civil society representing on top of the pyramid in the non-governmental institutions that have adopted the refugee issue in all its dimensions and its problems, and is intended to these institutions: is a group organizations volunteer free that fill the public domain between the family and the state to achieve the interests of its members, is committed to the values and standards of respect and compromise, tolerance and the sound management of diversity The dispute.

Perhaps the reason for considering that the institutions of civil society, a guarantee for the protection of refugees lies in the fact that the ruling power tend by their nature to cover up and not to disclose its decisions, fear of accountability laid down in front of the community which therefore affect the legitimacy and continuity, the existence of these institutions easily monitor the work of the ruling power and control rule law and justice

between the citizens.

To identify the role of government and non-governmental institutions in the refugee protection will be division of topic as follows:

3.1.2.1 The Political Parties

A political parties play an important role in the field of democratization of political systems to the extent that we can say that there is no democracy without political parties, let alone to what the political parties in the field of political education in the state to create a balance of political and constitutional in contemporary political systems, it is the foundation of democracy in the era talk about is the way to express different political trends in the state.

In spite of the difficulty of establishing a comprehensive definition of the concept of the party, as a result of the different angle that is seen of them the owner of the definition, or perspective that looks at one or more of the elements that comprise the party - individuals, ideology or the means or the goal stemming from it, and also because of age or social milieu Party who live in its shadow, or through the definition of the party, both from the perspective of political scholars or law.

The definition of the party, according to the taken by the third article of the law of parties Jordan's number "16" for the year 2012 as "The party every political organization consisting of a group of Jordanians established according to the provisions of the Constitution and the law, with a view to participate in political life and to achieve specific goals related to political affairs and economic social and working through legitimate and peaceful."

Regarding the given that the parties is a guarantee of protection guarantees refugees lies in the following:

I. Formation of the public opinion

Public opinion Means what expresses the views of the people in engaging with the authorities in decisions making for the formation of public policy and that this policy is the product of free consultation and through public discussions and dialogue between individuals and leaders, and the majority of the people are governing with the right of the minority in the opposition.

Whereas the refugee issue and protecting it from the attack that is situated by the various forms of important topics and issues of the hour for the high incidence of attacks on them and the ugliness parties based on the creation of an informed public opinion seer to facts.

II. Identify problems in the society

The parties play a leading role in determining the important problems in society and affecting all citizens, highlighting the urgent needs that you need the masses, where this is done through a discussion of the problem and offer views within the meetings that take place, then the disclosure of appropriate solutions to the audience through the partisan newspapers.

III. Control on the exercise of governance

The parties representing political and social guarantee through the exercise of authority or and even if it out of power Members of the party who have won the confidence of voters, Their first mission is the implementation of the programs they have made in front of their voters, and if it succeeds it boosted the confidence of voters, and their popularity grown, but so it is a deficit his efforts and prevents voters from renewing their confidence in the subsequent elections.

Member will the legislative power has to take all the decisions of the government and its policies, and through technical devices owned by the Party and of the study of those decisions and evaluated in accordance with the interest, the parties expressing their results through mass communication of the party, which holds usually the task of popular control on government policies and responding to uncover the circumstances and failure to work on the program.

3.1.2.2 The Non- Governmental Institutions

Non-governmental organizations are one of the components of civil society institutions, and have great importance as a manifestation of democracy.

the importance of these organizations increased in recent years as a result of the significant role it played in the field of development in the broad sense "of political, economic, cultural and social," for the withdrawal of the state from some of the areas of services, and the establishment of such organizations - depending on their objectives - the role supplementing the role of the state in these fields.

Although the many accepted definitions on non-governmental organizations, but we'll take the definition adopted by the Jordanian legislator according to the law of associations and social organizations the number "33" for the year 1966 and the amendments attached to it as: anybody composed of seven or more persons, the primary purpose is to organize its efforts to provide social services to citizens without targeting of activity or work to reap the profit or divided, or the personal benefit or to achieve any political goals, this definition does not include political societies or associations which arise by special law."

