

“Lack of education, Lack of future”

The barriers and challenges for Afghan children’s education in Iran

Tannaz Horri Farahani

Ana Maria Uribe

Litta Marak Sandra

Gerardo Vasquez

Hodan Abdi

INDEX

1. **Introduction**
2. **Methodology**
3. **Overview**
4. **Numbers**
5. **The host community policy**
6. **Barriers to children's education within the political and education system**
7. **Barriers to children's education outside of the political and education system**
8. **Challenges and opportunities for Afghan girls' education within their family**
9. **Challenges and opportunities for Afghan girls' education outside of their family**
10. **Legal perspective**
11. **Interviews**
12. **Recommendations**
13. **Final Comments**

1. Introduction

This report exposes the human rights violation experienced by thousands of Afghan children in “The Islamic Republic of Iran” (Iran). In the first stage, a historical context is given to understand the problems that produce a massive migration of Afghan citizens to Iran and how the Iranian government has received this problem. Similarly, the social and legal analysis is made on the violation of the education right, and the barriers Afghan children must access education are presented. Then, the responsibilities the Iranian government has adopted to protect human rights through different international treaties and the government's goals to improve these aspects are explained.

In the second stage, the report profoundly focuses on Iran's international responsibility to protect and guarantee the education rights of Afghan kids and the violations of international agreements that Iran has committed. At the same time, the report exposes other human rights violations focused on discrimination based on nationality, inequality, poverty, economic growth, and immigrant children's education free from any impediments.

According to our investigation, Iran's government frequently violates children's right to education. The deficiencies within the political and educational system prohibit equal access to education, and economic problems and social norms restrict children from developing in the academic field. Therefore, the Iranian government must prioritize education and build an inclusive and quality education system. The state's obligations are also reviewed from the legal perspective to support the recommendations to different institutions suggested at the end of our report. The main problem disclosed here is the discrimination towards Afghan children who, together with their families, were forced to leave their country to find refuge in Iran.

Moreover, Iran has not ensured that people in a vulnerable situation, such as Afghan refugee girls, have access to all levels of education. This group needs particular attention and targeted strategies to reduce exclusion and inequality due to gender and national origin. In addition, the Iranian government must implement actions to achieve recognized grades of successful completion of primary education.

2. Methodology

In our quest for human rights practices in Iran concerning the Afghan immigrant school-going children, we turn to the available methods. For this project report, we have started our research with qualitative analysis. Then, we have interpreted the previous works we found helpful, such as the human rights report and other secondary data listed below in the references section.

We have then continued with the usage of the qualitative method. In this report, we have collected both primary and secondary data. In addition, we have conducted semi-structured interviews with ten interviewees. A semi-structured interview was chosen as they are more suitable since the interviewees have different experiences. Moreover, it lets the interviewer ask the question in an order that is more suitable for the interviewee. In order to provide a better picture of the education situation of Afghan children in Iran, this study has interviewed Afghan people in two main groups who have had first-hand experience. First are the Afghans whose children or siblings are currently studying in Iran. Second, the Afghans with a history of studying in Iran (either now live in Iran or migrated to another country).

Some of the interviews were conducted online. The interviews were conducted in two languages, Farsi, and English; therefore, the questionnaire was written in these two languages. Moreover, the questionnaire contained twelve main questions, focusing on the topics such as birth certificates, Amayesh Card, identification, racial discrimination, education, gender, and ethnicity. However, according to the situation of every interviewee, some additional discussions were conducted.

For this report, we have followed ethical principles regarding the interviews. The interviewees had been informed of the purpose of the report and their voluntary participation. Moreover, they were informed that their interviews would only be used for this report and no other purpose. Confidentiality was granted to the interviewees as the interviewees provided personal and sensitive information. Due to access to the interviewees' sensitive and personal information, we made sure unauthorized persons would not be accessing this information. Secondary data such as reports, articles, legal sources, and films/documentaries were collected for this report.

3. Overview

More than 40 years have passed since Afghan immigrants arrived in Iran. For decades, Iran has housed millions of Afghans fleeing insecurity, war, and bloodshed in their native country¹. The history of Afghan immigrants as seasonal immigrants dates back to the Iranian revolution. Then, the people of the country took refuge in Iran in the face of the authoritarian development plans, which were mainly based on eradicating illiteracy, preventing girls from marrying before the age of 16, and buying and selling them.

4. Numbers

Iran has one of the world's greatest refugee populations, with the vast majority coming from Afghanistan². According to the most recent figures, about 3 million Afghans reside in Iran, including 780,000 Afghan refugees, over 2 million unregistered Afghans, and 600,000 Afghan passport holders on Iranian visas. In more precise terms. Most Afghan refugees reside in cities, with the remaining 4% living in one of the country's approximately 20 refugee communities. The three provinces of Isfahan, Razavi Khorasan, and Tehran are home to 55% of the refugees³.

The number of Afghans seeking refuge in Iran has surged dramatically since the Taliban took power in Afghanistan in August 2021, searching for safety and economic prospects. In the wake of the takeover, up to 5,000 individuals were estimated to arrive every day⁴, compared to 1,400–2,500 on average before the takeover. Migrants lacking passports or Iranian visas frequently enter Iran through desert smuggling routes in the province of Nimroz, where the Afghan, Iranian, and Pakistani borders intersect⁵.

The UN refugee agency has lauded the Islamic Republic for sheltering Afghan refugees on multiple occasions. Every year, Tehran spends \$8 billion on Afghan migrants in various areas. It has consistently demanded that the nations responsible for the displacement of Afghans assume responsibility and contribute to the cost of reconstruction⁶.

¹ Pars Today. 2021. Iran provides free education to thousands of illegal migrant kids. Retrieved from https://parstoday.com/en/news/iran-i146062-iran_provides_free_education_to_thousands_of_illegal_migrant_kids

² TheranTimes. 2021. School to be constructed for Afghan students in Fars province. Retrieved from <https://www.tehrantimes.com/news/465537/School-to-be-constructed-for-Afghan-students-in-Fars-province>

³ OCHA. 2021. UNHCR Iran Operational Update May – June 2021. Retrieved from <https://reliefweb.int/report/iran-islamic-republic/unhcr-iran-operational-update-may-june-2021>

⁴ OCHA. 2021. Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover. Retrieved from <https://reliefweb.int/report/iran-islamic-republic/humanitarian-needs-iran-rise-300000-afghans-arrive-taliban-takeover>

⁵ The Wall Street Journal. 2021. Iran steps up deportations of afghans trying to flee Taliban and poverty. Retrieved from <https://www.wsj.com/articles/iran-steps-up-deportations-of-afghans-trying-to-flee-taliban-and-poverty-11639324804>

⁶ Pars Today. 2021. Iran provides free education to thousands of illegal migrant kids. Retrieved from https://parstoday.com/en/news/iran-i146062-iran_provides_free_education_to_thousands_of_illegal_migrant_kids

Recently, the Iranian government has gradually implemented programs to increase the number of Amayesh⁷ cards issued and renewed (refugee identity cards). Registered refugees are granted conditional freedom of travel, temporary job permits, and access to the national education and healthcare systems via Amayesh cards. Undocumented Afghans have severe limitations on their livelihood prospects, access to education and healthcare, and the continual danger of abuse, exploitation, and deportation by Iranian authorities.

