



**REGIONAL STUDY ON
LATE BIRTH REGISTRATION,
ISSUANCE OF NATIONALITY
DOCUMENTS AND
STATELESSNESS**

STANDARDS, BEST PRACTICES, BARRIERS AND CHALLENGES IN ARGENTINA,
BOLIVIA, CHILE, COLOMBIA, COSTA RICA, ECUADOR, GUATEMALA, MEXICO,
PANAMA, PARAGUAY, PERU, DOMINICAN REPUBLIC AND URUGUAY

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The arguments expressed and opinions used in this document are those of the authors and do not necessarily reflect the official opinions of member countries of the OAS or UNHCR. UNHCR statelessness reports, guidelines and documents can be found at www.unhcr.org

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TABLE OF ABBREVIATIONS

ACHR	American Convention on Human Rights
CCSS	Costa Rican Social Security Fund
CESR	Center for Economic, Social and Cultural Rights
CJI	Inter-American Juridical Committee
CMW	Committee for the Protection of the Rights of All Migrant Workers and their Families
COMAR	Mexican Commission for Refugee Assistance
CPI	Pre-Identification Certificate
CR	Civil Registry
CRC	Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
CIDH	Comisión Interamericana de Derechos Humanos
CUI	Unique Identification Code
CURP	Unique Population Registry Code
DEM	Department of Foreigners and Immigration
DFAT	Australian Government Trade and Foreign Affairs
DGM	General Office of Immigration
DGME	General Office of Foreigners and Immigration
DGREC	General Office of Civil Registry of Uruguay
DIGERIC	National Office of the Civil Registry, Identification and Identity Card Issuance
DNI	National identity document
DNIC	National Office of Civil Identification of Uruguay
EVVE	Electronic Verification System for Vital Events
HET	Children of Foreigners in Transit a
HRC	UN Human Rights Council
IACHR	Inter-American Commission on Human Rights
I/A Court HR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information Technology
IDB	Inter-American Development Bank
IFDP	Federal Institute of the Public Defense
IMSS	Hijo de Extranjero Transeúnte
IFDP	Instituto Federal de Defensoría Pública
IMSS	Mexican Institute of Social Security
INAI	National Institute of Indigenous Affairs of the Argentine Republic
INDEC	National Institute of Censuses and Statistics of the Argentine Republic
JCE	Central Electoral Board of the Dominican Republic
LGBTI	Lesbian, gay, bisexual, transgender, and intersex people
MAC	Best Citizen Service

MIP	Ministry of the Interior and Police
NAPHSIS	National Association for Public Health Statistics and Information Systems
NES	Unique Identification Number
GBA	Girls, boys, and adolescents
OAS	Organization of American States
OHCHR	United Nations High Commissioner for Human Rights
PAHO	Pan American Health Organization
PEP	Special Permit of Permanence
PTP	Temporary Permit of Permanence
PUICA	Universal Civil Identity Program in the Americas
R4V	Coordination Platform for Refugees and Migrants from Venezuela
REC	Civil Registry of Paraguay
RENAP	National Registry of People
RENAPER	National Registry of People of Argentina
RENAPO	National Registry of Identity and Population of Mexico
RENIEC	National Registry of Identification and Civil Status of Peru
RNEC	National Civil Registry of Colombia
RUN	National ID Number
SDG	Sustainable Development Goals
SEGIP	General Identification Service of Bolivia
SEGOB	Ministry of the Interior of the Government of Mexico
SENAFRONT	National Border Service
SENAME	National Minors' Service
SENNIAF	Secretariat for Children, Adolescents and Family
SERECI	Civic Registry Service of Bolivia
SID	National Registry and Identity System
SIS	Subsidized Health Insurance of Peru
TSE	Supreme Court of Elections of Costa Rica
UASC	Unaccompanied or separated children
UDAPV	Service Unit for Vulnerable Population
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
US	United States of America
UNSD	United Nations Statistics Division
VS	Vital statistics
WB	World Bank

BOX REFERENCES



Good Practices



Legal standards



Chiriticos project. San Vito de Coto Brus, Costa Rica. © UNHCR/Lucas Iturriza

INTRODUCTION

Background

During the Special Session of the OAS Committee on Legal and Political Affairs regarding PUICA in November 2018¹, UNHCR proposed to the Commission that it provide support to carry out a comparative regional study of the laws, administrative practices and court precedents on birth registration and issuance of identity documents that prove nationality.

Following up on this proposal, UNHCR worked with PUICA to organize a regional meeting with several Directors of Civil Registry Offices (CR) from the CLARCIEV member states, members of diplomatic representations and interested international organizations to discuss the Terms of Reference for the regional study on **Late Birth Registration, Issuance of Identity Documents that Prove Nationality and Statelessness**. The attendees agreed to carry out a regional comparative study with the support of UNHCR and PUICA that would include the following components:

- National and regional standards and case laws on timely and late birth registration and issuance of identity documents;
- Best practices for accessing birth registration, especially late registration and issuance of identity documents that prove nationality;
- Gaps and legal barriers or existing practices that cause new cases of statelessness, increase the risk of statelessness or make it difficult to resolve existing cases of statelessness.

Objective

The objective of this study is to conduct a comprehensive analysis of the procedures and requirements established in various countries in the region for late birth registration and access to identity documents that prove nationality. This study will contribute to the subsequent development of **Regional Guidelines** that will lead the efforts of States to facilitate access to late birth registration and the issuance of identity documents that prove nationality. These guidelines will take into account special conditions that occur in contexts of human mobility.

Ensuring universal birth registration and the issuance of identity documents that prove nationality are actions contained in key global and regional policy documents for the prevention of statelessness. These include: the Global Action Plan to End Statelessness: 2014 -2024² (Global Plan to End Statelessness); the Brazil Declaration and Plan of Action (Brazil Plan of Action)³; and UNHCR's regional strategies on child protection, prevention and response to sexual and gender-based violence (SGBV)⁴. The research will also be aligned with the United Nations Sustainable Development Goal 16.9 (SDG)⁵.

Boundaries

The study focuses on access to late birth registration and the procurement of an identity document that proves nationality. Important cases of statelessness and risk of statelessness have been identified in the region that correspond to people who were unable to carry out late birth registration and who, as time passed, experienced difficulties and barriers to achieve their registration and prove their link with the State of their nationality. These barriers were insurmountable in some cases. Due to its relevance and relation to late birth registration, this document will also refer to timely birth registration when it is appropriate.

As agreed at the regional meeting organized by UNHCR and PUICA, the study includes the following countries: Argentine Republic (Argentina), Plurinational State of Bolivia (Bolivia), Republic of Chile (Chile), Republic of Colombia (Colombia), Republic of Costa Rica (Costa Rica), Republic of Ecuador (Ecuador), Republic of Guatemala (Guatemala), United Mexican States (Mexico), Republic of Panama (Panama), Republic of Paraguay (Paraguay), Republic of Peru (Peru), Dominican Republic, and Oriental Republic of Uruguay (Uruguay).

The study details best practices and the progress achieved since November 2014, the launch date of the #IBELONG campaign and the Global Action Plan to End Statelessness, as well as the subsequent launch of the Brazil Plan of Action in December 2014. When relevant, legislation and practices before this date will be mentioned.

Methodology

A descriptive, analytical and document-based research method was used, which involved collecting and compiling information from several primary and secondary sources. Primary information sources provided quantitative and qualitative data regarding access to birth registry and identity documents that prove nationality and other relevant information available in constitutional provisions, internal laws, executive decrees and administrative resolutions. Complementing this data, and representing another primary information source, requests for information were made to key individuals and actors in public CR institutions, including Identification Offices, Ombudsmen's Offices⁶, Child Protection Institutions⁷, civil society organizations⁸ and other agencies in the United Nations system⁹. This data was used to carry out a comprehensive assessment. As a secondary information source, the information contained in briefs and reports from international organizations, civil society and other organizations and entities was analyzed. After the compilation and systematization processes had been completed, it was shared with the designated CR focal points, including UNHCR Country Offices, with the purpose of confirming the information contained in this report.

6 This study involved the collaboration from the Ombudsman's Office of the Republic of Costa Rica, Federal Institute of Public Defender (Mexico).

7 This study involved collaboration from the National Children's Trust (Costa Rica) and the Federal Attorney for the Protection of Children and Adolescents (Mexico).

8 This study received collaboration from the following civil society organizations: Fundación Microjusticia "Microjusticia Foundation" (Argentina); Clínica Jurídica de Migrantes y Refugiados de la Universidad Diego Portales, Universidad Alberto Hurtado y Servicio Jesuita a Migrantes "Legal Advice Clinic for Migrants and Refugees of the Diego Portales University, Alberto Hurtado University and the Jesuit Service for Migrants 'SJM'" (Chile); Clínica Jurídica para Migrantes de la Universidad de los Andes "Legal Advice Clinic for Migrants of the University of los Andes" (Colombia); Corporación Acción Legal "Legal Option Corporation" (Colombia); HIAS, Servicio Jesuita para Migrantes "Jesuit Service for Migrants 'SJM'" (Costa Rica); Asylum Access "AAMX", Sin Fronteras "Without Borders" IAP, Scalabrianas Misión con Migrantes y Refugiados "SMR" "Scalabrianas Mission with Migrants and Refugees 'SMR'", Casa de Acogida Formación y Empoderamiento de la Mujer Migrante y Refugiada "CAFEMIN" "Shelter, Training and Empowerment of Migrant and Refugee Women 'CAFEMIN'" (Mexico); Aldeas Infantiles SOS, Encuentros – Servicio Jesuita de la Solidaridad, Clínica Jurídica Pedro Arrupe "SOS Children's Villages, Encounters - Jesuit Solidarity Service, Pedro Arrupe Legal Clinic" (Peru); Asociación Scalabriana al Servicio de la Movilidad Humana "ASCALA" - "Scalabrian Association at the Service of Human Mobility", Movimiento socio cultural para los trabajadores Haitianos, Heartland Alliance International "HAL" "Socio-cultural Movement for Haitian workers, Heartland Alliance International 'HAL'", Centro de Desarrollo Sostenible "Center for Sustainable Development" "CEDESO", Dominicanos por Derecho "Dominicans by Law", (Dominican Republic).



Leila y Aura, Chiriticos project. San Vito de Coto Brus, Costa Rica. Abril 2016. © UNHCR/Lucas Iturriza

All of the collected information was analyzed, evaluated and systematized in accordance with a series of pre-established variables. The variables were selected based on a previous analysis of the different factors that directly affect access to birth registration and identity documents that prove nationality. These variables were applied uniformly to all countries that were included in the research.

The variables include: (i) political organization of the civil registration entity; (ii) place to request birth registration and identity documents that prove nationality, as well as operational capacity of the CR; (iii) nature of the registration; (iv) procedural guidelines; (v) requirements; and (vi) application of the differentiated approach. Findings on the legal standards identified, a comparative analysis of internal regulations and barriers and best practices will be analyzed for each of the variables.

Finally, this study includes a series of conclusions and recommendations that will serve as the basis for subsequent discussion and design of regional guidelines that will lead CR efforts to facilitate access to late birth registration and the issuance of identity documents, taking into account special considerations required for vulnerable populations, including people on the move.

REGIONAL CONTEXT

In 2019, there were 3.2 million children under 5 years of age (6%) in Latin America and the Caribbean whose births had not been registered¹⁰. Although under-registration rates have declined in recent years, 11% of children under 5 years of age in rural areas do not have their births registered. In addition, the World Bank estimates indicate that 9.9 million children and adolescents do not have a birth certificate or document to prove their legal identity and nationality (24.2% in Bolivia, 12% in the Dominican Republic, 5% in Paraguay and 5% in Mexico). Among the adult population, it is estimated that 23 million people are not registered, representing 8% of the population over 18 years of age¹¹. UNHCR states that there is no data available to determine how many of these people who are not registered today, including children and adolescents, can be considered stateless or at risk of statelessness.¹²

In February 2020, the United Nations Children’s Fund (UNICEF) shared the following data on under-registration in the region¹³:

Under-registration index	Country
0-2%	Argentina Chile Costa Rica Peru Uruguay
3-7%	Colombia Bolivia Guatemala Mexico Panama
8-18%	Ecuador República Dominicana
16-35%	Paraguay

In addition to this situation, increasing human mobility generated by humanitarian situations in the region in recent years has caused hundreds of children to have been born in exile in host countries in Latin America and the Caribbean. As of 2019, the number of people displaced across borders in the Americas had quadrupled during the previous decade, primarily due to the international displacement of 3.6 million Venezuelans. In addition, hundreds of thousands of Central Americans fled deteriorating security conditions and violence to seek refuge in different countries throughout the region¹⁴. Between 2016 and 2019, Central American and Venezuelan nationals submitted 1.6 million asylum claims across the continent, compared to the 220,000 that were submitted between 2010 and 2015.¹⁵

Large-scale mixed movements could generate an increase in the existing gaps in terms of access to birth registration and identity documents that prove nationality for people on the move. This includes migrant, refugee, asylum-seeking, stateless and other populations in need of international protection. In addition, problems may arise with confirming or obtaining a nationality, whether this is a result of legal and/or administrative barriers. The challenges that exist generally depend on the place of birth, applicable laws and administrative practices regarding birth registration and acquiring and confirming

nationality. Additionally, in human mobility situations, the lack of an identity document that proves the nationality of the parents becomes one of the main obstacles for registering births that took place in the host countries, as well as registering births with the consulates of their country so that they acquire or confirm their nationality by consanguinity. The lack of an identity document that proves nationality prevents children from gaining access to their basic rights and exposes them to increased protection risks, particularly in human mobility contexts.



Field mission to Tapón del Darién © Electoral Court of Panama

CONNECTION BETWEEN NATIONALITY, STATELESSNESS, BIRTH REGISTRATION AND DOCUMENTATION

UNHCR recognizes that the lack of birth registration and identity documents proving nationality exposes individuals to a number of protection needs. Birth registration is essential to reduce and prevent statelessness¹⁶.

There are a series of key concepts that facilitate understanding of the problems presented in this report. Certain situations such as “risk of statelessness” and “undetermined nationality” exist in the gray areas between nationality and statelessness. Understanding the different key concepts and situations is essential for identifying when and how a State is obliged to act in a certain way¹⁷:

- **Birth certificate:** confirming document of a person’s birth and existence record, through which another series of identity documents¹⁸ can be obtained. A birth certificate establishes the legal identity of a person at birth and includes the number of the certificate; names and surnames; date and place of birth; and the names and places of birth and nationality of the parents as minimum variants.
- **Identity document:** physical documents, digital certificates, identity numbers or credentials that are proof of the legal and unique identity of a person. This includes identity documents that prove nationality (birth certificate, identity card or DNI¹⁹, passport issued by the country of nationality). Identity documents that prove nationality are different from identity documents that certify a person’s immigration status (refugee card, asylum-seeker, residence permits)²⁰.
- **Timely birth registration:** registration carried out within the period established by internal regulations to inform and register the registration authority regarding the occurrence of a birth²¹.
- **Late birth registration:** registration carried out with the registration authority after the term established in internal regulations for timely birth registration has expired²².
- **Nationality:** this is a fundamental human right enshrined in a series of international instruments that will be explained later. Nationality can be defined as the legal bond between an individual and the State²³. This link is often determined on the basis of birth in the territory or the descent of a national, which is defined by the criteria of the State for the purpose of granting nationality²⁴.
- **Undetermined Nationality:** in these situations, authorities may doubt whether a person is a national or a foreigner²⁵. This term is used as a general expression for the classification of nationality status as “unknown”, “undetermined” or “under investigation”²⁶.
- **Notification of birth:** procedure through which the health authorities announce that a birth has occurred. This notification contains basic information regarding the identity of the person who gave birth, as well as statistical information about the newborn. It is also known as a Live Birth Certificate, Antecedent Certificate or Clinical Birth Certificate. This document is required for a birth registration²⁷.
- **Birth registration:** this is the legal act of registering, for the first time and before the CR, the birth of a person that occurred in national territory or abroad when this person has a father or mother who is a national²⁸. Birth registration is continuous, permanent, and universal, and refers to the existence and characteristics of a birth²⁹. The registration contains essential information to prove the link of the registered person with the State of the place of birth, as well as with the nationality of the parents.

- **Risk of statelessness:** There is no international definition for the risk of statelessness. Its meaning is also not uniformly understood by those who use the term. For UNHCR, a risk of statelessness occurs when people have difficulty proving that they have nationality ties to a State³⁰.
- **Stateless person:** any person who is not considered a national by any State in accordance with its legislation³¹. It refers to the legal “de jure” situation of statelessness recognized in Article 1.1 of the 1954 Convention relating to the Status of Stateless Persons (1954 Convention).

The **birth registration process** involves three steps: (i) declaration or notification of the occurrence of the birth; (ii) once the CR has been notified of a birth, a public official records the official birth registration, which includes the name, date and place of birth and the biographical data of the parents; finally, (iii) the birth certificate is issued, which becomes proof of the State’s legal recognition of the child and their nationality³². The birth certificate is recognized as the basic document, which later in a child’s life facilitates the **legal identification** process, adding additional attributes so that they can be issued with an identity document³³.

Due to its close connection with nationality and statelessness, this study focuses on analyzing access to birth registration and the subsequent acquisition of **birth certificates and identity documents that prove nationality. Although a birth certificate does not imply the possession of a nationality, its possession is essential to be able to confirm or later acquire a nationality.** In some countries, it is considered proof of nationality because it contains key information for establishing links with the State. When nationality is acquired by being born in the territory (*ius soli*), it is proof of the place of birth. When nationality is obtained by consanguinity (*ius sanguinis*), it is proof of kinship.

In the case of children who are born stateless, obtaining a birth certificate is essential to prove that they were born in a certain State. The fact of having been born in the territory of a State that is party to the American Convention on Human Rights (ACHR) or the Convention to Reduce the Cases of Statelessness of 1961 (1961 Convention) is the only thing that must be proven to acquire the nationality of the State of birth in the cases of children who do not have the right to acquire another nationality³⁴.

In addition, in all Latin American countries, a birth certificate is a prerequisite to obtain a DNI (ID). In countries where an identity document is issued when legal age is reached, a birth certificate is often the only temporary proof of identity and nationality for girls, boys, and adolescents³⁵.

A lack of birth registration does not in itself make a person stateless. However, a person may be at **risk of statelessness if it is difficult for them to prove that they have ties to the State of their nationality** (*de jus soli* or *ius sanguinis*). A lack of birth registration and the subsequent lack of a birth certificate can create this risk³⁶.

The late registration of a birth usually requires the submission of additional documents, the payment of fees or fines, a more complex and lengthy process and much more scrutiny than a timely registration. For this reason, when the deadline for timely registration has expired, the risk of significant legal and/or practical barriers that hinder late registration increases. In this case, a person may be at **risk of statelessness**. If these barriers are insurmountable, the person can be considered **stateless** to a reasonable extent³⁷.

Some **population groups in situations of vulnerability** may experience specific barriers that make it difficult or impossible for them to register births and documentation, exposing them to an increased risk of statelessness and even statelessness. These population groups include: people belonging to indigenous or afro-descendant communities; inhabitants of rural or border areas; female-headed households; people living with disabilities; and people on the move (migrants, asylum-seekers, refugees, stateless migrants and other people in need of international protection)³⁸.



#Chilereconoce project. Iquique, Chile. © Civil Registry and Identification Service of Chile

UNHCR MANDATE AND STRATEGIC FRAMEWORKS ON STATELESSNESS

Initially, UNHCR's mandate was limited to stateless refugees, as established in paragraph 6 (A) (II) of the UNHCR Statute and in Article 1 (A) (2) of the Convention relating to the Status of Refugees (1951 Convention). UNHCR's competencies were then expanded to carry out the functions established in Articles 11 and 20 of the 1961 Convention. UNHCR's mandate was broadened to include people included in the terms of said Convention in accordance with the Resolutions of the General Assembly 3274 (XXIX) of 1974 and 31/36 of 1976. In addition, UNHCR was given responsibilities in relation to stateless persons under Conclusion 78 of the UNHCR Executive Committee, which was endorsed by the United Nations General Assembly (UNGA) in Resolution 50/152 of 1995. Subsequently, in Resolution 61/137 of 2006, the General Assembly endorsed Executive Committee Conclusion 106, which establishes four broad areas of responsibilities for UNHCR³⁹:

- 1. Identification:** promote the collection and mapping of information (including vital statistics) to determine the scale and profiles of the stateless population and those who are at risk of statelessness.
- 2. Protection:** carry out protection interventions so that stateless persons enjoy their rights and can access services and legal protection.
- 3. Prevention:** address the causes of statelessness; for example, by promoting birth registration and documentation of all people, especially at birth.
- 4. Reduction:** support strategies that allow stateless people and people who are at risk of statelessness to obtain or confirm their nationality, respectively.