The reason for considering that these organizations safeguard national refugee protection lies in the fact that these organizations have played a prominent role in the formulation of international declarations and covenants on human rights and refugees, and in the monitoring of human rights violations by the state and informal groups, also paved the way through their activities to the emergence of international consortia of national NGOs, not to mention being a neutral independence which enjoys ensures that do not fall under the grip of the government so lose the primary objective, which originated from him, and ensures independence from the private sector, non-profit-making material or that the propaganda in favor of a private company.

3.2 *The International Guarantees*

International guarantees meant guarantees are derived as indicated by the international conventions on human rights and refugees.

Many conventions have included which meant the issue of refugees and refugee rights in particular and human rights in general a lot of guarantees for the refugees to exercise their rights and apply them globally, with the commitment of countries, groups and individuals.

The obligation of states to respect the rights of refugees at the international level is often achieved through stipulated in charters of international organizations and international conventions and declarations, and derives this obligation of the decisions issued by international bodies responsible for monitoring states to respect these rights, international institutions play an important role in perpetuating such protection through monitoring and supervision and extending a helping hand to countries to eliminate the prejudice the security and welfare of refugee.

And to identify the international guarantees for the protection of refugees will be divide this axis to the following items:

3.2.1 *The International Treaties*

The of international treaties are a written agreement is between subjects of international law with a view to arranging the effects of certain legal and according to the rules of international law, the rights conventions refugees and many of the human rights conventions may contain guarantees for the protection of refugees, and to identify those guarantees will be divided into this item as follows:

3.2.1.1 *The Integration of Refugee Rights in National Legislations*

This principle comes on the top of guarantees rights of refugees on the international level, which means the obligation of States and their commitment to the inclusion of refugee rights and fundamental freedoms at the core of its Constitution and national legislation.

This means adopting the text states the basic rights and freedoms at the core their materials, constitution sets rules and general principles of rights and freedoms, and then comes the role of the legislature and carried out by organized according to the political system followed in each country.

The commitment of States and pledge to include national legislation to provide for the rights of refugees in order to cope with the rules of international human rights, refugee and principles one of the basic guarantees and fundamental to protecting the rights of refugee and must work to repeal any law or regulation or instruction inconsistent with what is stipulated in the international conventions on the rights of refugees, and that the altitude of international law because it aims to achieve harmony and compatibility between the individual and the group, surpassing the theoretical differences, here it is acquired universality rules.

The issue of integration treaties from the matters that are subject to the constitutions of each state according to the principle of self-integration of international treaties or lack of integration of these treaties only after performing procedures, especially by the state.

In some countries, treaties occupies the top ranked on the laws and regulations so that they take priority in the application within them, while some countries are given the treaties the force of law only.

In Jordan, under Article "33" of the Constitution, "the treaties and agreements which involve financial

commitments the state treasury certain charges or prejudice to the rights of Jordanian public and private, shall not be valid unless approved by the National Assembly, shall not in any way that the conditions of confidentiality in treaty or agreement contrary to the terms of the public.”

Where being the application of international treaties in Jordan, even if they conflict with domestic legislation. And only consecrate the principle of Highness of international treaties on the domestic legal rules.

Although the international agreements had been granted refugee many rights, but these rights do not find their legislative basis in these agreements only, but also that these rights find corroboration considering that this is a refugee in the first place is a human being.

“And when return to the conventions of human rights, we find that the entry refugee to any status would give him foreigner status....” Intended foreigner is all there is someone in the state do not enjoy its nationality, whether resident on its territory, or not.

In this area, the states do not agree to follow a specific mechanism to protect the rights of foreigners in a specific order in their national legislation, At times stipulates those rights at the core of its Constitution, while others regulate those rights in their domestic legislation to do so based on the principles of international law, without prejudice to its international obligations, Perhaps the reason for this difference attributable to factors that are affected on the state, whether they're political, social, economic, etc...

Regardless of how many those rights, the international custom committed the states to the recognition of foreign on the territory from the minimum rights which may not be waived for any reason whatsoever. Otherwise expose to international responsibility.

And the states have to Recognize a foreigner on the ground by the freedoms that associated with an entity such as freedom of movement, without limitation or qualification, freedom of expression and freedom of religion, and this is not consider as a grant from the state, but is that application of the fact that people are born free and enjoying the rights and freedoms without distinction of any kind, cause of ethnicity, color, religion, also foreigner enjoy using public utilities and allocated to satisfy his needs.

