

Gaps in Iran's Criminal Policy Regarding the Protection of the Child's Right to Identity: An Analysis in Light of the Convention on the Rights of the Child

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Abstract

The right to identity, recognized as one of the most fundamental rights of children and adolescents in international instruments, encompasses the right to a name, nationality, and family relations. Violations of this right can lead to various forms of delinquency and victimization in the future. The objective of this article is to analyze and evaluate Iran's criminal policy regarding violations of this right and to identify existing legislative and judicial gaps in light of international standards, particularly the Convention on the Rights of the Child (CRC). This research employs a descriptive-analytical method with a comparative approach to examine Iran's legal system (substantive and procedural laws) and compare it with Articles 7 and 8 of the CRC and other relevant instruments. Data collection tools consist of library research and document analysis. The findings indicate that Iran's criminal policy toward violations of the right to identity is predominantly reactive, inconsistent, and lacking a preventive protective approach. Although certain limited instances, such as the falsification of identity documents, have been criminalized, many aspects of violations of this right — such as deprivation of birth registration or arbitrary denial of lineage — lack effective criminal sanctions. This situation reveals a significant gap between Iran's practice and its international obligations. It is concluded that to ensure effective protection of children's right to identity, Iran's criminal policy requires a fundamental revision. Such revision should include the independent and targeted criminalization of violations of the right to identity, strengthening of non-criminal remedies, and adoption of preventive measures focused on timely birth registration and facilitation of lineage proof.

Keywords: Right to identity, criminal policy, undocumented children, Convention on the Rights of the Child (CRC), criminalization, legislative gaps.

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1. Introduction

A child is a human being who, upon entering this world, must be legally recognized. This recognition goes beyond mere physical existence and is manifested as “identity.” Identity is the key to a child’s entry into society and the gateway to access other fundamental rights such as education, health care, social security, and protection against harm. A child who lacks identity documents is, in official statistics, “nonexistent”; such a child is a “ghost” who cannot be effectively protected nor have his or her rights enforced (Ashouri, 2003). This legal “invisibility” turns the child into an easy prey for various forms of victimization, including trafficking, economic exploitation, sexual abuse, and forced marriage (Ashouri, 2003). Conversely, the absence of legal identity can also create a predisposition toward delinquency in the future, since an individual unrecognized by society does not feel bound to observe its norms (Najafi Abrandabadi, 2016).

The problem becomes more complex when the violation of the right to identity stems from the deliberate action or omission of those responsible, including parents or public officials. The central question is: what response does Iran’s criminal policy—defined as the reactive set of tools of the criminal justice system to address harmful social phenomena—provide for this dangerous issue? Does it merely rely on civil and administrative mechanisms, or has it utilized criminal law to impose effective sanctions against violations of this fundamental right? This article seeks to answer these critical concerns (Ardebili, 2006; Najafi Abrandabadi, 2016).

In other words, the right to identity is the foundation of each person’s legal and social personality and the gateway to exercising other fundamental rights. For a child, official identity means state recognition and access to rights such as education, health care, social protection, and ultimately nationality (Safaei & Emami, 2011). The lack of identity places the child in a “legal limbo,” turning him or her into an “invisible citizen” who is extremely vulnerable to harms including trafficking, economic exploitation, early marriage, and arbitrary detention (Unicef, 2013). This situation, as some legal scholars argue, amounts to the denial of the “right to have rights,” since without formal identity, the individual has no recognized existence within the legal and social order (Bhabha, 2009).

In Iran, the phenomenon of children without birth certificates (bi-shenasnameh), arising from factors such as unregistered marriages, births out of wedlock, irregular migration, and parental unawareness, has turned into a socio-legal and security challenge that necessitates a critical evaluation of the legal system’s approach, especially criminal policy, toward this issue (Najafi Abrandabadi, 2016).

Accordingly, the absence of identity makes children highly vulnerable to exploitation, abuse, and deprivation of essential rights such as education and health care. As emphasized in UNICEF’s comprehensive report, birth registration is not merely a fundamental right but also a “passport to protection,” and its absence transforms children into “invisible citizens” whose access to vital services is severely restricted (Unicef, 2013). This condition effectively negates the “right to have rights,” since, without formal identity, the individual is not legally or socially recognized (Bhabha, 2009).