Through **Conclusion 111 of the Executive Committee**, UNHCR is urged to collaborate with States to facilitate timely and late birth registrations and issue identity documents by collecting and exchanging best practices, delivering technical and capacity building workshops, providing information and advice⁴⁰. This study will focus on the pillars of prevention and reduction of statelessness as they are most closely related to the work carried out by civil registry offices.

In November 2014, UNHCR launched the #IBELONG Drive and the Global Action Plan to End Statelessness, with the intention to eradicate statelessness in the world in the next 10 years. The Global Action Plan to End Statelessness is a comprehensive guiding framework of 10 actions that must be implemented to eradicate statelessness. It was designed in consultation with States, civil society, and international organizations and proposes a series of actions to prevent statelessness, improve the identification and protection of stateless persons, and resolve statelessness. "*Action 7: Ensure birth registration to prevent statelessness*" and "*Action 8: Issue nationality documentation to those who are entitled to it*" are particularly relevant for this study⁴¹.

At a regional level, in December 2014 the "**Eradication of Statelessness**" program from the **Brazil Plan of Action** was adopted by 28 countries and three territories in Latin America and the Caribbean, including the States that are part of this study, with the exception of the Dominican Republic. The program recommends that States: *(c) facilitate universal birth registration and issuance of documentation; and (g) confirm nationality, for example, through the facilitation of late birth registration*. Since 2014, the **OAS General Assembly** has urged its member states to carry out these actions through a series of resolutions, including the prevention and resolution of cases of statelessness and the risk of statelessness by promoting universal birth registration.⁴²

In September 2015, UN member states signed the 2030 Sustainable Development Agenda. Goal 16 on Peace, Justice and Strong Institutions establishes Target 16.9: *By 2030, provide access to a legal identity for all, particularly through birth registration*⁴³. Aligned with the SDGs, in December 2018 the UNGA approved the **Global Compact on Refugees** after two years of consultation led by UNHCR with UN Member States. The compact is an international cooperation framework that provides a plan to support local communities and refugees. It calls for the allocation of resources to build CR capacity in order to facilitate access to birth registration and documentation for the prevention of statelessness⁴⁴. In addition, the UNGA approved the **Global Compact for Safe, Orderly and Regular Migration**, with one of its objectives being “ensure that all migrants have proof of their legal identity and adequate documentation”. This Compact requests that States make commitments to ensure that suitable documentation and civil registration documents, such as birth certificates and marriage and death certificates, are issued to migrants at all migration stages⁴⁵.

In June 2018, UNHCR launched the **Towards Zero Statelessness** evaluation and monitoring mechanism that supports States to measure the progress of its actions contained in this area.

In October 2019, and to mark the midpoint of the #IBELONG campaign, UNHCR convened a High-Level Segment on Statelessness as part of the annual meeting of its Executive Committee⁴⁶. During this meeting, States had the opportunity to highlight key achievements since the launch of the campaign and presented concrete commitments to address statelessness in the remaining 5 years⁴⁷. Several countries in the region presented commitments related to universal birth registration as a mechanism to prevent and resolve cases of statelessness⁴⁸. In addition, CLARCIEV presented several similar commitments⁴⁹.

CLARCIEV holds an annual meeting of its member states to define its regional work agenda based on a theme chosen by representatives on the Executive Committee. After each meeting, a declaration is produced that expresses its commitments. In the 2017⁵⁰, 2018⁵¹, 2019⁵² and 2020⁵³ declarations, the CLARCIEV recognized that statelessness constitutes a violation of the human right to a nationality and agreed to focus on eliminating all of the barriers related to a lack of birth registration and identity documents. In addition, participants in the Santiago Declaration of 2019 and the Declaration of the Extraordinary Virtual Assembly of 2020 agreed to guarantee the right to an identity for people who are part of mixed movements in the region.

INTERNATIONAL LEGAL FRAMEWORK ON NATIONALITY, STATELESSNESS AND BIRTH REGISTRATION

Nationality is a fundamental and unrepealable right. The right to a nationality is recognized in various regional and universal human rights documents. These include Article XIX of the American Declaration of the Rights and Duties of Man (ADRM)⁵⁴, Article 20 of the ACHR⁵⁵, and Article 15 of the Universal Declaration of Human Rights (UDHR)⁵⁶; Articles 7⁵⁷ and 8 (1)⁵⁸ of the Convention on the Rights of the Child (CRC) that guarantee the rights of children to obtain a nationality immediately after their birth⁵⁹ and to preserve their identity, respectively; Article 24 of the International Covenant on Civil and Political Rights (ICCPR); and Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁶⁰, which recognizes the right of women to not be discriminated against when exercising their rights to obtain, change or retain their nationality and in relation to the nationality of their children.

The CND and the ICCPR establish the **obligation of States to register all children immediately after birth**, as well as the corresponding obligation to register all births that occur in their territories⁶¹. As explained in the previous section, this registration is essential for the confirmation or acquisition of nationality⁶². Its omission could eventually cause statelessness⁶³ or the risk of statelessness. In this sense, the **Inter-American Court of Human Rights (I/A Court HR)**⁶⁴ and the **Inter-American Commission on Human Rights (IACHR)**⁶⁵ have also highlighted the link between a lack of birth registration and statelessness. Similarly, the **Inter-American Juridical Committee (CJI)** has confirmed that a child's right to an identity is necessarily accompanied by the right to registration after birth and the issuance and delivery of the corresponding identity document⁶⁶. This registration is also essential for the application of safeguards to prevent statelessness at birth, which are contained in Articles 1

61 In the same vein, the **Committee on the Rights of the Child (CRC)** recommends that States take the necessary measures so that all children are registered at birth. It also indicates that, once the deadline for timely registration has elapsed, States must facilitate late registration. CRC, Observación general N° 7 (2005): Realización de los derechos del niño en la primera infancia (General comment No. 7 (2005): Implementing child rights in early childhood), September 2006, CRC/C/GC/7/Rev. 1, para. 25; Also see: UNGA, Pacto Internacional de Derechos Civiles y Políticos (International Covenant on Civil and Political Rights), December 1966, Treaty Series, vol. 999, p. 171, art. 24 (2) Convención sobre los Derechos del Niño (Convention on the Rights of the Child), November 1989, Treaty Series, vol. 1577, p.3, art. 7(1). On the right to be registered at birth: UNGA, Convención internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), Res. 45/158, December 1990, art. 29 and Convención sobre los Derechos de las Personas con Discapacidad (Convention on the Rights of People with Disabilities), Res. 61/106, December 2006, art. 18(2). See: UNGA, Declaración Universal de Derechos Humanos, (Universal Declaration of Human Rights), December 1948, 217A (III), art. 6.

62 The UNGA has noted that the lack of civil registration and related documentation makes people vulnerable to statelessness and acknowledges that birth registration is essential to prevent and reduce statelessness. UNGA, Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados: Resolución aprobada por la Asamblea General (Office of the United Nations High Commissioner for Refugees: Resolution approved by the General Assembly), February 2015, A / RES / 69/152, par. 28; HRC, Birth registration and the right of every human being to recognition as a person before the law, A/HRC/RES/34/15, March 2017, pp. 1-2 and A/HRC/27/22, June 2014, paras. 13, 23-24.

64 Indicated that access to birth registration must be given under conditions of equality and non-discrimination, as well as allowing the exercising and full enjoyment of the right to nationality. The foregoing in accordance with Article 20 of the ACHR. I / A Court HR, Caso de las Niñas Yean y Bosico vs. República Dominicana (Yean and Bosico Girls v. Dominican Republic), Judgment, September 2005, Ser. C No. 130, paras. 165-174; I / A Court HR, Caso de Personas dominicanas y haitianas expulsadas Vs. República Dominicana (Expelled Dominicans and Haitians v. Dominican Republic), Preliminary Objections, Merits, Reparations and Costs, September 2014, Series C No. 282, para 470; I / A Court HR, Derechos y garantías de niñas y niños en el contexto de la migración y/o en necesidad de protección internacional (Rights and guarantees of children in the context of migration and/or in need of international protection), August 2014, Advisory Opinion OC-21/14, Series A No. 21, note no. 552.

65 Highlights the link between birth registration, issuance of documentation and obtaining nationality, emphasizing the prohibition of discriminatory practices and links with the risk of statelessness. IACHR, Derechos humanos de migrantes, refugiados, apátridas, víctimas de trata de personas y desplazados internos: Normas y Estándares del Sistema Interamericano de Derechos Humanos (Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking, and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System), December 2015, OEA / Ser.L / V / II. Doc. 46/15, para. 55 IACHR, Informe sobre la situación de los derechos humanos en la República Dominicana (Report on the situation of human rights in the Dominican Republic), December 2015, OEA / Ser.L / V / II. Doc. 45/1590, paras. 90, 161.

to 4 of the 1961 Convention, Article 20 (2) of ACHR and Article 7 (2) of the CRC, which is particularly relevant in human mobility contexts⁶⁷.

The international regulatory framework on statelessness consists of two international conventions. The **1954 Convention**⁶⁸, which establishes the definition of the status of stateless person and its respective protection regime; and the **1961 Convention**⁶⁹, which provides tools to prevent and reduce statelessness at birth, as well as throughout life.



Mobile brigades. Registration Campaign Durango, México. © National Population Registry of México

LINK BETWEEN BIRTH REGISTRATION AND ACCESS TO SOCIAL RIGHTS

The United Nations High Commissioner for Human Rights (OHCHR) considers birth registration and, more specifically, a birth certificate, as a “passport” for the recognition and exercising of rights and necessary to access social services⁷⁰. For this reason, people not registered at birth may have limited or no access to services and fundamental rights, including the right to a name and a nationality, as well as to social, economic and political rights such as health, education, social assistance, work and participation in political life. This also exposes them to several forms of marginalization, discrimination, violence, abuse and statelessness⁷¹.

OHCHR recognizes birth registration as a right, not just for children, but for all human beings⁷². In a general way and without differentiating by age group, the UN Human Rights Council (HRC) urges States to ensure that a lack of birth registration or birth certificate should not constitute an obstacle to access and enjoy national services and programs⁷³.



UNHCR⁷⁴ and CRC⁷⁵ state that children and adolescents whose births have not been registered and who lack identity documents should have access to basic services (e.g. health and education) while they wait to be registered.

Some states require children to be registered and have a birth certificate to allow them access to education or health or obtain a passport. UNICEF observes that lack of access to one right must not undermine a child’s ability to access another right. While another service may be used to promote birth registration, it should not be used to deny access to a right. If the ability to access a State service is linked to birth registration, the State has an obligation to ensure that barriers to birth registration are eliminated and that those who are not registered at birth have the means to do so later⁷⁶.


Links between birth registration, documentation and accessing the right to education

Some states claim that requiring a birth certificate for school enrollment strengthens the demand for birth registration. However, OHCHR indicates that the relation between the two is ambiguous. Furthermore, requiring birth registration can have a negative impact if access is not universal⁷⁷. According to the CRC and the ICCPR, primary education must be mandatory, free, and affordable for all⁷⁸. According to the Committee on Economic, Social and Cultural Rights (CESR), “mandatory” implies that the State cannot treat the decision as to whether a child should have access to primary education⁷⁹ as optional. For OHCHR, linking access to education with birth registration violates the right to education enshrined in these international documents⁸⁰.

Some of the countries included in the study guarantee a certain level of access to primary education and health services to people, primarily children, who do not have a birth record nor identity documents that prove their nationality (birth certificate or a DNI). However, when they become

adults, access to health and education services can be hindered by their lack of birth registration and the identity document that proves their nationality. In many countries, although unregistered children have access to primary education, they do not receive certification that evidences their studies when they have successfully completed a year level, which makes it impossible for them to access secondary education. Discordant practices with regulations have also been observed. In some instances, although national regulations guarantee universal access to education, in practice, unregistered children and those without a birth certificate are not allowed to enroll in school⁸¹.

There is a negative correlation between the lack of a birth certificate and enrollment rates, academic pass rates and the probability of students remaining in the school system. The probability of accessing primary school falls between 5-10% when children and adolescents are not registered and do not have a birth certificate. In Mexico, the Intercensal Survey revealed that 6.5% of all children 3-17 years old who do not have a birth registration do not attend school⁸². In 2013, in Bolivia, Guatemala and the Dominican Republic, children and adolescents without a birth certificate were 10%, 20% and 25% less likely to complete primary school, respectively⁸³. In Mexico, there have been cases in which children of people on the move are denied access to education if they do not have a document that identifies them⁸⁴. In the Dominican Republic, it has been reported that some schools require legal proof of identity for the enrollment of children and adolescents and that, without this, it is difficult to issue diplomas and school certificates⁸⁵.



Based on a tripartite agreement, Argentina, Bolivia, and Peru must provisionally register students under 18 years of age who do not have an Identity document (including the children of people on the move). Once the Identity document has been obtained, students can receive primary and secondary educational qualifications⁸⁶.

In Costa Rica, since 2014, parents do not have to present birth certificates for school pre-enrollment. Thanks to a coordination agreement between the Supreme Electoral Court (TSE) and the Ministry of Public Education, each school has access to an online CR database where it can confirm the age and kinship of the child⁸⁷.

In **Colombia**, the school enrollment process is not explained in detail for children on the move. Despite the fact that in 2018, the Ministry of Education issued instructions⁸⁸ to facilitate the enrollment of students of Venezuelan origin who lack identity documents, in practice, it has been shown that children and adolescents on the move needed to obtain the necessary documentation to enroll in school. Colombia established a system to grant a Unique Identification Number (NES) for school-age children who do not have a valid identity document from their country of origin. This has meant that the school enrollment of this population has been made easier and parents only need to declare that they are in the process of regularizing the immigration status of their children in the country. These children cannot graduate from high school if their parents do not make this declaration⁸⁹.

In **Ecuador**, civil society organizations (CSOs) have reported that some school staff require parents to present identity documents as a requirement for their children's enrollment, which particularly affects children of people on the move.

In **Peru**, regulations do not require the presentation of a birth certificate, ID, or passport for school enrollment⁹⁰. To regularize their situation, the Ministry of Education asks schools to notify when a student does not have a birth certificate and these cases registers minors in the system using an affidavit⁹¹. However, it is reported that in some schools the decision of enrolling a child without a birth certificate is at the principal's discretion, and that some schools refuse to issue report cards if the certificate is not available⁹². The Ombudsman's Office has identified cases in which the presentation of the national ID is required to register Venezuelan children at school and no other type of documentation⁹³ is accepted, even though Venezuelan parents could legally present a document recognized by the immigration authorities.

Link between birth registration, documentation, and access to the right to health

There is also a negative relation between not having a birth record and/or identity document that proves nationality and access to health services, especially in relation to the vaccination rate. Before 13 months of age, the probability of receiving a vaccine falls by 7% in **Bolivia**, 6% in **Guatemala**, and 9% in the **Dominican Republic**⁹⁴ for unregistered population. Some countries require the presentation of an Identity Document to provide medical attention, including for emergencies. It is reported that in **Argentina**, mothers who had no health coverage were more prone to carry out a late registration of the births of their children⁹⁵.

In **Costa Rica**, the General Health Act establishes the right of access to health services for pregnant women and minors regardless of their immigration status and without the need of medical insurance⁹⁶. However, it has been reported that indigenous groups have been rejected in health centers for not having a Costa Rican identity card, which would confirm their nationality⁹⁷. The same situation occurs for migrants with an irregular migration situation⁹⁸. The Ombudsman's Office of the Republic of Costa Rica, in accordance with the regulations and special procedures for the country's indigenous population, has reported cases of discrimination and limitations with accessing health services experienced by indigenous people. An appeal for legal protection has been filed, which orders the Costa Rican Social Security Fund (CCSS) to not demand a passport from indigenous populations with a valid visa as a requirement for accessing health services.

In **Mexico**, it has been reported that people on the move who do not have a Unique Population Registry Code (CURP) are denied access to health services in public hospitals. In the case of emergencies they have to attend health services to receive the necessary medical attention⁹⁹.

In **Argentina**, although the Migration Act guarantees equal access to social services regardless of a person's immigration status, in practice migrants and refugees have been required to present a national ID. Testimonies collected by the International Organization for Migration (IOM) in several interviews confirmed that there are limitations on accessing medication or treatments that require medical supplies if a person does not have a national ID card¹⁰⁰.

In **Colombia**, people without an identity document can access emergency services. However, they do not have access to other services, including medication and medical tests¹⁰¹.

In **Peru**, the lack of identity documents affects the provision of health services for vulnerable groups. Populations living in situations of poverty and extreme poverty need to present an ID or immigration card if they want to access a medical center and the Subsidized Health Insurance (SIS) system. In terms of medical attention for people on the move, the regulatory framework establishes the immigration card as a valid document for receiving medical care, but not the Temporary Permanence

Permit (PTP) or the provisional document issued to asylum-seekers¹⁰². Only pregnant women and children under 5 years of age have access to free healthcare as part of the SIS if they do not have an identity document¹⁰³.

In **Argentina**, RENAPER issues the Pre-Identification Certificate (CPI), which is a document that people born in Argentina without birth registration or nationality documents can receive to access their basic rights while they carry out the late birth registration process with the CR (either administratively or legally), and the subsequent procedure to obtain an Identity document¹⁰⁴.

In **Colombia**, within the framework of the “Health Sector Response Plan to the Migratory Phenomenon”, the Ministry of Health and Social Protection has made adjustments to public policies and regulations. These changes have strengthened public health management by ensuring access to the national vaccination plan free of charge for the population on the move throughout the national territory, regardless of their immigration status or documentation. These actions have focused on reducing the risk of transmission of vaccine-preventable diseases in the Colombian and foreign populations living in the country. For the period between August 2017 to November 2019, a total of 1,682,915 doses have been applied to the population on the move from Venezuela¹⁰⁵.

In **Costa Rica**, a person without an identity card can access emergency services. However, if it is found that this person is not paying a monthly contribution to the health insurance scheme, an invoice will be issued in their name for the services provided. People living in poverty can apply for State insurance, which is a special form of free health insurance¹⁰⁶.





Chirricos project. San Vito de Coto Brus, Costa Rica. ©UNHCR/Lucas Iturriza

VARIABLES THAT IMPACT EFFECTIVE ACCESS TO BIRTH REGISTRATION AND ISSUANCE OF THE IDENTITY DOCUMENTS THAT PROVE NATIONALITY

The requirements, procedures, and mechanisms to achieve birth registration, both timely and late, as well as to obtain an identity document that proves nationality, are regulated by the internal regulatory framework of each State. Internal regulations and their application have a direct impact on effective access to birth registration and identity documents.

After conducting a preliminary analysis of the different laws and practices in the countries included in this study, a series of variables or factors that directly impact effective access to birth registration and identity documents that prove nationality were identified. These include: (i) political organization of the registration entity; (ii) place to request birth registration, as well as identity documents that prove nationality and operational capacity of the CR; (iii) nature of the registration process; (iv) procedural guidelines; (v) requirements; and (vi) application of the differentiated approach.

The findings of the comparative analysis of regulations and internal practices in each of the countries included in the study are shared below. Relevant standards, barriers and best practices identified in each of the countries are included.

I. Political Organization of the Registration Entity

Each State has autonomy in defining the political organization of its CR. The different systems that were identified can be classified into the following groups¹⁰⁷:

1. **Centralized or not federal:** the CR is operated by the national government. These countries have central bodies that coordinate and supervise local or territorial offices. This has the advantage of improved standardization of procedures and methods, as well as more efficient communication and production of statistics¹⁰⁸.
2. **Decentralized or federal:** the CR is operated by subnational governments (in the case of federal countries divided into states, provinces, departments, etc.).
3. **Mixed systems:** Some CR systems have mixed models, in which birth registration is not just the domain of the CR entity. In these countries, births can also be registered with notaries, justices of the peace and private individuals.

