



Association Arc Culture -  
Revendication  
Démocratique et Droits de  
l'homme en Azerbaïdjan -  
Iran

# ANNEXES

of the

Joint Submission to the UPR of the  
Islamic Republic of Iran

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# ANNEX I: Girl Child Marriage

## Introduction

Iran is a signatory to the international convention on the right of the child (CRC) and has ratified this convention in November 2001. Nevertheless, violence against children which is incorporated in the Iranian Civil Law continues to exist. According to Article 1041 of the Civil Law, the age of marriage for girls is 13 and boys 15. However, if the child's guardian (father or grandfather) requests and the court conclude that she/he is adult enough to be married off, the girl-child can be married at 9 years of age or even younger; and the boy before 15 years of age. Furthermore, in September 2013, a Bill on adoption of children under state care passed through the Iranian parliament and approved by the Guardian Council and consequently became law on 23 October 2013. Article 27 of the Bill sanctions the marriage of the adopted child to the man who is considered her father and raised by him.

This report will highlight these two issues: early and forced marriage of minors and the social, psychological and personal damages to the life of the child. The consequences of the implementation of Article 27 of the marriage of the father to the adopted child once she is old enough to be married. It also presents vital information and statistics on the Islamic Republic of Iran disregard to its obligations under international human rights conventions and international human rights treaties on child, early and forced marriage at the national level.

### A. Early and forced marriage

According to Article 1 of the International Convention on the Right of Child (CRC) which Iran ratified in November 2001, everyone under the age of 18 is considered a minor and therefore unable to make informed decisions. Marriage before the age of consent is one category in which the child has no or little understanding of the nature and the consequences of the act. Although in some countries and in cases of extreme poverty or according to traditional practices and tribal customs, families force children into marriage before the age of consent, which in most countries is an unlawful act.

Forced marriage of minors in Iran is best understood through official statistics. We believe that the total number of child marriages is far higher as many marriages are not officially registered.

In 1385<sup>1</sup> (2006-2007) the Personal Status Registration Organisation of the Islamic Republic of Iran<sup>2</sup> reported a total of 33,383 marriages<sup>3</sup> of girl children under the age of 15. This figure<sup>4</sup> rose to 43,459 in 1389 (2010-2011) and declined to 40,651 in 1391 (2012-2013) from which 187 were under 10 years old. The number of boys who were married under 15 years old in 1391 (2012-2013) was 359.<sup>5</sup>

According to *Gholampour*, former director general of the Personal Status Registration Organisation in the *Hormozghan* province, 458 marriages of girls under the age of 14 were registered in the first 8 months of the year 1389 (2010), out of which 5 cases involved children under 10 years. Other figures include: 107 in *Bandar Abass*, 78 in the city of *Minab*, 37 in the city of *Roodan*, 72 in *Jask* and *Bashagard*, 10 in the port of *Khamir*, 34 in *Bestak*, 26 in port *Lengeh*, 6 in *Parsian*, 46 in *Ghehsm* and 24 in *Haji-Abad*. The husbands' ages varied between 17-27."<sup>6</sup>

In year 1388 (2009-2010), 100 girls below 15 years old were married off to men over 50 years of age. This figure rose to 131 in 1389 (2010-2011).<sup>7</sup> The number of registered marriage of girl-children under 10 was 540 in the province of *Sistan and Baluchistan*, 16 in *West Azarbaijan* and 34 in *Khuzestan*.

In year 1389 (2010-2011) around 7200 children between ages of 10-14 were married off in *Sistan and Baluchistan*; 5200 in *Khuzestan* and 2600 in *Eastern Azarbaijan*.<sup>4</sup>

In all, a total of 317 girl children under 10 were married in the year 1386 (2007-2008), 302 in 1387 (2008-2009), 449 in 1388 (2009-2010), 716 in 1389 (2010-2011), 220 in 1390 (2011-2012) and 187 in 1391 (2012-2013).

Director General of Personal Status Registration Office in Tehran State reported 75 marriages of girls and boys under the age of 10 in 1390 (2011-2012). The number of marriages of children between the ages of 10-14 was 3929, and 19,237 between the ages of 15-19 in the same year. The province of *Ardebil* had the highest number of child marriage under the age of 10 which was 1411 in 1390 (2011-2012). The province of *Eastern Azarbaijan* had the lowest number of 13 in the same year. According to official statistics rural areas of *Esfahan* and *Sistan and Baluchistan* registered the highest number of child marriages under 10.

Tables 1 and 2 show the detailed frequency of marriage age and gender of children in different provinces in Iran from 1385 to 1390 (2006-2012).

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1 The Calendar year in Iran begins with 21<sup>st</sup> March and this report is prepared in 1392 of Iranian Calendar. All Statistic prepared in the country are due to Iranian Calendar, i.e. 1385 (21 March 2006-20 March 2007).

2 Public Notary <http://www.sabteahval.ir/Upload/Modules/Contents/asset90/engbo.pdf>

3 <http://www.magiran.com/ppdf/nppdf/2387/p0238715930111.pdf>

4 <http://www.feministschool.com/spip.php?article7389>

5 Demographics year book 1391; printed in September 2013 by the Organisation of Public Notary Offices of the Islamic Republic of Iran