Also the international law of human being - regardless of nationality - admitted by the legal personality, this has been adopted by the General Assembly of the United Nations the Declaration on Human Rights of Individuals who are not citizens of the country in which they live, and then it is not permitted to deny foreigner to exercise certain rights and that are in: the right to life The personal security, the right to protection from the arbitrary interference or illegal, the right to secure his capture, the right to equality before courts and tribunals, the right to freedom of thought, conscience and religion.

At the level of the acquired rights from the refugee conventions stipulated 1951 Refugee Convention, a set of rights that the state must be taken into account and they represent the most important of those rights in:

- Right to acquire ownership of movable and immovable property and rights related thereto, and rent and the other contracts related to this money, "Article 13".
- Right of association with non-political and the non-material benefit “Article 15".
- Right to exercise religious rituals and the religious education for children, "Article 4".
- Right in the literary, industrial and artistic property “Article 14".
- Right to litigation and exemption from fees “Article 16".
- Exemption from the requirement of reciprocity, “Article 7 ”.
- Exemption from exceptional measures “Article 8 ”.
- Commit the States Parties to issue identity documents and travel documents of their own “Articles 27 and 28".

There are also many of the rights find corroboration in human rights conventions and the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights of 1969, and that the benefit of a refugee as a person because refugee status do not block for refugee a human right status, but adds his rights arising from the circumstances that have occurred.

However, despite the fact that Jordan has ratified most of the international conventions and on the Rights of refugee and human, but the Jordanian constitution had not been exposed to the issue of the introduction of the treaties in the domestic legal system, it is not necessitates to take any action in order to implement the treaty domestically after the final consent commitment to them.

As consider Convention on the Rights of the Child in 1989 is a critical for all children of refugee even though it

is not a special treaty the refugees, and that because it sets comprehensive standards it covers almost every aspect of a child's life.

It also gained the Convention on the Rights of the Child is particularly important for children of refugees because of the authentication sub-global them, and apply the UN High Commissioner for Refugees, the Convention on the Rights of the Child on its business through the use of these rights like guidelines principles , and the provides UNHCR policy on refugee children on the Convention on the Rights of the Child as the agreement issued for the United Nations and the have a global consensus on them, constitute the frame of reference for the work of the Commission, the fact from the Principles of the Convention on the rights of the Child best interests of children be given first consideration.

It is for the welfare of the children of refugees, the UNHCR urges all States, international agencies and non-governmental organizations to respect the standards set by the Convention on the Rights of the Child.

The importance of this treaty as the following:

- Giving the procedures for refugee children the first consideration to the child's best interests.
- Give refugee child the right in conjunction with other people in his group that has the culture and the practice their religion.
- Right of the child who is the victim of any form of abuse or neglect in the physical and psychological recovery and the social reintegration.
- Countries should take measures to reduce infant and child mortality, and work on the development of primary health care for children, with special action to take them teaching.
- Must provide security and personal freedom for the child refugee.
- Prevention of disability and treatment.
- A child who is seeking refugee status entitled to receive protection and humanitarian assistance.
- The necessity of cooperation between states parties to protect refugee child and help him to search for his parents and family members.

Thus, we find that the kids need to take care and protect better than adults, especially if we consider that the bulk of the refugees at the level of the whole world are children and women who are the most vulnerable to the violation of their rights.

In terms of the protection of refugee women, the matter does not require a commitment to the Treaty of 1951 and the Protocol thereto, but also a commitment to other international instruments such as the Universal Declaration of Human Rights, and the four Geneva Conventions and the Protocols thereto, and the International Covenants on Human Rights, and the Declaration on the protection of women and children in situations of emergency and armed conflict.

And the Convention on Consent to Marriage and Minimum Order Age for Marriage and Registration of Marriages, and the Convention on the Nationality of Married Women, and the Convention on the Rights of the Child, and with the states that may not be individually parties to all these conventions, they provide the framework of international standards for human rights to carry out activities to protect and the help related to refugee women.

