

THE COMMITTEE ON THE RIGHTS OF THE CHILD

71st Session (11 – 29 January 2016)

IRAN

Additional Information for the consideration of the Committee in relation to the right of every child to acquire a nationality under Article 7 CRC

15 December 2015

1. The Institute on Statelessness and Inclusion (the Institute)¹ welcomes the opportunity to submit additional information for the consideration of the Committee on the Rights of the Child regarding Iran's compliance towards every child's right to acquire a nationality under Article 7 CRC. The Institute's submission frames some comments on Iran's written replies to the List of Issues.
2. The List of Issues contained two questions relevant to the focus of this submission. **In question 8 of Part 1 of the List of Issues**, the Committee asked Iran to: *"Please indicate the measures taken to eliminate persistent discrimination in law and practice against girls, children with disabilities, children born out of wedlock, unregistered children, refugee and migrant children as well as lesbian, gay, bisexual, transgender and intersex children"*
3. In its written reply, Iran stated that: *"In 2006, 'The Law on Determining the Status of Children Born in Marriages between Iranian Women and Foreign Men' was passed. According to this law, children born from the above-mentioned parents in Iran or those born in Iran at most one year after the adoption of this law, **can plea for Iranian citizenship after they come of 18 years of age**. Based on this single Article, children subject to this Article are granted residence even prior to acquisition of Iranian citizenship."* (para. 50, emphasis added)
4. Furthermore, under the heading 'practical measures' Iran stated that it was: *"Devising a research plan on 'Determining the Citizenship of Children Born in Marriages between Iranian Women and Foreign Men' by the office of vice president for family and women affairs in order to acquire the advisory opinion of private international law experts and specialists and determine the best legal initiative to support these children."* (para. 57)
5. The Institute would like to draw the Committee's attention to the following concerns relating to these written answers by the state of Iran:
 - a. Iran is one of 27 countries that continues to discriminate against women in their ability to confer nationality to their children, in violation of CEDAW Article 9(2) and CRC Articles 7 and 2. The Committee has made over 35 recommendations to states to end

¹ The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to addressing statelessness and disenfranchisement in the world through the promotion of human rights, participation and inclusion. (www.institutesi.org)

gender discrimination in their nationality laws, including in relation to children born out of wedlock and children born to foreign fathers and citizen mothers.² Iran's written answer does not demonstrate that progress has been made in addressing gender discrimination in its law.

- b. According to the amended law, children have no access to Iranian nationality, as naturalisation may only be applied for after the age of 18. Consequently, the amendment does not address childhood statelessness, does not bring Iranian law into compliance with CRC Article 7 and is contrary to the principle of the best interests of the child.
- c. Iran's written answers have not elaborated on the process through which the children of Iranian women and foreign fathers are naturalised. Closer analysis of these requirements show that even persons who have reached the age of 18 and who would otherwise be stateless, are not fully protected by this provision. The full text of the single article is as follows:

*"Children who are the result of marriage between foreign men and Iranian women, who have been born in Iran, or are born in Iran within one year from the date of the ratification of this law, will be able to apply for Iranian citizenship when they reach the full age of 18. These persons will be accepted as Iranian citizens if they lack criminal records or security violation backgrounds and renounce their non-Iranian citizenship. The Interior Ministry obtains evidence of the birth of the child in Iran as well as the issuing of marriage permit as stipulated in Article 1060 of the Civil Law, and the Law Enforcement Forces after being informed by the Interior Ministry issue the residence permit of the foreign father stipulated in this article. Children concerned with this article are permitted to reside in Iran prior to obtaining citizenship."*³

As noted by Dr Jason Tucker, *"The amendments potential to reduce statelessness is limited by criteria that are difficult (if not practically impossible) for those with stateless children, or those rendered stateless by gender discrimination, to meet. This includes the requirement of proof that the child was born in Iran, a marriage certificate between the parents, proving the foreign father's legal residence in the country and proving they have renounced their non-Iranian nationality - which the stateless do not have. ... The criteria set out in the legislation to acquire Iranian nationality, most notably the need to provide the father's documents and proof of marriage, means that children born out of wedlock cannot benefit from this amendment."*⁴

6. **In Question 2(i) of Part III of the List of Issues**, the Committee has asked Iran to: *"Please provide, if available, updated statistical data (disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status) for the past three years on: [...]*

- (i) *Stateless children or children born to Iranian mothers and foreign fathers;"*

² For an analysis of the Committee's recommendations, see Institute on Statelessness and Inclusion, *Realising the Right of Every Child to Acquire a Nationality: An analysis of the work of the Committee on the Rights of the Child*, 2015, available at: http://www.institutesi.org/CRC_nationality_paper.pdf

³ *Law on Determining the Status of Children Born in Marriages between Iranian Women and Foreign Men*, 2006, as quoted in Jason Tucker, *Exploring statelessness in Iran: Gaps in the nationality law, populations of concern and areas for future research*, Tilburg University, 2014.

⁴ Jason Tucker, *Exploring statelessness in Iran: Gaps in the nationality law, populations of concern and areas for future research*, Tilburg University, 2014.

In its written answers, Iran did not provide any such data or explain why such data is unavailable.

7. In light of the above comments, the Institute on Statelessness and Inclusion would like to take this opportunity to request the Committee to seek further information and clarification from Iran on the following:
 - a. What steps is Iran taking to bring its nationality law into compliance with its obligations under Articles 7, 2 and 3 CRC? In particular, what concrete steps has Iran taken to end gender discrimination in its nationality law and to ensure that all children born in Iran who would otherwise be stateless, acquire Iranian nationality without undue delay?**
 - b. What prospects are there for further law reform within Iran and for implementing the existing law without discrimination and to the fullest extent possible, in compliance with the principle of the best interests of the child?**
 - c. Is there any data on stateless children or children born to Iranian mothers and foreign fathers that Iran can share with the Committee? If not, why is this the case, and what steps can be taken to rectify this situation?**