6 <http://www.magiran.com/ppdf/nppdf/2835/p0283534140151.pdf>

7 <http://www.tebyan.net/newmobile.aspx/Comment/index.aspx?pid=239366>

**Table one: official statistic of boy's marriage in the Islamic Republic of Iran**

official statistic of boy's marriage in the Islamic Republic of Iran										
	1386 (2007-2008)		1387(2008-2009)		1388(2009-2010)		1389(2010-2011)		1390(2011-2012)	
Provinces	under 15	15-19	under 15	15-19	under 15	15-19	under 15	15-19	under 15	15-19
<b>Total Country</b>	<b>1011</b>	<b>50612</b>	<b>858</b>	<b>56391</b>	<b>1149</b>	<b>54377</b>	<b>1452</b>	<b>55914</b>	<b>742</b>	<b>47403</b>
East Azarbaijan	33	2950	25	3489	34	3104	32	2992	45	2695
West Azarbaijan	37	2556	57	2943	70	2865	87	3085	52	2569
Ardebil	13	1371	21	1488	17	1394	10	1326	11	1292
Isfahan	14	1513	16	1899	15	1597	9	1506	14	1316
Ilam	4	138	4	160	6	158	12	160	8	206
Bushehr	15	763	8	848	7	677	9	626	8	618
Tehran	18	3735	31	4301	22	3579	8	2582	19	2400
Chahar Mahal and Bakhtiari	11	465	17	558	11	502	15	496	7	448
South Khorasan	0	546	1	612	2	590	0	578	4	650
Razavi Khorasan	46	6398	55	7328	38	6557	54	6585	59	6424
North Khorasan	8	1255	4	1370	4	1252	3	1233	3	1271
Khuzestan	65	3629	54	4204	49	4188	56	3922	54	3767
Zanjan	13	864	16	978	10	878	13	850	26	870
Semnan	0	272	0	247	0	234	4	192	0	216
Sistan and Baluchestan	296	3743	194	3534	505	6538	907	11024	156	4193
Fars	41	2930	144	3724	136	3276	51	2422	40	2158
Ghazvin	1	693	5	838	2	694	9	639	8	604
Ghom	15	750	7	794	3	669	3	606	13	739
Kordistan	9	877	10	998	9	862	8	776	9	791
Kerman	97	2595	22	2359	35	2254	28	2209	26	2433
Kermanshah	7	853	4	927	3	856	1	812	3	796
Kohkiluye and Boyerahmad	23	426	30	536	36	524	20	385	31	423
Golesan	61	2018	33	2243	29	2233	22	2096	31	2057
Gilan	3	1655	7	2026	9	1826	8	1685	7	1526
Loresan	43	1285	26	1497	32	1303	22	1320	26	1241
Mazandaran	19	2367	21	2744	15	2270	11	1896	21	1805
Markazi	2	545	2	634	9	568	8	555	14	560
Hormozgan	107	1714	39	1296	37	1384	23	1273	28	1351
Hamedan	10	1199	5	1196	3	979	11	963	13	849
Yazd	0	507	0	620	1	566	3	533	2	609
Alborz	Was part of Golestan Province until 1389						5	587	4	526

**Table two: official statistics of girl's marriage in the Islamic Republic of Iran**

official statistic of girl's marriage in the Islamic Republic of Iran																
		1386			1387				1388			1389			1390	
Provinces	under 10	10-14	15-19	under 10	10-14	15-19	under 10	10-14	15-19	under 10	10-14	15-19	under 10	10-14	15-19	
Total Country	317	35614	298387	302	37820	313433	449	40160	301246	716	42741	298625	220	39609	281747	
East Azarbaijan	11	2802	17149	12	3249	18276	6	3318	17092	6	3649	16183	4	3348	15205	
West Azarbaijan	12	1632	14294	23	1698	14986	26	1706	14040	16	1657	14363	13	1546	13329	
Ardebil	8	1177	6811	5	1294	7467	1	1419	7157	1	1339	7085	1	1410	7938	
Isfahan	4	926	16739	10	923	18151	10	953	15990	8	966	15128	7	1074	14617	
Ilam	5	167	1798	7	174	1752	9	182	1658	6	168	1740	6	211	1788	
Bushehr	11	439	4219	4	405	4398	1	400	3867	4	350	3740	3	422	3778	
Tehran	5	2104	31165	6	2497	32481	6	2300	29550	1	1708	22647	5	1742	21594	
Chahar Mahal and Bakhtiari	2	268	4283	7	338	4720	4	289	4464	4	302	4297	2	302	4132	
South Khorasan	0	206	3032	0	216	3029	0	212	2954	0	238	3297	1	262	3465	
Razavi Khorasan	7	4813	30816	8	5407	32903	7	5760	30538	5	5992	30761	3	6759	30411	
North Khorasan	3	924	4833	4	1040	4922	5	892	4756	0	1006	4747	1	1156	4988	
Khuzestan	27	2142	18649	25	2215	19902	26	2262	20093	34	2065	19274	21	2150	19392	
Zanjan	5	827	5221	5	947	5547	3	1013	5275	2	971	5256	7	1168	5429	
Semnan	0	129	2088	0	125	2150	0	141	1831	0	134	1730	0	158	1722	
Sistan and Baluchestan	69	2249	11001	61	1958	10647	219	4173	16497	549	7859	25243	79	2355	12766	
Fars	17	1934	19152	34	2716	21011	41	2573	19695	23	1953	16983	8	2097	16203	
Ghazvin	2	851	5457	1	919	5872	0	883	5166	0	848	5043	0	935	5075	
Ghom	12	577	4955	2	536	5041	2	515	4648	2	516	4435	2	663	4827	
Kordistan	2	671	7367	3	692	7665	1	642	7348	5	628	6936	1	633	7173	
Kerman	21	1301	11050	12	989	10565	7	1047	10328	7	1083	10582	6	1152	11422	
Kermanshah	0	745	7738	0	779	7972	5	774	7915	1	720	7508	0	724	7251	
Kohkiluyeh and Boyer-Ahmad	17	329	2676	19	404	2937	16	416	2931	8	296	2594	17	356	2644	
Golestan	13	811	8421	10	863	8933	16	981	8900	3	890	8967	3	941	8809	
Gilan	3	925	9656	5	933	10638	1	869	10208	2	845	9297	0	899	8716	
Loresan	17	1059	8545	21	1129	9559	11	1150	9028	14	1242	8784	13	1185	8615	
Mazandaran	2	1799	13567	1	1850	14231	1	1744	12259	2	1591	11238	3	1819	10714	
Markazi	1	696	6133	2	753	6332	3	705	5940	3	713	5701	1	847	5544	
Hormozgan	33	1085	7446	8	661	6662	18	791	7387	6	642	7093	10	718	7366	
Hamedan	7	1713	9614	6	1774	9782	4	1756	9078	2	1674	8879	0	1773	8705	
Yazd	1	313	5412	1	336	4902	0	294	4653	0	351	4435	1	413	4390	
Alborz		Was part of Golestan Province until 1389									2	345	4659	2	391	4739