The Convention against discrimination against women Touché for all the provisions for the protection of women, which could be a referral to it in case of the presence of women in the places of refuge, and at the same time can work the four Geneva Conventions of 1949, which dealt with to ensure the protection of pregnant women and mothers of infants, and the in this regard, Article 27 of the fourth Geneva Convention, he (... must protect women in particular of any attack on their honor, especially rape, enforced prostitution and any sexual assault or any other form of indecent assault year...).

And the same trend Vienna Declaration and Program who adopted by the World Conference on Human Rights in 1993 touched that the violations of the basic rights of women in situations of armed conflict violates the basic principles of human rights and international humanitarian law, and that these violations required to take effective measures, in particular, emphasized the work program as well as should include the core activities of the UN system on activity related to equality of opportunity and the basic rights of women.

In 1994 was appointed special reporter, whose mandate includes some aspects of the situation of women in times of armed conflict, and in 1998 the Special Reporter presented his report in which it recommended a review and assessment of the international agreements to incorporate the standards of recent relating to violence against

women in wartime, and in this regard admitted to the Fourth World Conference on women, which was organized by the UN in 1995 Beijing controls for the protection of women during armed conflict, and this was confirmed by the International Conference on the twenty-sixth of the Red Cross and Red Crescent, held in 1996, as well as the International Conference on the twenty-seventh in 1999 and the Beijing Conference in 2000.

• May through a review of the international effort, that there is a variety of rights must be considered, especially if target audiences are women, which can be summarized as follows:

I- Should Prohibition all forms of sexual violence and acts of prostitution in places of refuge, taking into consideration the guiding principles for prevention and response, which was approved by the United Nations.

II- Should work on the reunion of separated families in places of refuge, especially married women and their children.

III- Have must be doing on the legal proceedings with regard to pregnant women in terms of reproductive health matters and the naming the child and the recorded.

IV- Prohibition all acts of rape and sexual slavery during the period of armed conflict.

The most important question that arises in this field: Can receiving State deportation the refugees from its territory, which is known as the forced deportation?

Perhaps it goes without saying that the principle of non-refoulement appeared into existence for the first time after the First World War, through Article III item (2) of the Convention on the International Center for Refugees Russians, Armenians, and their equivalents.

It also affirmed by the Article (45/4) from the Fourth Geneva Convention of 1949 on this principle by prohibiting the transfer or deportation of foreign located within the territory of the warring state to state which be feared persecution because of his political opinions or religious beliefs.

The United Nations Convention on the Status of Refugees of 1951 prohibited this behavior, where According to article (33/1) that it is not permissible for any Contracting State to expel or refouler in any form whatsoever to the frontiers of territories where his life or freedom would be threatened because of his race or his religion or nationality, membership of a particular social group or political opinion."

The International Covenant on Civil and Political Rights of 1966 prohibited dimensional arbitrary or arrest and refrain from forcible return of people to places where they are at risk of torture or cruel, inhuman or degrading treatment.

In this regard, it must be pointed out that the of Article "1" from the 1951 Convention for the Protection of Refugees applicable to the Philistines refugees those who resort of the country that have taken refuge in them previously unknown - not refugees from their state Palestine - so consider refugees which requires giving them all the rights provided for by the Convention The 1967 Protocol to the Convention, because they escaped from the state from the universally known that they suffer from the severe persecution by the illusion outside the country of nationality because of fear of being subjected to this persecution.

As the Palestinian refugees residents in Syria and the run away with the current events there do not have the nationality of any country which means entails giving them full rights granted to them under the Convention.

3.2.1.2 The Public International Protection

Does not mean that refugee protection is limited only to the specific ways through the Convention on the rights of refugees, but that protection lies in the taking many from the general procedures carried out by competent organs of the United Nations.

Which it charter authorizes a number of devices to address the human rights issues that enters, including the rights of refugees, and this is done under the general system through the periodic review of the information received from the various reliable sources, whether it be through periodic reports from Member States, intergovernmental organizations or non-and the government called the complaints of a violation of human rights of the victims or their representatives.

And the United Nations exercise this protection through oversight by both the General Assembly and the Economic and Social Council under powers granted by the Charter of the United Nations for them and which are: **Supervise the implementation of international standards for human rights:**

Article "60" the United Nations Charter rests with the General Assembly and the Economic and Social Council to achieve the purposes of the United Nations and under the supervision of the General Assembly.

