Who is left out?

Hidden Patterns of Birth Under-registration

A Case Study about Iran

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To unregistered children all around the world.

Text in Persian: Having a birth certificate is every child’s right. (Source: UNICEF® 2015)
Universal full coverage of birth registration by 2030 is one of the sustainable development targets which itself is of great significance for the accomplishment of many development goals such as poverty eradication, inclusion, as well as improvement of several health factors. Despite the importance of this topic, not much academic attention has been paid to study the problem of birth under-registration from the perspective of development studies.

This research studies the issue of birth under-registration through a case study of Iran. The four main questions of this research are the quantitative significance of the problem, the main causes of birth under-registration, the most affected social groups, and the main problematic domain of action, in the context of Iran.

By utilizing an abductive content analysis method, this research aims to understand the problem, rather than proposing policy recommendations. This desk study uses secondary sources and almost all of the sources are of qualitative nature. It is not based on any pre-defined theory and therefore does not aim to generalize nor theorize the findings. It, however, is based on available theories for developing the analytical framework. The adopted analytical framework is Bottleneck analysis which is a method designed by UNICEF specifically for the purpose of birth registration programming and policy evaluation.

Birth under-registration in Iran - compared to other countries in the region - turned out to be very low. The findings provide information on many good practices regarding birth registration programming and also about several areas in need of improvement in Iran. By applying the analytical framework to the findings, identified disincentives have been categorized in three domains of supply, demand, and enabling environment, and the significance of disincentives in each domain has been assessed.

Based on the analysis, it can be concluded that almost all of the main causes of birth registration are of legal nature, especially patriarchal nationality laws. Also, it was found that the main risk groups were children of illegal immigrants, non-nationals, and unregistered parents, and the main problematic domain is found to be the domain of supply.

*Keywords: Birth registration, Legal identity, Statelessness, Iran, Bottleneck Analysis, Sustainable Development Goals*
I would like to express my gratitude to my tutor, Lennart Wohlgemuth for his guidance, advice, and inspiration throughout this research project.

In addition, I want to thank my family, especially Banafsheh Tehrani and Masoud Samadi, for their endless and unquestioning support and motivation during the whole period of studies.

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<table>
<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BAFIA</td>
<td>[Iran’s] Bureau for Aliens and Foreign Immigrant Affairs</td>
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<td>BM</td>
<td>Bottleneck Methodology</td>
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<td>BR</td>
<td>Birth Registration</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CRVS</td>
<td>Civil Registration and Vital Statistics</td>
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<tr>
<td>GII</td>
<td>Gender Inequality Index</td>
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<tr>
<td>HDI</td>
<td>Human Development Index</td>
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<td>HDR</td>
<td>Human Development Report</td>
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<td>IDB</td>
<td>Inter-American Development Bank</td>
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<tr>
<td>IHDI</td>
<td>Inequality-adjusted Human Development Report</td>
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<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
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<tr>
<td>MENA</td>
<td>Middle East and North Africa</td>
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<tr>
<td>MICS</td>
<td>Multiple Indicator Cluster Survey</td>
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<tr>
<td>NOCR</td>
<td>[Iran’s] National Organization for Civil Registration</td>
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<tr>
<td>OHCHR</td>
<td>United Nations Office of the High Commissioner for Human Rights</td>
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<td>SDGs</td>
<td>Sustainable Development Goals</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNECA</td>
<td>United Nations Economic Commission for Africa</td>
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1. INTRODUCTION

This chapter presents the identified research problem and its importance and relevance for peace and development studies, followed by research objectives and formulated research questions. Methodological and analytical structure of the research will be briefly introduced as well.

1.1 RESEARCH TOPIC

Continuous rise of new multi-dimensional issues in a globalizing world has given a cross-disciplinary characteristic to the current discourse of development studies (Mikkelsen, 2005, p. 124). The rise of new global concerns and the necessity of a strong supranational will to confront them is best reflected through a comparison between the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) both adopted by the United Nations (UN) general assembly with 15 years in between. Poverty eradication is labeled as “the greatest global challenge” in the 2030 Sustainable Development Agenda (UN, 2015, Preamble) - as it was in the Millennium declaration.

Nevertheless, some major changes in strategies and objectives are visible. For instance, seven goals of the Sustainable Development Agenda are allocated to set guidelines for sustainable and resilient utilization of natural resources within planetary boundaries, while only one goal in the Millennium Declaration was covering this broad subject. However, an emphasis on environmental issues is not the only difference.

Although the importance of inclusiveness in political processes was mentioned in MDGs it was not until 2030 that providing legal identity for all was clearly stated as a prerequisite for inclusive societies and as a developmental target in the Sustainable Development Agenda. In fact, along with ending extreme poverty and hunger, this is one of the few targets that calls for complete elimination of the problem, rather than reducing its effects.

Regarding many objectives such as health, inclusive education, and sustainable societies, Sustainable Development Agenda calls for minimizing the effects of the problem or increasing the resources and efforts, while when it comes to legal identity, committed countries will not accept anything less that complete global coverage as can be seen from the following;

16.9 By 2030, provide legal identity for all, including birth registration

The inclusion of target 16.9 in Sustainable Development Agenda means that the provision of legal identity is recognized worldwide as a development issue. An issue which neglecting it can create a hidden crisis, and overcoming it needs urgent global action.
1.2 RESEARCH PROBLEM AND EXISTING LITERATURE

As understood from the Sustainable Development Agenda, providing legal identity for all is both a requirement for promoting inclusive societies and a characteristic of such societies. Birth under-registration is, therefore, a two-dimensional matter in its nature; an obstacle to be tackled in the process of national and global development, and one of the causes of under-development at the same time.

The target of providing legal identity for all is placed under the broader goal of promoting “peaceful and inclusive societies” in the Sustainable Development Agenda (UN, 2015, Goal 16). This categorization already shows that there is an international consensus about the significance of legal identity for social inclusion, and the fact that under-registration leads to being statistically invisible and being socially excluded and deprived of several basic human rights.

To categorize the literature on this matter briefly, three main strands of literature can be identified (to read more about the existing literature see chapter 2. Literature Review). The first strand of literature which have the issue of legal identity at their scope of study belong to the field of public health, including international and regional reports commissioned by UNICEF (Pais, 2002) and UNECA (2010) and research such as Philips et al.’s (2015) highlighting the significance of legal identity and especially birth registration, and its effect on the public health indicators.

The second strand of literature emphasizes on “the right to have a legal identity” as a basic human right and its significance in the field of human rights law and child rights. Articles such as those of Dow (1998) and Gerber et al. (2011) fall into this category.

The third strand of literature consists of a few articles published about the effect of legal identity and civil registration on a specific development issue such as education (Corbacho, et al., 2012) or poverty (Harbitz & Tamargo, 2009) giving multiple examples from different regions and countries, without focusing on a specific country.

Another strand of literature consists of some regional or national case studies which have been carried out regarding civil registration in different countries such as India (Smerdon, 2012) or Ghana (Amo-Adjei & Annim, 2015) which mostly focus on the issue from the perspective of either public health or human rights.

Like many other development objectives, eliminating the issue of birth under-registration is a universal goal, and its global accomplishment requires international cooperation and global partnership, both in action and planning. On the other hand, under-registration is a matter of national sovereignty, with
unique and local causes and effects in every state and region and every state is facing this problem within its own geographical territory. Therefore, carrying out continuous and annual academic research projects at local and national levels is a necessity for investigating the causes and effects of under-registration and monitoring the progress of national and international development projects.

The only official report on the issue of under-registration in Iran is the one published by UNICEF (2005) investigating the legal infrastructure of birth registration in Iran and its administrative processes, and besides that, there is no recently published case-study nor report about the issue of under-registration in Iran as a social and developmental issue - as far as the author is informed. As a result, there is a considerable research gap in Iranian and international academia regarding the issue of birth under-registration.

1.3 RESEARCH OBJECTIVE AND QUESTIONS

Due to the above-mentioned research gap, the objective of this research is to contribute to the literature by assessing the issue of birth under-registration in Iran, in order to understand its causes, and to identify the social groups which are most affected by this problem.

In order to do so, some principal questions are to be answered. These questions are essentially interrelated but will be answered as separately as possible, in order to gain more reliable answers.

1. How big is the problem of under-registration in Iran in quantitative terms?
2. What are the main disincentives of birth registration in Iran?
3. Which social groups are mostly at risk of remaining unregistered in Iran?
4. Which domain of action needs more improvement in order to battle under-registration?

The objective of this research is not to provide policy recommendation, nor solutions to tackle the problem of under-registration but to understand the causes of birth under-registration and disincentives of birth registration within a case-study frame. Furthermore, the objective is not to study all causes of under-registration, nor is it possible to do so within a single research. Therefore, the focus will be rather on the main disincentives and the main social groups affected by them.

1.4 RELEVANCE AND IMPORTANCE OF RESEARCH

The inclusion of legal identity among the 169 targets of Sustainable Development Agenda is the best proof of its relevance to development studies, putting it in the national development agenda of more than 190 countries. While some targets like “substantially reducing corruption and bribery in all its
forms” are too general, goal 16.9 is certain and measurable and would do a lot of good for each dollar spent on it (Hilderbrand, 2015).

According to The United Nations Children’s Fund (UNICEF), from 2010 to 2015, 71% of all children worldwide under age of five were registered when they were born (UNICEF, 2016, p. 153). That leaves a total of 127 million children under age of five, statistically invisible\(^1\) - a number equal to the population of Japan or Mexico.

Legal Identity is a vital requirement for ensuring political accountability of governments through voting. Without a legal identity, the ability to influence political institutions cannot be exercised, thus, it has a direct effect on accountability and transparency of governments. Furthermore, it has been claimed that legal identity has a meaningful association with better outcomes in other SGDs such as employment rate, literacy rate, democracy, public health, access to justice and social inclusion (Oppenheim & Powell, 2015, p. 3).

This research is unique in its perspective since there are only a handful of academic research about the subject of identity registration which have looked upon the subject from the perspective of development studies. It is also unique in its context since it aims to look upon a global issue on a local scope, and in the context of a Middle-Eastern country. Iran is among 32 countries which contain 75% of the world’s under 18 population (Dow, 1998, p. 9) and that stresses the importance of good Civil Registration and Vital Statistics (CRVS) systems and birth registration coverage in the country.

Another reason for the uniqueness of this research is the emphasis on the link between social inclusion/empowerment and birth registration. Although a research paper published by Inter-American Development Bank (IDB) describes the link between birth registration and social inclusion in Latin America (Brito, et al., 2013), it only mentions the impact of birth registration on social inclusion and neglects the circularity of this link.

Among the research carried out about the issue of under-registration, this research is one of the few - if not the only - which adopts the Bottleneck Methodology (BM) analysis. This framework is strongly recommended by UNICEF for birth registration research and programming and this research provides a good chance for future examination and evaluation of its feasibility and appropriateness.

\(^1\) In 2015, population of all children worldwide under age of 5 was estimated 668,970,000 (UNICEF, 2016, p. 141).
1.5 METHODOLOGY

The methodology here is a desk study combining qualitative text analysis with a limited quantitative study of national demographic and statistical data. The case study was used as the method of collecting data and qualitative text analysis was used as the method of approaching data. The combination of these two methods was useful here because it facilitated collection and comparison of secondary information and statistical data related to the case of observation.

Rather than the common strategy of reporting accomplishments and advancements, this research concentrates on problematic situations, and the individuals and groups who are forgotten. This point of view is especially valuable for recognizing the policy and/or administrative gaps.

According to George & Bennet (2005, p. 19) “case studies allow a researcher... to identify and measure the indicators that best represent the theoretical concepts the researcher intends to measure”. This study uses secondary documentation such books, journal articles, international and national reports, policy papers etc. Abductive inference is used as a method to apply the existing conceptual and analytical frameworks to the specific case (see Methodology chapter).

1.6 RESEARCH FRAMEWORKS

UN general assembly has acknowledged global legal identity registration as a development goal, however, there is no established theory in social sciences regarding legal identity. This research is based
on the hypothesis that there are certain patterns of exclusion regarding birth registration in Iran and some major disincentives are the main cause of this exclusion. The accuracy of this hypothesis will, of course, be examined based on the findings.

As a point of departure, a conceptual framework will be shaped defining the main concepts used in this research in order to determine the scope of this study (see chapter 3 Conceptual framework).

Secondly, an analytical framework will be created in order to identify the disincentives of birth registration and associations between them and certain social and/or ethnic groups. Therefore, the point of departure here is that the analytical framework does not test existing theories, rather it uses them on an abductive basis to look into the research problem, in order to categorize and analyze the findings.

Analytical framework constructs the core of this research since it was used not only for categorizing the findings but also for systematically approaching them in order to understand the main associations between the findings and drawing out a pattern from them. In this manner, the BM analysis works both as a research method - as it name reveals - and as the method of analyzing the findings. More explanation about the analytical framework and its significance for this research will be provided in the Literature Review (Chapter 2) and Chapter 4 (Analytical Framework).

1.7 LIMITATIONS AND DELIMITATIONS

The research faced a number of limitations. Author’s nationality is the first potential limitation that should, and will be taken into great consideration, in order to avoid any biased subjective presumptions affecting the quality and outcome of this research. However, my mere awareness of my subjective position - as absolute objectivity is impossible to achieve - helped me to filter my own assumptions and to re-think my chosen analytical framework.

Coming from the country chosen for this case study along with access to the first-hand information in the original language is also a delimitation in itself, giving the author the opportunity to analyze national development policies and statistics regarding civil registration from their original sources.

Author’s insider position (i.e. common ethnic and cultural background with the population subjected in this study) can be counted as both a limitation and delimitation. However, the uniqueness of each and every individual’s social position should not be neglected.

According to Farahani, ongoing discussions about the benefits and disadvantages of being the insider are based on the false pre-assumption of cultural homogeneity within a nation and not only ignore the unique power relations in each context, but also underscore the intersectional effects of gender, class,
age, ethnicity, religion on author’s position and minimize all the effecting elements into the duality of being an insider/outsider (Farahani, 2012).

Another limitation might be the geographical distance from the country being studied. During the research, it was not possible to meet in person with respective government authorities in Iran, which limited the research findings in respect to accessing primary sources and obtaining first-hand data. However, most of the data and statistics needed are fortunately available online in national reports and policy papers.

Common ethical limitations of field studies were excluded in this research since it was carried out as a desk study. However, complete objectivity cannot be claimed here and the impact of author’s social background cannot be denied here. The findings presented in this research are the outcome of chosen research methods and it is possible that appliance of a different theoretical and/or analytical framework could result in different answers. It is also important to mention that the findings of this research are only applicable to the case studied and the generalization of findings to other context is not claimed, nor is it recommended.