5. The host community policy

5.1. Before the 2015 decree

Education is a primary issue for refugee groups worldwide. Many states that host refugees (often referred to as host countries) provide a variety of arrangements for refugee children's education. Many Afghan youngsters living in the nation have experienced difficulties and impediments in gaining admission to the Iranian educational system.

According to the Norwegian refugee council (2017)⁸, Following a decision⁹ issued by Iran's Supreme Leader in May 2015 stating that all Afghan children, regardless of legal status, should have access to public education, the government has begun the gradual registration of illegal children. In response to the public announcement of the Supreme Leader's edict in 2015, NGOs began discussions with the respective Ministries, especially the Interior and Education Ministries, driven by the favorable mood it had generated. As a result, on April 20, 2016, the Council of Ministers passed the new directive, nullifying the 2004 directive¹⁰ and inserting additional articles that ensured Afghan children's access to education.

5.2. After the 2015 decree

Documented refugee children have always had access to public schooling in Iran, but children without documents have not had the same opportunity until recently. Although a recent Iranian decree removes

⁷ Law Insider. Online Law Dictionary. Retrieved from <https://www.lawinsider.com/dictionary/amayesh>.

⁸ Norwegian Refugee Council. 2017. Afghan Children's Access to Education in Iran What happened after the Supreme Leader's Decree?. Retrieved from https://adsp.ngo/wp-content/uploads/2018/12/IR-15_Afghan-Children%E2%80%99s-Access-to-Education-in-Iran-What-happened-after-the-Supreme-Leader%E2%80%99s-Decree.pdf

⁹ Al-Monitor. Arash Karami. 2015. Khamenei orders schooling for all Afghan children in Iran. Retrieved from <https://www.al-monitor.com/originals/2015/05/iran-afghan-refugees-education-discrimination.html>

¹⁰ Norwegian Refugee Council. 2017. Afghan Children's Access to Education in Iran What happened after the Supreme Leader's Decree?. Retrieved from https://adsp.ngo/wp-content/uploads/2018/12/IR-15_Afghan-Children%E2%80%99s-Access-to-Education-in-Iran-What-happened-after-the-Supreme-Leader%E2%80%99s-Decree.pdf.

one legal impediment to unauthorized refugee children attending school, other obstacles still exist. Nevertheless, this decree allowed all undocumented Afghan children to enroll in school¹¹.

According to DW (2017)¹², Nader Mousavi, a sociologist at Tehran University, claims that the mandate was extremely effective, allowing three-quarters of illegal Afghan children in Iran to attend school. Mousavi, an Afghan citizen, has managed a local school¹³ for Afghan students in Tehran for the past 19 years. He stated that immediately following the decree, 200 of the school's 300 children would be able to enroll in Iranian public schools.

According to the Ministry of Education (MoE), 360,000 Afghan pupils attended Iran's primary and secondary schools in the 2015-2016 academic year. An estimated 48,000 illegal children got admission to public schools as a result of the Supreme Leader's edict, bringing the total number of students to 408,000.¹⁴ Consequently, Based on Alireza Kamraei, deputy minister of education, more than 500,000 Afghan children attended Iranian schools in September 2020.¹⁵

Therefore, as a function of the policy shift, there has been a significant increase in the number of students enrolled in refugee education in Iran. The decree, on the other hand, simply abolished legal and documentation hurdles to schooling while other impediments persist.¹⁶ In fact, the Supreme Leader's order (followed up in practice by the 2016 directive) theoretically removes all legal restrictions on Afghan children's entitlement to an education. Before that, applicable legislation did not formally recognize the right and, in some instances, hampered its implementation, particularly regarding illegal Afghan children. This new legal scenario gives possibilities and legal support for Afghan children, regardless of documentation status, to realize their entitlement to safe and inexpensive schooling. However, non-legal obstacles (political, administrative, economic, and physical) continue to prevent the whole and effective exercise of this right across Iran, according to the Norwegian refugee council.¹⁷

¹¹ Reem Shammout and Olivier Vandecasteele. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/education-displacement/shammout-vandecasteele.pdf>

¹² Made for minds. Shirin Shakib. 2017. How can Iran educate a million Afghan refugees? Retrieved from <https://www.dw.com/en/how-can-iran-educate-a-million-afghan-refugees/a-40640770>

¹³ Info Migrants. 2017. How can Iran educate a million Afghan refugees? Retrieved from <https://www.infomigrants.net/fr/post/5234/how-can-iran-educate-a-million-afghan-refugees>

¹⁴ Norwegian Refugee Council. 2017. Afghan Children's Access to Education in Iran What happened after the Supreme Leader's Decree?. Retrieved from https://adsp.ngo/wp-content/uploads/2018/12/IR-15_Afghan-Children%E2%80%99s-Access-to-Education-in-Iran-What-happened-after-the-Supreme-Leader%E2%80%99s-Decree.pdf

¹⁵ TheranTimes. 2021. School to be constructed for Afghan students in Fars province. Retrieved from <https://www.tehrantimes.com/news/465537/School-to-be-constructed-for-Afghan-students-in-Fars-province>

¹⁶ For Migration Review. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from https://www.fmreview.org/education-displacement/shammout-vandecasteele#_edn1

¹⁷ Norwegian Refugee Council. 2017. Afghan Children's Access to Education in Iran What happened after the Supreme Leader's Decree?. Retrieved from https://adsp.ngo/wp-content/uploads/2018/12/IR-15_Afghan-Children%E2%80%99s-Access-to-Education-in-Iran-What-happened-after-the-Supreme-Leader%E2%80%99s-Decree.pdf

6. Barriers to children's education within the political and education system

Although all government institutions in the Islamic Republic of Iran are required to implement the Supreme Leader's decree, several governmental agencies referenced the 2004 direction in the months between the Supreme Leader's decree (2015) and the approval of the new directive (2016). The present decree directions are also not adequately grasped by implementers at the provincial and school levels. In addition, there are contrasts in the roll-out and execution of the directive based on the provinces.¹⁸

Afghan children do not have access to pre-school, resulting in significant cognitive performance differences between Iranian and Afghan children. Furthermore, While the decree has made primary education more accessible, children find it challenging to progress to secondary school. Higher education is only available to individuals with visas/passports.¹⁹

7. Barriers to children's education outside of the political and education system

In terms of financial barriers, it should be mentioned that many families cannot afford education-related expenses, uniforms, stationery, and health checks, for instance. Also, if the school is distant and children need transportation, the trouble is worsened. However, nowadays, Afghan parents consider education a priority; some cannot afford it. A considerable number of children work or have access to informal education, which is less costly; this causes children not to reach formal certification that would qualify them to continue their studies.²⁰ On the other hand, the MoE lacks the funds to meet all public-school operating expenditures. The directive has put even more strain on an already overcrowded public school system, dealing with a lack of teaching resources and equipment. In addition, inadequate investment has been made in school infrastructure, with media reports claiming that 30% of schools are in poor condition and need to be rebuilt or repaired.²¹