Unofficial statistics report forced marriage of minors in rural and tribal areas between tribes as a way to settle bloody disputes. The “*blood gift*” is usually an under-aged girl who will be exchanged without official marriage documents and acknowledgement and therefore treated as slave thereafter<sup>8</sup>.

In the province of *Khuzestan*, marriage of cousins is a norm. In such cases if the girl declines such marriage, the cousin has the right to kill her. In some cases other male family members such as male siblings or the father do join in the honour killing. According to Article 301 of the Islamic Penal Code “*If the father or grandfather murder their daughter they will not receive Ghasas (retribution) but the punishment will be: 1- paying the Diya (compensation). 2- Exile from home by order of the judge. 3- Punishment (Ta’ziir) according to the judge’s discretion. 4- Punishment of taking fast for 2 months (Kafareh)*”.

In such cases if the father, brother or the cousin murders the girl, the father is recognised as the next of kin and eligible to forgive the murderers and settle the whole affair. According to the statistics, honour killings in the region of *Kurdistan* take the life of many women; in only one city one woman is killed each month. Honour killing is carried out in other regions. According to official statistics, in 1388 (2009-2010), 15 women were murdered in under honour killing in the province of *Khuzestan*.<sup>9</sup>

An official who did not want his name to be published reported that: “*In 2006-2007 every two months one murder was reported in the south western regions; 10 murders each year*<sup>10</sup>. *In 2013, in the city of Bushehr 6 women were murdered under honour killing.*”<sup>11</sup>

Forced marriage of under-aged girls to Afghan families is another issue in Iran. According to *Iss’a Mussavi Nasab*, foreign affairs general director at the greater Tehran state, in some rural areas young girls are sold to Afghan families in exchange of little money. Such marriages are not officially registered.<sup>12</sup>

## B. Consequences of early and forced marriage

Marriage of under-aged girls results in:

- Deprivation from continuation of education and normal childhood. Article 53 of education bill states conditions for married children as follows:
  - 1- Participation in the final exams without participation in the classes
  - 2- Attending adult evening classes
  - 3- Register at school but not attend classes
  - 4- Attend classes but not allowed to speak of married life

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<sup>8</sup> A/HRC/24/NGO/112 (Forced marriages to stop revenge)

<sup>9</sup> <http://www.radiozamaneh.com/101566#.Upc-L-JGam0>

<sup>10</sup> <http://www.tabnak.ir/fa/pages/?cid=68015>

<sup>11</sup> <http://www.etemaad.ir/Released/92-05-07/97.htm>

<sup>12</sup> <http://www.tebyan.net/newindex.aspx?pid=240397>

The Article does not mention gender of the married child but in effect married boys have no difficulty to continue their education.<sup>13</sup>

Long-term damages to child-brides can be:

- Irreversible psychological damages to the child
- Tear of the vagina and bleeding, infection and sexual diseases
- Early pregnancy and its consequences to the body of the child
- Deprivation of normal childhood and adult responsibilities which brings about anxiety, fear, depression and domestic violence.

Changes to the Bill on the adoption of children under state care have sanctioned the possible marriage of the father to the child in his care. Article 27 of the Bill reads: *“If the head of family wants to marry the adopted child, he should send her details to a court for approval. If the marriage has already taken place, Welfare State Organisation must report it to the court, upon which the decision on the continuation of the care by the same family or its cancellation will be decided.”*

Article 27 of the Bill on Adoption will have various consequences for the children under state care. Families will be cautious and more reluctant to adopt girls. Sanction of marriage between a child and the man whom she had considered her father while growing up will constitute instability and destroys the fabrics of the family. It contributes to rise in paedophilia which exists in many settings but not researched and acknowledged publicly. In the process of adopting and raising a child, the Bill allows the father to consider the child as a possible sexual being and deprive her of the security and care she needs within the family environment. The Bill paves way for the mother to consider the adopted child as a threat to her livelihood while growing up and that creates a situation with dire consequences for all involved especially the adopted child and other siblings and adoption of female children as a whole.

### C. Recommendations

We would like to make the following recommendations:

- Changes in the Article 53 of the school rules, so that under-aged girl-brides can continue their studies alongside their peers.
- Steps be taken to prohibit child, early and forced marriage by cancellation of Article 1041 of the Civil Law and bringing the age of marriage to the international standards and conventions to which Iran is a signatory.