Although each State has a single system, even centralized local offices have a certain level of independence. Some define their operational priorities or the allocation of resources. Decentralized offices are required to comply with national development plans and federal regulations¹⁰⁹.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Country	Centralized or non-federal system
Bolivia¹¹⁰	The Civil Registry Service (SERECI) is administered by the Supreme Electoral Court as the highest authority that is responsible for the organization and operation of the CR. The General Personal Identification Service (SEGIP) is under the supervision of the Ministry of Government and is the entity in charge of issuing identity cards.
Chile¹¹¹	The Civil Registry and Identification Service is an individual entity with its own assets and is under the supervision of the Ministry of Justice.
Costa Rica¹¹²	The civil registry reports to the TSE, and resolutions issued by the CR can be appealed before this entity.
Ecuador¹¹³	The General Office of Civil Registry, Identification and Certification (DIGERCIC) is a public law entity that is decentralized and attached to the Ministry of Telecommunications and Information Society.
Guatemala¹¹⁴	The National Registry of People (RENAP) is an autonomous entity that has its own assets.
Panama¹¹⁵	The National Office of Civil Registry and the National Office of Certification are operated by the Electoral Court and have their own laws and organic legislation.
Paraguay¹¹⁶	The Civil Status Registry (REC) is a General Office that is operated by the Ministry of Justice. The Identification Department is operated by the National Police.
Peru¹¹⁷	The National Registry of Identification and Civil Status (RENIEC) is an autonomous entity responsible for the identification and registration of vital events and the preparation of the electoral roll. Along with the National Elections Jury and the National Office of Electoral Processes, this entity comprises the Peruvian electoral system.
Dominican Republic¹¹⁸	The Central Electoral Board (JCE) is responsible for electoral, civil registration and identity processes. It is autonomous and has technical independence from the rest of the government.
Decentralized or federal system	
Argentina¹¹⁹	Provincial registries are operated by local governments, register births and issue birth certificates. The National Registry of People (RENAPER) issues IDs and is an autonomous and decentralized body that has its headquarters in the capital and liaises with the Executive Branch of government through the Ministry of the Interior.
Mexico¹²⁰	The civil registry is operated by each State, it is autonomous and has its own regulations and procedures. The National Population Registry (RENAPO) is the Administrative Unit attached to the Ministry of the Interior (SEGOB), responsible for registering and proving the identity of all persons living in Mexico and nationals residing abroad. Registrars are people from the private sector who have been certified by the Federal State.
Mixed system	
Colombia¹²¹	The National Civil Registry (RNEC) has administrative and budgetary autonomy. Births can be registered with notaries operating as registrars.
Uruguay¹²²	The General Office of the Civil Registry (DGREC) is operated by the Ministry of Education and Culture and its services are provided by the National Office or by the Peace Courts operated by the justice system. The National Civil Identification Office (DNIC) is a national service operated by the Ministry of the Interior.

BARRIERS AND BEST PRACTICES

Decentralized or federal system

In the decentralized system, each major administrative division (e.g. state or province) must establish a central office to manage CR in its jurisdiction. They must also establish uniform legal procedures and provisions within their jurisdiction, usually through regulations or internal guidelines. However, there should be a national mechanism responsible for coordinating actions with the decentralized offices. This is to guarantee uniform registration practices and procedures at the national level and ensure the preparation of accurate vital statistics¹²³.



In **Mexico**, through the National Council of Civil Registry Officials (CONAFREC), an operational body responsible for coordinating, supporting, and consulting the activities and duties of the national CR institution, coordinated by RENAPO, has promoted the interconnection of 32 state registry databases with the National CR Database administered by RENAPO. The database contains all the records in relation to the population's civil status, resulting in the creation of a national database. In 2015, CONAFREC approved the issuance and use of a single format for issuing certified copies of records certifying events that affect an individual's civil status. This "Unique Birth Certificate Form" was the first step towards supporting the standardization of registration procedures. The requirements for issuing a certified copy of a Mexican birth certificate have been standardized, simplified and made available online 24 hours a day, 365 days a year¹²⁴.

In these countries, each sub-national authority coordinates and supervises its CR offices. This system has the advantage of being more sensitive and responsive to local conditions. In addition, by not having an immediate national office, operations are more efficient and resources can be better allocated¹²⁵.

There may be difficulties with obtaining birth certificates and identity documents from a sub-national demarcation in a decentralized system, especially when the person is registered in a different geographical area¹²⁶ and the offices do not have mechanisms to digitize the information captured during registration and liaise with other offices. A decentralized system also complies with privacy principles to protect personal and sensitive information, establishing verification mechanisms that facilitate the issuance of birth certificates from any jurisdiction. In Mexico, difficulties with obtaining birth certificates and the refusal of services between the different States have been reported¹²⁷.



Argentina and **Mexico** created federal agencies that are not responsible for CR (since this is still a provincial or state authority) but are responsible for confirming the legal identity of all people. This has mitigated the effects of the lack of a CR entity at a national level and improved coordination efforts. In 1968, Argentina created RENAPER as part of the Ministry of the Interior, which issues identity documents and passports. In 1980, Mexico created the General Office of the National Population Registry (RENAPO), operated by the Ministry of the Interior, as the entity responsible for assigning a Unique Population Registry Code¹²⁸.

Depending on the level of coordination and integration between state entities, some National Institutes of Vital Statistics continue to face challenges to make better use of administrative records, including CR, and to strengthen statistical production¹²⁹.



In **Argentina** in 2013, the National Institute of Statistics and Censuses (INDEC) began to collaborate with the National Council for the Coordination of Social Policies to gain access to different administrative records and create a Statistical Population Registry. This collaboration has made it easier for INDEC to access records from the Federal Administration of Public Income, the electoral roll, the RENAPER citizen registry, the registry of social works and the registry of users of public services. In this way, CRs send the registration information to RENAPER so that the INDEC has access to the necessary statistical data¹³⁰.

In Argentina, Law 26,413 of 2008 establishes general parameters on the actions and obligations that are the responsibility of civil registries. Although each province establishes its own instructive regulations for birth registration, the medical live birth certificate has been printed and distributed by RENAPER to participating provinces since 2011. The birth certificates issued by each province include the legally required information¹³¹, which is later used to verify personal information and issue the Identity document.

Centralized or non-federal system

The United Nations Statistics Division (UNSD) indicates that in centralized systems, the central agency should coordinate, direct, and carry out follow-up work at a national level. This means that regulations and procedures for birth registration and the issuance of uniform identity documents can be promoted nationally. For this reason, the central body must establish and guide local offices, as well as supervise and evaluate their work, so that they comply with the established legal and planning requirements¹³².



In **Chile**, the Tripartite Interinstitutional Collaboration Agreement, signed in 1982 and updated in 2012 by and between the Ministry of Health, the Civil Registry Service, and the National Statistics Institute, creates the National Committee for Vital Statistics to ensure the correct functioning of the statistics system. As a result, these three entities annually publish systematized information that makes it possible to analyze the social, demographic and health variables of the country¹³³.

In **Ecuador**, the CR REVIT electronic platform has been expanded to operate in hospitals in such a way that health authorities upload medical data to the system by adding the necessary information in a single database. This facilitates the processing and production of vital statistics, birth records, and registration at the same time¹³⁴.

There are no reports that centralization alone creates access barriers to birth registration. On the contrary, it is reported that the evolution of CRs in non-federal countries tends to be positive, especially as they have central bodies that coordinate and supervise local offices¹³⁵.

Mixed systems

The main challenge of this model is the time required to send CR information related to the central offices or coordinating bodies, as many times sending the ledgers in which the registrations are made can take several months or even years.

II. Place to request birth registration, identity documents that prove nationality and operational capacity of the CR offices

The place to request birth registration or identity documents refers to the geographic location where the CR offices or public officials provide these services. The type of identity document that proves nationality is stipulated in each State's internal regulations. These include birth certificates, IDs, passports, digital certificates and others. Access to, availability, and operational capacity of the places where people can request their birth registration and identity documents that prove nationality directly affect the possibility of processing and obtaining these documents. Based on the internal regulations of each country, the registry services and operational management of birth registrations and identity documents can be provided in the following zones¹³⁶:

- 1 Place where the birth occurred:** some regulations establish that birth registration must occur in the municipality, province, or department where the birth occurred. In cases where the mother gave birth in a hospital, in some countries birth registration is done on the spot by a CR official. Once the birth registration has been made, in most cases a birth certificate is issued immediately.
- 2 Place of usual residence:** some regulations establish that the birth registration must be made in the place of residence of the mother or the person who has legal standing capacity to proceed with the registration (for example, when a person of legal age requests their birth registration).
- 3 Any CR office in the country:** more flexible laws allow birth registration – timely, late or both – and documentation requests at any CR office in the national territory.
- 4 Court:** after the deadline for timely registration passes, some countries choose to process late birth registration through courts. In these cases, the individual must go to the competent judicial authority in the designated jurisdiction. Once a ruling has been made in favor of the registration, the judge orders the corresponding CR office to register the birth and issue the birth certificate, respectively.
- 5 Consular Registration services:** some regulations allow that a birth in national territory and/or abroad be registered through the State consulate. Cases can occur where people born in a certain country did not register their birth and subsequently moved to another State. Similarly, births that occurred abroad can be registered with the purpose of confirming or acquiring the nationality of the parents. Many laws allow people to apply for an identity document that proves their nationality through the consulate.
- 6 Mobile brigades:** these are mobile CR units that offer registration services in order to

achieve coverage of the national territory that is as complete as possible. Mobile registration brigades have proven to be an effective tool, facilitating access to registration services for populations living in cross-border areas, rural areas, remote areas and those that are difficult to access. Many mobile brigades have been implemented as a result of bilateral cooperation with neighboring countries.

- 7 Online services:** To expand the coverage of services, many CRs have implemented online services that allow users to request appointments online for birth registration, print copies of birth certificates and request copies of identity documents.

Since registration must occur immediately after a child is born, **UNICEF** emphasizes that children must be registered as close as possible to their place of birth. This becomes easier when births occur in hospitals where CR officials are present. In this way, registration – and ideally the issuance of the birth certificate or ID, when applicable – occurs in the same health center. If the mother gave birth outside of her usual residence, registering at the place where the child was born expedites and facilitates the registration process if it is done immediately. This is because it does not require the mother to travel back to her place of residence to proceed¹³⁷.

All the CRs of the countries analyzed in this study have local offices, however PUICA has indicated that what is relevant is not just the location of their offices, but also their operational capacity to provide services so that people do not have to go to the capital or the CR head office¹³⁸. HRC also urges States to allocate sufficient human, technical and financial resources to local CR offices to increase their accessibility, especially for birth registration in rural areas and for people with high levels of vulnerability¹³⁹. The deployment of mobile registration units is promoted to ensure timely and late birth registration for these populations. It is suggested that States coordinate mobile brigades in border areas as part of binational or multinational projects for late registration and documentation with the support of UNHCR¹⁴⁰. CRC, CDH and UNICEF specifically promote the strategy that the network of CR offices is complemented by mobile units or travelling public officials to ensure that their services are available to the people who live in the most remote and inaccessible areas¹⁴¹. Inter-institutional coordination between State entities is also recommended, as it facilitates the identification of undocumented population while offering other services and benefits to vulnerable populations.

It has also been identified that a lack of knowledge about the registration process, the education level of mothers, the role mothers have in their communities, the level of family income, the costs associated with the registration process (poverty) and geographical barriers that impede access to CR offices (rural areas and isolation) are the main factors that affect the under-registration of births¹⁴².

In human mobility contexts, the possibility of the late registration of births that occurred in the country through Consulate Offices is particularly important. Many children born in transit or people who during their lives were forced to move to another State without obtaining a birth registration in their country of origin could find it impossible to register their birth due to the lack of regulation of this service in consular channels. In addition, if there is a consular mechanism to achieve the registration

139 The HRC, UNICEF, the World Bank and the Inter-American Court highlight the obligation to ensure access to birth registration and documentation without discrimination and under equal conditions. This includes people living in border, rural, remote or hard-to-reach areas. HRC, *Inscripción de los nacimientos y derecho de todo ser humano al reconocimiento en todas partes de su personalidad jurídica*, (Birth registration and the right of everyone to recognition as a person before the law) A / HRC / RES / 34/15, framework 2017, para. 2, 5, 12; UNICEF, *Birth Registration: El Registro de Nacimiento: el Derecho a Tener Derechos*, Innocenti Digest No. 9, March 2002, p. 13; WB, *Principios sobre la identificación para el desarrollo sostenible: Hacia la era digital*, (Principles on Identification for Sustainable Development: Toward the Digital Age), February 2017, p. 8; I / A Court HR, . *Caso de las Niñas Yean y Bosico vs. República Dominicana*, (Yean and Bosico Girls v. Dominican Republic), September 2005, Ser. C No. 130, Para. 171; HRC, *Inscripción de los nacimientos y derecho de todo ser humano al reconocimiento en todas partes de su personalidad jurídica*, (Birth registration and the right of everyone to recognition as a person before the law), A / HRC / RES / 34/15, March 2017, para. 5.

of a birth that occurred in the country of origin, some of the requirements can be difficult to comply with. This means that the late registration of a birth that occurred in the national territory through consular channels becomes impossible.

In recent years, CRs have digitized many of their services. The World Bank warns that, given the increase in these digital systems, no one should be denied registration and identification services because they do not have internet connectivity, access to information technology (ICT) or technical knowledge. Thus, States must work to ensure that technological infrastructure, both online and offline, can be used to reach the most remote areas and people with low levels of internet connectivity¹⁴³.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

The following table includes the places to register births when they have not occurred in health centers or when the health center does not offer registration services.

Country	Place to request timely birth registration outside a health center
Argentina ¹⁴⁴	The request can be made at any CR office. The birth is later registered in the province where it occurred.
Bolivia ¹⁴⁵	With any CR office in the country.
Chile ¹⁴⁶	At the CR office that corresponds to the district where the birth occurred or in any office in the country by “written request”.
Colombia ¹⁴⁷	At any CR office in the country or by permanent mobile brigades.
Costa Rica ¹⁴⁸	At any CR office in the country or by permanent mobile brigades.
Ecuador ¹⁴⁹	At any CR office in the country.
Guatemala ¹⁵⁰	At any CR office in the country.
Mexico	At the CR office of any State.
Panama ¹⁵¹	At any CR office in the country.
Paraguay ¹⁵²	At any CR office in the country.
Peru ¹⁵³	At any CR office in the country**.
Dominican Republic ¹⁵⁴	If the record is automated, it can be requested at any CR office in the country. Otherwise, it can be obtained at the CR office where the birth was registered.
Uruguay ¹⁵⁵	At any CR office in the country.

All of the countries included in this study have auxiliary offices in hospitals that facilitate registration and issue birth certificates. Some countries have designed tools so that citizens can print digital copies of their birth certificates in their homes after completing a procedure online. These document issuance formats have the same legal validity as the certificates printed at CR offices. The following table details the places where people can request an original certificate or copy of a birth certificate.

Country	Place to request the birth certificate
Argentina ¹⁵⁶	At any CR office in the country. Most of the provinces have online platforms for searching, requesting and issuing birth certificates.
Bolivia ¹⁵⁷	At any CR office.
Chile ¹⁵⁸	At any CR office and on the institutional website (digital format).
Colombia ¹⁵⁹	At a Notary or registry office where the registration was made, in the offices authorized to issue copies of the civil registry or via email.
Costa Rica ¹⁶⁰	At any CR office or online (digital format).
Ecuador ¹⁶¹	At any CR office or online (digital format).
Guatemala ¹⁶²	At any CR office, online or through an automated issuing machine. ¹⁶³
Mexico ¹⁶⁴	At any CR office or online.
Panama ¹⁶⁵	At any CR office and in digital kiosks located in the main supermarket chains and areas with high levels of pedestrian traffic. ¹⁶⁶
Paraguay ¹⁶⁷	In the capitals of departments or in the District Office where the birth was registered.
Peru ¹⁶⁸	At any CR office, online or at the Best Citizen Services centers (MAC). ¹⁶⁹
Dominican Republic ¹⁷⁰	At the Civil Registry Office where the birth declaration was made or in the Service Center of the Central Office of the Civil State.
Uruguay ¹⁷¹	If the birth was registered in the country, it can be requested during the first year following registration at the office where the birth was registered. Following this period, the certificate can be obtained at the CR offices, at the local government office in each Department and on the CR website.

The following table describes the locations where people can request a national ID in each country.

Country	Location to request an ID and delivery time
Argentina ¹⁷²	At the CR provincial offices or in RENAPER national offices (in some cities the appointment can be scheduled online). The ID is sent to a person's home between 2 to 15 days.
Bolivia ¹⁷³	At designated SEGIP centers in each department. The document is provided on the same day.
Chile ¹⁷⁴	At any CR office. The appointment can be scheduled online or by phone. The document is delivered in a period of 4 to 8 days and the user can check the status of their document on the website so that they know when they can collect it at the respective office.
Colombia ¹⁷⁵	At any registry office and online for duplicates. Document delivery can take from 1 week to 3 months.
Costa Rica ¹⁷⁶	Minor Identity Card: at any CR office with same day or home delivery service. Identity Card: at any CR office or home delivery. If the procedure was done at the central offices, the document is provided on the same day. If it was done at one of the regional offices, delivery time can take up to 5 days.
Ecuador ¹⁷⁷	At any CR office. Duplicates of the identity card can be requested online. Delivery is immediate.
Guatemala ¹⁷⁸	At any CR office. The replacement of the document can be requested online. The document is delivered 30 days after the request has been processed.
Mexico ¹⁷⁹	The main documents that a person can use for identification purposes include: voter identification that is requested from any office of the National Electoral Institute; Mexican passport issued by the Ministry of Foreign Relations; identity card for military service that is requested from the National Ministry of Defense; professional license issued by the Ministry of Public Education; social security card issued by the Mexican Institute of Social Security (IMSS), namely, by IMSS offices. All of these documents include the Unique Population Registry Code that is issued during birth registration.
Panama ¹⁸⁰	At any office of the Electoral Court. Document delivery can take from 24 hours to 5 business days.
Paraguay ¹⁸¹	At any office of the Identification Department of the National Police. Delivery time is 20 business days.
Peru ¹⁸²	At any CR office or at MAC centers. The delivery time for the document is 10 to 12 business days in Lima and 12 to 15 days in the provinces.
Dominican Republic ¹⁸³	At any JCE identification center. The document is delivered on the same day.
Uruguay ¹⁸⁴	At any DNIC office. Delivery times vary, depending on whether the procedure is being done for the first time or if it is a renewal.



Primero la Niñez project, Colombia. © UNHCR/Daniel Dreifuss

BARRIERS AND BEST PRACTICES

Records in Health Centers

As of 2019, **all of the countries** included in this study have offices or programs for registering births in public hospitals and maternity wards. Although the coverage rate of the CR system across health centers varies in each country¹⁸⁵, the strategy used by CR authorities is to implement hospital civil registration programs in health centers that report the highest number and percentage of births at national or provincial levels with the intention of meeting the demand for the service in a timely manner. **Bolivia** has 80 CR offices in public hospitals, **Chile** has 25, **Colombia** has CR capacity in more than 300 hospitals in the public network and in several private clinics. In **Ecuador** there are 30 Civil Registry Agencies in Health Centers. The **Guatemala** CR is located in 45 hospitals that comprise the Guatemalan Social Security Institute. In **Mexico**, 374 registration modules are located in hospitals, 93% in hospitals belonging to the public sector and 7% in the private health system. In **Paraguay**, 29 CR offices have been established. **Peru** has over 172 auxiliary registry offices. The **Dominican Republic** has agencies in 60 hospitals nationwide and the CR of **Uruguay** is in 3 public hospitals. In all of the countries included in this study, the birth certificate is provided to the parent when they register the birth of their child in the hospital. The only country that charges for the printing of the certificate is Guatemala, in the other countries the birth certificate is free. **Colombia, Costa Rica, Ecuador, and Peru** report a high rate of CR coverage in the country's health centers.

If the medical center where the birth occurred does not have CR officers or a system for registering births, upon discharge the parents are responsible for going to the nearest CR office to register the birth of their child. This situation usually applies to births that occur outside the health system, in small or remote health centers and in private hospitals. In accordance with the level of coordination between the CR and representatives of local communities, mobile units are organized to register children who did not access the hospital registry when they were born.



In **Argentina**, with the use of computers, CR officers register births in hospitals. Registrars visit each mother in her room and make a digital record of the child's fingerprints along with a photograph¹⁸⁶.

In **Colombia**, a single birth registry has been implemented since 2008 through which health centers can register births online¹⁸⁷. In addition, there is an agreement between the Administrative Department of Social Welfare of Bogotá and the CR with the objective of providing registration services in all hospitals and clinics with maternity wards¹⁸⁸.

In **Costa Rica**, births that occur in a hospital are registered the same day thanks to an online system used by the TSE's auxiliary registrars¹⁸⁹.

Peruvian regulations state that hospital directors may only discharge mothers after verifying the birth registration¹⁹⁰.

International cooperation efforts have been essential for the implementation of these initiatives. An example of this is the alliance between **UNICEF** and **Bolivia**, where 25 registry booths were established in hospitals in the country to register births. There are plans to establish more booths in other health centers¹⁹¹. Some hospitals in Bolivia also issue a digital live birth certificate that includes the baby's identity card number¹⁹². In addition, the OAS within the framework of PUICA, accompanied several countries for the installation and operation of CR offices in hospitals, including **Guatemala** and **Paraguay**¹⁹³, while the IDB supported **Uruguay** and some states in **Mexico**¹⁹⁴.

