

Issuance of Birth Certificate for Children Born via Third-Party Assisted Reproduction (Reviewing the responsibilities of health care providers and physicians in birth announcement)

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Abstract

Background: The questions and ambiguities that arise from different layers of human social life often surpass the legal answers since there is not any predetermined solution for any legal case in advance in the law field. It is here that legal "wisdom" plays a role in enforcing executives to respond appropriately to these challenges, and, of course such response cannot, and more precisely, should not infringe the existing laws and regulations, legal logic, and social life requirements. The issue of pregnancy through third-party intervention is one of many instances in which the legal system in different countries has sought to give a clear answer to ensuing problems and concerns. With all the efforts and considerations, the law is not implemented in line with what the legislator has written and willed. This article seeks to address the problem of infertile couples and infertility treatment centers originated from incorrect enforcement of law by the physicians or treatment centers as the authorities to declare birth event and National Organization for Civil Registration as the authority accountable for birth certificate issuance.

Methods: This article is based on a descriptive-analytical study. In the descriptive section, the laws and regulations in the Iranian legal system and ethics are discussed.

Results: There are numerous ethical principles and legal provisions that indicate the physician or health care provider responsible for birth announcement has no obligation to declare the fertility treatment method.

Conclusion: The action taken by the health care provider or physician to declare fertility treatment method, beyond declaring the birth event, is an extrajudicial and immoral act.

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