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<sup>13</sup><http://www.tabnak.ir/fa/pages/?cid=77082>



- Implementation of strict rules on the registration of child marriages at the Notary offices and punishment for those who bend the rules and adopting measures and implementing strategies to eliminate the issue.
- Setting heavy punishment for parents who marry their children or sell them at an early age. Simultaneously seeking ways to get poor families out of poverty as a preventative method to sell their children.
- Setting up courses and workshops for judges who work at family courts, on international convention on the rights of the child.
- Setting up courses and workshops on international conventions on the right of child to all involved including those at the welfare state, teachers, and the notary offices, the civil society activists and other relevant stakeholders to promote the elimination of child, early and forced marriage specifically.
- Action taken to address the issue in communities involved and to address or mitigate its impact, making specific reference to the outcomes of such policies for the health of the nation especially children and women.
- Inclusion of sex education and family planning to the school curriculum.
- Cancellation of Article 27 from the bill on adoption.
- Regular surveys, assessments and studies at national and sub-national level on the prevalence of child, early and forced marriage and/or its impact on the human rights of women and girls and other affected groups.

## ANNEX II: Human rights situation in the Azarbaijan regions

Since the establishment of the Islamic Republic of Iran in 1979, systematic abuse of human rights in the Azarbaijan region has continued to this date. This report presents an up-to-date account on the harassment, detention, torture and exile of many civil society activists who campaign on a number of issues including: the use of mother tongue, against environmental destruction, the economy of the region and better living standards as well as dealing with natural disasters such as the 2012 earthquake.

### A. The right to study in mother language

Every language can only thrive if the population can have easy and widespread access to the printed materials in that language. Depriving a nation of this basic right is against the basic human rights, especially for children who must be able to write and read in their mother language.

The right to mother language is incorporated in the United Nations Mother Language Charter, the International Declaration of Mother Language (Barcelona, 1996) and other international declarations as well as Iran's constitution.

Education in the mother language for the non-Persian peoples of Iran has been banned since 1925 when Farsi became the national language. The Islamic republic of Iran incorporated the right to mother language in articles 15 and 19 of the constitution. Yet, in practice it has never materialised and the people who advocate such right are systematically detained and imprisoned.

In 2009, the minister of education announced that 70% of Iran's students speak dual languages. Yet, this majority are deprived to get education in their mother language.

The promise President Rowhani made to set up an academy of Azari language has not materialised and the Academy of Persian Language has declared such move a threat to the Persian language.

### B. Environmental threats

The dying of *Lake Orumieh* which is the second salt lake in the world and located between the two *western and eastern Azarbaijan* provinces is one of the biggest eco-environmental disasters. In the past 20 years the Islamic republic constructed 40 dams of various sizes on the rivers leading to this lake and drove it to extinction of up to 95%.

In the lack of supervision and neglect, the remaining parts of the lake are contaminated by factory wastes which end up to the lake after destroying the agricultural lands. Activists who have campaigned to save the lake are treated as a threat and are detained in various prisons.

### C. Discrimination against the Azaris in the stadiums

Discrimination and abuse of the Azari nationals is wide spread. In a match between players from the Tractor factory and Kerman copper industry workers, abusive and hatred words continued throughout the match and broadcast from the national TV. While hatred comments had been imbedded in the stadiums, Azari fans are detained collectively and sent to prison (on 15 May 2011 tens were detained in the Tabriz Sahand stadium).

### D. Writers, journalists and poets

At present, 12 Azari writers and poets are either in prison or have received suspended sentences for defending the Azari language. The Islamic Republic of Iran has ignored International Conventions on the rights of minorities including Convention 97B of the UN (18/12/1992) and articles 15 and 19 of Iran's constitution on the right of minorities to their mother language.

### E. Expulsion and suspension of university students

In the first years of Ahmadinejad's presidency in 2005, the phenomenon of "*starring students*<sup>14</sup>" accelerated. Once under suspicion, many university students at any level and under any pretext (political, religious, cultural, ethnic origin or social) have been labelled with a *star* and refused to continue their education. The decisions were usually made by the selecting committees of the university, revolutionary guards, students Basij and the ministry of intelligence which had been the ultimate decision maker.

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<sup>14</sup> Term used in universities to refer to the fact that a student has been simply intimidated by various types of supervisions and controls, suspended or expelled from university

## ANNEX III: Afghan Refugee and Migrant Rights

Currently, the Islamic Republic of Iran hosts one of the largest and most protracted refugee populations in the world. According to the Iranian Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), the number of Afghan refugees registered with the authorities stood at over 882,000 (over 840,000 Afghans and some 42,000 Iraqis)<sup>15</sup>. But this figure does not include unregistered Afghans; their number has grown to an estimated two Million. Many of them are refugees who fled their country during the Russian military involvement in Afghanistan from 1979 to 1989. Most of the Afghans who opted for Iran were ethnic Tajiks, Turkmen and Hazaras, who have linguistic, cultural and religious links to the people of Iran. Multiple factors such as insecurity, violence, regime changes, drought, and unemployment have led many Afghans to seek refuge abroad in the last 30 years. Additionally single Afghan men come to Iran for a short stay of one to two years. Even prior to this relatively recent period of instability, Afghans had a tradition of travelling to Iran not only as pilgrims and students, but also primarily as migrant workers.

### A. Crossing the border into Iran

According to UNHCR and Afghan news sources in recent years hundreds of Afghans have been shot, wounded and detained while attempting to cross the border to Iran. Many didn't even find the possibility to enter Iran before they were shot. Afghan officials have repeatedly urged their Iranian counterparts to stop targeting asylum seekers. In 2010 Iranian authorities said they have spent more than \$600 million on securing the border during the past two years to closure its border with Afghanistan, using the umbrella of preventing drug smuggling and further influxes of illegal migration as a pretext.<sup>16</sup> Afghans, forced to flee in recent years, therefore had to enter Iran illegally. On August 25<sup>th</sup>, 2012, 13 Afghans from *Herat* were shot to death close to *Taibad* in *Khorasan Razavi* province of Iran, followed by protests of Afghans in *Herat* in front of the Iranian consulate. Firstly Iranian government denied killing these immigrants but after more protests in *Herat*, Iran accepted the responsibility of killing these 13 Afghans<sup>17</sup>. However the tumult didn't ban such actions. In May 2013 the Afghan authorities announced that Iranian revolutionary guards fired on a large group of 300 Afghan migrants crossing the border overnight, killing at least nine people. Many others were wounded and around 80 persons disappeared<sup>18</sup>.