In the **Dominican Republic** from 2014 to 2016, the JCE and **UNICEF** worked with the Ministry of Health to implement a timely registration initiative in 12 public hospitals in the country. This work was focused on: raising awareness with medical staff about the importance of birth registrations; providing technical assistance to birth registration staff in hospitals; implementing a simplified procedure for the issuing of personal identity cards to pregnant adolescents; informing pregnant women at prenatal appointments about the requirements and importance of registering their babies; and, finally, monitoring birth registries in each hospital on a monthly basis. This had the objective of ensuring the effectiveness of timely birth registration in hospitals and guaranteeing the right to an identity¹⁹⁵. As of 2018, thanks to support from UNICEF, timely registration in 21 prioritized hospitals increased by up to 70%¹⁹⁶.

Despite the fact that registry services are available in the main hospitals, there is still a need to facilitate access to information and awareness, especially when children are born in small or remote health centers and private hospitals. This will be explained in detail later.

In the Dominican Republic, difficulties have been reported due to the fact that the completion and handling of the live birth certificate is not standardized. Hospitals use different practices. The completion of live birth certificates by hospital staff should be standardized and governed by administrative regulations issued by the Ministry of Public Health. Current practices create serious inconveniences for birth registration, especially for users¹⁹⁷.



In addition to providing birth certificates in hospitals immediately after birth, in the following countries identity documents can also be issued from the hospital: **Argentina, Panama, Paraguay** and **Uruguay**¹⁹⁸.

Colombia, Ecuador and **Peru** are part of the Data for Health program, sponsored by Bloomberg Philanthropies and the Department of Foreign Affairs and Trade of the Government of Australia (DFAT). This program uses country-specific strategies to promote birth registration and improve the quality of information collected by health centers. In **Colombia**, a project consists in creating an online platform that facilitates the sending of text messages and paper reports, notifying authorities about the occurrence of vital events, including births. The project has a focus on rural communities and the text messages are sent by community and religious leaders, police officers, notaries, midwives and local health personnel who have been trained to do this. Once the text message is sent, designated local supervisors (health staff) travel to the site to verify the birth and collect necessary information for the registration¹⁹⁹.

In **Guatemala**, the CR's "Early Life Alert" program made it possible to coordinate efforts with the Ministry of Health, so that midwives can report the birth of a minor using their cell phone and initiate a pre-registration process for the birth. This initiative made it possible to identify the geographical location of births so that the CR could later send a mobile unit to meet with the mother and formalize the birth registration. The participation of midwives in this initiative was essential, as they are in continuous contact and communication with members of their community and were able to inform them about the importance of birth registration²⁰⁰.

Records in Local Offices

When births are not registered or do not occur in public hospitals or health centers with CR services, the possibility of birth registration depends, to a large extent on the location of the CR office. It is also possible that many mothers do not give birth in public health centers or hospitals because they do not have the proper health insurance or have difficulties with the type of care provided.

Birth registration rates are usually lower in rural than urban areas. The remoteness of CR offices, road infrastructure, local terrain, geography and public transport are determining factors. Travelling to a CR office can involve long and expensive trips that sometimes require additional resources to meet accommodation and food expenses. Another factor is the inability to be absent from work or responsibilities with caring for children and adolescents, elderly family members or people with medical conditions. This situation worsens in the case of people living with high levels of vulnerability²⁰¹. As a result, each additional kilometer of distance from a person's home to the CR office is associated with an increased probability of not registering births²⁰².

A study conducted in 2013 found that the most unequal distribution of CR was reported in **Bolivia** with an average distance of 17km to the closest CR, followed by the **Dominican Republic** with 5km. During winter in Bolivia, birth registrations drop by 6%²⁰³. In **Mexico**, the 2015 intercensal survey revealed that out of the 2,458 municipalities in the national territory, only 1,135 have a CR office, which represents just 46.2% of municipalities²⁰⁴. This shows that it is difficult to access the CR due to transportation costs for some families living in remote areas.

In **Bolivia**, the reasons why parents living in rural areas do not register their children include: there is no CR office in the neighborhood or community, followed by a lack of financial resources to meet direct and

198 In some provinces only.

indirect associated expenses (transportation or loss of a working day to register the birth). In urban areas, the main limitation referred is that one of the parents is not able to be present at the time of registration²⁰⁵.

In **Colombia**, one of the main causes of under-registration is the distance and geographical difficulties of access to CR offices, especially for populations living in the Amazon and Pacific Coast regions, who are primarily of indigenous or Afro-Colombian origin. In some families, their births have not been recorded for several generations²⁰⁶. Similar concerns have been reported in rural Andean and jungle areas in **Peru**²⁰⁷. These geographical difficulties also occur in **Mexico**. The latest intercensal survey revealed that at least 800,000 children under the age of 5 are not registered, with many living in remote areas. Over 6,000 children were reported as not having a birth certificate in just a few municipalities²⁰⁸. In **Panama**, at least 10% of births occur outside health centers in homes located in rural and remote areas of the country. This percentage has been estimated by district offices and a group of approximately 220 auxiliary registrars who generate birth and death registration certificates in the most remote and difficult to access areas of the country²⁰⁹.



The practice of allowing birth registration – timely and late – at any office or dependency of the CR in the national territory occurs in **Costa Rica**.

In **Chile**, birth registration is available by going to any office and making a written request to the competent office in the territory. Similarly, although Peruvian regulations establish limitations regarding the place of registration, in practice, births can be registered at any CR office.

Several countries have established special deadlines for the registration of births for populations living in rural areas, granting them additional days to formalize the registration of children's births. For example, in Panama the timely registration of births that occur outside a hospital center can be made in the first 2 years of a child's life. In Peru, births in populated centers and indigenous communities can be registered in the first 90 days, while in the **Dominican Republic**, a period of 90 days is granted for births in rural areas. **Uruguay** has a period of 20 days for the timely registration of births that occur in remote areas.²¹⁰

Due to a lack of resources (for example, shortages of stationery, financing, staff, training and/or technology) some offices – especially rural ones – can only carry out certain procedures or are unable to provide all services. When this occurs, people must travel to CR central offices or larger offices²¹¹. Some SERECI directors and technical staff in Bolivia report that their low budget and the poor distribution of resources do not allow offices to fully perform their duties, especially in rural areas. The causes of these issues include: poor financial planning, limited investment and lack of prioritization of CR activities. Some staff report not receiving a salary or having to bring their own materials to carry out their work duties. It was also reported that some offices do not have a database or their registration system is outdated. Other reports highlighted a lack of internet access, obsolete computer equipment and even a lack of electricity in some offices. Although the registration of births and other vital events can be carried out manually in ledgers²¹², some people have been forced to travel to the capital to register births or obtain birth certificates²¹³.

There are cases where the person who requires a late registration does not know their place of birth (e.g., elderly people or those who do not have witnesses of their birth), as they no longer live there. Some people have been forcibly displaced without the possibility of returning to the place of their birth. This means that requiring them to register in the “place where the birth occurred” is not feasible or could represent a barrier. In the case of **Argentina**, late birth registration can be carried out in the court closest to the person’s domicile. However, it has been reported that if the person was born in another city, communication between provincial CRs and the courts in another jurisdiction is usually slow and difficult²¹⁴.

Mobile Brigades

For remote or difficult to access border areas, as well as camps where refugees, asylum-seekers and migrants reside, it is recommended to carry out registration and documentation using mobile units that make regular visits to these areas and then provide more durable solutions for affected populations (waive requirements and/or develop registration systems that can interoperate with educational, health or community centers).

The problems and risk factors for civil registration and documentation in border areas include²¹⁵:

- Loss of information managed by the CR due to violence, terrorism, theft, poor care or deterioration of files and systems.

- Cross-border populations consisting of primarily indigenous people, peasants, and people on the move with limited knowledge about the importance of CR, low levels of formal education and significant economic deficiencies.

- Specific vulnerability of women, children and adolescents and elderly individuals that limits their access to CR services.

- Difficulty reconciling CR with cultural practices and beliefs.

- Double identities (identity and indigenous names contrasted with those recorded by the CR).

- Complex geography with limited physical and technological accessibility.

- Lack of CR staff and offices.

- Lack of legal frameworks and agreements between countries to facilitate the exchange of information.

- Limited knowledge of local officials about procedures for the registration of complex cases.

In addition to these risk factors, compared to urban areas, people in rural and remote areas are usually affected by reduced access to government services (health, education, CR, etc.). An association between rurality and poverty has also been observed in the Americas. The combination of these factors aggravates the living conditions of inhabitants and makes access to registration and documentation services even more difficult²¹⁶.

Mobile units in border areas

Cross-border populations, especially indigenous people, Afro-descendants and people on the move, present challenges for registering their births in a timely and late manner or do not have identity documents. Added to this is the limited training and supervision for registrars and CR officers who work in these areas and who are often unaware of procedures for special cases. Several countries have signed binational agreements to carry out joint activities that bring CR services closer to border areas and respond to complex late registration cases in which factors, such as human mobility and interculturality, converge.



Colombia and **Ecuador** have signed Inter-Institutional Cooperation Agreements to coordinate binational brigades and personal identification campaigns to identify Colombians residing in Ecuador and Ecuadorians residing in Colombia²¹⁷. Several of these work sessions were aimed at bringing services closer to people living with high levels of vulnerability in order to provide them with their identity documents free of charge²¹⁸. The Memorandum of Understanding that Ecuador signed with UNHCR has contributed to bringing CR services closer to the northern border areas, primarily in Esmeraldas and Carchi²¹⁹.

In 2019, **Colombia**, **Costa Rica** and **Panama** renewed their Inter-administrative Institutional Cooperation Agreements to guarantee the legal identification of their nationals across the three countries, especially in the border areas, confirming their commitment to promote binational service sessions and establish areas of action to reduce and prevent the lack of documentation and possible risk of statelessness²²⁰. This commitment was defined in the CLARCIEV's guidelines.

In **Chile**, and in accordance with the Organic Law for CR, any public official can act as a Deputy Civil Officer. Because the police have a representative presence in border areas, an agreement has been signed so that some members of this institution can provide permanent civil registration services in these areas through an administrative act²²¹.

The Interinstitutional Cooperation Agreements between the CRs of **Ecuador** and **Peru** have promoted initiatives that provide identity documents to indigenous communities located in border areas through the use of mobile units.

Costa Rica, **Guatemala**, **El Salvador**, **Honduras** and **Panama** signed an Inter-institutional Memorandum of Understanding with the objectives of: promoting the registration of citizens; establishing inclusive registration laws; promoting universal; timely and free registration; exchanging successful experiences; developing reliable statistics; and ensuring the training of staff in Registration Centers²²².

These cooperation agreements have facilitated the coordination of activities to promote the birth registration of populations in specific areas, providing them with the necessary guarantees to confirm their identity and nationality.



The CRs in **Colombia** and **Panama** have collaborated to prevent late registrations and avoid the duplication of birth registrations. These initiatives include registration days, where officials from both CRs have entered border territories to identify people, register their births and issue identity documents²²³. They have also sent units into the Darién Gap to protect the right to identity of populations living in that area and confirm their nationality²²⁴.

In **Costa Rica** and **Panama**, people from the Ngäbe-Buglé indigenous community periodically cross the border for work during the harvest season. Many of the families do not register the birth of their children, or do not have an identity document, which is why some people were stateless or at risk of statelessness. In 2013, with the support of UNHCR, a project focused on determining nationality and facilitating late birth registration and identity documents for the Ngäbe-Buglé population²²⁵ (Chiriticos Project) was implemented. As a result, both countries have coordinated binational mobile units to bring civil registration services closer to this population, resolve late registration cases and provide identification and nationality documents. This has been achieved with the support of mobile teams from both CRs, indigenous leaders and trained staff. Costa Rica implemented a simplified procedure to facilitate late birth registration for this population, achieving the registration of thousands of births, as well as issuing identity documents and confirming nationality²²⁶. In addition, the project developed a “Differentiated Attention Model for the Prevention of Statelessness” for indigenous and border areas²²⁷.

In **Guatemala**, one of the emblematic initiatives was the creation of the first CR office to assist the cross-border population that expedited procedures for the resident population in the area adjacent to Honduras, Guatemala and El Salvador²²⁸. This program was supported by PUICA and included several training sessions to provide support to CR officers working in border areas. This also involved the creation of procedure handbooks to facilitate birth registration in these areas.

In 2017, the program “Soy paraguayo de cuna” (I am Paraguayan from the crib onwards) benefited thousands of people living in the border area with **Bolivia**. A methodology was designed to avoid inhabitants of this area having double identity and nationality without neglecting the urban-marginal areas and rural areas in the border departments located between **Paraguay** and **Bolivia**. This program strengthened the registration capacities of the States, providing a gender perspective and focusing on the indigenous population²²⁹.

The CRs of **Ecuador** and **Peru** have coordinated actions to send their staff to riverside communities in the department of Loreto, crossing the Putumayo River in an area near the borders with Ecuador and Brazil. They provided free services to populations that live in that area so that they can obtain or renew their identity card or other identity documents. Other government entities – such as health, education, national police, and the local government – also participated in these tours.

In 2019, the Peru CR also promoted interventions to reach indigenous people near the border with Brazil in the Amazon. It is necessary to highlight that in these areas the lack of documentation reaches 3.6% of the total population.²³⁰

In 2012, **OAS/PUICA** worked with the CRs of Bolivia, Ecuador, Paraguay and Peru to implement the “Registration and awareness raising” pilot plan in border areas for birth registration and the issuing of birth certificates and IDs²³¹. In the second phase of the project, implemented between 2015 and 2017, El Salvador, Guatemala, and Honduras were supported to improve the coverage of civil registration and identification services for people in the border areas of northern Central America. Some of the most relevant results from the project include providing access to registration services for more than 2.9 million inhabitants in 79 municipalities, which included procedures for birth registration, identification and nationalization.



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These efforts represent the commitment of States to work in coordination for the response to specific demands of the populations living in border areas who could be at risk of statelessness due to a lack of birth registration. Significant numbers of people on the move enter the border area between Colombia and Panama, a region known as the Darien Gap, to continue their migration route to the United States of America. The Ombudsman's Office of Colombia has identified hundreds of children who have been born in this area and whose mothers are migrants or in need of international protection. These children face difficulties with registering their births and cannot acquire Colombian nationality because of the immigration status of their parents²³². If these children do not automatically acquire the nationality of their parents at birth, they are born stateless.

The Wayuu people who live in the border area between Colombia and Venezuela have faced several problems with accessing identity documents that prove their nationality. In accordance with the legal frameworks in Colombia and Venezuela, both countries grant the Wayuu people dual nationality. However, ignorance about the administrative processes for registering their births and issuance of identity and nationality documents has left some members of this community with undetermined nationality²³³.

Mexico faces significant challenges with the implementation of mechanisms that allow granting birth certificates to people born in the United States of America to a Mexican parent. An Intercensal survey made in 2015 showed that there were around 55,654 people of Mexican nationality born in the United States of America who stated that they did not have a birth certificate²³⁴.

In 2013, the **Dominican Republic** passed a law to withdraw Dominican nationality for people of Haitian descent born in the country since 1929 and whose parents were people with an irregular immigration status. This ruling, in addition to affecting the Dominican nationality of thousands of people, also led the country to not prioritize the implementation of mobile CR units in border areas, as the vast majority of the population living in these zones are of Haitian descent. Although this population could currently register their birth in the immigration ledger, this does not guarantee them the right to Dominican nationality or access to legal documentation²³⁵.



In Mexico, RENAPO designed a Binational Strategy for the registration of the Mexican-American population, which electronically verifies the authenticity of a US birth certificate. This is done through a query sent to the Vital Events Electronic Verification System (EVVE) of the National Association of Statistics and Information Systems of Public Health of the United States of America (NAPHSIS). This is followed by the issuance of a Mexican birth certificate as well as a Unique Population Registry Code²³⁶.

Mobile units in remote and hard-to-reach areas

Populations that live in rural, remote or hard-to-reach areas find it difficult to access the services provided by CR, both because of their remoteness and because they do not have the documentation required to register births. In Argentina, a strong correlation has been found between place of residence and low levels of birth registration. Children who live in villages or settlements are more likely to not have an identity document compared to those who live in areas with medium-level urbanization²³⁷. In Bolivia, it is reported that timely registrations in rural areas have significant inefficiencies. Many people do not have the required documentation and others do not know how to access the nearest CR office²³⁸. Although Bolivia has deployed mobile registration units, they have continued to charge a late registration fee for people over 18 years of age²³⁹. In a non-border context, but one involving international cooperation, the Bolivian consulate deployed mobile units in different cities in Argentina to provide registration services to the Bolivian population living in this country²⁴⁰.



Argentina uses mobile units to provide CR services in the Patagonia region. “The State in your neighborhood” program provides services for the processing of identity documents and the printing of birth certificates in vulnerable neighborhoods.

In **Bolivia**, SEGIP holds free identification campaigns with the “Juana Azurduy Bonus Program”, which encourages safe motherhood and the comprehensive development of the child population. In this program, pregnant women, women who gave birth in hospitals and children up to two years of age can obtain an identity card free of charge. The “Municipalities free of undocumented people” campaign implemented by SERECI and SEGIP has provided identity documents to vulnerable populations living in rural communities. This program has been supported by municipal councils. As of mid-2019, 30% of the municipalities with the highest rates of undocumented people no longer had residents without identity documents²⁴¹.

Chile uses specialized land and marine vehicles that have computers onboard and satellite connections to the central CR. Every year the CR provides services in the field to help people obtain identity cards and certificates. This has improved services for everyone who cannot reach the Civil Registry offices because they either live in remote areas, are older persons, have a disability or belong to one of the groups that each region defines as a priority, including indigenous peoples and agricultural workers²⁴². Chile also provides services to nationals residing in Argentina through mobile offices.²⁴³

Colombia continuously holds free and large-scale civil registration and identification fairs for vulnerable populations living in urban and rural areas. Some of these fairs have been led by the Unit for Assistance to the Vulnerable Population (UDAPV), with support from UNHCR, IOM, UNICEF, Plan International and Social Action through the Juntos Network²⁴⁴. Through its mobile units, RNEC provides identification and documentation services to people born in Venezuela to national parents who returned to Colombia to register them and provide them with documents that prove their Colombian nationality²⁴⁵.

Ecuador organizes special units to provide civil registration and identification services closer in remote areas and for vulnerable populations, especially indigenous and Afro-Ecuadorian communities, most of whom live in rural areas with low population density, in scattered settlements and without internet access. In 2018, more than 15,000 visits were made specifically targeting: (i) areas located more than 90 minutes away by car from the closest CR office; (ii) hospitalized citizens, people with extremely reduced mobility, older persons with serious health problems and emergency cases; and (iii) local governments that requested specific attention so that their community can effectively carry out procedures without affecting their daily work. Through mobile units, the under-registration rate has been lowered among adults from 20% to 2.5%²⁴⁶.

In 2019, Guatemala prioritized 6 departments throughout the country for interventions and awareness raising about the importance of being registered in the CR with the purpose of preventing and eradicating under-registration. With the support of the mobile unit, they were able to reach the population located in remote areas, resolving more than 260 identity cases²⁴⁷.

Mexico, with support from UNICEF, improved what is now known as the National Registry and Identity System (SID) to achieve a certified and standardized system in all CRs in the different states. This system facilitates the registration of any child who lives in rural and dispersed areas and doesn't have access to digital communication, as it includes a registration mechanism that does not require an internet connection. Through special registration campaigns and brigades it has been possible to identify minors who do not have birth certificates and register them in the system. Between August and December 2018, more than 1,440 children were registered from the states of Chiapas and Guerrero²⁴⁸. Mexico City launched the "Lawyer in your house" program, offering free legal advice to prepare the documents required for a late birth registration. This program offered door-to-door services to families living on the outskirts of the city, helping them to resolve late registration cases, correct errors in registry records and obtain birth certificates free of charge²⁴⁹.

Panama provided registration services to remote communities, benefiting almost 7,000 people through birth registrations and the issuing of IDs²⁵⁰. Regular visits have been made to the most remote areas of the country with the support of ministries and entities responsible for healthcare, social services and education. The "Interinstitutional Protocol for the Timely Registration of Births" has helped prevent and eradicate under-registration in areas that are difficult to access, especially the indigenous regions of Bocas del Toro, Veraguas and Chiriquí that border the Ngäbe-Buglé Region, as well as Darien, Coclé and East Panama. The presence of auxiliary registrars in these areas has made it easier to serve these communities²⁵¹.