The only way of avoiding potential inclinations was to apply guidelines of academic research, such as avoiding plagiarism, clear referencing, and self-evaluation. In conclusion, it can be stated that all codes of conducting a scientific research were considered while delivering this research, but as Mikkelsen says, unlike science, “research is warm, involving, and risky” (Mikkelsen, 2005, p. 336), therefore, no absolute success on that matter is claimed.

1.8 DISPOSITION

The present study compromises nine chapters. This chapter presented the identified research problem and its importance and relevance for peace and development studies, followed by research objectives and formulated research questions. Methodological and analytical structure of the research will also be briefly introduced.

Following this chapter, an in-depth review of the existing literature - especially with respect to their methodological and analytical frameworks - will be provided in the second chapter. This review will highlight the uniqueness of this research in comparison to the existing literature.

In the third chapter, research area will be determined by defining a conceptual framework, and explaining the main concepts of this research, followed by an introduction of designed analytical framework and its functionality and significance for this research in the fourth chapter.
Chosen research methods and sources used for this study will be explained in the fifth chapter, with an evaluation of their reliability and relevance, as well as their limitations.

The sixth chapter will provide readers with background information about Iran’s development status and the current status and trends of identity registration in the country.

In the seventh and eighth chapter of this research, the results of the research will be first presented in a more descriptive manner and then interpreted with the help of analytical framework presented earlier, with respect to the research questions outlined at the beginning.

Finally, in the last chapter, the results will be highlighted in a more concise way with respect to the original research problem. The contribution of this research to the literature and recommendations for further research will be also presented at the end.

2. LITERATURE REVIEW

This chapter includes an in-depth review of the existing literature on the research topic, especially- but not limited to - their methodological and analytical frameworks. This review will highlight the uniqueness of this research in comparison to the existing literature.

Generally, there is a blooming strand of scholar literature about the significance of birth registration for socio-economic development. For example, some research papers emphasize on the significance of birth registration on health indicators, such as Howland et al.’s article (2015) about the contribution of birth records to maternal and child health, or the Philips et al.’s cross-country research (2015) about the impact of CRVS on Healthy life expectancy. Both these research utilize statistical analysis of CRVS in association with health indicators.

Journal articles published about the significance of CRVS systems for poverty eradication (Rommelmann, et al., 2005) and reducing statelessness (Smerdon, 2012), and working papers published by IDB about the impact of birth registration on school attainment (Corbacho, et al., 2012) and social inclusion (Brito, et al., 2013) in Latin America and the Caribbean, fall in this category as well. The above-mentioned works use field research and comparative statistical analysis, although they do not talk about the determinants of birth registration nor the causes of under-registration.

Specifically, on the issue of under-registration and its main causes, several regional and international research reports have been published so far. However, the majority of those reports do not have a clear pattern of organizing and presenting their findings. For instance, a report published by UNICEF (2015) about birth registration disparities in East Asia and Pacific identifies issues such as discrimination,
emergencies, and high costs as causes of under-registration, but it remains descriptive on the subject rather that analytical.

Another report following this pattern is the one conducted jointly by United Nations High Commissioner for Refugees (UNHCR) and Plan International (2012), emphasizing on the link between under-registration and child’s statelessness. It also identifies some of the major causes of under-registration, without providing any analytical framework nor a clear categorization. For example, all the birth registration obstacles mentioned in this report regarding legal insufficiencies could be gathered under the category of “institutional or legal barriers”.

Some research use geographical analysis in order to categorize their findings. For example, the report published by United Nations Economic Commission for Africa about civil registration in Africa (UNECA, 2010) categorizes its findings based on their scope of influence (i.e. local, national, regional, and global). However, in all these three levels, the report stays focused on institutional obstacles and policy problems and neglects other possible obstacles. It neither says much about the nature of identified challenges nor their domain of influence.

Some other reports focus on highlighting specific obstacles and elaborating on them. For example, a research conducted by Plan International (2012), focuses on gender discrimination and patriarchal social norms as disincentives of birth registration by giving several cross-country examples. Report of Plan International (2014) which articulates the effect of natural emergencies on birth registration rates or another report conducted by UNICEF (2007) about the link between armed conflicts and under-registration fall in this category as well. All these reports are well-developed for their objective, however, they do not have a holistic approach to the issue of under-registration and each is rather focused on a certain dimension of the issue.

A clear domain-oriented analysis is utilized by two reports published by UNICEF. The first one (Pais, 2002) categorizes the obstacles by the domain from which they are originated (e.g. legislation, administration, cultural, economic, etc.) while the latter (UNICEF, 2013b) categorizes the obstacles by the domain of their influence (e.g. ethnic/religious groups, rural/remote areas, poor households etc.). While domain-oriented analysis can give a holistic picture of different disincentives, it does not identify the influential actors (i.e. household, community, society, government).

A guidebook for birth registration programming published by UNICE in 2013, recommends an actor-oriented analytical tool in order to facilitate the analysis of civil registration data, called Bottleneck Analysis Approach or Bottleneck Methodology. This analytical framework was developed by
UNICEF, WHO, and World Bank, and it is mostly used to help the countries identify the most effective interventions in the health section. It is also the footstone of MDGs Acceleration Framework (MAF) developed by UN (UNICEF, 2013a). BM analysis as presented in UNICEF guidebook, encompasses the functionalities of both actor-based and domain-based analysis by identifying four domains of action, including enabling environment, supply, demand, and quality. Although it neglects some of the most important determinants such as administration, emergencies, and marginalization.

The only work available to the author regarding birth under-registration which tries to provide a theoretical framework for studying the issue is Boekle-Giuffrida and Harbitz’s working paper. They explain how the right to legal identity as the first step in the state-citizen relationship is linked with the concept of good governance and how it can be defined as the “contractual basis of social rights” through Rousseau’s theory of social contract (2009, p. 18). They also articulate the significance of legal identity from the perspective of citizenship rights, by highlighting the effect of legal identity on the “trinity of citizenship rights”. As cited in Boekle-Giuffrida and Harbitz’s working paper, according to Marshall and Bottomore (1992) the triangle of citizenship including civic, political, and social citizenship rights are indispensable and deprivation from one results in exclusion from the other two.

In conclusion, it can be stated existing literature is neither rich in theorizing the phenomenon of under-registration nor in creating a holistic analytical framework for civil registration evaluation and programming. Among the vast strand of literature regarding under-registration and its consequences for socio-economic development, those who have arguments regarding the theoretical justification of birth registration are very few. As a result, there is a visible theoretical gap in social science regarding the significance of legal identity. Due to lack of theoretical work on this matter, it is not easy to use the results of mentioned research in a broader perspective and generalizability of outcomes are low.

3. CONCEPTUAL FRAMEWORK

In this chapter, research area will be determined by defining a conceptual framework and determining the scope of major concepts of this research such as birth registration and legal identity.

As the point of departure, a conceptual framework needs to be shaped as the building block of this research, defining the main concepts used in this research in order to delimit the scope of this study. The main concept of this research that needs clarification is “legal identity”. Furthermore, the legal domain of Iran’s international responsibility in providing legal identity will be determined as well.
3.1 LEGAL IDENTITY

There are two broadly accepted definitions of legal identity; the first one is from the perspective of human right and is best reflected in the UN’s Asia-Pacific population journal;

*Legal identity may be defined as the recognition of a person’s existence before the law, facilitating the realization of specific rights and corresponding duties.* (López, et al., 2014, p. 77)

From this perspective, however, the phrasing of goal 16.9 is problematic since it requires states to “provide” a natural right that every human is already having.

Another definition of legal identity which is more pragmatic and coordinates better with the context and spirit of goal 16.9 is the one published in Civil Registration and Identification Glossary of the IDB;

[Legal identity is a] *legal civil status obtained through birth registration and civil identification that recognizes the individual as a subject of law and protection of the state* (Harbitz & Molina, 2010, p. 64).

This definition distinguishes between legal personhood and legal identity as the latter is also a basic human right, but should be obtained through registration. Even though having legal identity is a legal status which cannot be provided for or taken from anyone, but states have the duty of recognizing this human right and providing evidence for it. In this research we will be talking about the legal identity from this perspective, as a human right obtained through registration and not just as legal personhood, since the latter belongs even to “legally invisible” people.

As the goal 16.9 states, birth registration is only one form of providing legal identity, and legal identity can also be acquired through late birth registration or civil registration for adults. Some have even mentioned the problematic language of this target since birth registration and legal identity are two distinct matters “with different implementation strategies and different feasible targets” (Dunning, et al., 2014, p. 1). In this research, however, more attention will be given to birth registration, since there are several internationally approved indicators to calculate its rate and trends. Late birth registration rate, on the contrary, does not have any indicator of its own and is mostly studied through national surveys and enumerations.

3.2 BIRTH REGISTRATION

As stated above, civil registration refers to both registration at birth or late registration. What this research is focusing on is the concept of birth registration rate which is a universal statistical concept.
In the Civil Registration and Identification Glossary (Harbitz & Molina, 2010, p. 10), birth registration is defined as below:

\[
\text{The official recording of the birth of a child, via a public administrative process. It is the permanent and official record of a person’s existence and is fundamental to the realization of children’s rights and practical needs.}
\]

According to this definition, the event of birth has to be recorded officially, permanently, and through a public administrative process, in order to be considered as “registered”. This technical definition of birth registration refers to the registration which happens not later than one year after the occurrence of the birth.

In universal statistics, however, birth registration usually refers to the act of registering a birth within five years from birth. In this research, birth registration refers to the statistical concept of registration within the first five years of life, and it is therefore calculated within a five-year period. For example, the latest report on the State of the World’s Children (SWOC) published in 2016, birth registration rates reported belong to a time period between 2010 and 2015, and the next report of 2017 will present the birth registration rates from 2011 to 2016.

### 3.3 RIGHT-HOLDERS

Another issue is to identify the right-holders. Providing legal identity “for all” sounds vague and does not say much about each States’ responsibility. First is should be clarified that legal identity and citizenship are two distinct subjects, although they may affect each other mutually (UN, 2010).

Acquiring legal identity through registration document issued by a country’s authorities does not necessarily result in that country’s citizenship. This distinction helps us to understand that providing legal identity is each state’s responsibility towards its residents who lack legal identity and those who are born in that country, no matter what their nationality is. Such international responsibility originates from national sovereignty.

According to Article 7 of The Convention on the Rights of the Child (CRC), universal birth registration shall provide coverage for all children in a country’s territory, regardless of their ethnic origin, gender, economic position, geographic origin, migration status, or their parents’ nationality (UN, 1989).
4 ANALYTICAL FRAMEWORK

In this chapter, the Bottleneck analytical framework will be introduced and its functionality for this research will be explained. Furthermore, the significance of certain determinants and disincentives will be explained through given examples.

4.1 INTRODUCTION

As stated in UNICEF guidebook for birth registration programming, a lack of systematic approach in existing research regarding birth registration is visible (UNICEF, 2013a, p. 75). As mentioned in the literature review, geographical analysis of under-registration factors (i.e. local, national, regional, and global) is not applicable in this research because of its case-oriented nature.

In addition, neither of domain analysis of influential factors nor actors-based analysis (i.e. demand-based, supply-based) alone are appropriate for the purpose of this research, since utilization of one, leads to deprivation from the functionality of the other one. Therefore, a holistic yet narrow categorization is needed in order to understand the interdependencies and circularities within the identified issues. Considering these disincentives, a new analytical framework is created in order to organize the findings and to identify the nature of identified challenges.

The analytical framework introduced here is the authors’ elaboration inspired by Bottleneck analysis. Original BM analysis framework, as presented in UNICEF guidebook, encompasses the functionalities of both actor-based and domain-based analysis by identifying four domains of action: enabling environment, supply, demand, and quality.

In this research, however, some major changes have been applied to the original BM framework, in order to modify and optimize its functionality for achieving the research objective. For example, in the domain of supply, determinants of policy and legislation have been separated to make it clearer, and a new determinant of administration has been added as well. Also, Quality which was categorized as a separate domain in BM framework has been merged into administrative determinant under the domain of supply.

Disincentive indicators mentioned in the BM framework as presented by UNICEF (2013a, p. 75) are few and exemplary, while indicators mentioned here for each determinant are the author’s elaboration based on the qualitative analysis of the data and each of them has been mentioned in at least one cross-country and/or regional research report. It should be mentioned here that each country requires its own indicators based on the findings.
This analysis model will later be applied to the findings of this research in order to identify the nature and domain of disincentives of birth registration in Iran. Further applied modifications and the major characteristics of each domain together with some explanatory comments for each disincentive will be presented in the following subchapters.

4.2 SUPPLY

Supply-side factors refer to elements which organize and shape civil registration services and the legal framework on which these services are based (UNICEF, 2013a, p. 51). Determinants such as legislation, management, policy, and administration fall into this category.

Some legislative gaps originate from patriarchal cultures. For example, in some cultures, only male members of the family have the right and/or responsibility for registration and naming of the newborn. In some countries, cultural barriers of legislation are re-affirmed through legislation. For example, patriarchal nationality laws which exclude women from conferring their nationality to their child may result in non-registration in cases where birth registration is associated with citizenship and the father can/will not register the child (OHCHR, 2014).

In the field of management and policy, the most common issue is under-investment in CRVS planning. This can happen due to many reasons such as weak political will and/or leadership and lack of knowledge about the socio-economic (OHCHR, 2014) and statistical (Pais, 2002) significance of CRVS for development or due to the use of indirect demographic data collection methods instead of CRVS (UNECA, 2010).

Another disincentive is discriminative management and policy which can strongly affect the level of demand. For example, during Rwanda genocide war or Jews stigmatization in Nazi Germany or Apartheid in South Africa, civil registration data were used as an instrument of oppression and demographic control. Such acts can create inter-generational public fear and mistrust and discourage birth registration (OHCHR, 2014).