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<sup>15</sup> <http://www.unhcr.org/pages/49e486f96.html>

<sup>16</sup> <http://www.rawa.org/temp/runews/2010/07/28/afghan-asylum-seekers-shot-dead-in-iran.html>

<sup>17</sup> <http://8am.af/1391/12/22/iran-afghans-killed-dead-bodies/>

<sup>18</sup> <http://www.reuters.com/article/2013/05/11/us-afghanistan-iran-migrants-idUSBRE94A09H20130511>

Afghan Newspaper reported the witness of one of the survivors as following: “We were arrested and interrogated around 3 hours in one of the border outposts. Then we were deported and were shot from the back when we were running away.”<sup>19</sup> Mr Sadigh Sadighi, the speaker of the interior ministry of Afghanistan, confirmed this massacre in an interview with the RFS and called it against all international human rights and Islamic principles<sup>20</sup>.

The shooting was denied by Mr *Hamid Sharghi*, the operation deputy head of the border police. However after widespread public news stories and after Afghan authorities' reactions, Mr *Abbas Araghchi*, the spokesperson of the foreign affair ministry of Iran, officially confirmed and regretted the murder of some Afghan citizens by the border police<sup>21</sup>.

An amateur video recording<sup>22</sup>, that went viral on social networks in February 2012, shows the violent and humiliation behaviour of the border police. Many discussions went on this issue however this didn't lead to a change in the treatment of Afghans refugees and migrants crossing the border to Iran.

The policy of the Islamic Republic of Iran is always denying these kinds of massacres, categorizing shootings of immigrants and refugees at the border as fight against bandits and smugglers. A report by Al Jazeera in June 2013 shows that dozens of Afghans have been executed in recent months in Iran. Human rights groups have estimated more than 4,000 Afghans on death row in Iran, most for drug-related offences. Village elders in Afghanistan said they have compiled a list of more than 100 names of those executed in the past six months, 80 of those bodies have been returned.<sup>23</sup>

## B. Iranian government policy towards Afghans refugees and migrants

The Islamic Republic of Iran is a signatory to the 1951 Convention and to the 1967 Protocol relating to the Status of Refugees, but maintains reservations that its provisions on employment, public relief, labour legislation and social security, and freedom of movement, are only recommendations.

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<sup>19</sup> <http://8am.af/1392/02/22/iran-gift-afghan-refugees-border/>

<sup>20</sup> <http://www.persian.rfi.fr/%D8%A9%D8%B4%D8%AA%D8%A7%D8%B1-%D8%B4%D9%87%D8%B1%D9%88%D9%86%D8%AF%D8%A7%D9%86-%D8%A7%D9%81%D8%BA%D8%A7%D9%86-%D8%AF%D8%B1-%D9%85%D8%B1%D8%B2-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-20130512/%D8%A7%D9%81%D8%BA%D8%A7%D9%86%D8%B3%D8%AA%D8%A7%D9%86>

<sup>21</sup> <http://www.dw.de/%D8%A7%D8%B8%D9%87%D8%A7%D8%B1-%D8%AA%D8%A7%D8%B3%D9%81-%D9%88%D8%B2%D8%A7%D8%B1%D8%AA-%D8%AE%D8%A7%D8%B1%D8%AC%D9%87-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-%D8%A7%D8%B2-%D9%82%D8%AA%D9%84-%D8%B4%D9%87%D8%B1%D9%88%D9%86%D8%AF%D8%A7%D9%86-%D8%A7%D9%81%D8%BA%D8%A7%D9%86-a-16811554>

<sup>22</sup> <http://www.youtube.com/watch?v=p6wqbwCZad>

<sup>23</sup> <http://m.aljazeera.com/story/201366102037670360>

The 1979 Iranian Constitution allows the government to grant persons asylum “*unless they are regarded as traitors and saboteurs*”. Iran's 1963 Regulations relating to Refugees (1963 Regulations) provide that, “*Refugees should not be forcibly returned to the country where their life or freedom is endangered for political, racial or religious reasons or for their membership in a particular social group.*” But the legal framework refugee status determination procedure is at the present time unclear, complicated and confusing and leaves even legitimate, long-term refugees liable to deportation. Individuals cannot challenge before a court the Government's decision regarding their status as a refugee. Furthermore the Iranian government has started the process of forced expulsion of Afghans back to Afghanistan, although before many years the Iranian state kept its borders open to Afghan refugees.

From 1979–92, most Afghans entering Iran were issued with “blue cards” which indicated their status as *mohajerin* or involuntary migrants. Blue card holders were granted indefinite permission to stay in Iran legally.

From 1993, the Iranian government started issuing temporary registration cards to undocumented or newly arrived Afghans.

In 2000, the Iranian Bureau for Aliens and Foreign Immigrants Affairs (BAFIA) issued new certificates to all documented foreigners that superseded all previously issued documents, which became null and void.

In 2003, these registrations came to be known as *Amayesh*. Each year, refugee card holders must renew their status and issue a new refugee card, otherwise they become illegal. Along with this process are linked fees, unless they are considered a “vulnerable” family in which case, they are exempt.

Additionally the Iranian government started with assistance of the UNHCR a repatriation programme. Under this programme, Afghans in Iran, regardless of their status or time of arrival, were invited to come forward either to benefit from material assistance to repatriate voluntarily, or to present their claims for the need for protection. Under (the joint) programme, those Afghans recognised as requiring protection were granted three-month temporary residence permits (renewable four times), and were required to reside in the province where the permits were issued until the situation was conducive for their return.

