

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 46

Full recommendation:

The Committee strongly urges the State party to review the provisions of the Act on Determination of the Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code, and to ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers. The Committee also recommends that the State party provide information on the number of children born to Iranian mothers who have been naturalised, in its next periodic report.

Assessment using Impact Iran indicators¹

A. Ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers

Considering that illegitimate relationships (in which couples experience intimacy and are not married), are criminalised in Iran, children born out of wedlock are subjected to discriminatory measures. According to Article 884 of the Civil Code, children born out of wedlock are not entitled to inheritance. Seemingly in contradiction of Article 884, Article 1168 of the Civil Code, which discusses maintenance cost and mandates that both parents are duty-bound to maintain their children, forgoes any mention of children born out of wedlock.

Children of illegitimate relationships are, according to the director of Iran's Civil Registration Agency, entitled to receive a birth certificate, pending approval of the courts, which enables them to have access to services such as healthcare, education and social assistance.² Despite this, in practice, birth certificates that are issued to children born out of wedlock leave out the name of the father or include a fictional name, which immediately identifies the child as illegitimate, thus enabling discrimination.

The Iranian government passed a new law in 2020 that would allow for the granting of citizenship to children born of an Iranian mother and a foreign father.³ The law, aptly named "Granting Citizenship to Children Resulting from Marriage Between Iranian Women and Non-Iranian Men" was finally sent for implementation to the relevant agencies by the Vice-President

¹ CRC.8.1.S.1;
CRC.8.1.O.2

² Radio Zamaneh (in Persian): <https://www.radiozamaneh.com/538085>

³ Radio Farda: <https://en.radiofarda.com/a/children-with-iranian-mothers-foreign-fathers-to-receive-citizenship-/30652718.html>

of Iran, Es'haq Jahangiri, on June 3rd, 2020. Until this date, Article 976 of the Iranian Civil Code of 2015 mandated that only children born of Iranian fathers would be granted citizenship. The new law was introduced in 2015 in Parliament, yet it was sent back to this body of government twice for amendment before it was approved by the Guardian Council on October 2nd, 2019.⁴

There aren't any statistical figures to demonstrate the effectiveness of the law⁵, since it has only been put into circulation fairly recently. Regardless, it is expected to contribute to granting citizenship to around 500,000 children (mostly children of Afghan refugees and Iranian women) who had, until now, been deprived of a legal avenue for obtaining an Iranian birth certificate.

B. Provide information on the number of children born to Iranian mothers who have been naturalised, in its next periodic report

Iran's next report to the Committee on the Rights of the Child is due on August, 11th 2021.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.

⁴ [ISNA](#)

⁵ Ibid.