On the other hand, without having a comprehensive action plan and inter-ministerial cooperation, allocation of monetary and non-monetary resources would not do any good. Lack of inter-ministerial cooperation leads to parallel, conflicting, overlapping and non-integrated organizational structures and databases among different responsible actors such as health facilities, education facilities, and registration offices (WHO, 2013).
<table>
<thead>
<tr>
<th>Domain</th>
<th>Determinants</th>
<th>Disincentives</th>
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<tbody>
<tr>
<td></td>
<td>Outdated or inflexible laws(^1) (Pais, 2002)</td>
<td>Complex or vague legislation(^2) (WHO, 2013)</td>
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<td></td>
<td>Laws excluding non-nationals(^3) (UNICEF, 2013a)</td>
<td>Laws excluding registration of children of unregistered parents(^4) (OHCHR, 2014)</td>
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<td></td>
<td>Laws imposing time-limit restrictions and fines for late birth registration</td>
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<td></td>
<td>Lack of monitoring and evaluation standards for CRVS accuracy (UNECA, 2010)</td>
<td>Mis-use of CRVS data (OHCHR, 2014)</td>
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<tr>
<td></td>
<td></td>
<td>Lack of comprehensive action plan (UNECA, 2010) and inter-ministerial cooperation (Pais, 2002)</td>
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<td></td>
<td></td>
<td>Considering birth registration as an income-raising activity for government (UNICEF, 2013a)</td>
</tr>
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</table>

\(^1\) For example, limiting registration area only to parents' place of residence (UNICEF, 2002)

\(^2\) For instance, laws with unclear terminology and/or lack of clarity regarding population coverage (WHO, 2013)

\(^3\) Including migrants, refugees, stateless persons, and asylum seekers

\(^4\) This will, in turn, lead to inter-generational non-registration.
### Domain Determinants | Disincentives
--- | ---
Administration | Lack of national operational guidelines (UNECA, 2010)
 | Complex procedures (Plan & UNHHR, 2012) and excessive documentation (OHCHR, 2014)
 | Limited number (Pais, 2002) and limited accessibility of registration facilities (Plan & UNHCR, 2012)
 | Limited resources and inputs (Pais, 2002)
 | Limited number of motivated trained personnel (UNECA, 2010)
 | Poor preservation of and/or difficult retrieval or birth registration records (UNICEF, 2013a)
 | Time-consuming birth registration procedure (UNICEF, 2013a)

### 4.3 DEMAND

Demand for birth registration must come both from the population and the government. In this analysis, however, demand refers to cultural and social norms and other factors which affect the level of motivation and participation in birth registration. Some of the factors here are rooted in supply domain but affect the demand level directly. For example, direct costs of birth registration which are imposed by governments (i.e. supply side), may decrease the demand for birth registration.

Social norms refer to widely followed social rules of behavior within nations and/or communities. This includes, for example, traditions inconsistent with birth registration, such as time-consuming naming rituals which exceed the legal deadline for birth registration, or cultures in which the surname most include the father’s name (Pais, 2002). Patriarchal social norms and attitudes can also hinder the process of birth registration. For example, cultures in which birth without the presence of the father or a headman is forbidden, or communities in which the name of females is not be revealed to non-incest (OHCHR, 2014).

On the other hand, attitudes and motivations refer to individual reasons and hindrances of birth registration. For example, fear of visibility and persecution among illegal immigrants, or fear of oppression

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1 This can be a disincentive for parents with low literacy and those speaking minority languages (OHCHR, 2014).
and discrimination among certain minorities may prevent them from registering their child’s birth (OHCHR, 2014).

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<tr>
<th>Domain</th>
<th>Determinants</th>
<th>Disincentives</th>
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<tr>
<td></td>
<td>Attitudes &amp; motivations</td>
<td>Fear of visibility and mistrust (OHCHR, 2014)</td>
</tr>
<tr>
<td>Demand</td>
<td></td>
<td>Lack of motivation and lack of awareness regarding the significance of birth registration (Plan &amp; UNHCR, 2012)</td>
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<tr>
<td></td>
<td>Traditions inconsistent with BR (UNECA, 2010)</td>
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<td></td>
<td>Patriarchal attitudes regarding BR (UNECA, 2010)</td>
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<td></td>
<td>Stigmatization of unwed mothers and children born out of wedlock (Plan, 2012)</td>
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<tr>
<td></td>
<td>Financial access</td>
<td>High-cost of birth registration (Plan International &amp; United Nation's High Commissioner for Refugees, 2012)</td>
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<td></td>
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<td>Indirect costs of birth registration¹ (OHCHR, 2014)</td>
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4.4 ENABLING ENVIRONMENT

In the domain of Enabling Environment, determinants such as infrastructure, emergencies, and marginalization that were neglected in BM analysis, have been added in this new analytical framework. Enabling Environment is like a playground in which both supply and demand factors function, since “a lack of demand for registration services cannot be seen in isolation from the status of supply” (UNICEF, 2013a, p. 67). In this point of view, Enabling Environment is, in fact, an intersection of demand-supply duality, consisting of determinants which can affect both of supply and demand domains and also disincentives originated from both of them - though not equally.

In the final analysis, however, in order to answer the fourth research question regarding the most problematic domain of action, even the identified disincentives which belong to the domain of Enabling Environment, will be categorized in one of supply or demand domains in order to picture the issue as clear as possible.

¹ Such as travel cost from remote areas, opportunity cost and wages lost (OHCHR, 2014)
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<tr>
<th>Domain</th>
<th>Determinants</th>
<th>Disincentives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enabling Environment</td>
<td>Marginalization</td>
<td>Children with disabilities (UNHCR &amp; Plan, 2012)</td>
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<td></td>
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<td>Street children (UNHCR &amp; Plan, 2012)</td>
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<td></td>
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<td>Orphans (UNHCR &amp; Plan, 2012)</td>
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<td></td>
<td></td>
<td>Nomadic children (UNHCR &amp; Plan, 2012)</td>
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<td></td>
<td></td>
<td>Ethnic/religious minorities (UNHCR &amp; Plan, 2012)</td>
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<td></td>
<td></td>
<td>People residing in border/remote areas (UNICEF, 2013b)</td>
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<tr>
<td>Emergencies</td>
<td></td>
<td>Armed conflicts (UNICEF, 2015)</td>
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<td></td>
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<td>Natural disasters (UNICEF, 2015)</td>
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<td></td>
<td>Socio-economic turbulences (UNICEF, 2015)</td>
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<tr>
<td></td>
<td></td>
<td>Population displacement (Plan, 2014)</td>
</tr>
<tr>
<td>Infrastructure</td>
<td></td>
<td>Lack of maternal &amp; health facilities (Pais, 2002)</td>
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<tr>
<td></td>
<td></td>
<td>High rates of infant mortality (Sharp, 2005)</td>
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<tr>
<td></td>
<td></td>
<td>Inadequate transport infrastructure (Pais, 2002)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Low rate of school attendance (UNICEF, 2013a)</td>
</tr>
</tbody>
</table>

For example, marginalization, as a characteristic of the enabling environment, is mostly imposed by supply actors. For example, some infrastructural issues such as lack of maternal and health facilities which limits the opportunity of registration via such facilities, or inadequate transport infrastructure (i.e. roads, public transportation) which decreases the accessibility of birth registration facilities are both problems for which governmental institutions are responsible (Pais, 2002).

Some other infrastructural issues not only limit the possibility of birth registration but also affect the level of demand for birth registration. For example, low rates of school attendance not only limits the opportunity of being registered by attending school but also in long term, illiteracy makes it less likely for parents to register their child’s birth (UNICEF, 2013a). Or in another example, high rates of infant mortality - motivates the parents to deliberately postpone the registration until the child survives through first years of childhood (Plan, 2012).
Marginalization can even occur on the demand side. For example, birth registration of children with disabilities is often postponed or neglected by families and they are usually over-represented in unregistered population (OHCHR, 2014).

Also in the case of emergencies, a clear distinction between demand and supply domains is not possible; Emergencies can affect both sides of supply and demand for birth registration since they can result in massive destruction of birth registration infrastructure and existing birth records and also affect motivations and de-prioritize birth registration in demand side.

5. METHODOLOGY

This chapter lays out the methodology used within this research for acquiring and analyzing the information, as well as source selection procedures and methodological limitations will be presented.

5.1 RESEARCH METHODS

This research is a retrospective case study. This also means that a qualitative abductive method will be used, since the objective of this research is to understand a problem, without making any absolute claim or conclusion.

This abductive desk study draws on a qualitative method which includes a desk review and content analysis of existing secondary resources (i.e. national and international research, policy papers, dissertations, and reports) concerning birth registration. The qualitative findings provide insight about the social groups with highest rates of birth under-registration, and what this does (and does not) demonstrate about the patterns of birth registration in Iran within different social groups.

This research also relies on a limited quantitative study of national demographic and statistical data regarding birth registration rates and trends among different social groups in Iran. The quantitative element of the study was, however, minimized to use of selected Demographic and CRVS data due to unfeasibility of data access required for this research, and mostly due to the scope of this study which does not aim to explore statistical significance nor correlations.

According to Punch (2013, pp. 23-68) quantitative techniques provide a general image of the population and can be viewed as controversial, but to exclusively focus on quantitative methods confines the research into sheer numbering and measuring without having the capacity to go deeper and find distinctive understanding of the research topic.
The research methods used here and the rationale for their choice - whether based on researcher’s personal preferences or dependent on the limitations of research topic - will be explained below with a critical analysis of the methods’ limitations and consequences of their use;

5.1.1 DESK STUDY

All the materials and data were collected through a desk study and no study in the field was carried out. This was partly due to geographical limitations, but also to the nature of this research;

The objective of this research is to understand the problem of under-registration in Iran, and identifying the most affected social groups. Field study could give the opportunity of doing interviews and receiving first-hand information regarding attitudes and social norms about birth registration in Iran, but there was also a risk that limited and short-time access to respondents may result in selective interviews and biased results.

In conclusion, while accepting the limiting impact of desk study, and acknowledging the limitations of secondary sources, data gathering was conducted mainly through desk study in order to have a more holistic yet objective point of view towards collected data.

A desk review primarily encompasses the methodological study of sources (listed in chapter 4.3.1), and also relevant national legislations. The desk study continued during the whole process of research since more data were collected as the research was proceeding, such as comments and advice provided by respective authorities.

5.1.2 QUALITATIVE TEXT ANALYSIS

Qualitative Content Analysis refers to a broad general set of methods employed for analyzing the content of some qualitative material through classification, coding, and evaluation and “ascertains its meaning and probable effects” in order to build or support an argument (Krippendorff, 2004).

The goal of this method which is embodied in the research is to identify the most important aspects of the content and systematically extract those data by sampling and coding and present them in a clear and effective way in support of some argument, or to provide information to the reader regarding research questions. Coding and sampling choices are shaped in the light of research questions and can change as the work develops.

This method can be applied to any material with meaning including texts, visual, audio, and interview materials. In this research, however, this method is focusing on - but not limited to - text analysis and mainly applied on text materials collected through desk study.
Qualitative analysis was found to be appropriate for collecting data and analyzing them since the aim of this research is to identify patterns and themes of qualitative nature. Existing general computer tools were used for storage of raw and coded data, and accelerated categorizing and sorting of the coded data (Krippendorff, 2004).

In this research, no pre-defined theory is utilized to interpret data, rather by using grounded analysis approach, the theory is constantly being constructed during data collection process and analysis and by moving in and out of analysis process. Further explanation about this method will be given in methodology subchapter.

5.1.3 CASE STUDY

In this research, studying the case was embodied in research objective and it was utilized to improve the depth of understanding instead of covering an extensive variety of scope. Case study did not aim to carry out a top to bottom analysis of outcome and effects, as this was not an essential concern of this research, nor did it infer a comprehensive study of the case.

In fact, in this study, Iran was selected for the case study to represent geographical and ethnic diversity in the region since it is probably the most diverse country in the region in terms of ethnic and climate variety. Containing several ethnic groups - including Persians, Kurds, Turks, and Arabs, Iran is a miniature of the Middle East.

Iran has also a unique climate variability. Big deserts in the heart of Iran, and two vast flatlands in its northern and southern parts, together with two long mountain ranges extending from east to west, make Iran a great example for studying the effect of urban/rural discrepancies and nomadic lifestyle on birth registration rates.

The case emphasizes on subjects related to policy gaps and patterns of discrimination and exclusion, and other executive problems in the realization of birth registration full coverage in the context of a developing country.

Another reason for the choice of a case is to highlight the policy gaps in a country with more than 90 percent coverage regarding birth registration, since most of research, reports, and evaluations focus on under-developed countries.

It should be admitted that the author’s nationality was the biggest rationale for the choice of the case, though not an unreasonable on, since familiarity with the case is undeniably significant in the process of research.
As expressed before, the motivation behind this study was not to make an assessment of the significance of birth registration for development – neither in general nor in this particular case. The quantitative significance of the case, in this manner, mattered not as much as its capacity to yield insight into birth registration motives and obstacles. As such, a case is chosen because of the light it can throw on the hindrances regarding birth registration in a developing society.

5.2 SOURCE SELECTION

5.2.1 SEARCH STRATEGY

The search procedure began with the search of keywords such as under-registration, birth registration, civil registration, and legal identity through websites of international development agencies, such as UNDP, UNICEF, UNHCR, World Bank, and Plan international and also through online databases (OneSearch and Google Scholar) and continued with scanning of reference lists. Preference was given to papers that have addressed the issue of legal identity from the perspective of development studies and papers published before 2000 were excluded from the search results.

Due to the scarcity of relevant data, articles not being peer-reviewed were not excluded from the search results, but they were not used as data sources, nor to draw out conclusions from. Such articles were rather reviewed for reference scanning, and also to broaden the horizon by understanding different methodologies and analytical frameworks applied in similar researches. Data was collected from sources of both Persian and English languages. Use of each of these languages had some limitations and delimitations.

English is not the native language of the author, and that always leaves a margin of error. On the other hand, access to great amount of resources in English could in some way compensate the scarcity of relevant resources in Persian.

On the other hand, access to qualitative data and national reports in original language was one of the delimitations of using Persian sources. Furthermore, use of Persian sources decreased the risk of possible over-emphasizing on the western discourse regarding the issue of under-registration.

5.2.2 SOURCES

A lack of sources on the subject of birth under-registration in Iran, especially regarding the main question of this research (i.e. disincentives of birth registration in Iran) was evident.
Quantitative data used in this research will come from sources such as national and international statistics and reports. Most of the data was provided by qualitative content analysis of resources, since accessibility of primary resources was limited due to several reasons as follow;

National statistics regarding birth under-registration in Iran are either out of date for most of the parts of the country or those available are not collected periodically. Statistics available in electronic formats and in national databases were not of great relevance. It is probable that due to the country’s weak web communication, a broader range of data and better information services would have been available for someone who could have a physical presence and in-person contact in respective organizations.

Some email exchanges with the respective authorities in “Iran National Organization of Civil Registration” and “Statistical Center of Iran” was initiated by the author. This mail thread, however, did not benefit the research process in terms of providing first-hand information and statistics, due to above-mentioned problems, but it was beneficial in terms of introducing some secondary sources.