In 2003, under Article 138 of the Constitution of the Islamic Republic of Iran, 11 articles were approved by Member Ministers of the Executive Co-ordination Council for Foreign Nationals to accelerate repatriation of Afghan nationals in order to encourage their repatriation. The articles sought to reduce Afghan access to employment by targeting legal action at employers who hired Afghans without work permits; prohibited renting accommodation to Afghan nationals, except to those who entered the country with a valid passport and visa and who had been issued residence permits; and limited access to administrative and banking services for those without a passport, visa and residence permit.

In 2004 the Iranian government implemented further measures intended to “induce a more substantial level of repatriation of Afghans” by raising the cost of living for Afghans in Iran. These measures included the introduction of school fees for Afghan children at all levels.<sup>24</sup>

In November 2012, the Iranian cabinet of ministers issued a regulation permitting the government to expel 1.6 million foreigners “illegally residing in Iran” by the end of 2015. The regulation, approved at the vice presidential level, also instructed the Interior Ministry to facilitate the voluntary repatriation of an additional 200,000 Afghans legally classified as refugees and to dismiss the refugee status of another 700,000 Afghans.

Mr *Sharif Saidi*, the speaker of Afghan refugee association in Iran, believes that the situation of Afghan immigrants and refugees won’t change with Hassan Rowhani as new Iranian president. He refers to the very destructive way police forces in Iran treat Afghan immigrants and to the ranking of Afghans as third class citizens in Iran.<sup>25</sup>

### C. Intermarriages between Afghans and Iranians and right to nationality for children

Intermarriages between Afghans and Iranians are discouraged by the state. Iranian national law does not recognize the children of such marriages as Iranian citizens. It is particularly hard if an Afghan man marries an Iranian woman. Under Article 987 Nationality Law, an Iranian woman who marries a foreign national preserves her Iranian nationality unless the national laws of the nationality of the husband are imposed upon the wife by virtue of the marriage contract. But after the death of the husband or after separation, the Iranian wife may apply to regain her original nationality. A foreign husband does not become an Iranian citizen, but he can be granted a residence permit.<sup>26</sup>

Legislation, which rules on the nationality of children born of an Iranian mother and non-national father, and residency rights of the non-national father, was passed in October 2006 as the Act on determination of nationality of children born into marriages of Iranian women with men of foreign nationality. This Act determines that persons born in Iran as a result of the marriage of an Iranian woman with a man of foreign nationality, whose marriage is registered in Iran according to Article 1060 of the Civil Code, shall be accorded Iranian nationality at the age of 18 years. In relation to the status of the Afghan spouse, the Act states that residence permits shall be issued to fathers of such children.

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<sup>24</sup> Afghanistan Research and Evaluation Unit (AREU): Return to Afghanistan? - A study of Afghans living in Tehran, 2005 [www.unhcr.org/430b1c842.pdf](http://www.unhcr.org/430b1c842.pdf)

<sup>25</sup> <http://www.dw.de/%D8%A7%D9%86%D8%AA%D8%B8%D8%A7%D8%B1%D8%A7%D8%AA-%D9%85%D9%87%D8%A7%D8%AC%D8%B1%D8%A7%D9%86-%D8%A7%D9%81%D8%BA%D8%A7%D9%86-%D8%A7%D8%B2-%D8%AD%D8%B3%D9%86-%D8%B1%D9%88%D8%AD%D8%A7%D9%86%DB%8C/a-1695903>

<sup>26</sup> <http://www.princeton.edu/irandataportal/laws/institutionsgovernance/nationality-law/>

## D. Education opportunities for Afghan children

Most Afghans, who are born in Iran, cannot apply for citizenship or a birth certificate due to the Iranian law on immigration, and are therefore unable to receive a mainstream education. Basic rights are denied to them, although the Islamic Republic of Iran is a party to Convention on the Rights of the Child.

Current estimates put the number of children living on the streets in the I.R. of Iran at 200,000. At least half of Iran's street children are thought to be Afghan refugees.<sup>27</sup> Furthermore the majority of immigrant Afghan children work to support their poverty-troubled parents. They toil in workshops or peddle on the streets, often for more than 12 hours a day.

Until circa 2005, Afghan children had the option to enrol in Afghan-run private schools, which also admitted undocumented Afghans. While not approved by the Iranian government, these Afghan-run schools were registered with the Afghan Embassy in Tehran. This situation changed when Afghan refugee children, including undocumented Afghans, were permitted by a decree issued by President Mahmud Ahmadinejad on August 26, 2009, to enrol in Iranian schools once their family has registered with BAFIA and paid school fees.

In early 2010, undocumented Afghan children who enrolled in 2009 were still able to continue with their education, but those who did not enrol in 2009 were no longer permitted to register and enrol.

In July, an Iranian newspaper reported, despite the presidential decree, the education problem of 140,000 illegal Afghan refugees remained unresolved. It quoted Shamsur Rahman Frotan, an official at the Afghan embassy in Tehran, saying that even refugees with resident cards were denied admissions to Iranian schools.<sup>28</sup>

Additionally undocumented Afghan refugees refused to obtain the educational papers for their children in fear of being acknowledged as undocumented or illegal migrants and in distress of being deported back to Afghanistan.