In 2017, **Paraguay** inaugurated its first mobile unit in the city of Itacuribí to strengthen birth registration campaigns and facilitate the issuance of birth, marriage and death certificates in remote areas.²⁵²

In **Peru**, RENIEC identified important cases involving a lack of documentation among women, girls, boys and adolescents and people on the move in Huaycán. This situation has been caused by under-registration of births and the deterioration or destruction of birth certificates. Through local institutions (municipality, schools, churches, etc.), traveling teams assisted 5,500 people who didn't have an ID (5,000 children and adolescents and 500 people over 18 years of age), while 400 births were registered. Copies of birth certificates were accepted to obtain IDs and expired IDs of the parents were allowed for the registration of children and adolescents²⁵³. Peru holds regular documentation campaigns (that usually involves a cost) in rural and indigenous areas in the Andean and Amazon regions. A boat is available to reach Amazon communities upriver. This work is carried out with the support of NGOs that identify undocumented populations and provide financial support to help them obtain their IDs. In some cases, financing comes from municipalities and even local private companies²⁵⁴.

The mobile registration and documentation units usually operate for a set period, and once this has ended people are no longer able to register²⁵⁵, especially if States do not consider mobile units an additional service that needs to be performed regularly and constantly. For example, in 2006 in Peru it was reported that the mobile units did not cover the national territory continuously and because their campaigns were relatively short (lasting one or two days in remote communities), the units were not able to solve the problem of undocumented citizens²⁵⁶. As a result of this situation, and in the context of the "National Plan against Undocumented Persons," Peru finally sent over 1,000 mobile

units to register and process identity documents when it had initially planned to send 60. This service benefited more than 3 million people living in poverty in rural and marginal urban areas²⁵⁷.



After the Chiriticos Project, Ngäbe-Buglé people continued to experience problems with confirming their nationality. For this reason, the government of Costa Rica passed a new law²⁵⁸ that requires the CR to send mobile registration and documentation units at least once a year, have translators available and coordinate actions with neighboring countries to exchange information and facilitate and simplify registration procedures²⁵⁹.

Consular registration services

Domestic legislation can empower consuls to perform registration procedures. All of the regulations reviewed in this study allow the registration of a birth that occurred abroad to national parents through the country's Consulate. This registration confirms or obtains nationality by consanguinity. In addition, all of the laws reviewed in the study allow citizens to apply for an identity document that proves their nationality through the Consulate. Only three States authorize consulates to register births that occurred in national territory. This implies that many **people who have left their country without registering their births, or who have been born in transit and have not registered their births, are not able to make a late birth registration or obtain identity documents that prove their nationality** from another State through their Consulate.

Colombia has legalized the possibility of registering births in its Consulates regardless of where a child was born²⁶⁰. However, it has been reported that this mechanism is not implemented in practice in all Consulates, which has had a significant impact on an increase in cases of children on the move who are stateless or at risk of statelessness, especially children of Venezuelan nationals²⁶¹. For Costa Rica, consuls are able to carry out actions related to the civil status of Costa Ricans in other countries, but in practice the births of children of foreign nationals that have occurred in Costa Rica have only been registered in exceptional cases in Costa Rica²⁶².

In Peru, Venezuelan mothers who gave birth to their children in Colombia or Ecuador and who only have a live birth certificate, or who registered the births of their children with the condition “not valid to prove nationality”, face barriers that impede access for their children to protection programs in Peru because they do not have a legal document that guarantees their nationality. Although these cases have been referred to the Ministry of Foreign Affairs, Colombian consulates have not yet established a suitable procedure to adjust their records to classify the birth registration as “valid to demonstrate nationality”²⁶³. There have also been cases of children of Venezuelan parents born in Venezuela who are in Peru and were unable to register their births in their country of origin. This problem is compounded because the Venezuelan Consulate does not offer the service of late birth registration to its citizens in Peru²⁶⁴.

In the cases of **Argentina**²⁶⁵, **Bolivia**²⁶⁶, **Chile**²⁶⁷, **Ecuador**²⁶⁸, **Panama**²⁶⁹, **Peru**²⁷⁰ and **Uruguay**²⁷¹, Consulates are empowered to register births of children of nationals that occur in foreign countries, but not births that occurred in the country where the Consulate is located.



Field mission to Tapón del Darién © Electoral Court de Panamá



Bolivia, as an exceptional case, expanded the powers of its consular representatives in Argentina to register the births of Bolivians who had not previously done so, allowing people to register their birth and identity “using all available forms of evidence”, which allowed the presentation of a baptismal certificate or two sworn witnesses. This situation is part of the Migration Agreement between Bolivia and Argentina²⁷².

Mexico modified its legislation to empower Consulates to provide late birth registration and issue birth certificates for people born in Mexico. The country faces a problem with under-registration that particularly affects people who were born in Mexico but now live in the United States of America. To solve this problem, Consulates were granted the power to register Mexicans who were born in Mexico and never had their birth registered, regardless of a person’s age at the time of the registration application and not just the children of Mexicans born abroad²⁷³.

Online Services

Several of the countries included in this study have launched initiatives that provide certain civil registration services online. These digital services are mostly available from CRs that have digitized their processes and workflows. The services offered include requesting appointments to carry out a CR procedure, printing birth certificates and requests for duplicate IDs. However, **birth registrations and issuance of identity documents are still procedures that must be done in person.**

Online Services ²⁷⁴	
Argentina	Scheduling of appointments for registration services and to obtain an ID.
Bolivia	Scheduling of appointments to obtain an ID.
Chile	Online issuance of certificates, ability to check the status of an ID request and ID duplication.
Colombia	Request for a duplicate ID, validity certificate for the identity card and scheduling of appointments for all procedures.
Costa Rica	Issuance of digital certificates and ability to check the status of an ID request.
Ecuador	Issuance of birth certificates.
Guatemala	Electronic certification request and ID replacement request.
Mexico	Issuance of a certified copy of a Birth Certificate and the Unique Population Registry Code.
Panama	Request a duplicate ID.
Peru	Pre-registration of an ID request, status checking of an ID request, duplicate ID request and queries of birth registration records.
Uruguay	Certificate request and appointment scheduling for all procedures.

Although online services speed up the issuance of birth certificates and duplicate IDs, it is necessary for States to propose strategies that facilitate access to the population that has limited or no access to technological tools, internet services or are not aware of how to use online platforms.

III. Judicial or administrative nature of late registration

Procedural nature refers to the means provided by the internal regulations of each country to process applications for late birth registration. This can be by means of an administrative procedure or a legal process²⁷⁵.

UNHCR recommends the “adoption of simplified administrative procedures”²⁷⁶. In this sense, the “Eradication of Statelessness” program from the Brazil Action Plan proposes facilitating universal birth registration and the issuance of identity documents through the adoption of simplified administrative procedures²⁷⁷. PUICA describes the prosecution of late birth registration as “one of the main aspects that make it difficult to improve CR.” PUICA establishes that the States, “in accordance with their national legislation, shall promote the use of administrative channels free of charge for procedures related to birth registration processes in order to simplify and decentralize them, leaving as a last resort the use of legal means”²⁷⁸.

274 These countries offer other services related to other civil acts. The table only indicates online services related to birth registration and identity documents that prove nationality. Paraguay does not offer online services. As a result of COVID-19, all of these countries have developed online capacities to schedule online appointments for the services offered by CRs. In addition, Panama has established a procedure

Going to court generally involves expenses (fees, costs, transportation) and a longer resolution period. In addition, a jurisdictional process may eventually incur excessive formalities and delays in some States that occur in these types of procedures²⁷⁹. For this reason, administrative procedures generally focus on the principles of gratuity and accessibility²⁸⁰.



A judicial procedure aims to obtain an authorization so that the expression of a right²⁸¹ can be effectively materialized. This procedure is used in cases when the normal procedure to access a right represents an excessive limitation for the applicant because it must be facilitated through a court of law or a government agency.²⁸²

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

The countries included in the study have both administrative and judicial procedures to respond to late birth registration. In many of the countries, registration becomes judicial in nature after the person reaches the age of 18, meaning that an individual analysis of each case must be carried out.

Country	Substantive requirements for late birth registration in court.
Argentina ²⁸³	<p>By judicial means. For those over 18 years of age: The person must approach the nearest Court and indicate the circumstances of the case to commence the birth registration process . The Justice of the Peace will request the following information: negative registration certificate from the Provincial CR; certificate issued by an official doctor in which the age and presumed date of birth are determined; report for RENAPER stating whether the person whose birth is intended to be registered is identified, registered or enrolled in the official system; report to the National Office of Migration that corresponds to the person’s address regarding the entries made to the country by the applicant. For people over 16 years of age: a report must be verified by the police or provincial and national civil registries to identify if there is a criminal or fingerprinting record of the undocumented person to determine that the person does not have another identity in the records; and any other measure deemed necessary to determine the identity of the applicant.</p>
Ecuador ²⁸⁴	<p>Judicial means for persons over 18 years of age: The applicant must approach the Civil Court closest to their domicile to obtain the final judgement. The Judge will request documents and tests of a preparatory nature that are necessary to commence the trial, which will be analyzed prior to drafting the judgement. Among the documents that can be requested are school and medical certificates, sworn statements from two witnesses of legal age and proof of address. The applicant may approach the CR with their favorable ruling to register their birth.</p>
Mexico	<p>Through a Court. The requirements that must be presented before a judge depend on each State.</p>
Paraguay ²⁸⁵	<p>Judicial means: The only cases that will require judicial processing are the children of missing, deceased or undocumented single parents; abandoned minors; and those who have lost or misplaced the Live Birth Certificate issued by the health service. Affected people must undertake a judicial proceeding before the Court for Children and Adolescents, presenting the official refusal to register them for an identity card²⁸⁶, their life and residence certificate ²⁸⁷ and their fingerprint check.</p>

BARRIERS AND BEST PRACTICES

Court registration involves direct and indirect costs. These include fees, legal counsel (which, depending on the country or province, may not be free), transportation and loss of working hours, especially for people in vulnerable situations (e.g., people living in remote or inaccessible areas). In addition, although the process for timely registration takes approximately 20 minutes, the judicial delay can take from between one to two months and may take up to years, without including the time required for the court to hand down its ruling²⁸⁸. Given this situation, some provinces in Argentina have made specific decisions in this area. In 2019, the autonomous city of Buenos Aires approved the summary proceedings for Late Birth Registration that require court involvement, exempting the payment of any type of tax or stamp duty for late registration²⁸⁹.



The period for a court decision on late birth registration must be reasonable²⁹⁰. The Inter-American Court has indicated on several occasions that the reasonable duration of a procedure, whether judicial or administrative, is determined by the effect of the duration of the proceedings on the legal situation of the claimant. The Court has established that if the elapsed time has a relevant impact on the legal situation of the individual, it will be necessary for the proceedings to be carried out at a faster pace so that the case can be resolved in a shorter period²⁹¹.



Argentina considered a judicial late registration deadline of 40 days (if the birth occurred in a medical center)²⁹² or one year (if it occurred outside a medical center). However, through annual extendable executive orders from 2009 to 2018, the deadline for administrative late registration was extended until the age of 12²⁹³. As of 2019, it was extended to 18. After 18 years of age, the registration is processed through a court, except for indigenous people. This is due to the fact that by identifying numerous cases of indigenous people who could not prove their identity due to their lack of birth registration, an exception has been established so that indigenous peoples can undertake an administrative procedure to register their birth, even when they are over 18 years of age²⁹⁴.

The negative view of judicial proceedings has led to a movement towards de-judicialization. In 1995, Peru was the first country in the region to de-judicialize the late registration process²⁹⁵. In 2003, Bolivia modified its law to process registration proceedings through its administrative channel instead of the judicial one, which had been in operation since the CR was conceived²⁹⁶.

290 The Inter-American Court has established that there are four elements to determine the reasonableness of the period: (i) complexity of the matter; (ii) procedural activity of the interested party; (iii) conduct of the authorities; and (iv) damage caused to the legal situation of the person involved in the process; Inter-American Court. *Granier et al. (Radio Caracas Televisión) v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 22nd, 2015. [Serie C No. 293](#), § 255, Inter-American Court. *Wong Ho Wing v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 30th, 2015. [Serie C No. 297](#), § 209, Inter-American Court. *Gonzales Lluy et al. V. Ecuador*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 1st, 2015. [Serie C No. 298](#), § 298

De-judicialization can present certain regulatory and institutional obstacles, especially when the CR is part of the judicial or electoral branch of government. Extracting the CR from these branches could even go against constitutional provisions²⁹⁷. In Bolivia, the SERECI regulation was constitutionally enshrined, which is why the de-judicialization process took ten years and required a regulation from the National Electoral Court²⁹⁸.

De-judicialization can raise concerns about maintaining the same level of guarantees. In judicial procedures, applications can be submitted to a more rigorous verification process, avoiding the risks of political party or electoral manipulation, as well as registration fraud by people who appear to have a right to vote that they are not entitled to²⁹⁹.



Colombia³⁰⁰ has a purely administrative procedure like **Guatemala**³⁰¹ and **Uruguay**³⁰².

Costa Rica has a system in which late birth registration is submitted to the TSE. The TSE has the same rank and autonomy of the other Powers of the State. It is exclusively and independently responsible for the organization, direction and supervision of actions related to elections, as well as the Civil Registry³⁰³. For children under 10 years of age, the procedure is only administrative. For those over 10 years of age, the resolution issued by the CR must be submitted to the TSE³⁰⁴ for review, a procedure that is also administrative.

IV. Procedural guidelines

All administrative and judicial due process must include a series of minimum guarantees. The Inter-American Court has specified that it is a human right to obtain all of the minimum guarantees for reaching legal decisions, including those from the administrative and judicial branches of government. These minimum guarantees must be respected in administrative procedures and for any other procedure in which a decision may affect the rights of individuals³⁰⁵. Any serious violation of the procedure to the detriment of the petitioner is equivalent to the violation of their fundamental rights and subsequently Article 8 (1) of the ACHR³⁰⁶.

Due to its direct link with the exercising of the right to an identity and a nationality, States must adopt birth registration procedures that provide effective access and full exercising of the rights to an identity and a nationality. The IACHR has recognized the need to establish standards for administrative procedures³⁰⁷, in this case the birth registration procedure.

³⁰⁶ The application of Article 8 (1) is not just limited to legal remedies, but also includes a set of requirements that must be observed in procedural instances so that people are in a position to adequately defend their rights in the face of any type of State action that may affect them. In other words, any action or omission by state bodies within a process, be it administrative sanctioning or jurisdictional, must respect due legal process. See: Inter-American Court. Ruano Torres et al. V. El Salvador. Merits, Reparations and Costs. Judgment of October 5th, 2015. [Serie C No. 303](#).



States have an obligation to not adopt practices or legislation regarding the granting of nationality that would lead to an increase in the number of stateless persons³⁰⁸.

There are a series of common procedural guidelines in the countries included in the study that have a direct impact on achieving birth registration. These include: (i) access to information; (ii) legal assistance and representation; (iii) deadline for timely and late registration; (iv) legal situation; (v) costs; (vi) burden of proof; (vii) evidence substantiation; and (viii) possibility of appealing the denial of birth registration.

Access to information about the procedure

Access to information and advice about the procedure is essential to achieve birth registration. Parents and unregistered adults often don't have access to information, are not aware of its importance or simply do not know about the procedure to register births or obtain identity documents. It is not until they face difficulties with accessing basic services (education, health, employment, banking, etc.) that they make the request³⁰⁹. In human mobility contexts and cross-border indigenous populations, parents are often not aware of the importance of registering births or are not provided with enough information on how to carry out the procedure. This situation is aggravated when the parents do not understand the language in the country of the child's birth.

To reduce the rates of under-registration and problems with a lack of documentation, the State must guarantee access to information and provide free advice about these procedures. There is also a need to carry out information campaigns to raise awareness about the importance and requirements of birth registration and obtaining a birth certificate and ID.



It is necessary to avoid differentiated obstacles that can have a negative effect on indigenous populations³¹⁰. States must ensure that indigenous peoples can understand and make themselves understood in legal or administrative procedures, providing them with interpreters³¹¹. The same standard applies to other vulnerable populations who do not understand the language in their child's country of birth, including people on the move³¹².

The Brazil Action Plan proposes that States facilitate universal birth registration and the issuance of identity documents by periodically organizing awareness-raising campaigns and community-focused outreach activities³¹³. For this reason, UNHCR recommends that States organize campaigns to raise awareness about the importance of birth registration and disseminate information about the procedure, its requirements and access³¹⁴. Community and religious leaders play an important role in transmitting information. In addition to working with communities, relevant ministries and their partners, UNHCR recommends implementing mass awareness campaigns that include television and radio broadcasts, the distribution of fact sheets in local languages and the use of visual messages to improve the absorption of information³¹⁵. These criteria are shared by the HRC³¹⁶ and the World Bank³¹⁷.

According to the UNSD, and as a first step, information, education and communication programs must be aimed at overcoming obstacles that influence under-registration and lack of documentation, including cultural beliefs, traditions, lack of interest, ignorance of the law and the distance between place of birth and the CR, among others. These programs should simply but convincingly inform and educate the population about the benefits of birth registration and documentation. As a second step, target groups for the information programs must be identified. These include government leaders, registry and medical staff, religious authorities, professional associations, civil society organizations, influential personalities and the general population. As a third and final step, more effective means of communication should be selected³¹⁸.

The UNSD also states that before starting a campaign, the cooperation of midwives, staff who attend to women giving birth and those who may be in charge of registering births should be identified. They should receive training on the benefits of these processes so that they can share this information with pregnant women, those who have recently given birth and people who have not obtained their documentation or birth registration in a timely manner, including older persons³¹⁹.

PUICA highlights that indigenous populations have one of the highest rates of under-registration. For this reason, it recommends implementing existing campaigns in indigenous languages³²⁰. OHCHR cautions that parents and communities are also likely to view registration or documentation as a minor legal formality compared to other priorities, especially for people living in poverty or with high levels of vulnerability. For this reason, OHCHR also recommends making the population aware of the rights and benefits that birth registration and identification can help them access³²¹.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Most of the countries included in this study have specific laws that guarantee access to public information, providing opportunities for citizens and civil society to exercise their right to be duly informed and carry out oversight of public management. The correct exercising of the right to information strengthens citizen participation, public policy management and ultimately democratic governance³²². It is also a key instrument for the exercising of other rights, such as economic, social and cultural rights, because when citizens can access adequate and timely information, risks can be mitigated effectively and improvements to the provision of public services can be promoted.

Although the States have a suitable legal framework, they need to consider the effectiveness of its implementation. It is necessary to use suitable forms of communication to provide timely information to the entire population, especially those who face barriers to access CR services. Although the laws explicitly recommend the use of digital media to guarantee the right to information, this should not be exclusive, especially to inform vulnerable populations that have limited access to digital media.

Countries that have a Law on Access to Public Information

Argentina	<u>Law on the Right of Access to Public Information (Law No. 27.275)</u>	Article 32 regulates that the search and access to public information must be facilitated through its official website and certain information must also be published in a complete, updated manner by digital means and in open access formats.
Bolivia	<u>Decree on Access to Information (Supreme Decree No. 28168)</u>	Article 12 indicates that every public entity has an obligation to provide the required information in written documents, photographs, recordings, magnetic or digital media or in any other format, provided that it has been created or obtained by the entity and that it the information is its intellectual property, responsibility or within the scope of its functions.
Chile	<u>Law on Access to Public Information (Law No. 20.285)</u>	Article 7 indicates that State agencies must remain permanently available to the public through their electronic websites, including information on the procedures and requirements that the interested party must comply with to access the services provided by the respective body.
Colombia	<u>Law of Transparency and the right of access to national public information (Law No. 1.712)</u>	Article 7 indicates that information must be made available through physical, remote, and local media, and that government agencies must provide support to users and deliver different types of assistance in relation to its procedures and services.
Costa Rica	<u>Guideline on Transparency and Access to Public Information</u>	Article 11 indicates that decentralized public institutions will seek to publish public information on their respective official website including clear and precise descriptions of the procedures and requirements that can be carried out with the institution.
Ecuador	<u>Organic Law of Transparency and Access to Public Information (Law No. 24)</u>	Article 7 details that all government institutions within the public sector will disseminate information on public management, including the services offered and ways of accessing these services, on a web information portal
Guatemala	<u>Access to Public Information Law (Decree No. 57-2008)</u>	Article 10 lists several elements that will be considered official public information, including administrative manuals and operational procedures. It is also noted that public institutions must maintain updated information on the social and linguistic groups of users of their services in order to adapt the provision of information to meet their differentiated needs.
Mexico	<u>General Law of Transparency and Access to Public Information</u>	Articles 70 and 71 indicate that government agencies must provide information about the services they offer and the requirements to access them to the public and keep this information up to date on their respective electronic media. Article 13 states that the published information must use simple language for and its accessibility and translation into indigenous languages should be considered.
Panama	<u>Law on Access to Public Information (Law No. 6)</u>	Article 9 establishes that State institutions are obliged to have and periodically publish updated information regarding issues, documents, and policies available in print on their respective websites.
Paraguay	<u>Law on free citizen access to public information and government transparency (Law No. 5.282)</u>	Article 8 details all of the information sources that must be available to the public.
Peru	<u>Law of Transparency and Access to Public Information (Law No. 27.806)</u>	Article 5 establishes that public entities shall disseminate information regarding public management, including procedures, on institutional websites.
Dominican Republic	<u>General Law of Free Access to Public Information (Law No. 200)</u>	Article 3 details all the information that must be published. Article 5 establishes that communication must be occur using the internet or any other similar media to disseminate information on bilateral procedures and transactions. Article 24 states that all public information must be current and explicit in its content, with language that is understandable by members of the general public.
Uruguay	<u>Law on the Right of Access to Public Information (Law No. 18.381)</u>	Article 5 establishes that public bodies must permanently publish relevant information on public management through their websites or other media.