The Convention on the Rights of the Child (CRC), adopted in 1989, is the most central international instrument in this domain. It addresses this right in two key provisions. Article 7 imposes threefold obligations on States Parties: (1) immediate registration of birth, (2) the right to a name from birth, and (3) the right to acquire a nationality (Tobin, 2019). Article 8 obliges States to “respect the right of the child to preserve his or her identity, including nationality, name and family relations” (Hodgkin & Newell, 2007). These obligations are not merely declaratory but constitute positive obligations, requiring States to adopt all necessary legal, administrative, and judicial measures to ensure and guarantee these rights (Committee on the Rights of the Child, 2005).

The international community has properly understood the significance of this right and has reaffirmed it in several instruments. Article 24 of the International Covenant on Civil and Political Rights (1966) provides that “every child shall be registered immediately after birth and shall have a name and a nationality” (Mousavi, 1999). However, the most comprehensive document in this regard is the CRC, to which Iran acceded in 1993. Article 7 explicitly states:

“1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”

Furthermore, Article 8 places an even broader obligation on States to ensure the preservation of the child’s identity, including nationality, name, and family relations (Sloth-Nielsen, 2008).

The interpretation of the Committee on the Rights of the Child emphasizes that these provisions are not limited to negative obligations (non-interference) but require States to take active and positive measures to guarantee and protect the right to identity (Committee on the Rights of the Child, 2009).

- **Research Question:** To what extent does Iran’s criminal policy—legislative, judicial, and executive—conform to the standards set forth in international instruments regarding the protection of children’s and adolescents’ right to identity, and what are its major shortcomings?
- **Hypothesis:** Iran’s criminal policy in this area follows a minimalistic and fragmented approach. Due to the absence of independent and effective criminalization of intentional violations of the right to identity, lack of focus on the *best interests of the child*, and weak preventive mechanisms, the current policy is ineffective and misaligned with Iran’s international obligations and thus requires structural reforms.

2. Research Background

In Iran’s legal system, numerous studies have examined the status of *undocumented children* and *proof of lineage* from the perspective of civil law and judicial practice (Katouzian, 2008). Likewise, in the field of criminal policy, some research has addressed the protection of children and adolescents (Najafi Abrandabadi, 2016). However, there is a clear research gap: no comprehensive and focused study has specifically analyzed Iran’s *criminal policy* toward the *violation of the right to identity* of children and comparatively assessed this policy against the *requirements of international instruments*. Most existing research has either remained within the domain of private law or, in criminal law, has dealt with general crimes against children, overlooking the right to identity as an independent and protectable legal interest (Ashouri, 2003; Najafi Abrandabadi, 2016).

Consequently, although there is a considerable body of Iranian legal literature concerning the civil aspects of the right to identity—especially nationality and proof of lineage—this body of work suffers from a critical research gap: the absence of an integrated study specifically evaluating Iran’s *criminal policy* on violations of the right to identity and comparing it with international standards. The present research seeks to address this gap by critically analyzing and assessing Iran’s penal approach to this fundamental right (Habib, 2020; Najafi Abrandabadi, 2016).

Thus far, Iranian legal literature has mostly approached the issues of identity and lineage from private and civil law perspectives (for example, (Katouzian, 2008; Safaei & Emami, 2011)). These works have focused on the conditions and legal effects of proving lineage. In the field of children’s rights, some studies have examined the right to identity in international instruments (Hodgkin & Newell, 2007; Tobin, 2019), but very few have concentrated specifically on the gaps in *criminal policy* in this area. The present study aims to fill this “knowledge gap” by focusing on penal and criminological mechanisms and demonstrating how the lack of a coherent criminal response perpetuates violations of this fundamental right. Through a critical analysis of the current situation, this article opens new perspectives for protective and preventive legislation (Daly, 2016).

3. Method

This research adopts a descriptive–analytical method grounded in library-based studies, analyzing statutory laws, legal doctrine, and international instruments. First, the current status of Iran’s legal system is examined, then assessed against international standards, and finally, reform strategies are proposed.

Accordingly, this article, using a descriptive–analytical and comparative approach, first describes Iran’s existing criminal policy at three levels: legislative, judicial, and executive. Then, it evaluates this policy in light of international standards, especially Articles 3, 7, and 8 of the Convention on the Rights of the Child (CRC), and ultimately identifies gaps and proposes solutions to move toward a protective criminal policy.

This study is built on three essential pillars: the *right to identity* as a fundamental right, the *CRC* as a benchmark, and *criminal policy* as the instrument of protection.