Furthermore many afghan families are not able to afford the school fees. An Afghan father of a nine-year-old child in Isfahan explained in a research interview: "*This year (2011-2012), the school asked us to pay 70000 Toman for my son in 3rd grade of secondary school, and 90000 Toman of each of my daughters in secondary school, as well. This money is separate from the one all families have to pay as the help to school. This year, I have paid about 400000 Toman to school which is really high for me.*"<sup>29</sup>

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<sup>27</sup> <http://neobservatory.org/reports/child-labor-in-iran/>

<sup>28</sup> <http://www.pajhwok.com/en/2011/10/27/afghan-children-iran-deprived-education>

<sup>29</sup> Journal of Educational and Social Research: The Reasons of Establishment as Well as Consequences of Afghan Immigrants Self-Run1 Schools In Isfahan (Iran), 2013



Those limited number of Afghan refugees who were allowed to study Iranian national curriculum were expected to legally and socially remain Afghans, which was considered a message of exclusion toward Afghan students. On the other hand they were also pressurized to speak Iranian Persian at school or in public, if not they were humiliated by the school authorities.<sup>30</sup>

### E. Access to Territory

Afghans are only allowed to live in three provinces of Iran, they are not welcomed in the remaining twenty-eight provinces. Most cities have banned Afghans entry and the authorities will persecute anyone who offers them shelter or employment.

The majority of Afghans live in urban areas among Iranians though in primarily Afghan-dominated neighbourhoods specifically condoned by the Iranian government for their residence. These Afghan colonies tend to be located in geographical areas that have a high demand for manual labour, particularly in the fields of agriculture, construction, brick-making, stone-cutting, etc.

Afghan and other refugees are authorised to move freely within their designated province of residence. However, for travelling to other provinces, refugees have been required to inform the authorities and to obtain a Laissez-Passer (travel permit) before they travel. Without this, refugees are not allowed to go outside their designated province or city of residence. Breach of this requirement can lead to arrest, detention and even deportation at the discretion of the authorities. Afghans face complications in obtaining travel permits, both for reasons of the bureaucracy and fees involved.<sup>31</sup>

In 2007 the Supreme National Security Council of Iran declared some provinces – or some cities of a specific province – as No-Go Areas for foreign nationals, including refugees. The legal basis for this was Article 13 of the Law on the Entry and Residence of Foreign Nationals in Iran, which states that the government can announce No-Go Areas on grounds of “*national security*”, “*public interest*” and “*health*”. At the time that the new policy was implemented, the majority of declared NGAs were located in border areas but they were broadened over time and now include provinces and cities throughout the country.<sup>32</sup>

Afghan refugees are allowed neither to live within the No-Go Areas nor to travel to such areas. Those refugees who do not comply with the requirements of the NGA policy are not allowed to obtain new temporary residence cards, and are subsequently considered as irregular foreign

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<sup>30</sup> Paris School of International Affairs (Sciences Po): Psychological Impact of Migration on the Lives of Afghan Refugees in Iran, 2010

<sup>31</sup> Farshid Farzin and Safinaz Jadali: Freedom of movement of Afghan refugees in Iran, 2013  
<http://www.fmreview.org/en/detention/farzin-jadali.pdf>

<sup>32</sup> <http://www.fmreview.org/detention/farzin-jadali%20#sthash.8TYCvTC0.dpuf>

nationals in the country; if they have this status, the police forces are authorised to arrest and deport them to Afghanistan<sup>33</sup>.

In some Fars province the authorities went as far as banning selling food to Afghans. They demanded that all the shopkeepers and bakeries should check the identity of their customers before selling them food. They have warned local businesses that if they continue to sell food to the illegal foreign nationals, their businesses will be closed down.<sup>34</sup> Südwind reported during the 20th session of HRC about Afghans in Isfahan, who were banned from entering the Mountain Park Safe to celebrate *NowRooz* celebrations which the Afghans celebrate as well as Iranians.

In May 2012 the political and security canceller of the *Mazandaran Governor* announced that the Afghans are not allowed to live or travel through this touristic province and that their residence ID's and their ID cards are all invalid. He also announced that giving any kind of services to Afghans would be forbidden and criminalized and those who give any kind of services to these people are guilty and they will be dealt as lawbreakers<sup>35</sup>. Denying basic needs like food and shelter is not only a fundamental violation of human rights, it is considered a step towards ethnic cleansing.

#### F. Access to labour market

Afghan refugees are only allowed to work within their areas of residence. They cannot leave the designated areas for work without obtaining a *Laissez-Passer*. Some designated areas of residence might be so limited that Afghans have difficulties finding employment within that area. In addition, Afghan refugees are only authorised to be hired for specific jobs, a provision which clearly limits their options for employment. Corresponding irregular migrants are exploited in the black market.

Since the late 1980s, Afghan refugees have been permitted to work in those sectors of the Iranian labour market which could not easily be filled by Iranian workers. Indeed, by and large, the Iranian government has "*generally tolerated the presence of Afghans working in areas where labour shortages have existed.*"<sup>36</sup> For the most part, these employment opportunities are generally in areas which are physically demanding, such as sectors pertaining to the construction industry, and often dangerous.

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<sup>33</sup> <http://www.undispatch.com/facing-financial-pressure-iran-bans-afghan-and-iraqi-from-moving-to-cities-for-employment>

<sup>34</sup> Afshin Shahi: The plight of Afghan refugees in Iran, 1 August 2012

<sup>35</sup> [http://www.ostan-mz.ir/index.php?option=com\\_content&view=article&id=5331:1391-02-03-13-11-02&catid=280:ostandari&Itemid=408](http://www.ostan-mz.ir/index.php?option=com_content&view=article&id=5331:1391-02-03-13-11-02&catid=280:ostandari&Itemid=408)

<sup>36</sup> <http://www.fmreview.org/detention/farzin-jadali%20#sthash.8TYCvTC0.dpuf>

## G. Forced Returns from Iran to Afghanistan

According to aid agencies and government officials Iran has deported about over one million Afghans considered "illegal migrants" over the past years. In 2012 UNHCR listed a total number of 258,146 Afghans deported from Iran, averaging 705 persons per day<sup>37</sup>.