Undocumented Afghan families cannot obtain information on the possibility of enrolling their children and the procedures for doing so. Also, many refugees are in difficult-to-reach places or lack

¹⁸ Norwegian Refuge Council. 2017. Afghan Children's Access to Education in Iran What happened after the Supreme Leader's Decree?. Retrieved from https://adsp.ngo/wp-content/uploads/2018/12/IR-15_Afghan-Children%E2%80%99s-Access-to-Education-in-Iran-What-happened-after-the-Supreme-Leader%E2%80%99s-Decree.pdf

¹⁹ For Migration Review. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from https://www.fmreview.org/education-displacement/shammout-vandecasteele#_edn1

²⁰ For Migration Review. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from https://www.fmreview.org/education-displacement/shammout-vandecasteele#_edn1

²¹ Reem hammout and Olivier Vandecasteele. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/education-displacement/shammout-vandecasteele.pdf>

documentation, making them difficult to locate. The education decree, on the other hand, gave a chance for humanitarian actors to locate and reach out to many of those families.²²

8. Challenges and opportunities for Afghan girls' education within their family

Conventionally, the family is the first point of contact for every child. Family is a crucial link to identity formation and plays a significant role in shaping individual identities and impacting future decisions and choices. Committing to a particular identity, and placing trust and loyalty based on belief systems and values they harbor are a crucial part of identity formation.²³ The parents of Afghan immigrant girls have substantial roles in their lives in molding them like any other.

The present situation of Afghan immigrant children and their families results from the parents' previous generational experiences. The parents, especially of these second-generation Afghan immigrant children in Iran, came from an ancient, traditional, and cultural male-dominated society of Afghanistan, where education collided with ethnocentricity, tribalism, and Muslimness.²⁴ This generational lacuna also contributes to the Muslim mothering of their children.²⁵ The parents taught their children about their Afghan predecessors and their Afghan narratives of being Afghans and pressed them to retain features of Afghan-ness in Iran, namely, Tajik or Dari language identity and Afghan traditions.²⁶ However, in Iran, they eventually altered their beliefs concerning education, as they accepted the education movement by the Islamic regime to eradicate Afghan illiteracy in Iran and began to send their children to school.²⁷

Unlike the previous generations, Afghan immigrant females carry different attitudes from their parents and other Afghans in Afghanistan, exhibiting noticeable cultural progress resulting from Iranian

²² For Migration Review. 2019. Inter-sectoral cooperation for Afghan refugee education in Iran. Retrieved from https://www.fmreview.org/education-displacement/shammout-vandecasteele#_edn1

²³ Study Moose. 2020. Identity crisis among the youth. Retrieved from <https://studymoose.com/identity-crisis-amongst-the-youth-essay>

²⁴ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

²⁵ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

²⁶ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

²⁷ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

education.²⁸ The Afghan immigrant parents considered that being educated would allow their daughters to live according to the teachings of the Quran and understand Islam better and gain access to the job market.²⁹ However, the girls and women expected themselves to gain access to respectable jobs that might help restructure women's social positions in their families and their societies.³⁰

Moreover, there is existing awareness among themselves of the benefits of education and the repercussions of the scarcity of knowledge within their communities. With this awareness, there is an implication that their Afghan culture is influenced intentionally or unintentionally by Iranian culture.³¹ Far from being met, this identity politics and influence denote that they are neither fully Afghans nor Iranians,³² creating confusion and identity crisis.³³

Adelkhah and Olszewska (2007)³⁴ say that although the literacy rate in Afghanistan rose after the 1970s, female literacy increased only by one percent. This is due to the male community believing that sending girls to public schools was an affront to their dignity. However, things have slightly changed after the arrival in Iran. With the integration into Iranian society, they have learned the importance of education. They noted that education meant social mobility as a religious injunction and good overall. One study in 2007³⁵ about young Afghan refugee adults criticized the lack of integration into the host society and how it dramatically impacts the Afghan refugee girls. Although the first generation that migrated to Iran was against girls' education, later on, they learned the importance of education no matter gender. In Iran, Afghan refugees are more open to sending their girls to school because they know how illiteracy has impacted the parents' lives. However, studies show that some Afghan families still do not permit girls to attend school. This correlates with the regional area of Afghanistan these people migrated from or, in other words, the ethnicity of these Afghans. The tradition of these ethnicities is still preventing

²⁸ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

²⁹ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

³⁰ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

³¹ Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

³² Afghanistan Research and Evaluation Unit. Abbasi-Shavazi, M.J., Glazebrook, D., Mahmoudian, H., Sadeghi, R. 2008. Second-generation Afghans in Iran: Integration, Identity, and Return. Retrieved from <https://www.refworld.org/pdfid/4846b2062.pdf>

³³ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

³⁴ Adelkhah, F., and Olszewska, Z. 2007. The Iranian Afghans. *Iranian Studies*, 40:2, 137-165, DOI:10.1080/00210860701269519

³⁵ Adelkhah, F., and Olszewska, Z. 2007. The Iranian Afghans. *Iranian Studies*, 40:2, 137-165, DOI:10.1080/00210860701269519

girls from getting an education. Songhori et al. (2018)³⁶ note that when girls drop out of school, they lose their connection with their Iranian peers and society.

Although the Human Rights Watch report 2017³⁷ was conducted in Afghanistan, the results are still relevant in the Afghan families that prevent girls from going to school. The report mentions that child marriage is prevalent among girls that do not attend school. It shows that marriage is one of the main reasons girls drop out of school. It is mentioned that girls who marry under 18 are unsatisfied with their marriages as their husbands are often older men. In addition, the girls' consent is sometimes dismissed; this is more shown in arranged and forced marriage. When girls get married at a young age, they miss education because they are given a responsibility to lead the house chores. Young Afghan girls getting married as minors is a complicated issue because it has different layers. This issue can be divided into three sub-categories: child marriage, arranged marriage, and forced marriage. According to the respondent of Abbasi-Shavazi et al. (2012, 850)³⁸ study, Afghan refugees mention that their opinions on their spouses were not taken into consideration, other reasons mentioned are lack of mutual understanding. According to Human Rights Watch (2017, 53)³⁹ the consequences of child marriage, namely, health risks, death, and risks to the girls and babies during pregnancy. Furthermore, girls that got married as a child become more often a victim of domestic violence than women who marry later.