- **(a) Article 7 of the CRC:** This provision explicitly states that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.” It obliges States to create an effective and comprehensive birth registration system (Hodgkin & Newell, 2007; Tobin, 2019).
- **(b) Article 8 of the CRC:** This article requires States to “respect the right of the child to preserve his or her identity, including nationality, name and family relations.” This duty goes beyond initial registration and includes active protection against actions that threaten the child’s identity (such as arbitrary interference with lineage) (Committee on the Rights of the Child, 2009; Sloth-Nielsen, 2008).
- **(c) Article 3 of the CRC (Best Interests of the Child Principle):** This strategic principle provides that in all actions concerning children, “the best interests of the child shall be a primary consideration.” Any analysis of criminal policy in this field must be measured against whether it prioritizes the child’s best interests (Daly, 2016; Tobin, 2019).

4. Analysis of Iran’s Existing Criminal Policy on the Right to Identity

Iran’s criminal policy in this domain can be examined across three dimensions—legislative, judicial, and executive. It is evident that Iran’s criminal policy toward violations of the right to identity is neither integrated nor purposive; rather, it consists of scattered reactions to phenomena that are only indirectly related to this right.

4.1. Legislative Approach: Fragmented and Insufficient Criminalizations (Indirect Criminalizations and Direct Gaps)

Iran’s legislative criminal policy, instead of recognizing the “right to identity” as an independent and unitary legal interest, has addressed certain aspects of it in a fragmented manner—an approach that lacks coherence and effectiveness.

In Iran’s criminal laws, there is no offense expressly titled “violation of the child’s right to identity.” Existing criminal protections are primarily oriented toward preserving the validity of official documents and the integrity of national statistics, rather than protecting the child as a rights-holder.

• **(a) Existing (Indirect) Criminalizations: The current criminal protection rests mainly on two pillars:**

1. **Safeguarding the authenticity of official documents:** A substantial portion of identity-related offenses appears in Chapter Five of the Islamic Penal Code (*Ta’zirat*) 1996, as amended and supplemented in 2020, under the heading “Forgery and Counterfeiting.” Articles 532 to 536 criminalize forgery and the use of forged documents. The legislator’s principal aim here is not to protect a child’s identity, but to preserve “public trust in documents.” Consequently, where a child’s identity is violated without the commission of forgery (for example, through omission—failure to obtain a birth certificate), these provisions are inapplicable. Thus, the primary rationale for this criminalization is to protect public confidence in official documents. While these provisions may apply where a child’s identity is falsified, their initial objective is not the protection of the child. In short, “the existing criminalizations in Iranian law—such as document forgery—primarily aim to protect the credibility of state documents rather than directly safeguarding the child’s right to identity.” This instrumentalist approach diverges meaningfully from contemporary interpretations of Article 8 of the Convention on the Rights of the Child, which underscore the intrinsic and inseparable nature of identity from the child’s person. These interpretations indicate that States’ obligation to “preserve identity” includes establishing effective sanctions against any encroachment on this right, not merely criminalizing acts that disrupt public order (Daly, 2016).
2. **Offenses related to civil registration:** The Civil Registration Act (enacted 1976, as subsequently amended) in Article 49 prescribes imprisonment and fines for “false statements” concerning birth registration. Article 15 of the same Act sets a 15-day deadline for reporting a birth and provides only a modest fine for delay, which lacks deterrent effect. Here too, the emphasis lies on the accuracy of “statistical data” and administrative order, rather than on the “child’s right to identity.” In other words, the provision criminalizes acts such as false reporting of birth and issuance of false

certificates. The prescribed penalties (imprisonment from 91 days to one year, or a fine) function more as administrative discipline and a guarantee of statistical accuracy.

- **(b) Non-Criminalized Instances:** The principal legislative gap lies in the failure to criminalize key instances of violating the right to identity:

- **(c) Deliberate refusal by parents to obtain a birth certificate:** No statutory provision expressly penalizes a father who, despite capacity and awareness, refuses to register the birth and obtain a birth certificate for the child. This omission—which may stem from denial of lineage or other motives—abandons the child in an identity black hole.

- **(d) Baseless denial of lineage:** While proving lineage is often a lengthy and difficult process in civil courts, there is no criminal sanction for a father who, despite conclusive evidence (such as DNA testing), persists in denial and thereby keeps the child in a state of non-identity. Moreover, the Civil Registration Act provides only a negligible fine for delay in reporting birth (Article 16 and its Note), which has no effective deterrent effect. Complete refusal by parents or legal guardians to perform this fundamental obligation lacks any criminal enforcement mechanism. Although proving lineage is difficult and protracted, baseless denial of lineage by parents (especially the father) that results in the child's lack of identity is not, in itself, criminalized. This approach leaves the child vulnerable in asserting the most basic of rights. The instrumentalist approach diverges from contemporary interpretations of Article 8 of the CRC, which stress the intrinsic and inseparable nature of identity from the child's person (Daly, 2016).