International statistics and reports in relation to birth under-registration in Iran, are in most cases a mere reflection of national statistics without further analysis nor additions. In some cases, however, international statistics clarify national data in comparison with the data collected from other countries. This makes the data more meaningful in terms of understanding the situation in Iran compared to global and regional trends.

Secondary sources including peer-reviewed journal articles, working papers, research reports, and other dissertations were the first sources of research, and the source of most qualitative data used in this research. On both national and international level, a lack of qualitative data was evident at the time of carrying out this research. International resources, particularly research and reports commissioned by UNICEF and Plan International at the regional and international level between 2000 and 2015 were also used as secondary sources, but only one report published by UNICEF (2005) was found to be directly related to the research topic.

Secondary sources of non-academic nature such as organizational documents, reports, budget proposals, commentaries and interviews with responsible authorities published in national media were used where available to increase the credibility of findings.

It is worth noting that the amount of gray literature (e.g. reports, working papers, policy papers) reviewed for carrying out this research is more than academic published works. This is partly due to the nature of the research topic which mostly relates to the field of policy and management rather than academia, and partly because of author’s effort accessing the most recent published works about the
subject, which for the most cases leads to working papers and periodical reports, rather than books and journal articles.

5.3 METHODOLOGY

Because of lack of published material regarding the research topic, open-coding ethnographic content analysis allowed the research to include new research materials which were obtained during the whole process research. Reviewing data of both qualitative and quantitative nature enabled the researcher to improve the validity of results and their application for policy and programming research.

Qualitative content analysis method used for this research complied with grounded theory, and did not seek to prove/identify the existence of any pre-defined theme, but it was rather utilized in an abductive form, in order to understand the existing themes and find patterns of associations within them (Krippendorff, 2004) and apply them to the context of Iran.

For doing so, a framework for qualitative text analysis was designed in order to identify the debates, and categorize the incentives and disincentives of birth registration as presented in the resources. Also, a geographical categorization of case studies was adopted in order to identify the potential similarities within a specific region or ethnic group, with respect to ongoing trends of birth registration.

The table of qualitative text analysis provided the ‘sampling frame’ for the data extraction from literature. The content or coded entries inside its scope gave insights to patterns and trends of birth registration worldwide. But this did not imply that the data fell mechanically into the matrix, at the time of selection and categorization, the framework itself was still under development. More importantly, the detailed content analysis of resources also gave insight to potential disincentives of birth registration and differences in such disincentives among and within different societies.

The BM analytical framework which was adopted from the beginning of the research, provided a guideline for categorization of findings and identified the main determinants and domain of study, but the content of framework (i.e. disincentives) was developed and constructed throughout the research.

The BM analytical framework was not found to be applied to research of similar topic, therefore its deployment in this research was both a limitation and a delimitation; BM analytical framework utilization in this research gave a good opportunity to evaluate the framework and its functionality, however, this analytical methodology has remained rather non-discussed and therefore its potential pitfalls were unknown to the author. Problems raised during the utilization of BM analysis will be discussed when evaluating the analytical framework (see chapter 8.4).
6. BACKGROUND

This chapter provides the background information on the case study in order to give an overall understanding of the history and trends of identity registration in Iran and the country’s development status.

6.1 STATUS AND TRENDS OF DEVELOPMENT IN IRAN

As an upper middle-income country and one of the world’s major oil exporting countries, it is not far from the expectation that Iran has the second largest economy in the Middle East and North Africa (MENA) after Saudi Arabia. With an estimated population of almost 80 million, Iran has the second largest population in MENA region after Egypt.

Iran’s Human Development Index (HDI) value for 2014 - which is 0.766 - puts the country in the high human development group. Furthermore, Iran’s HDI value have had an average annual increase of 1.26 percent since 1980, which is almost double the annual average gain of other countries in the high development group –0.73 percent (UNDP, 2015).

However, when the inequality value is discounted, the inequality-adjusted HDI shows a loss of 33.6 percent of value while the average value loss due to inequality adjustment for high development countries is 19.4 percent. Gender inequality index (GII) for 2014 also ranks Iran 114th out of 155 countries (ibid).

With economy revenues largely depending on oil and natural gas export for over a century, a centralized form of governing and public financial and social service has been developed. In 2015, signing the Joint Comprehensive Plan of Action (JCPA) with P5+1 countries resulted in limiting Iran’s nuclear program and lift of international sanctions, ending two years of recession, and three decades of economic and political isolation. These changes raise hope for private sector development and higher rates of employment (World Bank, 2015).

Figure 2: Trends in Iran (Islamic Republic of)'s HDI component indices 1990-2014 (HDR 2015)
Despite the positive progress in the country’s development and reforms in the economic and political sphere, Iran is still challenged by some development issues such as poverty, preservation of biodiversity and climate resilience. The country’s development plan for 2016-2021 prioritizes technological progress, promotion of culture and developing of a resistive economy (UNDP, 2016). Also in recent years, battling the sanctions by empowering “Resistive Economy” is the main policy of the country and prevention of foreign economic domination over the country’s economy is stressed upon.

### 6.2 HISTORY AND STATUS OF IDENTITY REGISTRATION IN IRAN

Civil registration in Iran began as a part of the country’s modernization which started at the time of Iran’s constitutional revolution in 1906. In 1918, National Organization for Civil Registration (NOCR) was established within the Ministry of Interior, which is the administrative authority for registration of births, deaths, marriages and divorces of all Iranians around the world. This organization has been responsible for the collection of national civil statistics as well since 1928 (NOCR, 2016a).

In 1976 a new civil registration act was ratified which is valid until today, obliging national registry offices to register “the birth of any infant in Iran, regardless of whether the parents have Iranian or foreign nationality” (Act on Personal Status Registration, 1976). According to the article 12 of this act, a birth certificate shall be issued for any infant born in Iran, regardless of their nationality.

Today, the Iranian Civil Status Registration Organization (Sabt-e Ahvaal) is a governmental institute with three main duties which are;

1. Registry of the vital events (birth, marriage, divorce, death)

2. Determining and confirming identity and subsequently issuance of Identity Documents (such as birth certificate and national ID) for Iranians across the country and worldwide, as well as engineering changes in Identification information such as Name, Surname, etc.

3. Production and publication of population immigration statistics (Ardakani, 2013)
There are generally two types of identity certificates issued by authorities for Iranians. The oldest and most popular one is a booklet called “Shenasname” (from now on referred to as Civil Status Document) consisting of several pages in which birth, marriage, divorce, and death of the holder will be registered. It also contains a page in which the owner’s participation in national elections will be registered.

The second identification document for Iranians is a national identity card which every Iranian is expected to obtain by submitting a request to respective local office or embassy. This request can also be submitted by the parents of non-adults. This ID card contains holder’s birth date and birth place and a 10 digit ID number. In 2014 a new smart ID card containing biometric information was designed to replace the old one by 2021 in order to improve the identity security and also to actualize the utilization of electronic signature in the country (NOCR, 2016b).

The difference between civil status document and national ID card is that the first one is designed to contain the registration of all the vital events of one’s lifetime, while the latter is only designed for the purpose of identification, without revealing further information to the viewer.

Every person born to an Iranian father, born in Iran from unknown parents, or born in Iran from a parent born in Iran is entitled to have both of these document. Birth registration is expected to take place within 15 days from birth and after that a penalty will be applied.

Other types of identity documents which are specifically issued for foreigners residing or working in Iran are residence card for those who are temporarily or permanently residing in Iran, regardless of their age. This card is issued by the Bureau for Aliens and Foreign Immigrant Affairs (BAFIA).

There is not any type of certificate designed for infants born in Iran, regardless of their residential status. This means that infants without a residence permit (e.g. children of illegal immigrants) are not entitled to obtain a birth certificate in Iran.
6.3 TRENDS OF BIRTH REGISTRATION IN IRAN

According to the first Multiple Indicator Cluster Survey (MICS) about Iran published by UNICEF, the percentage of children under five years of age of whom their birth was registered by 1997 was 88 percent with 1.8 percent urban/rural birth registration ratio\(^1\) (UNICEF, 1998). According to MICS 2010, the new birth registration rate for Iran is 98.6 with less than one percent difference between rural and urban areas. The new rate is 11 percent higher than average birth registration rate for MENA region (UNICEF, 2013b, p. 41).

Iran’s latest Multiple Indicator Demographic and Health Survey (MIDHS) published on 2010 shows no significance difference in birth registration rates between boys and girls (Rashidian, et al., 2012), which is also the case for global registration trends (UNICEF, 2013b, p. 24).

\(^1\) Rural/Urban ratio is calculated by dividing the coverage or prevalence values of rural area by those of the urban area. A value of "1" indicates no disparity. A value of more than "1" indicates disparity in rural areas. While a value of less than "1" indicates disparity in urban areas (UNICEF, 1998, p. 6).
7. FINDINGS

This chapter presents the research findings in a more descriptive rather than analytical way and provides us with the essential data as the building blocks of analysis.

7.1 FORMULATION

This chapter presents the findings of the thesis, and starts with a more extensive presentation of the gathered information and its characteristics, and then proceeds to a more detailed description of the findings before going into the analysis. The data was collected and organized with the methods presented in the methodology chapter.

While it may be impossible to present findings without initiating the analysis, the idea is to exhibit the research outcomes here as descriptive as possible, and leave room for deeper analysis in the next chapter in order to increase the transparency of this study. That being said, this chapter takes on the domains of influence which were represented in the analytical framework, and studies them in the context of the case, in order to provide the baseline information for an analysis. The research questions will then be answered further in the analysis chapter, based on the findings of each domain.

The subchapter 7.3 focuses on good practice carried out by Iranian the government in the field of birth registration, while subchapter 7.4 provides information regarding the areas in need of improvement. Lastly, in the subchapter 7.5, a brief summary of the findings will be presented in order to clarify the results before going to the analysis.
7.2 GOOD PRACTICES

7.2.1 INTEGRATING BIRTH REGISTRATION INTO HEALTH SERVICES

Integrating birth registration into the health services is known to be one of the most effective methods to increase birth registration, especially in countries which lack human and/or financial resources and have weak outreach capacity. This was the main policy implemented in Iran between 2006 and 2008.

During this period the number of civil registrars present in health centers, immunization centers, and maternity clinics, of remote areas was increased. Health campaigns such as door to door vaccination for Polio eradication was launched with the active collaboration of national registration organization, and walking registrars equipped with mobile technologies were accompanying vaccination personnel during these campaigns (Muzzi, 2009, p. 8).

7.2.2 SECURITY AND GOOD PRESERVATION OF BIRTH RECORDS

A national online database for vital statistics was launched on 1997, and since 2000, all vital statistic documents issued are being automatically archived in this database. Also, NOCR is constantly scanning paper identity documents issued before 2000 and completing its online database. From 2000 to 2015, more than 130 million birth and death documents were electronically archived and preserved. This project was completed on 2015 (NOCR, 2015). Currently, more than 90% of civil status registration services are being implemented online through an online data center (NOCR, 2014a).

Today, more than 94% percent of hospitals across the country are connected to this online database and provide statistical departments with information regarding births. This increases the coverage and also the credibility of information (NOCR, 2015). Furthermore, by developing a fully digitalized procedure of ID issuance, safety and protection factors are met (Ardakani, 2013).

Also, vital statistic booklets (Shenasname) which were printed on ordinary papers with simple design and with a removable photo, are being replaced with a newer version containing scanned photos and identic holograms with see-through design and anti-adulteration micro print. Full replacement is set to be accomplished by 2030 (NOCR, 2014b).

7.2.3 UN-BIASED DISTRIBUTION OF RESOURCES

There is no information available regarding disparities in birth registration rate between 20% poorest and richest households for the years 2010 to 2015 (UNICEF, 2016, p. 167).
The difference between birth registration rates in rural and urban areas is 1 percent. This is an acceptable number compared to the average global difference between urban and rural birth registration rates, which is about 1.4 percent (UNICEF, 2016, p. 163).

Furthermore, female to male birth registration ratio is almost zero percent, which is a good sign of the absence of gender effect on attitudes and policies in both domains of supply and demand in Iran (UNICEF, 2013b, p. 41).

### 7.2.4 ADEQUATE NUMBER OF MOTIVATED AND TRAINED PERSONELL

The education & research center of the Iranian Civil Status Registration Organization (Sabt-e Ahvaal) have several activities including constant in-person and virtual training of staff at the beginning and during of employment on all levels (about 250,000 individual/hours) and carrying out applied research to solve accruing problems.

Furthermore, social participation in tribal and remote areas has been maximized by employing the collaboration of around 53 thousand local representatives including district governors, teachers, post officers, and local trustees across the country who help/work as executive agents of governmental entities in their respective region (Ardakani, 2013).

### 7.2.5 INTERSTATE AND INTER-MINISTERIAL COOPERATION

According to the formal statistics, National Civil Registration data transmission network allows more than 640 local department and offices to be connected to the main database, and collects information from all connected offices across the country and only 24 local registration offices are disconnected from this data center. Dispersion of offices which are not yet connected to this online database shows no obvious pattern of centralized allocation of resources. Connected centers can access this database for various executing operations such as confirming the authenticity of ID documents, Identity search, accessing demographic statistics, and exchanging information with other districts with no need to paperwork (NOCR, 2015, p. 7).

Furthermore, NOCR is at the center of a notification network in which all other organizations have the responsibility of reporting the required information to NOCR. Membership of this network is not limited to health facilities nor maternity hospitals, but it also includes organizations such as tribal and rural councils, police stations, embassies, and centers of religious rituals (NOCR, 2015, p. 8).
Organizations such as the Statistical Center of Iran, Ministry of Health, and Population Association of Iran are constantly having effective and dynamic communication with NOCR. Also, NOCR is constantly providing regional and international organizations such as UNICEF, WHO, and UNESCAP with reports (NOCR, 2014a, p. 30).

### 7.2.6 GOOD PERFORMANCE OF CRVS SYSTEM

Based on a typological categorization of CRVS systems, Iran is among the countries which have a high score on vital statistics performance index. Based on this index, the country has an operational CRVS system but the availability of data is not consistent and it does not have complete coverage (Phillips, et al., 2015, p. 1397).

Most countries with very high scores in vital statistic and performance have CRSV systems which date back to 1980s. On the contrary, by beginning to improve its CRVS systems after 2000, and by almost quadrupling its VSPI score, Iran made an example that accomplishing significant progress in vital statistics performance (VSP) is possible in less than a decade (Phillips, et al., 2015, pp. 1398-1400).