As mentioned earlier, some parents view school positively and would do anything to send their children to school regardless of gender. This is the case for Parisa's family⁴⁰. When the family first migrated to Iran, they could not afford to pay for their children's school fees and supplies. Therefore, the girls of this family had to stay at home, whereas the parents were trying to get ends meet. However, one important point mentioned in this report is that Parisa's brother was still attending school, even though the parents were economically struggling. This confirms what the Human Rights Watch report⁴¹ mentioned, between the two genders, poverty affects females more often as they are the ones first to be pushed out of school. Girls take care of their siblings when the two parents work to provide for the

³⁶ Songhori, N., Maarefvand, M., Fekr-Azad, H., and Khubchandani, J. 2018. Facilitators and Barriers of Afghan Refugee Adolescents' Integration in Iran: A Grounded Theory Study. *Glob Soc Welf* 5, 243–252. Retrieved from <https://doi.org/10.1007/s40609-017-0104-6>

³⁷ Human Rights Watch. 2017. "I Won't Be A Doctor, and One Day You'll Be Sick" Afghanistan: Girls Struggle for Education. Retrieved from https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf

³⁸ Abbasi-Shavazi, M. J., Sadeghi, R., Mahmoudian, H., & Jamshidiha, G. 2012. Marriage and Family Formation of the Second-Generation Afghans in Iran: Insights from a Qualitative Study. *International Migration Review*, 46(4), 828–860. Retrieved from <http://www.jstor.org/stable/41804865>

³⁹ Human Rights Watch. 2017. "I Won't Be A Doctor, and One Day You'll Be Sick" Afghanistan: Girls Struggle for Education. Retrieved from https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf

⁴⁰ United Nations Refugee Agency. 2020. Afghan girl who waited years for school refuses to let her enthusiasm wane. Retrieved from <https://www.unhcr.org/news/stories/2020/9/5f4f5c914/afghan-girl-waited-years-school-refuses-enthusiasm-wane.html><https://www.unhcr.org/news/stories/2020/9/5f4f5c914/afghan-girl-waited-years-school-refuses-enthusiasm-wane.html>

⁴¹ Human Rights Watch. 2017. "I Won't Be A Doctor, and One Day You'll Be Sick" Afghanistan: Girls Struggle for Education. Retrieved from https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf

children. The reason boys are still sent to school is that girls marry other families and contribute to their in-laws; meanwhile, boys stay with their families and continue to take care of their parents. The report⁴² describes this as a family investment when boys are sent to school and girls are not.

9. Challenges and opportunities for Afghan girls' education outside of their family

Abbasi-Shavazi et al. (2012, 844)⁴³ mention employment among Afghan females in both first and second generations. Although the study shows that it is greater among the second generation of Afghan-Iranians. This is linked with girls dropping out of school at an early age and not completing their education. Afghans, in general, are employed in low-skill jobs, and this justifies by the restrictions posed by the Iranian government. However, the lack of education plays a big role in the Afghan girls' socioeconomic situation.

Employment opportunities post-education are another foreseeable challenge, mainly to entering the formal job market for Afghan immigrant women. Another challenge is that the labor market remains limited due to gender discrimination in the hiring process.⁴⁴

It has been promulgated that in matters concerning ideals of gender equality in Muslim societies, Islam's interpretation hinders achieving it.⁴⁵ Previous studies on this matter illustrate that women's oppression, civil and political rights discrimination, and exclusion of women from the labor market were manipulated by employing Islam as a tool.⁴⁶ As the most favored interpretation of Islamic Law is non-conducive to women and their empowerment, there is a need to promote a more liberalized rendition of Islam that may enable women in making choices concerning gender roles, which may potentially reshape their communities in their societies towards equality.⁴⁷

⁴² Human Rights Watch. 2017. "I Won't Be A Doctor, and One Day You'll Be Sick" Afghanistan: Girls Struggle for Education. Retrieved from https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf

⁴³ Abbasi-Shavazi, M. J., Sadeghi, R., Mahmoudian, H., & Jamshidiha, G. 2012. Marriage and Family Formation of the Second-Generation Afghans in Iran: Insights from a Qualitative Study. *International Migration Review*, 46(4), 828–860. Retrieved from <http://www.jstor.org/stable/41804865>

⁴⁴ Human Rights Watch. Rozalina Burkova. 2017. "It's a Men's Club" Discrimination Against Women in Iran's Job Market. Retrieved from <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>

⁴⁵ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

⁴⁶ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

⁴⁷ Homa Hoodfar. 2017. Women, religion and the 'Afghan Education Movement' in Iran. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/00220380601125115?needAccess=true>

10. Legal perspective

10.1 International agreements' violations

The analysis of the right to access to education comes together with studying multiple transgressions to children's human rights. As our report showed, the situation for Afghan refugee children in Iran is highly complex. It involves restricted access to education and other limitations that impede this right to be fulfilled.

To begin with, in 1945, Iran ratified its participation in the United Nations. Likewise, it ratified its membership in UNESCO in 1948⁴⁸, and throughout the years Iran has celebrated multiple international conventions assuming the obligation to protect human rights on the whole. It should be noted that the government is responsible for the commitment to treaties preserving children, refugees, education, and economic and social rights. Additionally, Iran's national legislation has substantial protection for minors, which is enshrined in its constitution and laws.

Nevertheless, it is evident that Iran is a perpetrator state toward children's rights and does not respect the international agreements it is currently part of. Being concerned with the right to education, Iran has not accomplished the assignment of offering education to everyone, no matter their national or social origin. The Universal Declaration of Human rights (*UDHR*), the Convention Relating to the Status of Refugees (*CRSR*), the International Convention on the Elimination of All Forms of Racial Discrimination (*ICERD*), International Covenant on Economic, Social and Cultural Rights (*ICESR*), the United Nations Convention on the Rights of the Child (*UNCRC*) and the UNESCO Convention Against Discrimination on Education appointed that education has to be available and accessible for all. In the case of refugees, it is established that their treatment will be the same as nationals concerning access to education⁴⁹. Also, as a state party of the United Nations, Iran agreed that education is free⁵⁰; thus, fees must be removed, and even more important, financial assistance should be offered in case of need⁵¹.

Education institutions may be Afghan children's first encounter with society, so the disrespect they have suffered impacts their lives in a negative way. For instance, the discrimination they experienced at the

⁴⁸ United Nations. Universal Declaration of Human Rights. Online Edition. Research on March 9, 2022. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴⁹ The Convention Relating to the Status of Refugees, art 22. Research on March 9, 2022. <https://www.ohchr.org/Documents/ProfessionalInterest/refugees.pdf>

⁵⁰ International Covenant on Economic, Social and Cultural Rights, art 13. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en

⁵¹ The United Nations Convention on the Rights of the Child, art 28. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en

moment of enrollment in school⁵², unfairness as their education is of an inferior standard⁵³, and the indifference to their identity, language, or national values⁵⁴ goes against *UNCRC*, *ICERD*, and the UNESCO Convention Against Discrimination on Education. In addition, Iran has ignored that one of the education's purposes is the improvement of the children's context, the development of their personality, the reinforcement of their dignity, and the understanding of their rights and freedoms⁵⁵. The government has forgotten the duty commanded in the *ICERD*, which says that parties throughout education have to promote equality, tolerance, and friendship among people regardless of their different nationalities, ethnic or racial characteristics⁵⁶.

Furthermore, articles 2 and 5 of the *UNCRC* establish that any violation of the rights of the parents is a violation of children's rights. One of the main reasons for children dropping school is the precarious situation of their families in economic terms. Financial problems are a consequence of the Iranian government's negligence regarding the parents' situation. Iran has acted contrary to what was agreed upon by not creating special measures so that the Afghan people, as a minority group, can enjoy and exercise absolute human rights and freedoms⁵⁷. First of all, Iran continues perpetuating discrimination in the country by not guaranteeing a legal status for the refugees. Therefore, and against the established conventions and treaties, the discrimination between legal and illegal residents⁵⁸ and the restriction of movement⁵⁹ lead to negative implications when finding a job as the unfair payment received for their work or restraint to choosing their work occupation freely.