In sum, Iran's legislative criminal policy lacks an independent offense titled "violation of the child's right to identity." Existing criminal protection is scattered and indirect:

- **(a) Document-related criminalizations:** Laws such as the Islamic Penal Code (on forgery and use of forged documents) and the Civil Registration Act focus on the "accuracy and authenticity of documents." For example, Article 15 of the Civil Registration Act establishes only a minor monetary penalty for delayed birth reporting, which lacks deterrent effect. The purpose of these laws is to preserve administrative order, not to protect the child.

- **(b) Absence of sanctions for omissions:** The most significant gap is the failure to criminalize parental or guardian omission in birth registration. Where parents intentionally or negligently refrain from obtaining a birth certificate for the child, there is no effective criminal enforcement mechanism to compel compliance.

2-2. Judicial Approach: Evidentiary Challenges and Narrow Interpretations (Non-Protective Priorities)

Judicial practice in Iran has not been able to fill the legislative gaps regarding the right to identity. In lawsuits concerning *proof of lineage*—the primary legal mechanism available to undocumented children—the burden of proof lies almost entirely on the mother or the child's guardian. Courts usually give significant weight to concepts such as *farāsh* (presumption of legitimacy within marriage) and make the process of establishing lineage extremely difficult in cases of children born out of wedlock (Safaei & Emami, 2011). Although DNA testing is now accepted as a scientific indicator, the lengthy judicial processes, which sometimes last for years, practically violate the principle of "immediate birth registration" stipulated in the Convention on the Rights of the Child and disregard the *best interests of the child* (Committee on the Rights of the Child, 2009).

Children face serious obstacles, including:

- **(a) Prolonged litigation:** These lawsuits often last for years, during which the child is deprived of all basic rights. Especially in cases of paternal denial, proof of lineage may take months or years, leaving the child in an identity limbo. Analysis of the limited and dispersed judgments (difficult to access comprehensively) shows that courts rarely use tools such as provisional orders to issue temporary identity certificates to protect the child's rights during proceedings (Najafi Abrandabadi, 2016).
- **(b) Evidentiary challenges:** Despite scientific certainty, some courts still treat DNA testing as a *judicial presumption* rather than *conclusive evidence*. This allows denial of lineage even in the presence of clear genetic proof and complicates the child's ability to secure identity recognition. Such judicial discretion conflicts with the *best interests of the child*, which require using the most reliable methods to secure a child's right to identity (Daly, 2016).
- **(c) Lack of compensation:** Even after successful proof of lineage, there is no legal framework to compensate the child for the material and moral harm suffered during years of non-recognition.

4.2. *Executive Approach: Weak Preventive Mechanisms (Lack of Proactive Identification and Protection)*

At the executive level, there is almost no preventive criminal policy in place. Civil Registration Organization and other relevant bodies (such as the Ministry of Health and the Welfare Organization) adopt a largely *passive* approach, waiting for individuals to apply for birth registration. There is no systematic mechanism for *active identification* of children born in hospitals or outside them who have never been issued a birth certificate (Unicef, 2013). This weakness facilitates an increase in the number of invisible, undocumented children and puts them at risk of exploitation and social exclusion.

In practice, responsibility is entirely shifted onto families, leaving children of uninformed or irresponsible parents exposed to serious vulnerability. Apart from a few sporadic initiatives—such as temporary identification campaigns in deprived areas—there is no national and dynamic system for **active identification** of unregistered children. This is despite the fact that local health centers and schools have strong potential to identify and report such children to competent authorities (Hodgkin & Newell, 2007).

5. **Assessment of Iran's Criminal Policy in Light of International Standards**

When Iran's current criminal policy on the right to identity is assessed against international obligations, particularly the Convention on the Rights of the Child (CRC), significant gaps and inconsistencies emerge.

5.1. *Gap with the Obligation of "Immediate Birth Registration" (Article 7 of the CRC)*

The Civil Registration Act provides only a nominal fine for delayed birth registration, which is incompatible with the *immediate registration* obligation under Article 7 of the CRC. The *Implementation Handbook for the CRC* emphasizes that States must remove practical, administrative, and financial barriers to registration and ensure **active and accessible** mechanisms for all children without discrimination (Hodgkin & Newell, 2007). Iran's weak and non-deterrent sanctions fail to meet this positive obligation.