The USA as the first country to implement “biometric border” program encountered significant challenges but this did not Iran from implementing this system. Iran is amongst the countries that have the system of “biometric borders” under development and is keen to implement it in near future (Edgar & Hosein, 2010, p. 213).

### 7.2.7 BATTLING MARGINALIZATION AND EXCLUSION

Extra efforts, such as employing traveling registrars to remote and rural areas in order to search for unregistered children and issue birth certificates, and using more sophisticated equipment for birth registration such as mobile technologies have been developed in order to increase birth registration rate (Dow, 1998, p. 8).

In 2007 and 2008 UNICEF took initiative for launching a program in order to support and empower registration systems more applicable to remote areas and indigenous communities in five countries\(^1\) including Iran. This program included activities such as producing educational material in local languages, integrating birth registration process into health services in remote areas, and increasing the number and skills of travelling registrars (Muzzi, 2009, p. 8).

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\(^1\) Brazil, Guatemala, Honduras, Peru and Iran
In addition, community capacities were identified and empowered. For example, in 12 selected districts of Iran, a community-based registration model was introduced which involved trusted community members, such as members of village councils (Dehyars) and heads of nomadic communities in the birth registration process (Muzzi, 2009, p. 16). These districts were located in three provinces with the least birth registration rates; Hormozgan, Sistan & Baluchistan, and West Azerbaijan (UNICEF, 2005, p. 12). It might be of significance that the majority of the population in all these provinces are Sunni, while the majority country population are Shi’a, according to country statistics. Furthermore, they are all border provinces.

Even though good practices were introduced during this period by UNICEF and local authorities, due to limited size of supported populations and their dispersion, it was difficult to define indicators to measure the influence of this initiative, and therefore no statistical evaluation could be made to measure the impact of this initiative (Muzzi, 2009, pp. 17-18).

Every registration unit in Iran is called a registration district, in which there is at least one registration station. The division of registration districts is based on geographical characteristics of the area and the types of the settlement of the population living in that area and do not necessarily comply with geographical divisions of the country. This difference between registration districts and municipal boundaries is due to the travelling nature of nomadic population (UN, 1998, p. 73).

For some districts, special registration processes have been developed in order to cover the registration of births among travelling population. For instance, mobile registration units are available and equipped with mobile technologies and transformation equipment in order to follow nomadic populations during their travel seasons or to make regular visits to tribal population of their respective district. These mobile registrars are often technically and legally able to issue birth certificates and identity documents, and this capability accelerates the process of registration (UN, 1998, p. 73).

Another initiative taken by the central registration organization of Iran is to employ community capacities by training local trusted personnel to serve voluntarily as registration officer among the nomadic population or rural communities whom they belong to (UN, 1998, p. 74).

Employment of this volunteer registrars has been legally taken into consideration whereas article 13 of the Act on the Personal Status Registration (1976) states that birth registration can either be done by Official of the Status Registry Office or its representative.

Volunteer registrars who serve in four of Iran’s provinces complete the work of mobile registrars in more remote areas and cannot issue registration documents but their function is to document all vital
events occurring in their respective population to the nearest civil registration unit on a scheduled basis, and collect the issued birth certificate from the registration unit and bring them to the tribe, or collect the identity documents of the deceased and take them to registration unit for cancellation (UN, 1998, p. 74).

7.2.8 REGISTRATION OF CHILDREN BORN OUT OF WEDLOCK

Despite the stigmatization of sexual relations out of marriage and children born out of wedlock in Iran’s culture, a good legal framework has been provided for birth registration of such children. According to the article 16 of the registration act (1976), the announcement of birth registration shall be done by the father, or father’s father. In the absent of these two as the declarant, the mother is responsible for birth registration and in the absent of both parents and grandfather, the legal guardian - which can be a person or an institution (i.e. an orphanage) is responsible for the registration.

In case the parents are unknown, imaginary names will be written on the birth certificate as well as National ID card and Civil Status Booklet, in order to prevent the child from potential stigmatization and bullying. Such children are granted Iranian nationality in case of total absent of information about the nationality of both parents. This is in accordance with article 7 of Convention on the Rights of Child, even though Iran has not ratified the convention on reduction of Statelessness (UNICEF, 2005).

7.2.9 DETACHMENT OF CITIZENSHIP FROM LEGAL IDENTITY

According to the article 976 Iran’s Civil Code (1928), Iranian women (with few exceptions) are generally deprived of conferring their Iranian nationality to their children, and this regulation leaves such children whose father is unknown or unwilling to register their birth exposed to a great risk of statelessness (UNHCR, 2014). At first sight this seems to be affecting birth registration rate, taking into consideration that Iran has not ratified The 1961 Convention on Reduction of Statelessness (UNICEF, 2005, p. 12), but fortunately birth registration in Iran is not associated with citizenship.

Despite the country’s religious legislations and stigmatization of children born out of wedlock, mother of such children can register the birth of their child. Although they cannot pass their nationality to their child in the cases where the nationality of the father is unknown, or non-Iranian, according to the same article (1928).

7.2.10 INCREASING AWARENESS AND MOTIVATION

Mostly in remote areas, parents are unaware of the benefits of their children’s birth registration. This was also the case in remote areas of Iran, especially among inhabitants of border areas, but a campaign
launched in 2004, aimed to increase local knowledge regarding the benefits of birth registration, was successful in changing the attitudes toward birth registration (UNICEF, 2005, p. 3).

During this campaign which was administrated in five remote districts of some border provinces, door to door information distribution followed by a periodical visitation by mobile registrars tripled birth registration rate in the Sistan & Baluchistan Province within one year (UNICEF, 2005, p. 3).

7.3 AREAS IN NEED OF IMPROVEMENT

7.3.1 REGULATIONS EXCLUDING REGISTRATION OF NON-NATIONALS

The committee on the right of the Child in 2005 in its concluding observation regarding Iran announced its concern about the large number of “children born by non-Iranians, and in particular of Afghan parents” who remain unregistered (UN, 2005).

According to the article 12 of the Act on the Personal Status Registration (1976) “the birth of any infant in Iran, must be notified to the officials of the Personal Status Registry Office” but in reality, registration process for the infants of non-residents (i.e. illegal residents) has not been fully provided until today. On the other hand, according to the article 14 of the same act, identity cards will only be issued to the minors of Iranian nationality, and non-Iranian infants will only receive a birth certificate (Act on Personal Status Registration, 1976) and not an ID card, since having an ID is a proof of nationality in Iran.

On the administrative level, local officials refuse to register the birth of infants who lack a resident permit, based on the third clause of the article 13 of the Act on the Personal Status Registration. This clause requires the number of the residence permit to be stated in the registration data. However, this reason is not eligible, since the same clause mentions that either passport number or the residence permit number is enough for birth registration. Even in this interpretation, children who lack both passport and residence permit will be left out of the registration process (Act on the Personal Status Registration, 1976).

In practice, birth registration does not mean that the child will automatically obtain an identity document. For example, foreigners can register the birth of their child who is born in Iran, but they cannot easily get an identity document for the child, because in case of absence or death of parents, or in any other scenario where the nationality of parents remains unknown, having an Iranian ID card can be a proof of nationality (UNICEF, 2005, p. 5).
These administrative gaps hampers the access of children born by non-nationals - whether refugees, or unregistered foreigners - to basic services such as education (CRC, 2016, at [33], [34]), since birth certificate is required for school enrollment and marriage, but it is not required for either immunization or health care (Dow, 1998, p. 9).

### 7.3.2 FEAR OF VISIBILITY AND PERSECUTION

As stated before, according to the Article 13 of the Civil Registration Code (Act on Personal Status Registration, 1976), ID number or residence permit or passport number of at least one parent is required for registration of any child’s birth. Illegal immigrants often avoid disclosing their identity to state authorities, in fear of persecution and/or deportation, thus, it is more likely for the children of illegal immigrants to be left unregistered out of their parents’ fear (Nikou, 2015, p. 5).

Refugees also often lack identity documents required for birth registration process in Iran. Those who have their identity documents are mostly unaware of the benefits of registration or are afraid of potential consequences of registration.

Unregistered marriages in Iran often happen between poor and uneducated Iranian and non-Iranian men who are mostly from the large population of unregistered Afghan refugees. These marriages also remain unregistered mostly out of fear, or because of financial incapability for payment of marriage registration fees. The social groups in which this kind of marriages happen mostly lack the knowledge about the benefits and significance of birth registration or do not know the consequences of under-registration (UNICEF, 2005).

Consequently, when having children, these Iranian-Afghan families either will have to cope with the situation and live their invisible lives, or to reveal their identity to the state in order to provide for a better future for their child, while endangering their state of residence (Nikou, 2015, p. 5).

### 7.3.3 LAWS IMPOSING TIME-LIMIT RESTRICTIONS AND FINES FOR LATE REGISTRY

According to the article 15 of The Act on the Personal Status Registration, The legal limit of the birth registration is 15 days from the date of birth (Act on Personal Status Registration, 1976). Those who are legally responsible for the registration of the birth will be fined according to Iran’s criminal law but they are not enforced in practice (UNICEF, 2005, p. 5).

In the case of missing identity documents, this fee will be doubled and in the case of third loss, it will be tripled and this pattern applies to the subsequent losses (UNICEF, 2005, p. 11). However, the
amount of this fine is not officially regulated and different amounts are informally imposed by administrative offices across the country, especially outside the capital.

7.3.4 MIS-MANAGEMENT OF DISPLACED POPULATION

The migration route from Afghanistan to Iran is among the top 20 migration corridors worldwide, and more than 70% of Afghans migrating to Iran are Shia’ males under 25 (UNHCR, 2015, pp. 53, 59).

According to a UNHCR report, during the first 15 years of the 21 century, Iran was amongst the top 5 host countries for refugees worldwide, receiving near 1 million registered refugees who are mostly from the neighbor Persian-speaking country, Afghanistan (UNHCR, 2015, p. 9).

Children of the internally displaced population and of refugees are among the groups with the highest risk of missing birth registration, due to the host countries’ reluctance in issuing identity document. This risk is even greater in countries where nationality rules do not oblige authorities to grant nationality to stateless people. This pattern applies to Iran, where millions of Afghan refugees who came to Iran during the Soviet Occupation and their children who are born in Iran, have not been registered (Pais, 2002, p. 11).

In the case of illegal refugees, protracted displacements may also result in inter-generational under-registration. Illegal refugees who fear persecution by the host country, live a hidden life and their children’s birth in the host country remain unregistered. This second generation will not be registered by the host country, and cannot even return to the home country of their parents in most of poor and uneducated the cases.

This is the case for many children born to Afghan parents in Iran, who face severe difficulties in obtaining identity documents from both Iran and Afghanistan. Culturally, they have a sense of belonging to Iran after years of living in the country, while legally, they have no bound with the country and even Afghanistan refuse to issue identity document for many of them who lack a birth certificate. This second generation of Afghan immigrants is trapped between legal formalities of both countries and often lack a legal status, and therefore are deprived of many basic rights, including education (UNICEF, 2007, p. 14).

7.3.5 DIFFICULT REGISTRATION FOR CHILDREN OF TRANSMATIONAL MARRIAGES

It was stated before that most of the transnational marriages in Iran happen between Iranian women and Afghan men - who are mostly unregistered refugees. These families face severe challenges registering the birth of their child, if not registering their marriage first. Without registering the marriage,
the child will be considered as illegitimate and exposed to several discriminative regulations such as being deprived of the right to heritage (Zahedi, 2007).

Even after deciding to register the birth, these families must first register their marriage and obtain a certificate with the help of local witnesses, in order to prove that their marriage has happened before fertilization. This is necessary in Iran in order to prevent their child to be labeled as “illegitimate”. It is not enough for the couple to marry after the birth of the child, since the law is not retroactive in this case (Tucker, 2014, p. 14). It is estimated that around 100,000 children born by transnational marriages in Iran, lack identity registration due to mentioned legislative obstacles (Zahedi, 2007, p. 226).

In case the man is non-Muslim and the woman is Iranian Muslim, the registration of such marriage will not happen in Iranian registration offices worldwide, unless the husband’s converts to Islam. Otherwise, the child born out of such marriage will be considered illegitimate, but not adulterate. It means that the heritage law and regulations will be applicable but the Iranian government is not responsible for issuing identity documents for the child (Iran Civil Code, Articles 976-991).

7.3.6 LEGAL STIGMATIZATION OF NONMARITAL BIRTHS

Even though it was stated in the previous subchapter that children born out of wedlock have the right to obtain a legal identity, in practice, unmarried mothers who want to register the birth of their child, face great legal risks. According to Iran’s Penal Code, unmarried woman who are pregnant or give birth to a child, are suspected to adultery, unless otherwise proven.

This means that any woman who gives birth to a child in a health center, or approaches respective authorities to register the event of birth, might be detained for further investigation. The only prove for the legitimacy of such pregnancy is either father’s confession or a marriage certificate. In a scenario where an unmarried mother is incapable of proving the event of marriage, she will be held responsible for adultery and sentenced to 100 lashes (UNICEF, 2005, p. 9), (Iran’s Penal Code, 2013, Article 230).

This can be a strong reason for unmarried mothers to avoid registration of their child in fear of punishment. It also can increase the risk of invisibility for such children, since unmarried mothers are among the groups who have a high potential of giving birth out of health centers, in order to avoid investigations.
7.3.7 LAWS EXCLUDING REGISTRATION OF CHILDREN OF UNREGISTERED PARENTS

Currently, a large number of unregistered population - mostly from Afghan origin - are living in Iran. The size of this population has rapidly increased after the Soviet invasion on 1979, and has been increasing since then due to the rise of Taliban. Since the Afghanistan crisis was simultaneous with the Islamic revolution in Iran, for three decades Iran has ranked as either the world’s top or second top refugee-hosting country (UNHCR, 2015, p. 32). Today, near 1 million registered refugees from Afghanistan reside in Iran, from which half a million are “completely unregistered” (HRW, 2013). Absolute non-registration means that this group does not possess any kind of identity documents neither issued by their country of origin (Afghanistan) nor by their host country (Iran).

In most cases, there is a cursed circularity between non-registration statelessness. Non-registration creates a high risk of statelessness, since legal identity is the major means of proving nationality, and on the other hand, being stateless increases the risk of non-registration, because states tend to avoid issuing a birth certificate to children whose nationality is in doubt. This is also the case for a community of stateless Faili Kurds who have been living in the western part of Iran after vast naturalization and deportation of Kurds by Saddam Hussein (Campbell, 2010).

This group of approximately 8000 individuals is either unable to reinstate their Iraqi nationality, due to loss of documentation during various regional conflicts during decades, or they are unwilling to obtain Iraqi nationality, due to generations of living in Iran and their attachment to their Iranian identity (Tan, 2008).