The guarantees of the protection of refugees by the United Nations, through discussions and studies and make recommendations Under Article "13" from the Charter of the United Nations have the General Assembly to establish the studies and make recommendations with a view to promoting international cooperation in the various fields of economic, social, cultural, educational, health and assistance to the work of the human rights of people all without any discrimination on grounds of sex, religion, language or ethnicity. and the General Assembly discussing any problem be related to conservation of international peace and security which is the main purpose of the United Nations - raises her any state - from the Member States and to make recommendations in respect of these matters in accordance with Article "11" from the charter, and the as is well known, the issues of human rights topics task that has a close connection to save international peace and security.

Under Article "22" from the Charter of the United Nations General Assembly shall establish such subsidiary organs as it deems necessary functions, and between devices that deal with issues of human rights committees of decolonization and apartheid and the aid groups vulnerable people.

It is the responsibility of the Economic and Social Council to carry out studies and the reporting on international issues in matters of economics, sociology, culture, education, health and related and make recommendations on any of the issues that the General Assembly and to the members of the United Nations and the specialized agencies concerned, and offers recommendations for purpose of promoting respect people's rights and fundamental freedoms and observance for all, In practice, the Board makes recommendations to the bodies mentioned previously and the non-member countries, and to the subsidiary bodies of the General Assembly and to international conferences and the governmental and non-governmental organizations and international and to the peoples and individuals.

As the Council's establishment of subsidiary bodies of the performance of its functions have been created for the United Nations Commission on Human Rights, which emanated from Council pursuant to resolution 1503 of 1946, which specializes in all matters relating to human rights, which is considered as the main body in the United Nations Commission on the Promotion and protect human rights, The control system of this Committee by a system of reports submitted by the Committee to the Secretary-General of the United Nations, which in turn refers them to the committees and agencies for examination and study and comments around, and realized oversight in this area through the possibility of discussing these reports with the delegates of states, and discuss the obstacles that prevent the application of international standards for the protection of human rights with the development of appropriate solutions.

Since 1956 the evolution of the work of this committee, where he became a right to receive communications and information relating to the violation of human rights - especially those relating to the refugee as a human being - and examined the study and submission of reports and recommendations thereon to the Economic and Social Council provided that such complaint or communication is anonymous with exhausting all means national solved. The committee will be responsible to examine the complaints made by individuals or by the recommendation of the Economic and Social Council the number "1235" on June 6, 1967 m.

If the General Assembly and the Economic and Social Council have a role in protecting rights, it does not mean losing sight of the rest of the roles of United Nations bodies such as the Council of the Security Council, Trusteeship Council and the International Court of Justice and the Secretariat in efforts without interruption to promote and protect the work of human rights and freedoms in all the major parts of the world.

3.2.1.3 The Private International Protection

The purpose of the United Nations to include international monitoring in accordance with considerations of national sovereignty for the drafted international conventions through the stages of the Charter of the United Nations, even been generated conviction international universality of human rights and epitomized this conviction based on international conventions that have joined her State and committed to respecting the application of the texts.

Based on these agreements must be on States parties to submit periodic reports regularly to the organs of international monitoring, where shows such reports what action taken by States to ensure the application of those rights contained therein, with accountability for any violation of these rights whether it's based on a complaint by the States Parties to the Convention or positive individual complaint submitted by one of their nationals.

3.2.2 The International and Regional Organizations

The efforts of the international community continued in an effort to achieve greater protection of refugees, where such protection is not limited to states and individuals, but also is the responsibility of everyone to protect.

In this area, appeared on the international stage a lot of organizations assigned to them the control and

supervision of international and help protect the rights of refugees, from the international organizations, UN and independent organizations, and Arab regional organizations, and in the following points will be dealt such organizations in the protection of refugees.