The CRC's insistence on "immediate" registration signals the urgency and critical importance of this right. In Iran, however, delayed registration results only in minor monetary penalties, and *deliberate refusal* to register births lacks any effective criminal sanction. Such a minimalistic approach fails to meet the State's duty to *guarantee* Article 7 implementation (Committee on the Rights of the Child, 2005). The Committee has explicitly stated that administrative, financial, or legal barriers must not obstruct the child's birth registration (Committee on the Rights of the Child, 2005).

5.2. *Inconsistency with the Obligation to "Preserve Identity" (Article 8 of the CRC)*

Article 8 obliges States to preserve the child's identity, including family relations. Yet, the lengthy and exhausting judicial process for proving lineage in Iran and the absence of criminal tools to address baseless denial of lineage effectively weaken this obligation. Criminal policy should serve to *preserve* and *restore* these family relations rather than, through inaction, allow their violation (Daly, 2016; Sloth-Nielsen, 2008).

5.3. *Conflict with the "Best Interests of the Child" Principle (Article 3 of the CRC)*

The *best interests of the child*—enshrined in Article 3 of the CRC—should be a primary consideration in all legislative, executive, and judicial actions. Current Iranian criminal policy regarding identity seems to prioritize other interests: "document authenticity" in forgery crimes and "statistical order" in civil registration. A child-centered criminal policy must protect the child's interest in having an identity as an independent and primary legal good and respond proportionately to its violation (Ardebili, 2006; Tobin, 2019).

Prolonged court proceedings and the lack of immediate protective measures show that this fundamental principle has been sidelined in practice. Instead of empowering the child's legal personality, current measures uphold bureaucratic order at the expense of children's most basic rights.

6. Comparative Analysis

To better understand feasible solutions, a look at the German legal system is instructive. The German Civil Code (BGB), in Section 1600, recognizes the child's right to know his or her identity and lineage. The key features of Germany's approach are as follows:

1. **Legal duty to cooperate in genetic testing:** Either parent and the child may request the other to cooperate in genetic testing for the determination of lineage. Unjustified refusal may lead the court to impose a fine, and the judge may interpret such refusal as an inference against the non-cooperating party.
2. **Responsibilities of health institutions:** Hospitals and midwives are obligated to report every birth to the Civil Registry Office (Standesamt) within one week. Failure to report constitutes an offense and is subject to a fine. This shifts the responsibility for registration from families to public institutions.
3. **Priority of the child's interests:** In lineage disputes, courts explicitly consider the *best interests of the child* (*Kindeswohl*) as the guiding principle and expedite proceedings to avoid harm to the child (Tobin, 2019).
4. This proactive, responsibility-centered approach can serve as a suitable model for reforming Iran's criminal policy (Hodgkin & Newell, 2007).

7. Policy Proposals: Toward a Criminal Policy That Protects the Right to Identity

"... It is recommended to establish preventive mechanisms such as an active identification system for undocumented children. This proposal aligns with the Committee on the Rights of the Child's recommendation that States, in cooperation with the health and education sectors, design programs to identify and register children whose births were not registered at the time of birth; successful experiences in some countries show that connecting health-sector databases to the civil registration authority can significantly increase the rate of immediate birth registration" (Committee on the Rights of the Child, 2005; Unicef, 2013).

7.1. Legislative Measures (Targeted Criminalization)

- **(a) Independent criminalization of violations of the right to identity:** The legislature should, inspired by the protective approach in the 2020 Act on the Protection of Children and Adolescents, enact a stand-alone provision criminalizing violations of the right to identity. This provision could be added to Chapter Three of the Act (Crimes and Penalties) (Najafi Abrandabadi, 2016).

- **(b) Suggested content of the provision:** "Any parent, legal guardian, or responsible official of medical and health centers who, despite a legal duty and in the absence of a lawful impediment, intentionally refuses to report a birth and to initiate the child's identity registration, or engages in unjustified delay, shall be punished with a sixth-degree penalty [pursuant to Article 19 of the Islamic Penal Code]. Likewise, anyone who, with malice and for the purpose of depriving a child of identity rights, denies lineage despite conclusive scientific or religious evidence of the relationship, shall be subject to the same penalty." (Daly, 2016; Habib, 2020).