In above-mentioned populations, non-registration of parents results into inter-generational non-registration or even statelessness of their children. That is because of the Article 13 of the Iranian civil registration code (1976) which requires at least one of the parents’ identity documents (Tucker, 2014, pp. 10-16).

7.3.8 WEAK COOPERATION WITH INTERNATIONAL INSTITUTIONS

In this context, the broad definition of “institution” is used - as articulated in neo-liberal institutionalism theory - including a transnational body of laws, regulations, policy institutions, treaties, conventions, and organizations that “facilitate cooperation among states on matters of common interest” (Heywood, 2014, p. 65).

The Islamic Republic of Iran signed the convention on the Rights of Child (CRC) on 1991 and ratified it in 1994. However, upon ratification, Iran’s government made a general reservation, holding the right
not to apply any part of the convention “incompatible with Islamic Laws” (UNICEF, 2016). The generality of this reservation implies that Iran can refuse to apply any modification or amendment to its existing laws and policies.

For example, Iran legal system does not ban the registration of children born out of wedlock, but it does not either facilitate the registration by decriminalizing sexual relationships out of marriage, since such facilitation will be seen as normalization of adultery and it is thus incompatible with Islamic laws.

With the exception of the Convention on the Elimination of All sort of Discrimination against Women, Iran has signed most of the International conventions which have mentioned the right to legal identity, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Abolition of Slavery.

In spite of signing these conventions, there are still major contradictions between Iran’s legal system and such human right instruments. For example, the patriarchal system of nationality confinement and registration, which excludes mothers (with rare exceptions) is not consistent with child’s right nor women’s right international consensus (Moghadam, 2012).

In 2012, UNHCR commissioned a study to assess the refugee policies in 24 sample countries. According to this study, Iran is committed to utilizing collaboration of UNHCR in the process of registration of refugees, but in practice, Iran’s government prohibits UNHCR from being involved in the documentation process or issuing any documents. Thus, it is only the government who provides the documentation and it is not easy for UNHCR to know/estimate the birth registration rate for refugees (UNHCR, 2012, p. 22).

7.4 SUMMARY OF FINDINGS

To summarize the findings, it can be said that in some important areas of action, Iran has introduced some good practices; Birth Registration has been partially integrated into health services in different periods of time and good outcomes has been achieved. Also, according to statistics, rural/urban and distribution of resources (both financial and human resources) across the country is unbiased also no pattern of sexually discriminative distribution of resources or any meaningful difference between male and female registration rates were found.

CRVS system is mostly mechanized and birth registration records have good preservation systems and high security. Registrars and registration personnel are being constantly trained and kept updated with the country’s latest regulations on the administrative level. Also, good strategies for maximizing the
utilization of community capacities have been developed. A network of involved ministries and organizations have been established around NOCR which sets the main policy guidelines. This network of institutions has good cooperation and periodical exchange of experiences.

Marginalization of nomads and rural population is minimized by utilizing community capacities and traveling registrars, along with constant supervision of demographic changes. Despite stigmatization of unwed mothers, a rather functioning legal procedure has been set for registration of children born out of wedlock as well as orphans. According to Iran’s legal system, citizenship is detached from acquiring legal identity and that should accelerate the process of registration.

On the other hand, there are some major areas in need of improvement; in practice, holding an ID card is a proof of nationality and therefore foreigners are deprived of obtaining an Iranian ID card. Most of the refugees in Iran are illegal and avoid registration of themselves or their children at any cost, for fear of deportation. Issuing Identity document for nearly one million registered Afghan refugees who have migrated to Iran during last three decades is hard to manage and Iran does not accept the help of International organizations such as UNHCR.

Registration of children of transnational marriages is problematic and complicated due to Iran’s Jus Sanguinis nationality regime and Iran still do not have a clear body of regulations regarding such cases. Single mothers in Iran are automatically exposed to the charge of adultery, if not proved otherwise, and this weakens the motivation of unwed mothers to register their child’s birth. Also, children of unregistered parents are at great risk of non-registration due to the legal necessity for the declarant to provide authorities with his/her own ID in the process of birth registration.

In conclusion, it can be said that beneath the well-functioning digitalized birth registration system of Iran, there are severe problems threatening the full coverage of registration. These problems will be more investigated in the analysis chapter.

8. ANALYSIS

In this part, the findings will be analyzed with respect to the research problem and questions outlined at the beginning. The utility of analytical framework for this study and similar studies will be analyzed as well.

At this point, we will go back to the analytical framework and apply it to the findings. In the following pages, a comprehensive illustration of the analytical framework is provided, in which the findings of this research are placed in their respective domain and problematic disincentives are distinguished by color. In the following subchapters, the findings associated with each domain and the main potential disincentives will be explained.
## 8.1 SUPPLY

### 8.1.1 LEGISLATION

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<th>Legislation</th>
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<td>Patriarchal laws regarding person in charge of Birth Registration</td>
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<td>Laws excluding registration of children of unregistered parents</td>
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<td>Lack of legal obligation for health facilities to report births</td>
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<td>Complex or vague legislation and regulations</td>
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<td>Weak legal enforcement for birth registration</td>
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The first identified potential disincentive related to legislation is the existence of patriarchal laws regarding the person in charge of Birth Registration. Based on the findings, even though the father is the first declarant of birth set by the law, the responsibility for birth registration is yet not excluded to father and in the absence of the father, child’s mother is responsible for registration (Act on Personal Status Registration, 1976, Article 16). Therefore, negative effect of this regulation on birth registration cannot be proved and the findings do not indicate such association.

Also, there was no evidence regarding weak enforcement for birth registration and national law regarding birth registration is being fully executed across the country, regardless of ethnic and religious differences.

It can also be noted that laws regarding birth registration are not inflexible. According to the Civil Registration Code, child’s father is the main declarant of birth, but many circumstances and exceptions in which child’s identity document will be issued without father’s declaration have been explained by law. Thus, it can be concluded that laws regarding birth registration are not inflexible.
It is true that the latest amendment of Civil Registration Code was adopted on 1976, but in the recent decade, some parallel laws and regulations have been passed in the parliament, in order to tackle the rising problems of today’s societies. For example, a single-clause bill ratified on 2006, contained a solution for the problem of stateless children born from Iranian mothers in transnational families. According to this law, children born to an Iranian mother and non-Iranian father residing in Iran can adopt Iranian nationality after reaching 18 years of age.

This example shows that Iran’s legal system has the capacity to comply with the requirements of a modern society. However, this flexibility has limitations, since the Iranian legal system is derived from Islamic jurisprudence. Thus, it can be concluded that even though Iran’s legal system is trying to maintain its dynamism and adaptability, it is yet limited in the frame of Islamic legal system, which dates back fourteen centuries ago. In conclusion, it can be stated that in spite of new amendments, laws regarding civil registration in Iran are yet outdated.

Laws regarding birth registration are found to be un-complicated and clear. However, some patterns of vague interpretation or lack of executive regulations regarding birth registration was still remaining. For example, despite clarity law regarding birth certificate issuance for foreigners born in Iran, lack of executive regulations regarding registration of non-nationals is still evident resulting in biased and unregulated decision-making on the administrative level.

According to the findings, time-limit restrictions and fines for late registration were not identified as disincentives of registration. This might be due to the efficient speed of registration process and the affordability of fine for most of the population. According to a report presented by NOCR (2014a), registration process and ID issuance in Iran takes on average 1.4 days. Therefore the time frame of 15 days seems to be adequate.

Despite the existence of patriarchal nationality laws which exclude Iranian women from conferring their nationality to their children, due to detachment of nationality from citizenship, this does not result in non-registration. However, the problem here is not the patriarchal legislation, but the legal difficulties for registration of non-nationals is the first disincentive which will be discussed further. In conclusion, due to the legal and executive problems of registration of non-nationals, patriarchal nationality laws are also affecting the registration process and in the case of children with non-Iranian fathers, many problems regarding registration of non-nationals do arise.

As explained in chapter 7.4.1, regulations regarding registration of non-nationals are vague. As explained in chapter 7.41, despite the existence of a legal framework for birth certificate issuance for
non-nationals, in most cases it is impossible for non-nationals to obtain identity documents. Also, civil registration code only speaks about birth certificate issuance for non-nationals and excludes adult non-nationals or those in need of an identity document.

As explained in the findings chapter, Iran has launched several campaigns for integrating birth registration into the health services, but there is yet no legal obligation for health facilities to report births and if parents fail to register children, there is no duty of the State to secure registration (UNICEF, 2005, p. 12). In the absence of such obligation, it is a matter of choice for parents to register the infant’s birth. Lack of legal obligation for health facilities to report birth does not create an obstacle for birth registration, but by obliging health facilities to report births to local civil registration office, the risk of under-registration will be minimized (OHCHR, 2014). Health facilities in Iran are not legally involved in the process of birth registration and according to the analytical framework, this is identified as a legal obstacle in the way of achieving full coverage of registration.

The last but not the least important identified obstacle in the domain of legislation is the legal hindrances for registration of children of unregistered parents. As explained in the findings chapter, civil registration code requires the declarant to show his/her own identity document. This legal obligation hinders the process of registration to the extent that registration of orphans is easier than registration of children of unregistered parents.

In conclusion, based on the analytical framework it can be stated that several legal problems and hindrances are identified as disincentives of birth registration in the domain of supply.

8.1.2 MANAGEMENT AND POLICY

<table>
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<tr>
<th>Management &amp; Policy</th>
<th>Lack of comprehensive action plan and inter-ministerial cooperation</th>
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In the domain of management and policy, some determinants were identified to be influential on the birth registration rate. Findings show not only that Iran’s government has succeeded in establishing a comprehensive action plan on the national level, but it also has been a leading power in development of inter-state cooperation among Islamic countries and in the region.

This is evident through Iran’s initiative for introducing a website which connects the databases of civil registration organizations of Islamic states. This suggestion was brought up at the first meeting of the heads of civil registration Organizations of member states of Organization of Islamic Cooperation (OIC) which was held in Tehran on 2013, and it was agreed upon by all member states and executed in the same year (NOCR, 2013).

Studies show that birth registration is not considered as an income-raising activity for government. According to the national budget law for 2015, birth registration fees only cover about one fifth of civil registration expenses (including human resources, material, preservation, and operational expenses) (Iran's Parliament Research Center, 2015). Also there was no evidence indicating any form of Mis-use of CRVS data, neither currently nor historically.

Findings show an unbiased distribution of resources and a negligible discrepancy between birth registration rates in rural and urban areas. Moreover, the effect of a centralized governance on birth registration process has been minimized by utilizing a web-based registration system which connects all registration units to a central database, and enables the relevant authorities to issue identity documents independently (NOCR, 2015).

Despite Iran’s good performance with regard to vital statistics performance (see chapter 7.3.6), there was no data found regarding any systematic and periodical evaluation of national CRVS system. Neither were there any findings indicating a potential association between lack of such monitoring system and under-registration rate. Based on the analytical framework - which identifies lack of CRVS monitoring system as a disincentive for birth registration - such association is already proven and therefore this factor is identified as a potential disincentive.

Also the existence of adequate investment in CRVS planning cannot be analyzed because of lack of findings in this regard. In conclusion, based on the findings it can be noted that some of the determinants belonging to the domain of management and policy were not investigated thoroughly due to lack of data. However, a lack of a periodical evaluation of CRVS system was identified as a disincentive of birth registration.
Based on the findings, administration is the least problematic determinant in the domain of supply. As described in subchapter 7.3.3, factors such as good preservation and easy retrieval of birth registration records are met by utilizing a well-functioning 100% mechanized system of registration and digital archiving technologies.

Furthermore, there was no evidence of inadequacy regarding registration and administrative personnel. In the recent decade, Iran has made a good example for its neighbor countries in educating registration personnel (Pais, 2002). However, there was no data found regarding the degree of motivation among registration personnel and evaluating this element seems to be necessary.

A UNICEF report published in 2005, identified lack of access to birth registration offices in some rural districts in Iran, as a probable disincentive for birth registration. A clear example was Sistan & Baluchistan province with its 16 districts lacking birth registration facilities. However, it was also noted in the same report that through a decentralization campaign beginning 2005, each year about 16 new birth registration offices and about 30 mobile registrars are added to the national birth registration network (UNICEF, 2005, p. 3). Therefore, it is estimated that today, there are about 660 civil registration offices across the country (NOCR, 2015, p. 7), and up to 350 mobile registrars.

There is no standard recommendation for the number of civil registration offices per individual, but compared to a universal average, which is one office per 1.7 million population (UN Statistics Devison, 2015), Iran seems to be standing set a high standard, by having one established office per
every 120,000 individuals\(^1\). In conclusion, even though there are some evidences indicating to patterns of the quantitative inadequacy of birth registration offices, yet this information dates back to the past. Thus, the existence of such disincentive today cannot be proven.

Based on the country’s VSPI score, birth registration process in Iran takes less than two working days and does not involve a complex administrative procedure. Also, documentation of birth is digitalized and simplified compared to 15 years ago. Time consumed for birth registration is reasonably low and does not exceed the legal time limit. Furthermore, operational guidelines for administrative level are comprehensive and clear and due to the mechanized procedure of birth registration and connection of registration offices to a single database with a clear routine, there seems to be no room left for misinterpretation and administrative discrepancies.

There were no findings suggesting any potential association between birth under-registration and lack of resources and inputs in Iran. There seem to be an effective cooperation within Iranian government regarding birth registration coverage. Adequate resources are distributed across the country and trained human resources have been employed on the administrative level. In conclusion, based on the findings, it can be stated that due to country’s good practices in attuning administrative routines and obtaining a nationally integrated administration procedure, poor administration is not identified as one of the disincentives of birth registration in Iran.

### 8.2 DEMAND

### 8.2.1 ATTITUDES AND MOTIVATION

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<tr>
<th>Attitudes &amp; motivations</th>
<th>Fear of visibility and mistrust</th>
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<td>Lack of motivation/awareness about the importance of BR</td>
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A report published in 2005 explained the lack of awareness and motivation regarding birth registration in remote areas as a cause of under-registration. According to this report, an informative campaign launched in 2004 tripled the birth registration rate in a border province. No data were found regarding the existence of this problem in current years. However, by knowing about the successful results of this campaign in just one year, it can be assumed that the effect of attitudes on birth registration rates has been minimized. Also, it is estimated that the launch of the monetary subsidies program on 2010,

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\(^{1}\) This number is based on Iran’s current population on 2016, which is estimated to be around 80 million.
which entitles every household to receive a monthly amount of 12 USD per person, has increased the motivation for birth registration, and has a positive effect on birth registration rate in remote areas.