3.2.2.1 The United Nations Organizations

Under the League of Nations that preceded the United Nations has been initiated to develop a set of laws and conventions and principles in order to protect refugees since 1920 and culminated in such endeavors in July 1951, agreed Nations General Assembly of the United Nations Convention Relating to the Status of Refugees, The High Commissioner of Refugees (UNHCR) has begun work on the first of January 1951 and the goal was the first to provide protection primarily for refugees Europeans in the aftermath of World War II, but the 1967 Protocol expanded the scope of work of the Commission, following the widespread problem of displacement and asylum in most parts of the world so as to protect refugees and securing durable solutions to their plight.

The UNHCR is independent humanitarian organization non political linked to reports to the General Assembly through the Economic and Social Council at the United Nations.

I- UNHCR headquarters: Headquarters in Geneva, has five sections:

- Executive Office
- Management Division of International Protection assigned to the implementation of the main mandate of the Agency which is the protection.
- Department of Operations Management, which covers all programs in the field.
- Department of Communication and Information.
- Human Resources Management Department.

II- The functions of UNHCR: the international community has assigned the UNHCR, the following tasks:

- Securing the legal protection and ensure respect for the human rights of refugees and asylum seekers
- Providing a material humanitarian assistance to refugees' such as food, water, medical care and shelter.
- Find durable solutions to refugee problems, either by helping them to return voluntarily to their homes or their integration in the countries that have sought asylum or resettlement in other countries, in coordination with governments and states.
- Help other categories of people such as refugees or displaced persons within their own country and provide specialized services such as emergency food aid and medical assistance, community services and educational facilities.
- Ensure that doesn't return forcibly any individual to country available in it any reasons to fear of being persecuted.
- Promotion of international conventions for refugees.
- Monitor whether government compliance to the international law.

here it had been determined the basic functions for the United Nations High Commissioner for the Refugees (UNHCR) as a two-pronged (political and humanist) as follows:

I- Increased attention to issues of asylum because of the increasing numbers of refugees around the world.

II- Access to protection taken in the last period to take new forms, in addition to resettlement, has taken provide material assistance such as food, shelter, as well as the provision of health care, education and other social services, as well as develop some special programs with the help of some groups, such as women, children and the elderly .

III- Increase the scope of beneficiaries of protection, so that the cover in addition to the refugees of other categories such as displaced within the borders of their country, and returnees (refugees or internally displaced persons who have returned) and asylum seekers (who have not yet decided their official status) and stateless persons, and the population affected by the war and others.

IV- also increased significantly the number of strong actors and involved programs aimed at the protection of refugees and other displaced people and help them, so that the UNHCR is working with other UN agencies, the International Committee of the Red Cross, and the peacekeeping forces of the United Nations, and regional organizations, and human rights organizations, and civil society organizations, and the national Societies of the Red Crescent and the Red Cross.

V- The international protection of refugee problems in the past is a way of reaction, either currently has taken access to protection for giving me another based on taking a comprehensive approach to address the problem asylum forced displacement, according to the programs, some pre-planned, and others imposed by the new circumstances in the event of a case of asylum that fall within the mandate of the Commission. However, despite the fact that states have legitimate interests in controlling access to its territory, the same time it is international obligations to provide protection for people who are fleeing persecution in their home countries.

The main objective of the organization is to ensure that all individuals can request asylum and find a safe place for asylum in another country, and voluntary return to their countries. The most important and urgent duty is to urge governments to adopt a fair and flexible methods to get to the immigration laws fair and effective. When the organization in the beginning to provide relief duties (housing and food) the responsibility of the states that grant asylum. Since most cases of asylum collective occur in developing countries, FAO began (UNHCR) to carry out additional responsibilities for coordination in providing assistance to refugees and returnees, where he became one of the most important this role with duties to ensure the protection of refugees and the search for durable solutions.

On this level, the Kingdom of Jordan has signed an agreement with the UNHCR, which aims to protect this agreement and the granting of refugee humanitarian assistance for refugees and other persons covered by the host country.

In the aim to achieve cooperation and enable the High Commission or any other agency UN may succeed Government undertakes to provide the High Commissioner in the appropriate form information and statistical data requesting and relating to:

- The refugee situation With the exception of Palestinian refugees.
- Laws, regulations and decisions of the refugees implemented or which may be implemented later.
- The Office of the High Commissioner Consultation and cooperation with the government in relation to the preparation and review of projects for refugees.
- The Projects being implemented by the government with funding from the High Commission will be put their terms and conditions, including the commitment of both the government and the UNHCR with regard to providing them with money, equipment and services, or any other assistance to refugees in the project agreements to be signed by the government and UNHCR.
- Government undertakes that does not impede the arrival of UNHCR staff at any time to refugees and other persons covered by and to the sites of UNHCR projects in order to oversee all phases of implementation.

