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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Hazrat Javad-al-Aemeh Cultural Charity Institute, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Criticism on Forced Return of Refugees and Immigrants from Europe

In recent years, by changing approach towards Afghan nationals in the Islamic Republic of Iran, Non-Governmental Institutions have developed their activities for them, remarkably. Based on UNHCR report on Iran projects for Afghan immigrants in 2015-2016¹, only more than 20 thousands of these immigrants are covered under livelihood, education and hygiene programs of Non-Governmental Iranian Institutions. The mentioned statistics is just for NGOs, and the whole number of Afghan nationals who favor empowerment programs under supervision of government, foreign institutes, embassies and UN agencies, is more than that.

Since 2015, according to the decree of Supreme Leader of Islamic Republic of Iran, Afghan nationals who entered Iran illegally, could study at schools. Some noticeable statistics after the decree is that, the registration growth rate of Afghan students in elementary level, is more than Iranian students in a city like Yazd. So, it can be estimated how huge is the figure of Afghan students of other provinces like Tehran, Isfahan and Khorasan. In addition to the formal statistics, there are many NGOs not only providing public education opportunity for the Afghans who don't have the conditions to study at schools, but holding skill training courses for young Afghans to make them find jobs in the future. Unfortunately, these services are limitedly reflected on international organizations and media.

Considering social and economic situation in Iran through low economic development, unemployment rate, and international heavy sanctions, it is easy to assess, how hard it is to take the responsibility in providing suitable situation for Afghan nationals in Iranian society and state. The statistics is meaningful, in knowing that other than the 950 thousand Afghan nationals (according to this figure, Iran is only next to Pakistan to host refugees in the world) whose identities are formally registered in the UNHCR Branch in Iran, around 2 million Afghan nationals still live here, illegally (total population of Afghan Nationals who live in Iran is 4% of the whole population of Iran). However, during recent years, through UN help and voluntary cooperation of NGOs which follow the prominent goal of 'voluntary return', the effective services have been done. According to the international law, the right of refugees to return to their country of origin is fundamental to refugee protection. Voluntary return, is desirable not only because it entails respect for the rights of the individual, but also it is more likely to yield sustainable results².

After all, in 2016, there was an unexpected deport of refugees from Europe and closing borders to them. The function of Frontex, the European Border and Coast Guard Agency, was immediate deportation of refugees from EU, despite economic development and employment rate of European countries not being comparable to Iran. According to Frontex Statistics, all the immigrants during 2008-2016 who illegally entered the EU, were around 1.3 million people (almost half the population of illegal Afghan nationals residing in Iran) that all of them would not get the permission to settle in European countries. Because of strict policies of these countries towards immigrants, the number entering EU dropped from 885,386 in 2015 to 182,534 in 2016³. This trend applied while Pope Francis, the Catholic Leader of the world, declared in his New Year speech that every human being has the right to emigrate to other countries and take up residence there⁴. Moreover, refugee protection is an international responsibility, and the burden-sharing is essential to alleviate the impact on host countries enduring the protracted stay of them⁵.

When considering this condition, along with the current situation in Afghanistan by the UN report that more than 9 million Afghans are at the risk of strict poverty and hunger (the figure has increased to 13% in comparison to the last year), or the UN prediction that Afghanistan will face more wars, displacing people and increasing poverty in 2017, in

¹ - Solution Strategy for Afghan Refugees, Islamic Republic of Iran, UNHCR, 2015-2016.

² - VOLUNTARY REPATRIATION: INTERNATIONAL PROTECTION, 1996 United Nations High Commissioner for Refugees, Geneva.

³ - <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route>

⁴ - http://en.radiovaticana.va/news/2017/01/09/pope_francis_new_years_address_to_diplomatic_corps/1284443

⁵ - http://en.radiovaticana.va/news/2017/01/09/pope_francis_new_years_address_to_diplomatic_corps/1284443

addition to the unemployment rate in Afghanistan of more than 50% declared by the Union of Afghanistan Youth⁶, deteriorating livelihood and security can be concluded in this country which results in the rise of immigration trend. Automatically, the immigration wave move is toward neighboring countries especially Iran, because of EU and western countries approach. This is happening, while the capacity and resources don't satisfy the existing refugees in Iran.

The increasing migration wave toward neighboring countries, is not only suitable for them, it also nullifies the services and actions taken during the years by the aim of sustainable end. Firstly, it would limit the existing limited facilities for them; secondly, the voluntary return which is proceeded by UN agencies, state and NGOs as the prominent goal for refugee protection plan, consequently would be ineffective.

Therefore, Javad-Al-Aemeh Institute, has been trying to mention clear violation of Human Rights of EU recent approach towards refugees and immigrant's crisis. And, secondly, reminds us that European policy in this regard, not only lacks the responsible aspects of Refugee Rights in International documents, it would nullify Iranian civil society effort for Afghan nationals.

The violation of Human Rights in forced returns of refugees from EU policy accounts as:

- 1- Despite limited security and facilities in some parts of Afghanistan, still primary life situation such as shelter, drinking water, hygiene, procurement, electricity, roads and security doesn't exist in many parts of the country.
- 2- Forced returns of refugees from Europe and countries in the region, caused the wave of displacing people in the country whose lives are endangered because of the lack of shelter, poverty and hunger.
- 3- UN forecast of life situation in Afghanistan in the coming year indicates the country's population needs more humanitarian help than before. But EU recent policy ignores the primary principle of Human Rights.
- 4- As one of the prominent goal of High Commissioner for Refugees is voluntary return, by the aim of creating sustainable situation, applying forced return without basic security and peace preparedness, it actually leads to nullify actions of civil society and state organization in cooperation with UNHCR branch in Iran.

Since, Hazrat Javad-Al-Aemeh Institute has mobilized parts of its resources and activities for education and services to Afghan Nationals in the hope of creating sustainable change for them, it is necessary that High Commissioner for Human Rights takes a stand as the main entity defending human rights towards violations of human rights in Europe now. And, at the same time, through consultation and cooperation with civil society institutes and professional bodies, finds humanitarian solutions for existing challenges.

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⁶ - <http://www.avapress.com/vdchw-nz623nxxd.tft2.html>