Some deportees alleged they were beaten up, incarcerated for weeks or insulted by the Iranian security forces before their expulsion.<sup>38</sup> Aid agencies and Afghan officials have repeatedly called on Iran to deport illegal Afghans in a humane and gradual way.

These forced evacuations are taking place both at the time when second- and third-generation Afghans, who speak with authentic Farsi dialects, have developed roots in Iranian towns and cities and when Afghanistan is far from being a safe place to force Afghans to return to.

In an interview the spokesman for the Afghan Refugee Association in Iran, Seyyed Sharif Saeidi, said: *"The security forces treat us badly. Many of our countrymen, who sought refuge here during the Soviet invasion and built a life in Iran, have now been forced to leave the country."*<sup>39</sup>

Hundreds of Afghan refugee children were deported from Iran and taken to camps such as Ansar, funded by the International Organisation for Migration, IOM, and the office of the United Nations High Commissioner for Refugees, UNHCR. Some of these children have never been to Afghanistan before and appear to have been removed from Iran without their parents' knowledge. Observers from the Afghan Independent Human Rights Commission, AIHRC, and the UN children's agency UNICEF wait at the Islam Qala border point every day to register deported children as they come across and monitor where they are sent. AIHRC says it has interviewed and registered more than 2,000 such children over the past year.

The Afghan NGO *Rawa* (Revolutionary Association of the Women of Afghanistan) reported on its website in an article in March 2011 the story of the 12 -year-old Abdul Majid Afghans from the refugee camp Ansar in Afghanistan's Herat province, who was alone in Afghanistan; his parents and seven siblings were all back in the Iran. He said he was out with some friends in a park near his home in *Semnan* province one evening when he was detained. *"The police beat me up"* he said. *"They asked me whether I was involved in violent groups. I swore I wasn't connected with any. They finally deported me after eight days, and sent me to Afghanistan."* Abdul Majid said he did not know anyone in Afghanistan. *"I dream every night that my parents and brothers and sisters are looking for me. I wake up every morning crying"* he said<sup>40</sup>.

A report by Human Rights Watch in November 2013 recorded cases of violence and beatings as well as cases of imprisonment in inhuman and insanitary situation, forced labour, compulsion to pay the transfer costs and the stay costs in the border camps, segregation of family

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<sup>37</sup> UNHCR A F G H A N I S T A N: VOLREP AND BORDER MONITORING MONTHLY UPDATE, August 2013

<sup>38</sup> Integrated Regional Information Networks (IRIN)

<sup>39</sup> <http://www.dw.de/afghan-refugees-pin-their-hopes-on-rouhani/a-16989349>

<sup>40</sup> Rawa News, March 2011 <http://www.rawa.org/temp/runews/2011/03/17/iran-accused-of-deporting-afghan-children.html>

members by force, and has specially documented the harassment of underage immigrants who were travelling without parents or any guardian by the security forces. These children are a significant percentage of the immigrant workers and deported Afghans from Iran<sup>41</sup>.

#### H. Situation in refugee camps

Approximately 3% (circa 25,000 Afghans) are accommodated in refugee camps. The Iranian government has constructed those camps for Afghan immigrants and refugees who have been successful to go through the borders near cities with high numbers of Afghans. *Askarabad, Torbate Jam, Niyask, Shirabad, Makaki and Niatak* are some of these camps located in Tehran, *Mashhad, Torbat Jam, Ahvaz, Zahedan and Semnan*.

No precise information exists about what is happening inside the camps, especially in small cities. However the head of BAFIA described the conditions in the camps as “like prisons for punishment of the people who have entered illegally or who have committed a felony.”<sup>42</sup>

*Asgar Abad* in *Varamin* and *Sefid Sang* in *Mashhad* are named as the most dreadful camps. The *Asgar Abad* camp, built in 2004 at the suburbs of Tehran in *Varamin*, was originally a prison. Arrested Afghan immigrants without documents are kept here before deported to Afghanistan. The *Sange Sefid* camp, 15km away from of *Mashhad*, constructed at a hillside and far away from any road or residential areas, is named as one of the most gruesome and controversial camps for Afghan immigrants in Iran.

A report by the Afghan independent secular daily newspaper *Hasht-e Sobh* in 2008 describes the situation of this camp as deplorable, saying a number of refugees have died as a result of severe cold. According to the article hundreds of refugees were accommodated in big concrete halls with no heating facilities. Due to this report some of the camp residents have called their family members and described how their hands and foots were swollen from the extreme cold in the camp. Additionally refugees were suffering from diarrhoea epidemic, but no medicine was distributed<sup>43</sup>.

#### I. Recommendations:

- Respect the obligations towards refugees under the UN Conventions and protect Afghan refugees who cannot safely return
- Lift the reservations to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

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<sup>41</sup> <http://www.hrw.org/reports/2013/11/20/unwelcome-guests>

<sup>42</sup> <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/iran.html>

<sup>43</sup> <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=479d81388>

- Ensure that measures against irregular migration takes fully into account the respect for the human rights of all migrants, regardless of their status.
- Ensure fair and transparent asylum produces and jurisdiction to intervene on all administrative decisions relating to migration – including arrest, detention, decisions on migration status and deportation
- Base any decision to return an Afghan child or its parents to Afghanistan on the best interests of the child, including the right to family unity
- Guarantee children of Afghans in Iran their access, on an equal basis and regardless of legal status, to the same rights as those of Iranian children
- Consider abolishing No-Go Areas (NGAs) and residence limitation, allowing asylum seekers to choose their residence within the country
- Ensure adequate access to all places where migrants are detained, including refugee camps to UNHCR and other international organizations
- Ensure that all detained migrants have access to proper medical care, adequate food and hygienic conditions