And the High Commissioner after the approval of the government that establishes and manages an office or offices in the state and for the purpose of providing international protection and humanitarian assistance to refugees and other persons covered by it.

3.2.2.2 International Committee of the Red Cross

The International Committee of the Red Cross in the same role to play High Commissioner of the United Nations for the Refugees (UNHCR) and in accordance with the rules of international humanitarian law, and it bears direct responsibility for the fate of the refugees who are civilian victims of armed conflict or unrest, so that the ICRC would intervene with regard to refugees who are covered by international law humanitarian, encourage belligerents to apply the relevant rules of the Fourth Geneva Convention, and are trying to work in the field to visit these refugees and provide them with the means of protection and necessary assistance.

And often do not have the refugees are protected under international humanitarian law, if the host country is not a party to the armed conflict, or not subject to any internal conflict, then the refugees have protection under the Refugee Act, and as a general rule does not interfere Committee in this case, but as a sub, that was the only organization in the field, but if replaced by the UN High Commissioner for the refugees (UNHCR) to work, they are working together to perform their function and allowed their consultations and coordinate their efforts closely the relief of victims in the best way.

The issue of repatriation of refugees is a major concern of the International Committee, and even if they do not participate as a general rule in the operations of repatriation of refugees, they ask the relevant countries and organizations to determine the exact date and terms of the return of refugees to their home countries.

And the role of the International Committee of the Red Cross in this area summarizes as follows:

- Protect the civilian population and respect international humanitarian law and humanitarian principles.

- Visit people deprived of their freedom.
- Provide the emergency medical assistance and the rehabilitation.
- Provide assistance in the field of health.
- Provide The Emergency food aid.
- Direct activities to restore contacts between family members separated by war or unrest.

International Committee of the Red Cross ICRC is an independent humanitarian organization working neutral to assist and protect victims of war, from securing medical care for victims and even made arrangements for the exchange of messages between families.

The civilians and displaced persons enjoy in the protection and assistance of the Red Cross, including the protection of civilians: visit detainees, medical assistance, food assistance, and re-combining families and individuals who are separated due to war. There is no validity to the Red Cross to provide the public and assist internally displaced persons. However, they have provided limited assistance for the certain groups of internally displaced persons.

The Red Cross is eligible to provide assistance based on their experience in humanitarian situations in conflict areas. And these operations carried out by the request of the Secretary-General of the United Nations or the General Assembly or at the request of the countries concerned.

3.2.2.3 International Criminal Court (ICC)

The presence of international organizations is allowed without rival organized a judicial function at the international level, especially the establishment of the courts of justice of a permanent international - as a court of Justice and the Court of Justice of the European Union, International organizations are led it to that compared to previous attempts did not succeed, as encouraged by the establishment of international tribunals, even outside the scope of international organizations, including the international Criminal Court.

The international community cannot condone the crimes that pose a threat to the foundations upon which the international community so it was decided the rules of international law, individual responsibility for those crimes, and then no longer the responsibility is the responsibility of the state to the other, but also become individual criminal responsibility at the international level.

So the members of the international community in their interest and the interest of their subjects prosecution and punishment of anyone who commits an international crime at the same time deterring each of the tempted to commit in the future, which would result in the reduction of the size of those crimes and thus reduce the human suffering it.

The ICC is a permanent international court Related a global mandate to prosecute persons accused of serious violations of human rights, and whether the statute has determined exclusively by the state court, most of which cases and crimes occurring during the war, but that there is the crime of genocide which is occurring during war and peace.

According to the article, "6" of the Statute of the Court of jurisdiction over the crimes of genocide in the definition of this crime court took the definition of the crime, according to the Convention in 1949 to prevent the crime of genocide, as identified that substance limited to when the form that acts of this crime and thus be punished, and it are following:

I- The killing of members of the group, and includes direct killing and acts that cause the death.