⁵² The International Convention on the Elimination of All Forms of Racial Discrimination, art 4. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁵³ The UNESCO Convention Against Discrimination on Education, art 1. Research on March 8, 2022. http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁵⁴ International Covenant on Economic, Social and Cultural Rights, art 13. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en
The United Nations Convention on the Rights of the Child, art 29. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en

⁵⁵ International Covenant on Economic, Social and Cultural Rights, art 13. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en

⁵⁶ The International Convention on the Elimination of All Forms of Racial Discrimination, art 7. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁵⁷ International Covenant on Economic, Social and Cultural Rights, art 10. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en
The United Nations Convention on the Rights of the Child, art 22. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en
The International Convention on the Elimination of All Forms of Racial Discrimination, art 1. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁵⁸ Universal Declaration of Human rights, art 23. Research on March 9, 2022. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

The Convention Relating to the Status of Refugees, art 17. Research on March 9, 2022. <https://www.ohchr.org/Documents/ProfessionalInterest/refugees.pdf>

International Covenant on Economic, Social and Cultural Rights, art 7,8. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en

⁵⁹ Universal Declaration of Human rights, art 13. Research on March 9, 2022. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

In addition, Iran has also fallen to granting total protection of the children regarding the safeguard of their healthy development and the responsibility of their parents in this matter. Article 28 of *UNCRC* encourages the state parties to develop initiatives and programs to reduce absence in school as the primary goal⁶⁰. The government has undermined what is commanded in articles 18 and 32 of the *UNCRC* as there is no surveillance of the parent's duties for the proper nurturing and growth of the children⁶¹. The state has not intervened against children's labor, economic exploitation, or children's marriage, which are the main reasons kids drop off⁶².

Also, the Afghan community is not able to denounce injustices in court. The administration of justice is uneven and against global arrangements. In other words, Afghan people do not have the same protection from the law compared with other residents. Contrary to the *ICERD*, Iran has not guaranteed that tribunals and judicial institutions protect or bring solutions to any act of discrimination against Afghan people living in their jurisdiction⁶³.

Finally, by 2017, different media outlets reported that the Iranian government had used 14-year-old Afghan children to fight in the war against Syria⁶⁴, constituting both war crimes and a clear violation of human rights. The Iranian government argued that the government provided education to Afghan children, without differentiating their legal or illegal status in the country, and that the children involved in the Iranian army troops were volunteers and found themselves there on their own the decision to join the military⁶⁵. However, the media reported that the Iranian government would be offering documentation to the families of soldiers who died in the war against Syria, which would mean a great

The Convention Relating to the Status of Refugees, art 26. Research on March 9, 2022. Retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/refugees.pdf>

The International Convention on the Elimination of All Forms of Racial Discrimination, art 5. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁶⁰ The United Nations Convention on the Rights of the Child, art 28. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en

⁶¹ The United Nations Convention on the Rights of the Child, art 18, art 32. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en

The International Convention on the Elimination of All Forms of Racial Discrimination, art 5. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁶² International Covenant on Economic, Social and Cultural Rights, art 10. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en

The United Nations Convention on the Rights of the Child, art 6, 18, 32. Research on March 8, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en

⁶³ Universal Declaration of Human rights, art 6, 7. Research on March 9, 2022. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

The International Convention on the Elimination of All Forms of Racial Discrimination, art 5, 6. Research on March 9, 2022. Retrieved from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

⁶⁴ Middle East Eye. 2017. Afghan children as young as 14 recruited by Iran to fight in Syria, says HRW. Retrieved from <https://www.middleeasteye.net/fr/news/afghan-children-recruited-iran-fight-syria-says-rights-group-330844122>

⁶⁵ DW Made for minds. 2017. HRW: Iran 'recruiting' Afghan children to fight in Syria. Retrieved from <https://www.dw.com/en/hrw-iran-recruiting-afghan-children-to-fight-in-syria/a-40771666>

opportunity for many to sacrifice for the well-being of their families⁶⁶. Although Iran is not part of the Rome treaty, it should be noted that the recruitment of men under 15 years of age is considered one of the crimes of international law. Therefore, the behavior of the Iranian government is not only inappropriate but illegal.

10.2 A view of the national law

Another aspect of being analyzed is Iran's national legislation and judicial rulings. Unfortunately, due to linguistic limitations and the fact that much of the government information is classified and does not appear in the conventional means of search, we limit this report to do a deeper investigation from a distance. However, we know that there is special protection for the children's rights in the national constitution and in the Iranian Civil Code, without differentiating whether they are Iranian or not.

Additionally, article 9 of Iran's Civil Code says that “any ratified international instrument, which includes the CRC, should have the force of law and thus should be enforceable in the national courts and impact the larger legal framework”⁶⁷. However, the government established reservations in the different conventions where they give priority to Islamic laws over international conventions. On the other hand, until 2015, there was no government institution in Iran responsible for the protection of human rights, where petitions could have been attended, or pertinent investigations for the protection of people's rights were carried out. Because of this, children whose rights were violated would not have access to justice either nationally or internationally.

Furthermore, although the constitution in its articles 20 and 21 denote that all citizens are equal and enjoy the same rights, there is notorious systematized discrimination against women, starting from their early years when they are still girls. Both the penal code and the Iranian Civil Code make particular distinctions between men and women that are discriminatory. The foregoing is a consequence of cultural and religious roots in Islamic law⁶⁸.

⁶⁶ Iran: Afghan Children Recruited to Fight in Syria. 2017. Protection Gaps Increase Children's Vulnerability. Retrieved from <https://scm.bz/en/violations-watch/iran-afghan-children-recruited-to-fight-in-syria>

⁶⁷ Right of the child in Iran. 2015. Retrieved from https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

⁶⁸ Right of the child in Iran. 2015. Retrieved from https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

To conclude, the contradiction in the national legislation of Iran is notorious. Its constitution and codes are not always directed towards the same goal. Additionally, religious roots are a key and fundamental factor in understanding the conduct of the government against specific practices that are carried out in the national territory. Being part of an international treaty would then seem like a simple act of formalism and a good image before the eyes of the international community; however, it does not have a binding force within the country.

10.3 The Office of the High Commissioner of Human Rights

10.3.1 Annual Report

In the Human Rights field, there are annual reports that are presented to the High Commission Office of Human Rights. The purpose of these annual review reports is to analyze the overview of the human rights situation in a country, as well as the assessment of the state's respect for international human rights and its obligations. This provides an engagement between the state in concern and any non-state actor to address strategies for the improvement of the country's human rights situation. The reports usually contain crucial points such as annexation, the most human rights trends and developments, and widespread issues⁶⁹. Countries submitted advanced questions that concern the violation of human rights carried out by the state. Thereafter, the state is supposed to answer these questions and provide the measures they have taken to protect human rights.

The questions submitted in advance by other countries addressed several important fields of human rights that the Iranian government violated. For instance, Switzerland mentioned their concern over the high number of child marriages as well as forced marriages in Iran. They continue by saying this has a significant impact on girls. Switzerland stresses the importance of the Iranian Civil Code lining up with target 5.3 of Sustainable Development Goals, which implies the elimination of child, early, and forced marriage. They ask the Iranian government to adopt and apply this new generation in order to end this practice. Belgium questions the discrimination against girls in many aspects of their daily life, such as discrimination in family relations⁷⁰.