Accordingly, it is appropriate to add an independent article to the 2020 Act on the Protection of Children and Adolescents that explicitly criminalizes "any act or omission resulting in the child's deprivation of the right to identity (including birth registration, name, and lawful lineage)." For example: "Any parent, legal guardian, or responsible person who fails to obtain a birth certificate for the child or, by baseless denial of lineage, causes the child's non-identity, shall be sentenced to imprisonment or a monetary fine of the sixth degree." (Tobin, 2019).

- **(c) Amend related laws:** Amend Article 15 of the Civil Registration Act and strengthen sanctions for delayed birth registration by replacing minor fines with other deterrent *ta'zir* penalties. Ultimately, sanctions related to delays or false statements regarding birth should be toughened, and liability should be established for institutions (such as hospitals) that neglect reporting obligations (Hodgkin & Newell, 2007).

7.2. Judicial Measures (Paradigm Shift)

- **(a) Issuance of provisional identity orders:** Family-court judges should have the authority, upon the availability of preliminary indicators (e.g., hospital birth certificates or witness testimony), to issue a “temporary identity certificate” so that the child is not deprived of basic rights pending the final judgment (Tobin, 2019).

Accordingly, judges handling lineage cases should be authorized, where strong evidence exists (such as DNA results), to issue a *provisional identity order*, enabling the child to enjoy essential rights—such as school enrollment—until a final decision is rendered (Hodgkin & Newell, 2007).

- **(b) Paradigm shift in rules of proof:** Guided by the *best interests of the child*, judicial practice should elevate DNA testing from a mere “judicial presumption” to “conclusive evidence” for establishing lineage and shift the burden of proof—in cases of unjustified denial—onto the denier (defendant). Movement toward recognizing DNA testing as conclusive (rather than merely presumptive) evidence will reduce delays and prevent infringement of the child’s rights (Daly, 2016).

5-3. Executive and Preventive Measures

- **(a) Create an integrated online birth-registration system:** The Ministry of Health should be obligated, in collaboration with the Civil Registration Organization, to establish a system through which all births in hospitals and medical centers receive immediate, *online* preliminary registration (Unicef, 2013).

- **(b) Launch a national system for active identification of undocumented children:** A joint task force comprising representatives from the Civil Registration Organization, the Ministry of Health, the Welfare Organization, and Law Enforcement should be mandated to use existing data (e.g., children vaccinated but without birth certificates) to proactively identify children at risk of non-identity and provide their families with counseling and support services. In effect, a coordinated mechanism among the Ministry of Health, the Ministry of Education, and the Welfare Organization should identify children who, for any reason, have fallen outside the formal registration process. This measure accords with the Committee on the Rights of the Child’s recommendation that States design proactive programs for identifying and registering such children (Committee on the Rights of the Child, 2005).

8. Conclusion

The analysis of Iran’s criminal policy on violations of the child’s right to identity shows that the current approach is minimalistic, fragmented, and reactive, diverging significantly from the obligations set forth in the Convention on the Rights of the Child, especially Articles 3, 7, and 8. Instead of recognizing the “right to identity” as a fundamental and independent legal value worthy of direct criminal protection, Iran’s legal system has relied on scattered support for related concepts such as “document credibility” and “administrative order.” As a result, the existing framework is indirect and lacks the effectiveness required to safeguard this essential right. The policy prioritizes state interests—such as public order and the reliability of official documents—over the best interests of the child, creating a wide gap between domestic practice and international standards. Current criminalizations fail to address core violations like deliberate refusal to register births or unjustified denial of lineage, and judicial as well as executive practices have not been able to fill these gaps in a meaningful way.

The main outcome of this research is that overcoming the current ineffective state requires a paradigm shift: moving from an *administrative-security view of identity documents* to a *protective-human rights approach to the child’s right to identity*. This paradigm shift must manifest across three domains: in legislation, through targeted and independent criminalization of violations; in adjudication, by prioritizing the best interests of the child and easing evidentiary burdens; and in implementation, by moving from passive procedures to proactive identification and prevention of identity deprivation. Establishing independent criminal provisions, reforming judicial practices, and developing preventive mechanisms are not optional but urgent measures necessary to secure the future of thousands of at-risk children and, ultimately, to safeguard the health and security of Iranian society.

Neglecting undocumented children is akin to planting the seeds of social, security, and legal crises for the country’s future. Immediate and comprehensive reform of criminal policy in this area is not a matter of choice but an undeniable imperative for achieving justice and ensuring a safer future for coming generations.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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