II- Causing serious bodily or mental harm to member's congregation includes causing damage to the members of the group that extends through torture, rape, sexual violence and human use of the drug and amputation.

III- Inflicting on the group deliberately to the conditions of life calculated to bring about its physical destruction in whole or in part: The deliberate denial of the materials necessary for the survival of the group alive, such as drinking water, food, clothing, shelter, medical services and can be imposed deprivation causes of life through the confiscation of agricultural crops and trapping the arrival of food and detention in camps and forced deportation or expulsion to the desert.

IV- Prevent having children include forced sterilization and forced abortion, and attended the marriage and long-term separation between men and women, which aims to prevent reproduction.

V- Transferring children forcibly: can be imposed by direct force or the fear of violence, duress, detention or psychological oppression or any other means of media oppression enforced.

The objective of the international community in the definition of those actions stemmed from his attempt to protect the right to life, liberty and security of person, freedom of religion and movement, opinion and not subjected to slavery.

The reason to consider that the ICC is one of the guarantees of refugee protection lies in the following:

Is that no one can Irrelevance of official capacity when his trial The Statute applies to all persons where considered all equally without any distinction based on official capacity, and is also asking the Heads of State and leaders, and do not fall statute of limitations, while not of jurisdiction over any person under the age of 18. At the time of the commission of the crime charged.

4. Conclusion

The determination of the refugee meant in general from the difficult issues in international law due to the lack of a comprehensive definition, but that international and regional efforts contributed to the elaboration of the concept of a refugee on the basis of special considerations.

Whatever the case, it is the responsibility of the countries that refugees flee to it responsibility to protect and assist them, but there are circumstances and variables emerging calls for a comprehensive review for the ways to protect refugees, to make them more effective.

A problem of asylum has become most pressing issues faced by the international community throughout its history, the fact that these groups are among the most vulnerable groups of people to suffering and persecution, regardless of the reason that led to it, and The refugee issue has not been looked upon as an international issue to be addressed at the international level, only in the period following the First World War.

Since that time it was addressing the asylum problem walking slowly and sporadically, and the situation continues until of the international community realized the need to establish a network of institutions and legal systems, which aims to provide international protection to the problems of refugees and deal with it in a comprehensive manner.

5. Results

- Lack of political commitment of many countries, solving the problems of refugees, especially in the post-conflict phase, when the receding lights that high-handedness and international media on these problems, and often return of refugees to places require it by strengthening the fragile peace and reconciliation, rehabilitation and reconstruction.
- Do many of the countries of the world, to take some of the restrictive measures increasingly to deter refugees, with the aim of reducing the arrival of refugees, without being accompanied by an examination of the reasons that led them to take refuge, even led to the description of a refugee as someone who circumvents the law.

6. Recommendations

- The international community must realize that there are reasons beyond the control of the refugee pushed him to search for a safe place, and States must apply the international conventions and obligations imposed upon it.
- Should be with the humanitarian and its dimensions the issue of refugees away from the political changes, especially since the numbers of refugees arrived in the last period to levels that cannot pass by unnoticed, but also it must be dealt with more seriously.
- Provide adequate financial support for international organizations that deal with issues of asylum to carry out its duties as intended.
- Establishment of the Arab Commission for Refugees specializes under the auspices of the Arab refugees, working under the supervision the Arab League.
- Support the countries hosting of large numbers of refugees, especially countries that are suffering financial difficulties and / or logistics, which makes the situation is further complicated in the future if we do not deal with the issue of humanitarian asylum as an issue in the first place, away from the narrow political interests.
- Text at the heart of the Constitution to treat all refugees residing in Jordan similar to what enjoyed by Jordanian citizens, whatever their race, religion or nationality.
- Emphasis on all crimes against refugees.
- Adoption of the text in the Penal Code criminalizes every person who uses the refugees' debt or borrows against the physical and tightening punishment on him.

- The imposition of a penalty on the student's parent if the refugee has not inflicted during the stage in the school education.
- Compulsory education for every child refugees or resident of the Kingdom of Jordan, just like a Jordanian child.
- The refugee must be respected laws of the country, who resorted to it, and that takes into account the traditions and customs of that country.

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