⁶⁹OHCHR. 2011. Manual on Human Rights monitoring. Retrieved from https://ths.instructure.com/courses/1940/files/148717?module_item_id=41294

⁷⁰ OHCHR. 2019. Universal Periodic Review (Iran Islamic Republic). Retrieved from <https://www.ohchr.org/en/hr-bodies/upr/ir-index>

The working group of universal periodic review recommends to the Iranian government to provide refugees and unregistered foreigners with birth certificates (Afghanistan)⁷¹. Moreover, they mentioned that the Iranian state drafted a bill, and it is going through the adoption process. The bill is concerned with the prohibition of child marriage. This is crucial as several of our interviewees stressed the lack of birth certificates as well as early marriage.

The national report submitted by the Iranian government mentions their effort to improve the human rights of the Afghan refugee community. They mention the decree of the Supreme leader that provided refugees to enroll in schools even if they do not have legal residency in Iran. However, this contradicts what our interviewees reported to us. Moreover, the report stresses that refugees and immigrant children are provided with free welfare services. The Iranian government reports the costs of the improvement of the human rights of the refugees in Iran and how only the international assistance is only about 3 %⁷².

10.3.2 Letter of Recommendation to Iran

In this letter, the United nations' Office of the High Commissioner for Human Rights (*OHCHR*) writes recommendations to the Iranian government for the improvement of human rights. This latter is based on the reports of the third cycle of the Universal Periodic Reports. They recommend the Iranian government ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Furthermore, they suggest adopting laws and programs that concern education. In the section about "equality and non-discrimination", advise to take measures and overcome the discriminations that impact women and girls. Also, the *OHCHR* recommends that the Iranian government take the required measures to ensure a fair trial and to have the freedom to choose a lawyer. This is crucial as some of the Afghan students do not have the privilege to have access to a fair judicial system, for example, if they try to complain about the lack of education that the Iranian government promised.

⁷¹United Nations General Assembly. 2019. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/255/98/PDF/G1925598.pdf?OpenElement>

⁷² United Nations General Assembly. 2019. Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/354/36/PDF/G1935436.pdf?OpenElement>

Moreover, the letter stresses the importance of a judicial system in concerns of girls and women. This is also important since refugee girls do not have access to a judicial system that they can turn to. The right to education is stressed thoroughly in the letter. The *OHCHR* mentions the progress and transformation that is needed in the education system. Moreover, groups that are vulnerable or live in rural areas and nomadic groups should be paid extra attention. More specifically, the letter mentions that the refugees Iran hosts should receive free education. As mentioned earlier, the Afghan refugees do not have access to free education in some areas, and the letter encourages the government to take this group into consideration. Encouraging higher education for girls is also another point Iran has to improve. As mentioned previously, many Afghan refugee students do not continue with higher education, but this is more evident among girls. Often, girls have barriers to completing their education, and if the barriers are not by the government, it is by their families and cultures. One of the most significant barriers is marriage in the case of girls' education. The letter encourages the strengthening of education and cultural programs for the girls that got married early as well as other children that are deprived of education. The letter concludes by claiming for refugees in Iran enjoy their fundamental human rights⁷³.

United Nations High Commissioner for Refugees reports that Iranian students study side-by-side with undocumented refugees, but this is not confirmed by our interviewees. They also report that higher education is accessed by Afghans and Iraqis⁷⁴.

The Human Rights Watch reports that Afghan refugees who intended to continue with their higher education were told to renounce their refugee status and to obtain an Afghan passport as well as a student visa. Although this report was in 2013, this policy can still be valid. Additionally, the fields Afghan students can pursue are limited, and as many as 30 subjects were prohibited from Afghan students. Moreover, the report mentions the restricted areas that refugees were prevented from and even if schools and universities were located in those areas⁷⁵.

⁷³ OHCHR. 2020. Universal Periodic Report. Retrieved from <https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/IR/Letter-OHCHR-HC-IslamicRepublicIran.pdf>

⁷⁴ UNHCR. 2021. Iran at a glance. Retrieved from <https://reporting.unhcr.org/document/342>

⁷⁵ Human Rights Watch. 2013. Unwelcome Guests Iran's Violation of Afghan Refugee and Migrant Rights. Retrieved from <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>

10.4 The fourth goal of the Sustainable Development Goals

The Sustainable Development Goals are the plan adopted in September 2015 by 193 countries, including Iran, for all people's dignity, stability, and prosperity to achieve a better future⁷⁶. The related thematic issues include, among others, poverty, inequality, economic growth, and education. Regarding and fulfilling people's human rights through the implementation of the Sustainable Development Goals.

In this context, the government is responsible for positioning education as a priority on the agenda and building an inclusive and quality education system for all⁷⁷. Despite the significant reform in 2015 that removed the barrier impeding children refugees from accessing education, the struggle continues⁷⁸. Iran has not demonstrated actions to guarantee goal number fourth of the Sustainable Development Goals related to education.

The targets 4.3 and 4.7 of the 4th goal are to ensure equal access for all people to affordable and quality technical, occasional and tertiary education, including university⁷⁹. The government must revoke the restrictions on mobility that impede Afghan girls to attend the university of their choice. Similarly, the regulation that restricts them from choosing their field of work. Implementing this mark aims to provide long-term opportunities to the youth and reach a sustainable, stable, and harmonious future.

In addition, Iran has not ensured that people in vulnerable situations, Afghan refugee girls, have access to all levels of education. This group needs particular attention and targeted strategies to reduce exclusion and inequality due to their sex and national origin, as target 4.5 establishes. At the same time, Iran is not following the guidance of target 4.6 which seeks to increase the number of literate young people and adults⁸⁰. In other words, the Iranian government needs to implement actions so that the population achieves recognized grades of successful completion of primary education.

11. Interviews

- **What do they have in common?**

⁷⁶ United Nations.Sustainable Development Goals. Research December 19,2021. Retrieved from <https://www.un.org/sustainabledevelopment/why-the-sdgs-matter/>

⁷⁷ United Nations. 2020. Quality Education Why Matters.Retrieved from https://www.un.org/sustainabledevelopment/wp-content/uploads/2017/02/4_Why-It-Matters-2020.pdf

⁷⁸ UNICEF.2021.Out-of-school Children Working to ensure that all children in Iran have equitable opportunities ro quality and relevant education. Retrieved from <https://www.unicef.org/iran/en/out-school-children>

⁷⁹ Sustainable Development Goal 4. the 2030 for Sustainable Development. Research on December 19,2022. Retrieve from <https://www.sdg4education2030.org/the-goal>

⁸⁰ Ibid.

First, the majority of the people we spoke to for this study reported that they did not have an Iranian Birth-certificate (in Persian: Shenasma) or national identification card (in Persian: Kart Melli), even though they were born in Iran. They also noted that their parents are often born or raised in Iran. For instance, one of the people described that “I was born in Iran and my parents also have lived in Iran. I have not got any Iranian national identification card, because if you were born and lived in Iran for your entire life, you cannot have an Iranian birth certificate, and you cannot be an Iranian citizen”. Therefore, in Iran, Afghan citizens have access to rights and services based on the status of their residence document (holder of Amayesh Card, holder of Afghan passport and Iranian visa, undocumented)⁸¹.