Historically, Iran’s government is not known to have misused the identity information of its citizens for discriminative or suppressive purposes. Even though some religious minorities such as Baha’ites or Buddhists prefer to hide their religion in times of employment or university enrollment, but this fear of probable discrimination is not reported to prevent them from acquiring their identity documents.

On the other hand, fear of persecution and deportation is identified as one of the major disincentives of birth registration, especially for illegal immigrants and also for unwed mothers who - by registering the birth of their newborn - will be at risk of being charged with adultery.

In conclusion, based on the findings it can be said that fear of legal persecution is a major disincentive that affects the decision of certain individuals regarding birth registration.

8.2.2 SOCIAL NORMS

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<th>Social norms</th>
<th>Stigmatization of unwed mothers and children born out of wedlock</th>
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<td>Patriarchal attitudes regarding Birth Registration</td>
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<td></td>
<td>Traditions inconsistent with Birth Registration</td>
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The dominant cultural paradigm in Iran - which is a mixture of traditions and religious beliefs - does not accept sexual relations out of wedlock, and due to patriarchal values, the burden of stigmatization is mostly pointed on women involved in such relationships. However, this stigmatization existed even more severely before the Islamic revolution, but it was not affecting the laws of the country. Therefore it cannot be stated that cultural beliefs on their own are making an obstacle for birth registration, but it is the country’s Islamic legislation system that criminalizes out-of-marriage relationships and therefore problematizes registration of children born out of wedlock.

Even though social norms such as stigmatization of unwed mothers and children born out of wedlock are not found to be affecting the birth registration rate, but such norms are empowered by Islamic legislation hegemony in the country. Even though society is not against registration of birth by mothers, still in urban areas more than 90 percent of births are registered by fathers, while in rural areas and among nomadic communities it is more common for women to register the birth of their child (UNICEF, 2005).
Historically, some tribes residing in South and Southwest of Iran are known to have some patriarchal norms and attitudes that may be inconsistent with birth registration. For example, Arabs and also religious families usually avoid revealing names of their daughter, sister, and mother to non-incest, but according to a periodic report submitted by Iran to UN’s committee on the rights of the child, people of such tribal cultures have found a way to adjust birth registration process with their traditional values (Committee on the Rights of the Child, 2013).

According to this report, around 67% of females born in Iran have two names; one is the name given to the authorities to be registered in the identity documents, which is usually a religious name (i.e. name of Islamic saints and religious figures), and the second is the unregistered name by which the person is called. The latter is only known for family and close relatives (ibid.).

In conclusion, despite the existence of some traditions that may seem to be inconsistent with the birth registration process, tribal communities and religious families have found a way to hold to their cultural norms and also benefit from identity registration. Thus, social norms are not found to be affecting birth registration rates.

### 8.2.3 FINANCIAL ACCESS

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<thead>
<tr>
<th>Financial access</th>
<th>High-cost of birth registration</th>
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<td>Indirect costs of birth registration</td>
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There was no evidence found indicating any association between birth registration rate and direct and indirect costs of birth registration in the country. However, some elements and their probable influence should be noted here.

Currently, the cost of birth registration in Iran is 20000 Rials (5 USD), within a 15-days legal time limit. After every 15 days passed from the date of birth certificate issuance, another 20000 Rials will be added to this amount. This fee is above the average daily income of 0.7 percent of the population (World Bank, 2015). Also, some indirect costs may seem to be hindering the process of birth registration, such as inaccessibility of national transportation network (including roads and public transportation), for nearly 200,000 people residing in remote areas (UNDP, 2015).

On the other hand, birth registration in Iran is not a time-consuming process and can be done within one work day, therefore the risk of exceeding time-limit is very low. Even for those 0.7 percent of the
population who must spend their income of two days for birth registration, receiving a monthly subsidy of 500,000 Rials for each person registered in a household is a great incentive of birth registration. Also, the low price of gas in the country which is usually one-fourth of its global price (Bloomberg, 2016) compensates the weakness of transportation infrastructure.

In conclusion, based on the findings it can be said that direct and indirect costs of birth registration are not disincentives for birth registration - on the contrary, birth registration has direct financial benefit for the household.

8.3 ENABLING ENVIRONMENT

8.3.1 MARGINALIZATION

<table>
<thead>
<tr>
<th>Marginalization</th>
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<th>Children with disabilities</th>
<th>Ethnic/religious minorities</th>
<th>People residing in border/remote areas, Nomadic Children</th>
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There were no findings indicating any trace of over-presented under-registration among parentless children in Iran. This might be due to systematic and periodic registration of these children which has been regulated in the Act on Personal Status Registration. Parentless children who are raised in orphanages usually lack birth certificate, but their birth and their identity is confirmed by two witnesses (usually from orphanage staff) and registration of their birth is a duty public prosecutor (Act on Personal Status Registration, 1976, Article 18) whose representative visits orphanages and child houses periodically in order to be updated regarding the civil status of parentless children.

Moreover, unbiased distribution of resources has minimized the difference between birth registration rates in rural and urban areas. During last two decades Iran has been known as a pioneer country in adopting community capacity building policy and programs which have maximized the accessibility of registration offices for people residing in border and remote areas, though the constant travelling lifestyle of about 56,000 Nomads and tribal households in Iran makes them hard to reach (Statistical Center of Iran, 2011). The impact of initiatives to reach them have not been statistically evaluated, but according to findings, there were no identified pattern of marginalization in Iran’s birth registration processes as regard this group of people.
In conclusion, based on the findings, it can be stated that due to the country’s good practices in empowering community capacities and obtaining an inclusive de-centralized national policy, marginalization in not identified as one of the disincentives of birth registration in Iran.

### 8.3.2 EMERGENCIES

<table>
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<th>Emergencies</th>
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<td>Armed conflicts</td>
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<td>Natural disasters</td>
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<td>Population displacement</td>
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<td>Socio-economic turbulences</td>
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During the last 110 years (since the beginning of birth registration in 1906), Iran has been involved in Armed conflicts for 11 years, of which 8 years was during last 30 years. The first country report of CRVS systems evaluation was published 5 years after the end of Iran-Iraq war, and therefore it was only covering the BR rates of last year of the war (1988). In this report, the increase of unregistered deaths was explained, but there was no data found to confirm any meaningful decrease in birth registration rates during Iran-Iraq war period (Moini & Merat, 1993).

Since the beginning of documentation of CRVS statistics in Iran, some major socio-economic turbulences have hit the country, including Constitutionalism Revolution in 1907, End of Qajar dynasty in 1925, the Anglo-Russian occupation of Iran in 1941, Oil nationalization movement in 1951, and finally Islamic revolution in 1979 (BBC, 2016). The under-registration rate in Iran was only calculated after 1993 and therefore the findings do not demonstrate any statistical data regarding these turbulences, nor could I find any references to these turbulences in the resources. Thus, no association between such events and the under-registration rate can be proven.

Also, there was no evidence confirming the effect of natural disasters on birth registration rates in Iran. During Bam earthquake in 2003, near 28,000 loss of identity documents were reported, but fortunately, these ID documents had digital recoverability and no further pattern of under-registration was noticeable in the following 5 years after the earthquake (Meskinazarian, 2011).

The only demographic crisis that Iran has faced is the protracted immigration of Afghan refugees and residence of stateless Kurd & Arab tribes in western parts of Iran. Although as was previously stated the problems regarding registration of refugees are mostly rooted in legal obstacle, it should be taken
into consideration that almost half of this population lack any form of Identity documents and therefore identification and ID issuance by the host country becomes a complicated and time-consuming process (UNHCR, 2012).

In conclusion, based on the findings, the only crisis hindering birth registration is to be the long-term involvement of country with one of the greatest immigration waves documented in human history.

8.3.3 INFRASTRUCTURE

<table>
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<td>Low rate of school attendance</td>
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<td></td>
<td>Inadequate transport infrastructure</td>
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<td></td>
<td>Lack of maternal &amp; health facilities</td>
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There were no findings indicating any potential association between infrastructural issues and birth under-registration in Iran. Infant mortality rate in Iran is currently 16 percent and it is reducing by 5 percent annually (UNICEF, 2016, p. 155). Furthermore, the average rates of both upper-secondary school enrollment and graduation in Iran are above 80 percent. In addition, no association between school attendance and birth registration rates could be found, since birth registration in Iran is not integrated into school registration process, and there was no evidence of over-presented non-registration of children with un-educated parents.

Transport infrastructure in Iran seems to be adequate enough for birth registration purpose, or at least not hindering the birth registration process, if not facilitating it. In the case of inadequacy of transport infrastructure, it seems that the expansion of civil registration facilities across the country and the work of traveler registrars had minimized the effect of transport obstacles, to the extent that there is no official report indicating such association.

Also, there were no findings regarding lack of maternal and health facilities in Iran. However, health facilities in Iran are only responsible for issuing birth certificate and report births to national statistics division, and are not legally obliged to get involved in the process of ID issuance. Other than parentless children whose registration is a duty of public prosecutor (Act on Personal Status Registration, 1976, Article 18), registration of other children is a duty of parents.
In Iran, the birth certificate is only a means of registration and not a proof of identity. Therefore, a child can get a birth certificate and still remain unregistered. Also the quantity of health facilities and their inadequacy do not logically have a noticeable effect on birth registration rate. In conclusion, based on the findings, none of the major potential infrastructural disincentives of birth registration are found to be applicable/affecting the birth registration rate in Iran.

### 8.4 EVALUATION OF ANALYTICAL FRAMEWORK

The BM analytical framework is the standard and recommended analytical framework for identification and evaluation the significance of birth registration disincentives, both independently and in association with other factors. Even though BM analysis was found to be functional and appropriate for the purpose of this research, some of its categories were merged or some new categories were created in order to maximize the accuracy and clearness of results. This need to justification was the first problem that occurred even before starting the analysis, even though such optimization was allowed and even recommended in the BM analysis guidelines (UNICEF, 2013a), (UNICEF, 2013b).

The other limitation which occurred during analysis was the issue of endogeneity of some indicators. There were some factors in the findings which were proved to be associated with birth registration rate, whereas analytical framework was incapable of showing the mutual influence of such association. Also the horizontal and vertical associations between determinants of different domains were not taken into account. Furthermore, given the magnitude and complexity of the different factors that are likely to affect both a child’s access to registration and their access to services, it was not possible to include all these factors in the analysis.

Also, rather than emphasizing on mutual influence between factors and going into details, the adopted analytical framework seemed to have a top-down and holistic approach to the issue.

One can also say that the identified disincentives were mostly based on the debates and issues occurring among the nations of South, rather than European societies and the issue of birth registration was being “exoticized” through this research.

In conclusion, it can be stated that even though BM analysis method has some pitfalls, until today it is the only analytical approach specifically designed for the purpose of this research, and undoubtedly its utilization will help enlighten its blind spots and help its improvement.
9. CONCLUSIONS

In this ending chapter, the research results will be highlighted in a more concise way and will be tied back in with the original research problem into a wider context. Contribution of this research to the literature will also be explained and some recommendation for further research will be presented.

9.1 CONCLUSIONS DRAWN FROM ANALYSIS

As stated in the Introduction Chapter, this research was based on the hypothesis that birth under-registration in Iran is a result of certain patterns of exclusion and certain disincentives regarding birth registration. Research findings and their analysis prove the accuracy of this hypothesis. The detailed results are explained hereunder;

9.1.1 UNDER-REGISTRATION IN IRAN IN QUANTITATIVE TERMS

Regarding the first research question, based on the background study and findings, it was found that the problem is not big in quantitative terms. According to The State of the World’s Children 2016, the 1% rate of under-registration in Iran did not change during 2010 to 2015 (UNICEF, 2016, p. 151). This negligible and promising number gives us hope that full coverage of birth registration in Iran is achievable in the near future.

On the other hand, this rate has remained unchanged for a five years period and it is, therefore, estimated that during 2010 to 2015 nearly 800 thousand births were left unregistered in Iran. If the one percent under-registration rate remains the same, each year almost 14 thousand births will be added to this amount and this number should be a warning sign that under-estimating the issue of under-registration can jeopardize the accomplishment of full birth registration coverage in Iran by 2030 (UNICEF, 2016, p. 119).

9.1.2 MAIN DISINCENTIVES OF BIRTH REGISTRATION IN IRAN

In response to the second question, based on the findings and analysis it can be stated that the main disincentives of birth registration in Iran are of legal nature. Out of eight identified disincentives, five are legal disincentives, including vagueness of administrative regulations, legal exclusion of non-nationals and legal difficulties for registration of children of unregistered parents.

Also, a lack of legal obligation for health facilities and for governmental institutions in general (i.e. schools, public offices, police, etc.) to register births is creating a legal gap in situations where a child’s legal declarants and/or guardians have abandoned the duty of birth registration. Birth registration in Iran is a civil matter of private nature, and therefore, more involvement of governmental institutes
requires a major shift in legal paradigm and determination of a clear legal obligation for the public sector - more than mere administration - in the process of birth registration.

It is worth noting that the significance of each of the identified disincentives and their weight of influence on birth registration rates could not be evaluated within this research, due to a lack of sufficient statistical data, which in turn originates from the lack of a standard CRVS evaluation process.

Islamic legislation system which does not welcome modernization and minimizes the power of legislator, seems to be the root of legal disincentives of birth registration. Legal barriers such as patriarchal nationality laws and criminalization of out-of-marriage pregnancy and childbearing for both parents are identified as legal disincentives which originate directly from Islamic jurisprudence.

Another identified cause of birth under-registration in Iran is the mass immigration of refugees from Afghanistan which faces the country with a mass population displacement which creates several legal challenges regarding ID issuance for non-nationals, and citizenship of children of transnational marriages. Also, registration of illegal residents has become a great challenge for the country, due to refugees’ fear of visibility and deportation.

9.1.3 HIGH-RISK GROUPS OF UNDER-REGISTRATION

Regarding the third research question about the social groups which have the highest risk of under-registration, the findings and analysis show that the most vulnerable strata of society exposed to the risk of under-registration are four groups of children. However, due to lack of statistical information, the vulnerability of these groups could not be measured nor compared, but these risk groups will be introduced below in order of their estimated size;

Children of illegal residents (i.e. refugees) are estimated to be the biggest risk group of non-registration. According to estimations by Iran’s official Bureau for Aliens and Foreign Immigrants’ Affairs (BAFIA), apart from nearly one million registered Afghan refugees, there are about 1.4 to 2 million unregistered Afghan migrants alone - apart from other nationalities - living in Iran today, from which about 400,000 are under 18 (HRW, 2013, p. 27). Most of these children, just like their parents, do not have any form of identity documents, and as a result, are both exposed to statelessness and absolute non-registration

Another risk group is children from transnational marriages (children of non-Iranian fathers) residing in Iran. According to BAFIA, there are around 32,000 children whose mothers are Iranian and their fathers Afghan (BBC, 2011). This group of children is not automatically at risk of non-registration,
but because of Iran’s patriarchal nationality laws, in cases where children - for any reason - are deprived of acquiring identity documents of their paternal country, Iranian civil registration system avoids issuing any identity document for them, other than a birth certificate.