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BARRIERS AND BEST PRACTICES

There are low levels of awareness and/or access to information on the procedures and importance of birth registration and documentation³²³, primarily among people in vulnerable situations³²⁴.

In **Argentina**, CSOs have documented how some communication strategies are not designed to adequately inform the vulnerable population as unsuitable methods have been used in attempts to help them understand the importance of birth registration and how to access this service³²⁵.

Bolivia reports that there is limited dissemination of birth registration procedures for people who are over 12 years of age (late birth registration). In addition, some cultural beliefs do not recognize the practice of registration and/or certain communities are unaware of the importance of birth registration³²⁶. It is also reported that some hospital births are not registered due to the parents' lack of knowledge regarding the procedure or their lack of information about the importance of the birth registration for their children³²⁷. In Colombia, certain indigenous groups reject birth registration based on their cosmovision, in which they believe that acquiring Colombian nationality weakens their indigenous identity³²⁸.

Mexico has reported difficulties with providing information to people on the move who are located near the southern border of the country³²⁹.

When conducting this study, it was noted that information on the procedure and requirements for timely birth registration could generally be found online in a relatively simple manner. However, obtaining information about late birth registration took more time and effort, especially when looking for information about late birth registration for births that did not occur in health centers.



In **Argentina**, as part of the “My first document, access to my rights” campaign, a WhatsApp number was established to answer people’s questions about the birth registration and documentation process³³⁰.

By law, **Bolivia** establishes that the National Electoral Court and the Departmental Electoral Courts must implement mass information and education campaigns about birth registration and that a person’s first birth certificate is free³³¹. These campaigns include mobile units for people who live in remote places and providing timely information to inhabitants in these areas about the services that these units will be providing. In 2019, the CR implemented a second campaign in the rural area of the Department of Pando located in the Amazon National Reserve. During this campaign they registered the birth of a 70-year-old inhabitant of the area, who presented two witnesses and documents that proved their identity, meeting the requirements for a late birth registration using an administrative procedure. The country’s legislation means that in exceptional cases a preliminary geographical code can be provided that facilitates the issuance of documents to vulnerable and low-income populations³³².

In **Chile**, campaigns have been implemented to inform the public about specific services such as obtaining identity cards, passports and birth certificates. These campaigns invite users to review the validity of their documents so that they can renew them on time.

In **Colombia**, the CR coordinates a range of communication activities with the Colombian Social Welfare Institute (ICBF) and the Unit for Comprehensive Assistance and Reparation to Victims (UARIV) to reach vulnerable populations. Preparatory meetings are regularly held in territories with local government authorities, community councils, and indigenous councils to decide on the documentation activities that will be carried out in each area. In terms of birth registration and obtaining Colombian nationality for children of Venezuelans born in Colombia, the “First the children” (*Primero la Niñez*) campaign was designed, which aims to publicize the measure adopted by the Colombian State.

The **Costa Rica** CR, through its programs “Decentralization of Traveling Identification Services” and “Responsible Paternity Notifications” has provided services in areas with difficult access and in places that are more than 10km away from a regional CR office.

There are articles in the **Ecuadorian** constitution that defend vulnerable groups, stating that they have the right to access mechanisms, means and alternative forms of communication. The Organic Law of Communication establishes that all media have a responsibility to disseminate content that expresses and reflects the worldview, culture, traditions and knowledge of indigenous, Afro-Ecuadorian and Montubian³³³ peoples and nationalities. Communication materials to promote CR services are produced in both Spanish and Quichua.

Guatemala has launched campaigns so that citizens deported from the United States can obtain an ID when they enter the country, preventing future barriers that returnees may face due to lacking this document. According to CR data, several of the returnees do not have an ID, usually due to the extensive period they have spent outside the country³³⁴.

In **Mexico**, the National Institute of Indigenous Peoples has included CR as a priority area in the Indigenous Rights Program, establishing an Operations Guide and Legal Identity Procedure to promote actions with RENAPO and articulate state and interstate campaigns that target indigenous people and Afro-Mexicans to facilitate access to CR services for this population³³⁵. Previously, RENAPO has coordinated actions with the National Commission for the Development of Indigenous Peoples, offering services to facilitate the registration and issuance of birth certificates in indigenous languages and ensuring the presence of mobile units in different Coordinating Centers for Indigenous Development. In states such as Aguascalientes, Chiapas, Nuevo León, Oaxaca and Tamaulipas, awareness-raising and training sessions about the importance of timely birth registration have been held with health officials and staff who work in community kitchens. These activities have been implemented as a result of inter-institutional coordination between the System for the Comprehensive Family Development, the Ministry of Health, the Civil Registry Office, the Social Security Institute and UNICEF³³⁶.

In **Paraguay** in 2013, and in the context of the “Match without names” campaigns, the match between the national soccer teams of Uruguay and Paraguay was used to highlight problems caused by the lack of identity documents and birth registration for thousands of children in the country. As part of this campaign, the announcers did not mention the names of the players during the first few minutes of the game, seeking to raise awareness among the audience about the importance of having a birth certificate. This initiative had support from UNICEF, the media and sports journalists³³⁷.

Upon identifying important cases involving a lack of documentation in Huaycán, **Peru** held registration sessions and dissemination and awareness campaigns on the right to an identity. These campaigns targeted students, parents, directors, teachers, leaders, social leaders and local authorities and generated alliances with 17 state actors³³⁸. Similarly, the national government has worked with a range of public entities to strengthen awareness raising campaigns in indigenous communities. A relevant aspect in Peru includes raising awareness among public officials about the treatment of Quechua speakers, helping to distinguish between respectful expressions and authoritarian phrases in order to prevent discrimination³³⁹. Information is also disseminated through different communication channels, press releases, interviews, and social networks (Facebook, Twitter).

In 2012, OAS / PUICA worked with the CRs of Bolivia, Ecuador, Paraguay and Peru to implement the pilot plan “Registration and awareness raising”, during which it formed alliances with public and religious organizations and NGOs to hold awareness campaigns³⁴⁰.

Representation and Legal Assistance during the Procedure

Civil society organizations (CSOs), child protection institutions and Ombudsman’s Offices play a fundamental role in promoting and ensuring the effective fulfillment of people’s rights to register their birth, identity and nationality. In recent years, these actors have actively participated by providing information about the procedure, accompanying and representing vulnerable populations whose rights have been affected in some way, thus becoming managers of social problems.



One of the essential elements of the legal due process is that petitioners have the right to receive legal assistance during the procedure, in this case the birth registration procedure³⁴¹.

BARRIERS AND BEST PRACTICES

The Ombudsman's Offices and child protection institutions have intervened with the CR in specific cases to ensure late birth registration for people belonging to vulnerable groups.



In **Costa Rica**, the Ombudsman's Office has supported complaints about the lack of access to the birth registry. In accordance with the powers granted by law to said office³⁴², it has intervened in specific cases involving children of foreigners and older persons so that they can achieve late birth registration. The Ombudsman's Office has also intervened to achieve birth registration for people belonging to the Ngäbe-Buglé indigenous community while ensuring that their indigenous cultural identity is recognized and a differentiated approach is used to support them during this process³⁴³.

In **Mexico**, the Federal Public Defender Institute (IFDP) has intervened by filing indirect appeals in favor of children born in the national territory whose birth registration was denied, thus violating their right to an identity and a nationality. It has primarily provided support to cases of children born to foreign parents, including people on the move who are in administrative detention³⁴⁴.

In **Peru**, the Ombudsman's Office has intervened in specific cases of children of people on the move who were denied birth registration due to their parents' lack of identity documents. It has also provided support to cases involving children who were not given a live birth certificate in health centers for the same reason³⁴⁵.

CSOs have played a fundamental role in providing support and advising people belonging to vulnerable groups so that they can access late birth registration and identity documents that prove their nationality. They have also provided information about the procedure, provided training to the population and worked with key actors to promote the importance of registering births and issuing documents that prove nationality to prevent statelessness.



In **Argentina**, the Microjusticia Foundation facilitates access to justice for the most vulnerable populations, including processing late birth registrations and obtaining birth certificates for people who were never registered. Another organization that has supported applications for identity documents is the Open Institute for the Development and Study of Public Policies in Argentina through its “Guarantee your identity” program.

In **Bolivia**, Microjusticia Bolivia designed and implemented a module on the right to identity to contribute to the legal and political empowerment of indigenous members and authorities. The module included information about administrative procedures available from the CR and delivered this information in user-friendly language with easy to understand infographics so that indigenous peoples could overcome their fear of attending public institutions. The educational materials describe cases involving Bolivian families and how they managed to obtain their identity documents. The procedure for the registration of births and other civil events is also described using simplified language. Today, Microjusticia continues to provide legal assistance to indigenous communities so that they can access identification services.³⁴⁶

In Chile, the Legal Clinic for Migrants and Refugees at the Diego Portales University offers support for the digital process to obtain Chilean nationality through the #Chilereconoce³⁴⁷ project. When the claim is rejected, the case is referred to the Alberto Hurtado University Legal Clinic for Migrants, a partner institution. This process centralizes the judicial management of the procedure. In addition, the university works with Jesuit Refugee Service (JRS) Chile to carry out awareness campaigns in the field and on social networks about the right to nationality, documentation and statelessness. Some of the dissemination activities are aimed at community leaders and the general population, while others are focused on civil society organizations, public institutions and other organizations that work in the areas of childhood issues, birth registration and documentation, human rights, etc.³⁴⁸.

In **Colombia**, the Legal Clinic at the Universidad de los Andes has supported cases and legally represented the children of people on the move who have been denied birth registration. They have submitted petitions of rights to the RNEC and have filed writs for the protection of constitutional rights in order to obtain children’s birth registration and identity documents that prove their nationality. Dejusticia, with the support of other human rights organizations, presented an intervention before the Constitutional Court to defend the rights to nationality, legal status, equality and non-discrimination of the children of Venezuelan parents born in Colombia. Dejusticia also submitted a petition to the Court to order competent bodies to create effective procedures for the recognition of the condition of statelessness of these children³⁴⁹. Corporación Opción Legal has provided legal guidance and free legal assistance to the population in need of international protection and victims of the armed conflict to help them access late birth registration procedures with the RNEC³⁵⁰.

348 These cases refer, for the most part, to persons registered as children of transient foreigners.

In **Costa Rica**, the Jesuit Refugee Service (JRS Costa Rica) provides support to undocumented people who live in Costa Rica . If the person states that their birth occurred in the Costa Rican territory, they support them to meet requirements and provide the necessary evidence to begin the late birth registration process before the CR. If the person states that they were born in Nicaragua, they coordinate with the Nicaraguan Jesuit Migrant Service to see if there is a record of their birth registration in this neighboring country. Once the information is verified, the person receives information about birth registration processes in Costa Rica or Nicaragua³⁵¹.

In **Mexico**, Asylum Access “AAMX”, Scalabrinian Migrant and Refugee Mission “SMR”, Shelter House, Training and Empowerment of Migrant and Refugee Women “CAFEMIN” and Sin Fronteras AIP have provided legal advice and support so that parents of children who were born in Mexico can register their births, including children of people on the move. Sin Fronteras has also provided economic and legal support to intervene with different consulates so that they can obtain identity documents that prove their nationality. Similarly, Sin Fronteras has provides support to access apostilles and register children born in Mexico. Working with the “City Hospital, Intercultural and Migrant Care Program” in Mexico City, these partners have identified children of people on the move who were born in Mexico and supported them to register their births.

In **Peru**, SOS Children’s Villages, in coordination with the Pedro Arrupe SJ de Encuentros Legal Clinic for Asylum-Seekers and Refugees - Jesuit Solidarity Network and the Antonio Ruíz Montoya University, work to identify cases of children born to people on the move, providing them legal advice so that they can register the births of their children before the RENIEC.

In the **Dominican Republic**, the Socio-Cultural Movement for Haitian Workers “MOSCTHA”, HAI, the Center for Sustainable Development “CEDESOC” and the Scalabrinian Association at the Service of Human Mobility “ASCALA” have provided legal advice and support to children born in the national territory to foreign parents, including those from Haiti and Venezuela, so that they can register their births. HAI has implemented information campaigns, distributing thousands of information brochures about the birth registration procedure and helping people to obtain identity documents. HAI has also contributed to the institutional strengthening of other CSOs and grassroots groups in 13 provinces, as well as supporting community development. HAI has delivered training on legal assistance, ethics and advocacy for 150 leaders in targeted communities.

One of the challenges faced by these actors is their lack of presence in different parts of the country, especially in border areas. To address this issue, several CSOs have implemented border operations in coordination with CRs, Ombudsman’s Offices and other CSOs to identify cases of people who are stateless or at risk of statelessness. In Argentina, one of the challenges identified is that the entities that provide free legal support are overcrowded and this service is not provided in all of the country’s provinces³⁵².



#Chilereconoce project. Iquique, Chile. © UNHCR/David Alarcón



In **Argentina**, Microjusticia has made field visits with RENAPER to identify and register cases in the provinces of Formosa and Salta, where the Nivaclés indigenous people live. Working with the Ombudsman's Office, they were able to facilitate their access to the birth registration service provided by the Provincial Registry³⁵³.

In **Chile**, the Diego Portales Legal Clinic for Migrants and Refugees has formed alliances with institutions, including UNHCR and UNICEF, that have a presence on the border so that they can refer cases to this organization located in the country's capital city. JRS Chile also implements direct field work in border areas to identify the people registered as the child of an in-transit foreigner (HET) and offer them legal support to achieve the re-registration of their birth with recognition of their Chilean nationality. One of the emblematic projects is #Chilereconoce, in which Chilean nationality was granted to children who were born in Chile and whose parents have an irregular migratory status³⁵⁴.

CSOs have promoted strategic alliances with other CSOs, international organizations and government entities to identify and monitor cases, provide technical and legal assistance, deliver training and mutual services and promote the exchange of best practices and lessons learned.



In **Argentina**, the Microjusticia Foundation has established coordination mechanisms with the National Social Security Administration, the Association for the Promotion of Culture and Development, the Ombudsman's Office and the National Institute of Indigenous Affairs to provide monitoring of cases in order to facilitate late birth registration for members of the Nivaclé indigenous communities. They have also signed an agreement with Access to Justice from the Public Prosecutor's Office for the referral of cases of people living in poverty who face difficulties in accessing the right to birth registration, nationality and identity³⁵⁵.

In **Chile**, collaborative actions between the Legal Clinic for Migrants and Refugees of the Diego Portales University, the Jesuit Refugee Service (JRS-Chile), the Legal Clinic at the Alberto Hurtado University, the National Service for Minors (SENAME), the Department of Immigration and Migration (DEM) and the Civil Registry Service have made it possible to provide legal assistance to children and adolescents on the move so that they can recognize their Chilean nationality and provide them with identity documents that prove their nationality³⁵⁶.

In **Colombia**, the Legal Clinic for Migrants at Universidad de los Andes has an agreement with another CSO, Opción Legal, to implement the Assistance Program for the Population in Need of International Protection and Victims of the Armed Conflict. Within the framework of this agreement, the Legal Clinic implements training, legal support, customer service, advocacy activities and online litigation on various issues, one of them being access to nationality and the prevention of statelessness³⁵⁷.

In the **Dominican Republic**, HAI has designed communication mechanisms with the Civil Registry, the Ministry of the Interior and Police (MIP), the General Office of Migration (DGM) and the Central Electoral Board (JCE) to facilitate the birth registration process and the restitution of identity for vulnerable groups, helping to overcome some barriers that prevent access to the right to an identity³⁵⁸.

In **Chile** and the **Dominican Republic**, inter-institutional working groups have been established involving coalitions of CSOs, government institutions and CRs to seek solutions and comprehensive responses that result in birth registrations for identified cases and the issuance of identity documents that prove their nationality. In the Dominican Republic, through the CSO coalition known as "Dominican Platform for Rights", interventions have been coordinated with agencies from the United Nations system, including UNHCR.

Deadline for timely and late registration

The term for timely registration is the period established in legislation during which the informant must communicate the occurrence of a birth and its characteristics to the registrar. In general, once the deadline for timely registration has expired, the procedure for late birth registration is then available³⁵⁹. The goal is to achieve registration within the relevant period. If a person has to submit a late registration, they can face serious barriers to prove that they have links with the State of their nationality (*de ius soli* or *ius sanguinis*). This could make this person stateless or put them at risk of statelessness if the barriers that this person faces are insurmountable³⁶⁰.



The CRC and the ICCPR establish that every child must be registered “immediately after birth”³⁶¹. This implies that there is an urgency to register the birth within days, not months.

The probability of achieving registration is higher if it is done immediately after birth. For example, if a birth occurs in a hospital without registry services, the probability of registration decrease once the mother has been discharged³⁶². In addition, the responsible person may forget details or simply not carry out the registration³⁶³.

UNICEF³⁶⁴, PUICA³⁶⁵ and UNSD³⁶⁶ have indicated that the period for timely birth registration may not be long enough. This is because multiple factors affect access to, and correct functioning of, the CR. People may delay or simply not register births: when there are geographical barriers; when the procedure is complicated, judicial or involves expenses, when CR services are limited or do not work properly; or it may depend on the level of information and interest from communities. The length of the period must be established by taking into account all of the pertinent factors that exist in the respective country.

Timely birth registration

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Country	Deadline for timely birth registration using an administrative procedure
Argentina³⁶⁷	40 days for births that occurred in hospital centers; once this period has expired, a birth can be registered with a court order within a maximum period of 20 calendar days. For births occurring outside of medical centers, birth registrations can be received when there are irrefutably justified causes up to a maximum period of 1 year following intervention by the Public Prosecutor’s Office.
Bolivia³⁶⁸	12 years
Chile³⁶⁹	30 to 60 days
Colombia³⁷⁰	30 days
Costa Rica³⁷¹	30 days
Ecuador³⁷²	30 days
Guatemala³⁷³	60 days
Mexico³⁷⁴	60 days
Panama³⁷⁵	6 months for births in medical centers; after 6 months, it must be done via court order within a period of 2 years
Paraguay³⁷⁶	30 days in the capital, 60 days in the rest of the country
Peru³⁷⁷	60 days and 90 days for births in remote or native areas
Dominican Republic³⁷⁸	60 days when the birth occurs in an urban area
Uruguay³⁷⁹	10 days in urban areas and 20 days in rural areas

BARRIERS AND BEST PRACTICES

Some countries included in the study have established different deadlines for the birth registrations of people who live in rural areas or whose birth took place outside a health center. These measures take into account social and cultural aspects related to birth registration and at the same time propose flexibility with requirements for the elimination of barriers to access the CR.



In **Argentina** there is no age limit for the registration of people living in the country and who prove that they belong to an indigenous community. The National Institute of Indigenous Affairs (INAI), which reports to the Human Rights Office within the Ministry of Justice, in conjunction with local governments, identifies modalities for verifying that a person is a member of an indigenous community in accordance with the legal provisions in force at national and provincial levels.

In 2003, **Bolivia** increased the maximum time period for a birth registration from 1 to 12 years to accommodate the indigenous custom of registering births after a child turns 5 years of age, an age they consider sufficient to ensure that the child will survive until adulthood³⁸⁰.

In **Panama**, home births have a period of 2 years for parents to register their births. This measure was adopted as births without formal medical assistance represent an average of 10% of births in the country each year and primarily occur in rural areas³⁸¹.

In **Peru**, the deadline for timely birth registration is 60 days, but it is extended to 90 days if the birth occurred in remote or inaccessible areas, such as remote populated centers, border areas, and jungle areas³⁸².

It should be noted that an increase in the period for timely birth registration does not necessarily equate to a decrease in the under-registration rate. According to the latest figures from UNICEF, Paraguay is the country that reports the highest rate of under-registration, despite having different deadlines. This shows that the extension of the term must be complemented by other measures that facilitate birth registration, which have been explored in this study.