Second, according to their claims, the Amayesh card, by which registered refugees are granted conditional freedom of movement, temporary work permits, and access to the national education and healthcare systems, is also the source of constant debates. The high cost of annual renewal and the lack of proper information about the time and place of renewal discourage them from obtaining an arrangement card. As a result, many unregistered Afghan refugees in Iran are restricted to have access to basic facilities and fundamental rights, specifically in our study, access to education.

One of the interviewees highlighted that she and her husband had Amayesh Card. However, in 2015 when they were going to escape from Iran in the form of smuggling to Germany, the Army of Guardians of the Islamic Revolution (Sepah) arrested them, and then they took their Amayesh card. Consequently, their children are also not able to have an Amayesh Card. Another person, for example, said that he got the Amayesh Card during Khatami's time (Former President of Iran), but it did not pass to his children later on. Also, one Afghan guy, by focusing on the economic aspect, pointed out that the financial situation for Afghan refugees in Iran makes it so hard for families to renew or extend the Amayesh card. Then he made his claim clear by mentioning that he, his parents, and his siblings had Amayesh cards, but as it costs too much for his parents to extend Amayesh cards for themselves and the siblings (they are a family of 8), they did not continue to renew it anymore.

- **Where do the contradictions show up?**

Some respondents stated that the government has issued a specific card that is valid every year for all Afghans, both legal and illegal, and is valid for ten days (this card is acceptable for both public and private schools without any restrictions), this is the same as what UNHCR Iran that mentions, “since

⁸¹ UNHCR. 2021. Announcement on Services Available for the Undocumented. Retrieved from <https://help.unhcr.org/iran/en/2021/09/26/announcement-on-services-available-for-the-undocumented/>

2015, the Iranian government has allowed all school-age children to attend primary and secondary school, regardless of their status and without the need to pay special refugee tuition”⁸². However, in practice, we see other statements from some of the other interviewees. Some of them acknowledged the high costs for families regardless of whether the school is public or private, as it requires the payment of tuition fees for Afghan children’s enrolling. In addition, a mother claimed that the school did not want to register her son because he is Afghan and asked her to register him in another school. Then she registered her son in a different school which is located far from their home, and she must spend a lot of money on transportation and the standard level of education is also so low, and teachers are not qualified. However, she said that there was no problem with her daughter’s enrollment.

Therefore, it is perceived as if the schools act according to their preferences and do not follow the decree of 2015 and the law of 2016, and there is no supervision over their performance; this, in turn, leads to gender and racial discrimination, which will discuss in next.

When the interviewees were specifically asked about their experiences of racial discrimination, some responded that “schools do not discriminate if they have a letter of registration, but in front of our children’s names in the class lists, the title “Afghan citizens” is mentioned, which is unpleasant.” They also added that Iranian families and classmates themselves highly try to do not to give them the feeling of discrimination. They treat Afghan people like they are equal to them, for example, when Iranian children invite Afghan children to their birthday parties.

On the other hand, a young guy, who had an educational experience in Iran, expressed that racial discrimination makes children so disappointed and upset. For example, when he was in school, in breaks between classes, the deputy principal of the school said that Iranians could stay in the school hall, but Afghans should stay in the schoolyard. Also, Iranians were allowed to go to recreational camps, but not the Afghans. Alternatively, if an Afghan became the first student, he could not get an award in terms of grade and rank and be declared the first student because the award and rank belonged only to the Iranians and not to the Afghans. That is why Afghan families prefer to enroll their children in specific schools for Afghans.

During the Covid-19 pandemic era, some stated that Schools provided tablets for students, but their children did not get them. When they asked, schools said the tablets are just for Iranian students, not

⁸² UNHCR. 2021. Announcement on Service Available for the Undocumented. Retrieved from <https://help.unhcr.org/iran/en/2021/09/26/announcement-on-services-available-for-the-undocumented/>

Afghan students. As a result, their children could not study online, and they have faced many problems. Some other people said that schools did not offer any facilities during the pandemic, and they demanded 20,000,000 rials from each student for the same tablets inside the school. Some parents also mentioned that when the schools reopened, the schools were divided between Afghans and Iranians, so there were two different classes for them: three days a week for Iranian on campus, and one or two days a week for Afghans on campus.

A recurring theme in the interviews is that persons lack accessible information about higher education (entering the universities) in Iran. However, they agree that if Afghans have a legal residence card, they do not have a problem, even though there are Afghan university professors in Iran, but if they do not have a legal residence permit, they cannot go to university. One interviewee, for instance, mentioned that his sister came back to Afghanistan and got her Afghan passport, then went to university. However, due to the high tuition fee, she quit studying and started working.

- **How do obstacles and challenges to the education of Afghan children in Iran seem in the interviewees' view?**

First, regarding the obstacles and challenges posed by the government (host community), the majority of the interviewees believe that the considerable Afghan population in Iran should be given serious consideration by the government by facilitating the conditions for obtaining residency, obtaining a study permit, student's identification, and the equal access to education as the illiteracy of this large population creates false and black jobs. In other words, there are three issues:

When the government says that if an Afghan lives in Iran for the entire her/his life, she/he cannot be an Iranian citizen, it means that identification for an Afghan is a basic and critical obstacle. So, an Afghan needs to have an Amayesh card which costs too much. That is why most Afghans in Iran prefer to give up on having this card. Enrollment in school costs for Afghans; even though the school is free of charge, the Afghan must pay. The governmental system in Iran is the main problematic issue that makes racial discrimination between Iranians and Afghans. For example, a school principal may not want to discriminate against Afghans but is forced to do so because of the existing system.

Second, most people whom we talked to mentioned that the primary barrier for Afghan families is their financial situation. Because most families cannot reach high careers and they are in a very bad economic situation. They must pay for everything in Iran as they are Afghan (for school, for having an Amayesh card, for health and doctor visits along with normal living expenses such as rent and food). For example, one of the interviewees said that his father left the family when he was a child, and he went to

Afghanistan. So, his mother raised six children alone, plus she worked since she was a kid, which caused her to suffer from unfavorable physical abuse from a very young age. With these descriptions and living expenses, his mother must pay for Amayesh's card for her six children and herself, as well as the cost of renewing it. How is it possible? Or, pay for school for six children because they are Afghans. Also, since most Afghan families are below the poverty line, children from an early age prefer to drop out of school and work. Then he highlighted his child labor, and he left school when he was in Iran and worked in a foundry that burned his body every day.

Moreover, regarding the ethnic attitude of Afghan families towards their children's education, they reported that Afghans are from four ethnic groups. Pashtun, Tajik, Hazara, Uzbek. Pashtuns are extremists and do not allow girls to study. Boys only must read the Quran. Hazaras are the most intelligent and consider unemployment and illiteracy a disgrace for a girl and a boy, which is why they always encourage their children to study. Uzbeks and Tajiks are also balanced. However, Uzbeks do not believe that girls should go to university and have Turkish culture.