Birth certificates are issued by health facilities, which does not entitle the child to the right to receive subsides, vaccination, or education. In cases where the children’s birth has not taken place in a health facility, even the birth certificate will not be issued and the child will be unregistered, and also exposed to the risk of statelessness.

Another risk group is children of unregistered parents. Based on the findings, parents’ who lack identity documents are either illegal refugees (as explained above) or marginalized and poor Iranian households living mostly in slums and remote areas. The number of children who have been affected by inter-generational non-registration has not been officially measured, but their number (apart from children of illegal refugees) is estimated to be around 15,000.

The last identified risk group of non-registration are children born out of wedlock. Because of stigmatization of these children and their parents, and the taboonez of this phenomena, there is no formal statistics regarding the number of this group. Despite their legal right to identity documents, this group of children is often exposed to non-registration, because of their parents’ fear of persecution or their father’s absence.

9.1.4 MAIN PROBLEMATIC DOMAIN

Out of eight identified disincentives, six of them belong to the domain of supply, and one to each domain of demand and enabling environment. This answers the last question of this research regarding the main problematic domain of action for birth registration. As explained in the analysis chapter, the identified disincentives in the domain of enabling environment, can also be categorized in either domain of supply or demand, or can be a mixture of both supply and domain factors.

In the case of this research, the identified disincentive of environmental nature was the crisis of population displacement. A problem which was discovered to be both effecting and affected by- supply and demand factors. In conclusion, it can be stated that the most obstacles of birth registration in Iran originate from the supply side.
9.2 RECOMMENDATIONS FOR FURTHER RESEARCH

This research contributed to the literature by identifying the most problematic domains of action regarding birth registration policy and programming in Iran, and specifically the significance of legislative policies for birth registration programming. Though, it should be mentioned once again that the findings are only applicable to the case studied and the generalization of findings to other context is not claimed, nor is it recommended.

Optimization of the legal system for increasing birth registration rate needs long-term planning and a good scientific background, and therefore it is recommended for further researchers to work in this area of research.

Also, it is worth noting that top-down approaches will not be sustainably effective in the absence of a national policy for social empowerment. Empowerment of the most vulnerable groups of society is the key to achieving full coverage of birth registration, and scientific research is the base of such empowerment. Scientific investment in this field of research will not only result in better birth registration policy and programming, but it will also contribute to the enrichment of social empowerment and social inclusion theories.

Identity documents serve as the main proof of nationality by reflecting parental affiliation in States of “Jus Sanguinis” nationality system and by reflecting the birthplace in countries with “Ju Solis” system. This great association between citizenship and birth registration and also the effect of patriarchal legal systems on birth registration rates are of great significance and worth studying and can be create several research topics of intersectional nature within different scientific fields (e.g. Law, Development Studies, Gender Studies, and Migration Studies).
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Zahedi, A.
## ANNEX A: TABLE OF QUALITATIVE TEXT ANALYSIS

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<td>Major Sources:</td>
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<td>Main Argument(s):</td>
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<td>Identified Causes / Disincentives / Obstacles:</td>
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<td>Selected Quote(s):</td>
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### Bottleneck methodology template

<table>
<thead>
<tr>
<th>Domain</th>
<th>Determinants</th>
<th>Suggested Indicators Birth and Civil Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enabling Environment</strong></td>
<td></td>
<td><em>Indicative – to be adapted for each country</em></td>
</tr>
<tr>
<td>Social Norms</td>
<td>[Widely followed social rules of behaviour]</td>
<td>Customs related to naming babies including time taken for naming. Patriarchal traditions insisting on father’s name and identity as essential to names. Indicators for discrimination and exclusion</td>
</tr>
<tr>
<td>Legislation /Policy</td>
<td>[Adequate laws and policy]</td>
<td>Registration (including first copy of birth certificate) free and compulsory? Provisions for late/delayed registration? Electronic signatures and documentation legally valid? Adequate provision for security of individual data records available? Key partnerships with health, other ID systems including national IDs, social protection in place?</td>
</tr>
<tr>
<td>Budget/Expenditure</td>
<td>[Allocation and disbursement of required resources]</td>
<td>Government budgets cover all expenditure for civil registration? Birth registration not expected to be an income-raising activity for central or local governments? Donor assistance not covering core expenditures?</td>
</tr>
<tr>
<td>Management/Coordination</td>
<td>[Roles and accountability; coordination; partnership]</td>
<td>Civil registration organized efficiently? Inter-ministerial coordination arrangements in place?</td>
</tr>
<tr>
<td>Domain</td>
<td>Determinants</td>
<td>Suggested Indicators Birth and Civil Registration</td>
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<td><strong>Supply</strong></td>
<td>Indicative – to be adapted for each country</td>
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<td>Availability of essential commodities/inputs [For delivering the service]</td>
<td>Hardware availability for electronic data</td>
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<td>transmission and processing in place with</td>
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<td>adequate security safeguards?</td>
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<td>Access to adequately staffed services, facilities and information.</td>
<td>Staff availability/ skills</td>
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<td>[Physical access, services, facilities, information]</td>
<td>Staff well trained and motivated?</td>
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<td>Financial access [Direct and indirect costs for services]</td>
<td>Costs of registration, including travel and</td>
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<td>wages lost for this purpose?</td>
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<td></td>
<td>Social and cultural practices and beliefs; perceived benefits</td>
<td>What is the value of registration of children</td>
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<td>[Individual and community beliefs, awareness, behaviours, practices,</td>
<td>for parents? Does it outweigh the costs?</td>
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<td>attitudes]</td>
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<td></td>
<td>Quality</td>
<td>Time taken to register births.</td>
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<td>Quality of service delivered [Adherence to required quality standards –</td>
<td>Time and cost necessary to obtain birth</td>
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<td>national or international norms]</td>
<td>certificate.</td>
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<td>Quality of preservation of records, ease of</td>
</tr>
<tr>
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<td>retrieval of records.</td>
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</table>

*Source: Adapted from Tanahashi, T, Geneva, 1978 by UNICEF staff, Durban, South Africa, 2012.*
ANNEX C: IRAN NATIONALITY LAW

Civil Code

BOOK 2 - CONCERNING NATIONALITY

Article 976

The following persons are considered to be Iranian subjects:

(1) All persons residing in Iran except those whose foreign nationality is established; the foreign nationality of such persons is considered to be established if their documents of nationality have not been objected to by the Iranian Government.

(2) Those born in Iran or outside whose fathers are Iranian.

(3) Those born in Iran of unknown parentage.

(4) Persons born in Iran of foreign parents, one of whom was also born in Iran.

(5) Persons born in Iran of a father of foreign nationality who have resided at least one more year in Iran immediately after reaching the full age of 18; in other cases their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.

(6) Every woman of foreign nationality who marries an Iranian husband.

(7) Every foreign national who has obtained Iranian nationality.

Article 977

(a) If persons mentioned in Clause 4 of Article 976 wish to accept the nationality of their fathers they must submit a written declaration to the Ministry of Foreign Affairs to which they should annex a certificate issued by the national Government of their fathers to the effect that the said Government would recognize them as their own nationals.

(b) If persons mentioned in Clause 4 of Article 976 after reaching the full age of 18 years wish to remain of the nationality of their fathers, they must, within a period of one year, submit a declaration
to the Ministry of Foreign Affairs to which they should annex a certificate from their father’s national Government indicating that the said Government would recognize them as its own nationals.

Article 978

Reciprocal treatment will be observed in the case of children born in Iran of nationals of countries where children born of Iranian subjects are considered as nationals of that country and the return of such children to Iranian nationality is made dependent on permission.

Article 979

Persons can obtain Iranian nationality if they:

(1) Have reached the full age of 18.

(2) Have resided five years, whether continuously or intermittently, in Iran.

(3) Are not deserters from military service

(4) Have not been convicted in any country of non-political major misdemeanors or felonies.

In the case of Clause 2 of this Article, the period of residence in foreign countries in the service of the Iranian Government will be considered as residence in Iran.

Article 980

Those opting for Iranian nationality who have rendered services or notable assistance to public interests in Iran, or who have Iranian wives by whom they have children, or who have attained high intellectual distinctions or have specialized in affairs of public interest can be accepted as nationals of the Islamic Republic of Iran without the observance of the requirement of residence, subject to the sanction of the Council of Ministers and provided that the Government considers their naturalization to Iranian nationality to be advisable.

Article 981

This article was repealed on 29 December 1982.
Article 982

Those who have obtained or who obtain Iranian nationality will enjoy all rights recognized for Iranians with the exception of the right to attain to the position of the President of the Republic, a Minister of Cabinet rank or of Acting Minister or any kind of diplomatic position abroad. They cannot, however, attain the following positions until 10 years after the issue of the document of Naturalization: (1) Membership of the Islamic Consultative Assembly. (2) Membership of Provincial or District Councils or Municipal Councils. (3) Entry into the service of the Ministry of Foreign Affairs.

Article 983

An application for naturalization must be submitted to the Ministry of Foreign Affairs direct or through the Governors or Governors-General, and be accompanied by the following documents:

(1) Certified copy of the identity papers of the applicant, his wife and children.

(2) Certificate from the police stating the period of residence in Iran of the applicant, his clean record, possession of sufficient property or of employment which ensures a livelihood. The Ministry of Foreign Affairs will complete, if necessary, the particulars concerning the applicant and will send the papers to the Council of Ministers for an appropriate decision rejecting or acceptance the application. If the application is accepted a document of nationality will be delivered to the applicant.

Article 984

The wife and minor children of those who obtain Iranian nationality in accordance with this Act will be recognized as Iranian nationals; but the wife can submit, within one year of the date of issue of nationality papers to her husband, and the minor children can submit, within one year after reaching the full age of 18, a written declaration to the Ministry of Foreign Affairs accepting the former nationality of her husband or the father as the case may be, provided, however, that the certificate mentioned in Article 977 is attached to the declaration of the children whether male or female.

Article 985

Adoption of Iranian nationality by the father in no way affects the nationality of his children who may have attained the full age of 18 at the date of the application for naturalization.
Article 986

A non-Iranian wife who may have acquired Iranian nationality by marriage, can revert to her former nationality after divorce or the death of her husband, provided that she informs the Ministry of Foreign Affairs in writing of the facts; but a widow who has children from her former husband cannot take advantage of this right so long as her children have not attained the full age of 18. In any case, a woman who may acquire foreign nationality according to this Article cannot possess properties except within the limits fixed for foreign nationals. If she possesses landed properties more than those allowed in the case of foreign nationals, or if subsequently she comes into possession by inheritance of landed properties exceeding that limit, she must transfer by some way or other to Iranian nationals the surplus amount of landed properties within one year from the date of her acquiring the inherited property. Failing this, the properties in question will be sold under the supervision of the local Public Prosecutor and the proceeds will be paid to her after the deduction of the expenses of sale.

Article 987

An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter’s nationality is imposed by marriage upon the wife. But in any case, after the death of the husband or after divorce or separation, she will re-acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation.

Article 988

Iranian nationals cannot abandon their nationality except on the following conditions:

(1) That they have reached the full age of 25.

(2) That the Council of Ministers has allowed their renunciation of their Iranian nationality.

(3) That they have previously undertaken to transfer, by some means or other, to Iranian nationals, within one year from the date of the renunciation of their Iranian nationality, all the rights that they possess on landed properties in Iran or which they may acquire by inheritance although Iranian laws may have allowed the possession of the same properties in the case of foreign nationals. The wife
and children of the person who renounces his nationality according to this Article do not lose their Iranian nationality, whether the children are minors or of age, unless the permission of the Council of Ministers allows them to renounce their nationality; and

(4) That they have completed their national military service.

Article 989

In case any Iranian subject acquired foreign nationality after the solar year 1280 (1901-1902) without the observance of the provisions of law, his foreign nationality will be considered null and void and he will be regarded as an Iranian subject. Nevertheless, all his landed properties will be sold under the supervision of the local Public Prosecutor and the proceeds will be paid to him after the deduction of the expenses of sale. In addition, he will be disqualified to attain the position of Cabinet Minister or Assistant Minister or of membership of the Legislative Assemblies, Provincial and District Council and Municipal Councils, or any other governmental positions.

Article 990

Iranian subjects who may have personally, or whose fathers may have, renounced Iranian nationality in accordance with the provisions of law and who may wish to re-acquire their original nationality can be reinstated in their Iranian nationality by mere application unless the Government may deem the grant of their application to be inadvisable.

Article 991

Particulars and instructions concerning the enforcement of the law of nationality and the exaction of the administrative fees in the case of those who may apply for naturalization as nationals of the Islamic Republic of Iran, or renunciation of Iranian or retention of original nationality, will be specified in regulations which will have to be sanctioned by the Council of Ministers.
ANNEX D: AMENDMENT ON IRAN CIVIL CODE (2006)

BOOK 7: On Marriage and Divorce

CHAPTER 3 ON IMPEDIMENTS TO MARRIAGE

Article 1060 - Marriage of an Iranian woman with a foreign national is dependent, even in cases where there is no legal impediment, upon special permission of the Government.

Law on determining the nationality of children who are the result of marriage between Iranian women and foreign men.

Single Article – 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.

Note 1 - If persons to whom this Articles applies, are older than 18 years of age at the time of the approval of this article, they must, within a period of one year, apply for Iranian citizenship.

Note 2 – Persons who after the date of the ratification of this law are born in Iran, are the result of marriage between a foreign man and an Iranian woman, and the marriage of their parents has been registered from the inception of the marriage in compliance with Article 1060 of the Civil Law, will be accepted as Iranian citizens within one year after reaching the full age of 18 and without meeting the residence requirement stipulated in Article 979 of the Civil Law.

The Aforementioned law which consists of a single article and two notes was ratified during the open meeting of the Islamic Consultative Assembly on Sunday September 11, 2006 and was approved by the Guardian Council 09.21.2006.

Speaker of the Islamic Consultative Assembly – Gholam Ali Haddad Adel