Some countries allow birth registration by court order. In Argentina, following a period of 40 days after the birth, the Provincial Registry has 20 days to register a birth by court order³⁸³. To realize this procedure, the medical center sends the original live birth certificate to the Provincial Registry. The Ministry of Health carried out campaigns to train hospital personnel on how to use the new form. Between 2015 and 2018, 2,134 births were registered by court order. In some provinces this represented almost 6% of births³⁸⁴. However, as of 2018, it is reported that not all provinces are using this method of late birth registration³⁸⁵.



In Panama since 2006, if six months have passed since a birth that received medical assistance and it has still not been registered, the CR will proceed with the registration through a court order based on the data of the clinical document issued by the health authority³⁸⁶.

Late birth registration

Late registration refers to the registration of a vital event after the period established in the existing laws or regulations of each State. Since late registration proceeds after the “grace period” established by each State, evidence requirements increase. In some countries, the procedure for the late registration of births can be resolved on an administrative level, while in others they can only be processed before the courts or a combination of both.



#Chilereconoce project. Iquique, Chile. © UNHCR/David Alarcón

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Deadline for administrative and/or judicial late registration	
Argentina ³⁸⁷	From 1 year to 18 years by administrative means. After the age of 18, the procedure can only be done before a court. For people who prove that they belong to indigenous communities, late registration may be done by administrative means, regardless of age.
Bolivia ³⁸⁸	From the age of 12 by administrative means.
Chile ³⁸⁹	From 60 days by administrative means if legal proof of the birth is provided. After the age of 18, the procedure can only be done before the court.
Colombia ³⁹⁰	From the age of 12 by administrative means.
Costa Rica ³⁹¹	From 30 days to 10 years by administrative means. From the age of 10 in consultation with the TSE by administrative means.
Ecuador ³⁹²	From 60 days to 18 years by administrative means. After the age of 18, the procedure can only be done before a court.
Guatemala ³⁹³	From 60 days by administrative means.
Mexico	Term and procedure established by each state.
Panama ³⁹⁴	From 2 years of age for births that occurred without medical assistance by administrative means.
Paraguay ³⁹⁵	From 60 days to before 18 years by administrative means with a statement from the parents. From the age of 18 by administrative means. Cases that require court intervention (regardless of age): - Child of single, deceased or undocumented parents. - Abandoned minors. - Loss or misplacement of the live birth certificate issued by the health service.
Peru ³⁹⁶	From 60 or 90 days by administrative means.
Dominican Republic ³⁹⁷	From 60 or 90 days by administrative means ³⁹⁸
Uruguay ³⁹⁹	From 10 or 20 days by administrative means.

BARRIERS AND BEST PRACTICES

In the case of **Argentina** and **Ecuador**⁴⁰⁰, administrative and judicial procedures for late registration are combined. In these two countries, after reaching the age of 18, the legal nature of the procedure changes. As mentioned in a previous section, late registration procedures that must go through a court can make birth registration more difficult compared to late registration procedures that are administrative and carried out by a government department.

398 For late registrations, if these need a confirmatory judgment, then the procedure is administrative, which means that the requesting party does not have to add additional documents. When a file is submitted to the prosecutor, the late birth registration has already been recorded in the corresponding ledgers. This procedure complies with the requirements of Law 659 on Civil Registration. Once the confirmatory judgment is sent to the CR, a side note about the resolution is included.

400 Except for the registration of citizens over 18 years of age who reside in the territory of the Nation and who prove that they belong to indigenous communities. Decree 285/2020 "Administrative System for birth registration" of March 17, 2020.

Costa Rica establishes a temporary limit for the possibility of proceeding with late birth registration by administrative means when the person was born in national territory to foreign parents or abroad to national parents. After the age of 25, the person is required to undertake a naturalization procedure, which involves a series of additional requirements that may be out of reach for some people⁴⁰¹. The Ombudsman’s Office of Costa Rica reported a case in which this registration could not be completed because the person could not present evidence for the requirement of “known occupation or means of subsistence”⁴⁰².



Bolivia, Colombia, Guatemala, Panama and **Peru** do not have a time limit for requesting late registration by administrative means.

Legal standing

The person with legal standing capacity is the informant who is entitled by law to notify the registrar of the occurrence of the vital event of birth and its characteristics⁴⁰³. According to the UNSD, the CR law in each country must clearly and unequivocally designate the informant for each type of vital event. A primary filer must be selected, as well as a substitute filer, and the order in which they assume their responsibility should also be established⁴⁰⁴.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Most countries identify the person entitled to make the declaration of birth based on the age of the unregistered person, which means, that there is a difference between children and adolescents and a person of legal age (18 years).

Country	Person entitled to register a birth	
	Registration of children and adolescents	Registration of person of legal age
Argentina ⁴⁰⁵ In accordance with provincial legislation	Father or mother. Otherwise: direct relatives of the mother or spouse in first grade. Otherwise: Public Ministry for children and wards of the state; directors of public welfare institutions (prisons, hospices, etc.).	The person themselves or their legal representative, with the presence of two witnesses in case the person does not have the certificate of live birth.
Bolivia ⁴⁰⁶	Father or mother. Otherwise: relatives up to the third degree of consanguinity. Otherwise: municipal, church, administrative or judicial authority; community organizations; foster home directors.	The person itself In case of disability: parents or guardian in addition to the presence of two witnesses.
Chile ⁴⁰⁷	Father or mother. Otherwise: legal guardian, close relative. Otherwise: doctor or head of the public center where the birth occurred.	The person themselves
Colombia ⁴⁰⁸	Father or mother. Otherwise: close relatives. Otherwise: Director of the medical center where the birth occurred; the Family Defender.	In addition to the above, the person themselves.

Country	Person entitled to register a birth	
	Registration of children and adolescents	Registration of person of legal age
Costa Rica ⁴⁰⁹	Father or mother. Otherwise: the person in charge of the child, grandparents, uncles or siblings. Otherwise: the Director where the birth occurred, the National Children's Trust for abandoned newborns.	The person themselves identified by two witnesses.
Ecuador ⁴¹⁰	Father or mother. Otherwise: other relatives up to the fourth degree of consanguinity and second degree of affinity over 18 years of age. Otherwise: representatives of institutions that form the National System for the Comprehensive Protection of Children and Adolescents.	The person themselves with the presence of two witnesses.
Guatemala ⁴¹¹	Father or mother. Otherwise: close relatives, older siblings. Otherwise: Attorney General of the Nation.	The person themselves with the presence of two witnesses if the necessary documentation is not available.
Mexico ⁴¹²	Father or mother. Otherwise: guardians of the child. In some states the presence of witnesses is required. It varies depending on the legislation in each state.	The person themselves with the presence of two witnesses.
Panama ⁴¹³	Father or mother. Otherwise: close relatives of legal age. Otherwise: the head of the medical or hospital center, any person who has assisted in the delivery or the person who has knowledge of the abandonment of a newborn.	The person themselves with the presence of two witnesses.
Paraguay ⁴¹⁴	Father or mother. Otherwise: any person who has a special power-of-attorney granted by the parents or who has been assigned as a representative. In cases of children from marriages with a live birth certificate, the birth registration can be made by a third party.	The person themselves
Peru ⁴¹⁵	Father or mother. Otherwise: guardian, grandparents, siblings or aunts and uncles of legal age. Otherwise: Director of Child Protection, representative of the Public Ministry or the Children's Ombudsman.	The person themselves or their parents
Dominican Republic ⁴¹⁶	Father or mother. Otherwise: relatives of the mother with official identity documents.	The person themselves with the presence of his parents and witnesses.
Uruguay ⁴¹⁷	Father or mother. Otherwise: director of the hospital where the child was born (only in the hospitals that have a CR office), primary caregiver, legal representative, Justice of the Peace or special curator assigned by the Public Ministry.	The person themselves with the presence of two witnesses.

BARRIERS AND BEST PRACTICES

All the countries included in the study allow either the father or the mother to register the birth of a child. None of the laws require the presence of both parents to register the birth, although in practice obstacles are reported in some countries when only the mother is present. In case the parents are not married, certain additional requirements could be requested for the recognition of paternity. This will be analyzed below in the section on the application of the differentiated approach, women and gender-based barriers. All laws also entitle other relatives, guardians or representatives to register the birth in the absence of one or both parents. In some laws certain public officials are entitled to register the birth of a child.

Costs of applying for late registration and identity documents

The cost refers both to the direct costs for birth registration or request for documentation (fines or fees), as well as the indirect or associated costs to access it (including transportation to the CR, accommodation, loss of hours of work, copying expenses, certifications and other associated requirements). Certain countries establish a cost (tariff or fee) that must be covered to obtain the birth certificate or ID after having made the birth registration. This section addresses the direct and indirect costs for both timely and late registrations, as well as the cost of obtaining an identity document to prove nationality.

UNHCR encourages States to facilitate the late registration of births by exempting the payment of fees or fines⁴¹⁸. The HRC also urges States to ensure that the timely and late registration of births is free or low-cost⁴¹⁹. PUICA states that, on the one hand, it is reasonable to consider that a fine would be an incentive for timely registration, but on the other, it must also be understood that because there are other obstacles, the possibility or certainty of being fined will not help the non-registered person come and register their birth. In areas with high rates of under-registration, fines don't just inhibit registration, they also hinder it⁴²⁰. For PUICA, the procedures related to registration processes should be free⁴²¹, or at least as cheap as possible for those who require these services, particularly if they are living in poverty or have high levels of vulnerability⁴²².

OHCHR, World Bank, UNDEN and UNICEF warn that fines and costs discourage birth registration. They are another barrier for people who, due to their vulnerability, already find it difficult to achieve a timely registration of the birth of their child, including families who live in remote areas with insufficient coverage of CR services and people who cannot pay the fines and are excluded from accessing this service due to limited economic resources⁴²³. The Committee for the Protection of the Rights of All Migrant Workers and Their Families (CMW) has urged that late registration avoid the imposition of fines or other financial penalties⁴²⁴.

The World Bank emphasizes that costs should not be a barrier to access identification services. It indicates that the first birth certificates must be free along with the first mandatory identity card. If there is a charge for other services, such as document replacement, the fees must be reasonable, proportionate and transparent to the public. In addition, the indirect costs of obtaining identification, including costs for supporting documents, travel, and other associated administrative procedures, should be minimized⁴²⁵.

Similarly, UNHCR recommends avoiding burdensome procedures for obtaining nationality documents⁴²⁶. UNICEF⁴²⁷ and OHCHR⁴²⁸ indicate that the issuance of the first copy of the birth certificate should be free of charge. The Inter-American Court states that the necessary trend towards making these procedures free is related to the need to reduce obstacles, in this case of a financial nature⁴²⁹.



The existence of financial requirements to access a right contained in the ACHR should not nullify the exercising of that right⁴³⁰.

UNSD also points out that the free issuance of the birth certificate is an incentive to promote timely registration. This incentive is heightened if parents are informed that the certificate allows access to services for children and adolescents and mothers such as health care, including family planning programs, vaccination and other services. Although it could be considered that issuing the first copy for free could represent a loss of income, UNSD explains that this is not a significant “loss”, as it is highly possible that members of the unregistered groups have not bought many birth certificates in the past. In addition, UNSD observes that the loss of income would be less than the cost of running registration campaigns⁴³¹.

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The countries included in the study do not charge fees or tariffs for the timely registration of births, providing the birth certificate to the minor free of charge. Only Guatemala charges for the printing of the first birth certificate after registration. In terms of late registration, the costs indicated include the issuance/printing of the birth certificate⁴³²:



Field mission to Tapón del Darién © Electoral Court of Panamá

Country	Direct costs of late registration (USD \$) ⁴³³
Argentina	The cost varies in each province.
Bolivia ⁴³⁴	\$13.90 USD (B. 96); at no cost for indigenous or peasant communities.
Chile	Free.
Colombia ⁴³⁵	Free.
Costa Rica ⁴³⁶	Free.
Ecuador ⁴³⁷	Free for children under 18 years of age. \$5 USD for people over 18 years of age.
Guatemala ⁴³⁸	\$3.21 USD (Q.25).
Mexico ⁴³⁹	Free.
Panama ⁴⁴⁰	Free.
Paraguay ⁴⁴¹	Free.
Peru ⁴⁴²	Free.
Dominican Republic ⁴⁴³	Free.
Uruguay ⁴⁴⁴	Free.

Country	Cost of the copy of the birth certificate (USD \$) ⁴⁴⁵
Argentina ⁴⁴⁶	Copies of education, social security and identity documents: free. Copies for any other procedure: cost varies in each province between \$0.78 - \$ 2.60 USD (\$ 60- \$ 200 ARS).
Bolivia ⁴⁴⁷	\$7.24 USD (B. 50).
Chile ⁴⁴⁸	Requested online: free. Birth certificate for all procedures requested in the office: \$ 0.89 USD (\$ 710 CLP). Birth certificate for enrollment purposes. Family members request this at the office: \$ 0.36 USD (\$ 290 CLP).
Colombia ⁴⁴⁹	Copies: \$ 1.96 USD (COP 7,500). Processing outside the country \$ 7.46 USD.
Costa Rica ⁴⁵⁰	Copy: free. Virtual certification: \$2.62 (CRC 1,575).
Ecuador ⁴⁵¹	\$3 USD.
Guatemala ⁴⁵²	\$1.93 USD (Q.15).
Mexico ⁴⁵³	Costs vary in each state: \$1.86 - \$8 USD (\$ 40 - \$ 172 MXN).
Panama ⁴⁵⁴	For school purposes: free. Copies for any other procedure: \$3 USD.
Paraguay ⁴⁵⁵	\$2.58 USD (G. 18.000).
Peru ⁴⁵⁶	\$3.4 USD (PEN 12).
Dominican Republic ⁴⁵⁷	For school purposes: free. \$6.85 USD (RD\$400).
Uruguay ⁴⁵⁸	Digital Copy: Free. Urgent processing: \$9.03 USD (\$ 384 UYU). Copies for any other procedure: \$ 2.26 USD (\$ 96 UYU).

Country	ID cost for nationals (USD \$) ⁴⁵⁹	
	For Children and Adolescents	For adults
Argentina ⁴⁶⁰	ID less than 6 months of age: free. Between 5 and 8 years: \$3.89 USD (300 ARS). 14 years of age: \$3.89 USD (300 ARS). From issue D: \$5.84 USD (450 ARS). There are fines of equal amounts for not obtaining the ID before the indicated age and not complying with these deadlines.	ID from 14 years of age: \$3.89 USD (300 ARS). Renewal: \$3.89 USD (300 ARS).
Bolivia ⁴⁶¹	Minor ID: \$ 2.46 USD (B. 17).	National Adult ID: \$2.46 USD (B.17).
Chile ⁴⁶²	Identity card: \$4.80 USD (\$ 3,820 CLP).	Identity card: \$4.80 USD (\$ 3,820 CLP).
Colombia ⁴⁶³	Identity card from 7 years of age: First time and renewal: free. Duplicate and correction: \$ 12.02 USD (\$46,050 COP).	First time and renewal: free. Duplicate and correction: \$ 12.02 USD (\$46,050 COP).
Costa Rica ⁴⁶⁴	Identity card from 12 years of age: free.	First time: free. Renewal: free.
Ecuador ⁴⁶⁵	First time: \$5 USD. Renewal \$15 USD.	First time: \$5 USD. Renewal \$15 USD.
Guatemala ⁴⁶⁶	First time, replacement or renewal: \$ 10.93 USD (Q.85).	First time, replacement or renewal: \$ 10.93 USD (Q.85).
Panama ⁴⁶⁷	National Youth Card For the first time: free. Renewal: free. Duplicate: \$4 USD.	For the first time: free. Renewal: free. First duplicate: \$14 USD. Second duplicate: \$ 25 USD.
Paraguay ⁴⁶⁸	First time: free. Renewal \$1.22 USD (Gs. 8.500).	First time: free. Renewal \$1.22 USD (Gs. 8.500).
Peru ⁴⁶⁹	DNI up to 16 years of age: \$4.46 USD (PEN 16).	DNI between 17 and 19 years of age: \$8.36 USD (PEN 30). From 20 years of age: \$9.75 USD (PEN 35).
Dominican Republic ⁴⁷⁰	First time: free. First duplicate: free Second duplicate: \$8.56 USD (RD \$ 500). Third duplicate: \$17.12 USD (RD \$ 1,000). Fourth duplicate onwards: \$20.55 USD (RD \$ 1,200).	First time: free. First duplicate: free Second duplicate: \$8.56 USD (RD \$ 500). Third duplicate: \$17.12 USD (RD \$ 1,000). Fourth duplicate onwards: \$20.55 USD (RD \$ 1,200).
Uruguay ⁴⁷¹	First time and Renewal: Common procedure: \$7.55 USD (UYU \$ 321). Urgent processing: \$ 15.12 USD (UYU \$ 643).	Common procedure: \$7.55 USD (UYU \$ 321). Urgent processing: \$ 5.12 USD (UYU \$ 643).

BARRIERS AND BEST PRACTICES

In some countries there is a fee for the late registration of births: **Bolivia, Ecuador, and Guatemala**. As there is a higher prevalence of under-registration in poor households, the economic costs of registering a birth can discourage it⁴⁷². UNICEF has recommended that in order to protect children's rights, it is necessary for States to commit to guaranteeing free and compulsory birth registration, as well as free birth certificates, so that children and adolescents do not suffer conditions of exclusion and discrimination⁴⁷³.



In **Argentina, Chile, Colombia, Mexico, Panama, Paraguay, Peru, the Dominican Republic and Uruguay**, the internal regulations establish that late registration is free. Some States, such as Costa Rica, do not state that late registration is free in their regulations, but in practice they do not charge.

In some countries there is no fee for the late registration of births, but the substantive requirements represent an indirect cost associated with this procedure. In Argentina, late registration is free, but the planned judicial process has associated expenses such as attorney's fees⁴⁷⁴; a similar situation happens in Paraguay. In Costa Rica, for late registration of those over 10 years old who were born outside a Medical Center, a passport-size photograph must be provided. Other countries have an additional requirement of the presence or affidavit from at least two witnesses to proceed with late registration: Bolivia, Colombia, Panama, Peru and Uruguay⁴⁷⁵.

In **Costa Rica and Guatemala**, if an adult does not have sufficient documents, which sometimes implies moving to the place or district where the birth occurred, the person must approach the CR with two witnesses to make the affidavit.



In **Argentina**, people who present poverty certificates will be exempt from paying the costs associated with the late registration judicial process⁴⁷⁶.

In **Ecuador**, beneficiaries of social programs promoted by the government are exempted from paying fees for CR services.

In **Peru**, birth registration was free, but parents had to pay for the live birth certificate (which is a requirement for registration). However, with the 2009 Law, it was made free of charge⁴⁷⁷.

475 In Colombia, the additional requirement of two witnesses is not mandatory for late registrations. The statements from witnesses is one of the documents that is used to account for the birth when there is no other document to prove it, but there are other documents such as parish records.

Copies of the birth certificate can also be very expensive. This situation is aggravated when these must be provided frequently (e.g., storage of a copy in the electoral registry, to obtain a ID, enter each school year or use public services). In this sense, the CR is no longer free, even if the registration was free⁴⁷⁸. In **most of the countries** covered in this study, copies of birth certificates has a cost, a value that can be too high for people with limited resources.



Chile, Colombia, Costa Rica, Ecuador (for those under 18 years of age), **Mexico, Panama, Paraguay, Peru, the Dominican Republic,** and **Uruguay** issue the certification for free both in timely and late registration.

In **Argentina**, copies to access education services, social security and obtain the ID are free. In **Chile** and **Uruguay**, copies of certificates issued over the internet are free. **Panama** issues free copies of birth certificates or youth certificates for educational purposes. In **Costa Rica**, only virtual certification has a cost.

In several countries there is a fee to obtain an ID. This is the case of Argentina, Bolivia, Chile, Ecuador, Guatemala, Peru, and Uruguay (where there are fines of equal amounts for failing to meet the deadline for each ID). Argentina established its first free ID for children under 6 months, eliminating the fee of USD \$4.60 that was prohibitive for many people⁴⁷⁹, although there is a cost for other IDs.



There is no fee for ID in **Costa Rica, Colombia, Panama, Paraguay** or the **Dominican Republic**.

In some cases, there is a fee in addition to associated costs for obtaining the ID. The requirement generally consists of a copy of the birth certificate. If the person does not keep the certificate they were issued with at birth (which is usually free), they will have to pay for the cost of a new copy. The following countries have a fee for issuing the ID, in addition to the requirement of the birth certificate: **Peru** requests a passport-size photograph in offices agencies that do not have live image capture equipment. In Colombia, the identity card for children and adolescents is free, but in some cases a blood type certificate and three photographs must be presented if the CR does not have this information on file. For people over 18, the identity card is free, but they have to present their identity card for children and adolescents or a copy of their birth certificate⁴⁸⁰, as well as three photographs⁴⁸¹. It is reported that families living in poverty in Colombia are unable to obtain identification for their children due to the cost of these requirements⁴⁸². In **Guatemala**, citizens must present a copy of the certification of their birth registration and a copy of the Public Works Tax receipt, which also represents a significant cost for low-income families. The **Dominican Republic** requires a copy of the blood type certificate, which means that people have to first visit a health center.