As mentioned, Hazaras are the most open-minded ethnic. Interviewees also added that this has historical roots because Hazaras have been oppressed all along, and they want to progress and not have history repeat itself to them. The Hazara people in Afghanistan are the most deprived and are Shiite Muslims. For example, when the Taliban first invaded Afghanistan, they wanted to massacre the Hazaras. That is why a Hazara mother, even though she is illiterate, wants her children to go to school and study, whether they are boys or girls. Generally, if parents do not want their children to go to school, this is because families know that their children are severely discriminated against at school, and as children are especially vulnerable at a young age, Afghan families are not interested in their children's pride to be broken or harmed.

- **What future awaits Afghan children?**

The vast majority of interviewees reported seeing an increase in children's disappointment and discouragement: repression, racist behavior, and rampant financial problems. Children who forget their dreams day by day lose hope and do not enjoy the minimum human rights as an immigrant. A young mother, for instance, said, "there is no hope for my children, the same as I and my husband; we were born in Iran, and we live here our entire life, but without any hope and basic facilities and welfare."

In addition, they believe that there is no hope until the government recognizes Afghan citizens without a residence card and facilitates legal residency. That is why their children want to migrate to other countries. The issue of immigration to another country is very common among Afghans, as a young Afghan boy born in Iran and now living as a legal citizen of Sweden reported to us about his experience

as a refugee in Iran and Sweden. At 11 years old, he was smuggled out of Iran and imprisoned twice in Turkey. Furthermore, after Turkey, he wanted to reach Greece by boat and through the sea. And then he was in prison once more in Greece. He finally arrived in Sweden on 24 November 2013 after a trip of two and half years.

“The night we were on the sea, there were six of us by boat to Greece, and everyone had lost hope, but I did not want that night to be the last night of my life. I did not want to give up. I wanted to save my life.” says the interviewee.

Finally, when he arrived in Sweden, he went to the police. As he said, it was the first time that the police were not a sign of fear for him but a smile. The police only wrote the name of the immigration office in Märsta on a piece of paper for him. The next day, with thousands of misfortunes, with only 120 SEK and zero knowledge of English, he went to the immigration office.

He explained that after sending him to different cities six times, he finally returned to Stockholm and went to school.

“When I was a child, I had a dream about my room. Although having a personal room had not fitted into our minds at all. Because our family of eight lived in a 24-square meter house. But in Sweden, we had our own room.” says the interviewee.

He said that another group of refugees was in a Swedish language class, but then he protested that he wanted to be in a class with the Swedes. Because by law, young children must be in the same class as Swedes to be encouraged to learn Swedish. Eventually, he was transferred to another class. “After three years, Sweden gave me a Swedish passport and said that you are no different from Swedes. And this is what we were told when I was in Iran; “even though you were born in Iran, if you live here all your life, you will never become Iranian.” says the interviewee.

He told us that all the hardship he experienced in Iran taught him not to have a racial discrimination perspective.

“When I came to Sweden, I just realized what human rights, basic rights, and being human are and what injustices were done in Iran, and the Iranian government is still oppressing Afghans.” says the interviewee.

He highlighted how a developed country like Sweden treated him and how Iran, where he was born and raised there, treated him. Now he knows Swedish and English in addition to his mother tongue. He has

his own company, and he aims to help people and influence them through his path and experiences through art.

Finally, most interviewees believe that access to education has been taken away from Afghan children as the most basic right because of the families' financial situation, the high cost of schooling for Afghans, and racist policies aimed at recognizing Afghans alongside Iranians. According to what people reported to us and given the current situation in Afghanistan, we assume that Afghans have no choice but to flee Iran illegally or live in Iran and get along with current conditions.

12. Recommendations

12.1 To the Government

- The government should not make any differences due to race, language, religion, or social origin regarding the recognition and implementation of the right to education.
- Improve the conditions and create inclusive registration in schools. Nationals and immigrants must have the exact needs and requirements at the moment of inscribing in educational establishments.
- The government must respect the right to freedom of movement and set up a fair environment where no nationals have access to the academic identities of their election.
- Guarantee that no immigrants are targeted if they enroll their kids in school.
- Divulge information about the right to an education that any child possesses regardless of their migration condition.
- Accelerate the integration of Afghan children in Iranian public schools, setting as a principal aim to substantially increase their enrolment.
- Lift any educational and work restriction that transgresses Afghan refugees' rights, recalling that every person has the right to work in the profession of their election.
- Create a specific program to address Afghan girls' educational problems. It must include measures that combat child labor, child marriage, and sexual exploitation. Since this matter affects the female gender, women should participate in creating the program and all the steps of their implementation.

12.2 To the UNCHR

- Publicly support and safeguard the rights of Afghan girls. Divulgate the unfair conditions they suffer that impede them from fully integrating into society, continuing their education, and building a better future.

- Review and revise the refugee situation in Iran. Assure that the state respects fundamental rights and propitiates their implementation. Otherwise, reports of violations must be done.

12.3 To the UNICEF

- Work together with the government to improve the quality of learning conditions. It includes the administrative process, suitable content of subjects, and the possibility to develop and apply their knowledge outside school.
- Plan and budget a new "cash transfer program" created especially to help Afghan girls with the tuition and other expenses that have to be covered to continue their studies.

12.4 To the schools and the Universities

- Receive refugees in the institution. Generate close relationships with the parents that propitiate the reduction of children abandoning their instruction.
- Give the professors appropriate training that provides them with the tools to face problems of adaptation and integration of all students.
- Provide additional language courses for students with different languages as the one of instruction.
- Offer homework support for those kids with illiterate parents.
- Attempt to find donors that can offer scholarships to refugee students.

13. Final Comments

The primary purpose of our report was to exhibit the violations against the right to education made by the Iranian government toward Afghan refugee children. As we investigated and continued researching the established in the conventions, laws, the revision of other reports but most importantly, when we received first-hand information from our interviewees, we realized that the state of affairs was more complicated than only the obstacles for Afghan children to be admitted in education institutions as any other Iranian child.

We found ourselves in the necessity to broaden the scope of our analysis. For this reason, our report covers irregularities regarding the protection of numerous rights such as equality, identity, nationality, development of personality, and freedom of movement, among others.

There are many concerns about children that need to be addressed urgently. Iran must give better results concerning the improvement of the life level of Afghan refugees. The government has to be more

consistent when implementing agreements made at the international level. The national judicial system has to be adapted. Thus, the local legislation does not oppose the conventions and treaties' decrees.

For instance, Iran must start working on better migration regulations aimed to improve the mentioned community situation, accelerating their inclusion in society. The illegal residence is the start point of the precarious cycle of living by the Afghan community every day. No legal residence means unreasonable retribution for jobs that direct economic problems. Financial problems can lead families to take solutions that affect children's future, such as child marriage and child labor. Needless to say that Iran should ban those practices within its territory.

In fact, Iran must pay special attention to the kids' healthy development when their guardians do not comply with their duties to preserve their children's physical and mental wellness. Broadly, Iran has to respect and promote diversity. Disclosure of information is essential. Everybody is entitled to know all their rights and claim their protection. All persons have the duty to understand that all humans possess rights that have to be respected. Therefore, the state should lean toward a better social structure where no discrimination has a place.