Burden of proof for registration

The burden of proof refers to which party assumes the responsibility of proving the event of a birth and the requirements for its registration⁴⁸³. For administrative and judicial proceedings, it is generally the informant who assumes the greatest responsibility for evidencing the birth. Given the nature of late birth registration, especially in the case of people living with high levels of vulnerability,

the person who is registering the birth often faces difficulties with proving their request with the required documentary evidence, either because the documents have a cost (direct or indirect) or because the requirements are difficult or impossible to meet (e.g., birth witnesses in the case of an older person).



Given that the obstacles to late registration can be similar to those faced by stateless persons, the guidelines developed by UNHCR for the burden of proof could be used and the burden of proof can be shared. The informant would have the obligation to explain their situation as completely and truthfully as possible, and present all of the evidence that is reasonably available. The CR authority would be obliged to obtain and present the evidence that is reasonably available⁴⁸⁴. The burden of proof cannot be disproportionate or unduly difficult to obtain⁴⁸⁵.



#Chilereconoce project. Iquique, Chile. © UNHCR/David Alarcón

BARRIERS AND BEST PRACTICES



In **Colombia** and **Costa Rica**, the CR verifies officially that the person is not previously registered. When appropriate, the CR also makes official consultations with the immigration authority to determine if the person is a foreigner⁴⁸⁶.

The “Chiriticos Project” included an analysis of the nationality situation for the migrant Ngäbe-Buglé population and the verification of information collected from the CRs of **Costa Rica** and **Panama** to identify nationalities and the need to proceed with the late registration of births. As a result, a plan was designed to simplify and harmonize late registration and documentation procedures for both registries, streamlining the procedure so that this population, especially older persons, can access late registration and obtain their identity documents⁴⁸⁷. In these cases, the burden of proof was assumed by the Civil Registry of Costa Rica and the Electoral Court of Panama. Following this project, the people of the Ngäbe-Buglé indigenous community continued to experience problems confirming their nationality. For this reason, the government of Costa Rica approved a new law⁴⁸⁸ stating that it will admit any suitable means to prove the Costa Rican nationality of indigenous cross-border people. The principle of freedom for this evidence is designed to help prove their nationality and be registered.⁴⁸⁹

Colombia established a special procedure for late birth registrations for Colombian nationals living in the Darien Province in Panama. In this resolution the birth registration is simplified, with the only requirement that the person to be registered must appear with an informant who can be a duly identified⁴⁹⁰ family member of legal age. Likewise, the RNEC and the Electoral Court have assumed a greater burden of proof for obtaining sufficient evidence to prove that a birth occurred in either Colombian or Panamanian national territory.

Mexico adapted legislative frameworks to solve the problem of under-registration of people born in the country who are living abroad, granting the consulates the power to carry out the late registration of documents⁴⁹¹. In these cases, the Mexican consulates assume a greater burden of proof since Mexicans living abroad sometimes find it difficult to obtain the documents that are normally required. Applicants provide the necessary details so that the State can carry out the corresponding verifications in Mexico, including that there is no previous birth registration (Evidence of Non-Existence of Registration).

Merits of Proof

Merit of Proof refers to the threshold of proof necessary to prove a birth and achieve registration⁴⁹². As with the burden of proof, the inherent difficulties faced by a person to prove their birth must be considered.



Requiring high merits of proof such as “absolute certainty” to prove the fact or characteristics of a birth could undermine individuals’ right to an identity. It is recommended that a birth can be proven as long as it is proven to a “reasonable extent”.

BARRIERS AND BEST PRACTICES

If the merit of proof to prove the birth is very high, it can make registration difficult or impossible, particularly in a late registration case. In Argentina, a judge may request evidence that they deem appropriate. This means that the evidence presented in court will be subject to legality examinations and any evidence that contains defects which render it null and void will be rejected if its correction is not possible⁴⁹³. Some cases have been reported where the judge adjourns proceedings until the person obtains more information that proves their identity, which in some cases is impossible to produce, leaving the person without birth registration for an indefinite period⁴⁹⁴.



The regulations in the following countries expressly refer to the merit of proof for birth registration and do not represent a prohibitive threshold:

Bolivia refers to “sufficient proof” to approve a request for late birth registration⁴⁹⁵. In Colombia, the evidence is evaluated in accordance with the rules of sound judgment. Only in the event of reasonable doubt may the registrar refrain from registering the birth⁴⁹⁶.

In many of the countries included in the study, supporting documents such as baptismal certificates, vaccination records and school certificates are accepted as proof of a birth in the national territory. Presenting one or more of these could prove the occurrence of a birth within the national territory to a reasonable extent. This is the case in Colombia, where the presentation of the baptismal certificate is sufficient to prove a birth⁴⁹⁷.

Possibility of denial of a birth registration

The denial of birth registration can occur after a registration request has been made, the CR decides that it cannot prove that the birth occurred in the national territory and therefore denies its registration. It can also occur when CRs decide that a person born abroad to national parents does not meet the requirements to register their birth in order to confirm or acquire nationality by consanguinity.



The Inter-American Court has been emphatic regarding the need for government administrations to explain the reasons for their decisions and make them available to petitioners. This means that the denial of birth registration must be written and duly founded⁴⁹⁸.

Denial of registration of a birth may occur for one or more of the following reasons: it was not possible to verify the information provided by the applicant; the parents do not have identity documents; the witnesses do not meet the requirements or do not confirm the information indicated by the applicant; the date of birth indicated by the applicant is inconsistent with the date printed on the supporting documents or evidence; the names provided in the supporting documents, such as school certificates or vaccination records, are inconsistent; the supporting documents were issued in another country and are not apostilled; and others.



For administrative or judicial resolutions related to children and adolescents, their motivations must show that their best interests have been a primary consideration. This includes explaining how the best interests of the child have been examined and assessed and that they have been taken into account in the final resolution⁴⁹⁹.

When a late registration request is denied, there must be a possibility of filing an effective appeal for review or reconsideration before the same registry and a judicial board of review so that the administrative decision of the denial of registration is reconsidered and the rights of the petitioner are guaranteed⁵⁰⁰.



The guarantee of due administrative legal process establishes **the right to a judicial review of administrative decisions**. It should be noted that the absence of adequate judicial mechanisms for a comprehensive review of administrative decisions also has direct effects on the enforcement of social rights. In all cases, there must be the possibility of a judicial review of decisions, either by means of appeals of contentious administrative matters or remedies for protection.⁵⁰¹⁵⁰²

The Inter-American Court has ruled on the need to have a judicial review of the resources that facilitate questioning the refusal of administrative authorities to allow late registration and receive judicial protection of their fundamental rights. In addition, States should not hinder people who recur to judges or courts in order to have their rights determined or protected⁵⁰³. The **IACHR** has determined that any measure or regulation that obstructs access to courts and that is not duly justified by the reasonable needs of the administration of justice itself must be understood to be contrary to Article 8 (1) of the ACHR⁵⁰⁴.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Appealing a denial of birth registration ⁵⁰⁵	
Argentina⁵⁰⁶	Type of appeal: Judicial. A person can appeal to a higher court if the Justice of the Peace denies the registration.
Bolivia⁵⁰⁷	Type of appeal: Administrative. An appeal for revocation can be made before the administrative authority that issued the resolution. If this is negative, a hierarchical administrative appeal can be filed. Type of appeal: Judicial. When administrative appeals are denied, a judicial challenge may be used through an appeal of the contentious administrative process before the Supreme Court of Justice.
Chile⁵⁰⁸	Type of appeal: Judicial. An appeal can be requested for protection before the relevant Court of Appeals.
Colombia⁵⁰⁹	Type of appeal: Administrative. The Civil Registry official or public notary requests support from judicial agencies to conduct the necessary investigations in order to establish the truthfulness of reported facts. In this case, the appearing parties or witnesses will be summoned within a period of fifteen (15) business days following the request for the purpose of recording the registration. Type of appeal: Judicial. This type of appeal can be used when the administrative resolution is negative. The process can be initiated before the Family Court or through a protection writ presented before the Constitutional Court for the protection of fundamental rights.
Costa Rica⁵¹⁰	Type of appeal: Administrative. A request is made to the TSE to issue a final judgement on the resolution produced by the CR. Type of appeal: Judicial. The resolution issued by the TSE can be appealed to the Civil or Administrative Litigation Chamber.
Ecuador⁵¹¹	Type of appeal: Judicial. Request before the Criminal Chamber or the Family, Childhood and Adolescence Chamber (First Instance).
Guatemala⁵¹²	Type of appeal: Judicial. An appeal can be filed before a Family Court.
Mexico⁵¹³	This is different in each state. Type of appeal: Judicial. An appeal for a protection request can be made in a District Court.
Panama⁵¹⁴	Type of appeal: Administrative. In response to the resolution issued by the CR, the general administrative procedure indicated by the Administration Attorney may be used. Type of appeal: Judicial. The denial can be appealed in the Third Chamber of the Supreme Court of Justice.
Paraguay⁵¹⁵	Type of appeal: Judicial. The appeal can be made in the Court for Children and Adolescents.
Peru⁵¹⁶	Type of appeal: Judicial. The appeal can be made in the Civil Court.
Dominican Republic⁵¹⁷	Type of appeal: Administrative. An appeal reconsideration of the rejection of the birth registration can be made with the Investigation Department and Late Registration Unit. Type of appeal: Judicial. A Protection appeal can be made with the Superior Administrative Court. In the case of children and adolescents, the appeal can be made to the Children and Youth Court. For people of legal age, the appeal can be filed in the Civil and Commercial Court that hears family matters.
Uruguay⁵¹⁸	Type of appeal: Administrative. A request for the record of the denial of registration can be made with the Justice of the Peace at their current address.

⁵⁰⁵ In all cases, when the denial is issued, resolution occurs once the public official and the office or legal department of the CR has reviewed the case and established that the birth registration is not viable. For these countries, their organic regulations do not establish a specific procedure for the potential denial to be reviewed by administrative means. This is because once the resolution has been issued, it is understood that the case has been the subject of an internal review. This type of "administrative" appeal is only available in countries that have specifically mentioned appeals through administrative channels in their regulations. For the others, it is implied that internal procedures have been exhausted and the only available option is a legal appeal through the justice system.

BARRIERS AND BEST PRACTICES

In 2010, reports were received regarding officials from the CR of the Dominican Republic who denied the birth registration of the children of people of Haitian descent because they “assumed that they did not have the right to a nationality”⁵¹⁹ and that their parents were in transit. In other cases, registration was denied because the parents did not possess a Dominican identity card. This situation continues to affect a number of people as they have not been able to legalize their documents or their immigration status.

In **Argentina**, civil society organizations have reported several cases of the denial of birth registration in which the judge denies registration due to a lack of certainty or evidence regarding maternal affiliation, place and date of birth. These cases occur mostly in older persons who have difficulties in proving their continuous residence or do not have documentation from their parents⁵²⁰.

In **Colombia**, it has been reported that late registration denial occurs in the following circumstances: when a person cannot comply with the requirements imposed by the RNEC official that the regulations do not require (for example, it has been identified that some offices request that the witnesses are Colombian nationals and/or relatives of the person whose registration is to be recorded)⁵²¹; when the Colombian father and/or mother do not have an identity document, or it is damaged, so it is necessary to request the reconstruction or request of the document prior to proceeding with birth registration; or when the foreign birth certificate is not in a good physical condition or amendments have been made to the copy⁵²².

In **Costa Rica**, the Ombudsman’s Office has received complaints about the denial of birth registrations of persons of legal age because they do not meet the requirements established by the CR. Legal support has been provided to these individuals so that they can administratively resolve the denial of their request by the CR⁵²³.



In **Mexico**, the IFDP has intervened in several cases involving the denial of birth registration by providing legal assistance, particularly to people on the move, which in turn promotes indirect protection. With these actions they have been able to guarantee the right to nationality and identity for several children of foreigners⁵²⁴.

In their recent regulations on the identification and protection of stateless persons, **Argentina**⁵²⁵ and **Paraguay**⁵²⁶ establish coordination mechanisms between statelessness determination procedures and late registration procedures for the CR. In the case of **Costa Rica**⁵²⁷, the legislation indicates that support may be requested from other authorities. In practice, the possibility of late birth registration is coordinated with the CR⁵²⁸. The procedures include the possibility that the entity that grants the condition of statelessness coordinates the possibility of facilitating the late registration of the person with the CR, facilitating the granting of nationality if the person has the right to it. These laws were based on UNHCR’s recommendations to coordinate the statelessness determination procedure with late birth registration and to access nationality procedures with CRs⁵²⁹. Being able to register a birth and confirm or acquire a nationality will always be the preferable option before declaring a person as stateless, which is a last resort.

V. Requirements

The birth registration procedure requires the applicant to declare to the CR or the consular authority that the birth has occurred within the national territory or in another country. Birth registration is a declarative procedure. To verify the birth, the CR may request a series of requirements or evidence that can consist of legal documents, certificates, testimonies or a combination of these.⁵³⁰



The requirements must be established in effective internal legislation, they cannot be discretionary. The administration's discretion has insurmountable limits, one of which is the respect for human rights. It is important that the actions of the administration be regulated⁵³¹.

Late registration usually requires the submission of additional evidentiary requirements compared to a timely registration. A large number of requirements or difficulty in obtaining them can represent a barrier that makes it difficult or even impossible to register births, especially in cases of late registration. OHCHR warns that when the documentation required for registration is excessive or impossible to obtain, it creates an obstacle for registering the birth⁵³². It is not reasonable to require people to comply with requirements that distort the declarative nature of the registration procedure⁵³³.

For this reason, the requirements must be explicitly established in internal regulations by the competent authority and broad discretion should not be granted to the public official who verifies them in order to guarantee legal certainty. The CR must establish a uniform criterion for this purpose. Situations of special vulnerability faced by certain populations must also be taken into account and must be in accordance with the child's best interests. Applying different requirements based on the age of a person must comply with an objective criterion⁵³⁴.



The requirements for late declaration of birth cannot represent an obstacle to enjoying the right to nationality⁵³⁵.

Along the same lines, UNHCR encourages States to adopt legal and practical measures to overcome barriers linked to the requirements that make birth registration difficult⁵³⁶. In this same sense, the CRC and CDH urge the States to facilitate late registration⁵³⁷. The UNSD recommends that States apply uniform procedures throughout the country⁵³⁸ and the World Bank indicates that these procedures must be clear to all⁵³⁹.



The late birth procedure must be simple, accessible, and reasonable, taking into account that applicants could be left stateless if it is not successful⁵⁴⁰.

In some countries a series of requirements are requested to obtain an ID and copy of a birth certificate, which will be analyzed below.

COMPARATIVE ANALYSIS OF INTERNAL REGULATIONS

Requirements for timely and late registration of births in the national territory

Country	Requirements for the timely and late registration of births
<p>Argentina⁵⁴¹</p> <p>Requirements vary by province</p>	<p>1. Timely and late administrative birth registration up to 18 years of age. Live birth certificate.</p> <p>If a live birth certificate is not available:</p> <ul style="list-style-type: none"> -Public medical certificate with the age and presumed date of birth. -Declaration from two witnesses on date and place of birth. Both must be of legal age with an ID. -Certificate demonstrating that their birth is not registered with the local authority. <p>2. ID or other identity document for the informants.</p> <hr/> <p>Late registration for people over 18 years of age</p> <p>1. Judicial document issued by the Justice of the Peace stating: name, surname and sex of the newborn; location and district of the province, time, day, month and year in which the birth occurred; name and surname of the father and mother and type and number of the respective identity documents.</p>
<p>Bolivia⁵⁴²</p>	<p>Timely birth registration</p> <p>1. Proof of birth or identity: live birth certificate, school notebook, any other document in which the name appears.</p> <p>Otherwise:</p> <ul style="list-style-type: none"> -Statement from two witnesses of legal age with valid identity cards. <p>2. Proof of filiation regarding the father and/or mother.</p> <p>Otherwise:</p> <ul style="list-style-type: none"> -Certificate of civil marriage; -Document acknowledging paternity/maternity granted by the father and/or mother; -Court ruling declaring paternity and/or maternity; -Court ruling declaring civil status. <hr/> <p>Late birth registration from 12 to 18 years of age</p> <p>1. Proof of birth or identity: live birth certificate, school notebook or any other document where the name appears.</p> <p>2. Statement from two witnesses of legal age with identity cards.</p> <p>3. Proof of paternity from the father and/or mother.</p> <p>Otherwise:</p> <ul style="list-style-type: none"> -Certificate of civil marriage; -Document of paternity acknowledgement granted by the father and/or mother; -Court ruling declaring paternity and/or maternity; -Court sentence declaring civil status. <hr/> <p>Late birth registration for people over 18 years of age</p> <p>1. Proof of birth or identity: identity card, unique national registration number, military service book, passport, civil or religious marriage certificate, baptism certificate or any document in which the person's name appears.</p> <p>2. Statement from two witnesses of legal age with identity cards.</p> <p>3. Proof of filiation from the father and/or mother, including: civil marriage certificate from the parents or family record book; paternity acknowledgement document issued by the father and/or mother; court ruling declaring paternity and/or maternity; court sentence declaring possession of status; acknowledgment of the father and/or mother at the time of submitting the application for birth registration; marriage certificates provided that they bear the signature of the father and/or mother; baptism certificates in the case of people born before 1940; or religious marriage certificate from the parents in case the marriage was celebrated before 1940.</p>

Country	Requirements for the timely and late registration of births
Chile ⁵⁴³	<p>Timely and late birth registration</p> <ol style="list-style-type: none"> 1. Proof of delivery provided by the doctor or midwife. <p>Otherwise:</p> <ul style="list-style-type: none"> -Two duly identified adult witnesses of Chilean nationality or domiciled foreigners. 2. ID or other identity document of the informants.
Colombia ⁵⁴⁴	<p>Timely birth registration</p> <ol style="list-style-type: none"> 1. Live birth certificate. <p>Otherwise:</p> <ul style="list-style-type: none"> -Sworn statement from two people who have witnessed the event or have received direct and reliable information about it. -Baptismal certificate signed by the person who performed the baptism or similar religious certifications for people of other faiths. -Indigenous authorization for people belonging to indigenous communities and/or peoples. -Civil registry legalized or apostilled when the birth occurred abroad. <ol style="list-style-type: none"> 2. Blood type and RH factor certificate. 3. ID or other identity document of the informants and witnesses, if applicable. <hr/> <ol style="list-style-type: none"> 1. Late registration swearing under oath that the birth has not been previously registered in the Colombian CR, detailing the reason for the delay in registration. 2. Live Birth Certificate. <p>Otherwise:</p> <ul style="list-style-type: none"> -Parish certificates or religious certificates. -Sworn statement from two people who have witnessed the event or have had direct and reliable information of it. -Baptismal certificate signed by the person who performed the baptism or similar religious certifications for people of other faiths. -Indigenous authorization for people belonging to indigenous communities and/or peoples. <p>In case of doubt: the public official may question the informant.⁵⁴⁵</p>
Costa Rica ⁵⁴⁶	<p>Timely or late registration: birth in a medical center</p> <ol style="list-style-type: none"> 1. Live birth certificate issued by a hospital. 2. ID or other identity document of the informants. <hr/> <p>Timely or late registration up to 10 years: home birth</p> <ol style="list-style-type: none"> 1. Affidavit from two witnesses who saw the mother in a state of pregnancy and are aware of the date of birth. 2. Affidavit of the person who delivered the baby and certification of pre- or post-partum appointments. <p>Otherwise:</p> <ul style="list-style-type: none"> -Proof of pregnancy and delivery. <ol style="list-style-type: none"> 3. If the parents are foreigners: certification of migratory movements. <hr/> <p>Late registration for people over 10 years of age: home birth</p> <ol style="list-style-type: none"> 1. Statement from the mother and two family witnesses. <p>Otherwise:</p> <ul style="list-style-type: none"> -Other witnesses. <ol style="list-style-type: none"> 2. Other supporting documents such as: baptismal certificate, certified copy of medical record, certified copy of school record, first communion certificate, others. 3. Passport-size photograph. 4. If the parents are foreigners: certification of migratory movements.

⁵⁴⁵ The regulations indicate that the registrar must question each of the appearing parties individually about the events, and if the information provided cannot be verified through online queries, the registration process may be suspended.

Country	Requirements for the timely and late registration of births
Ecuador ⁵⁴⁷	<p>Timely and late birth registration for minors</p> <ol style="list-style-type: none"> 1. Statistical report of live birth issued by the person who delivered the child. <p>Otherwise:</p> <ul style="list-style-type: none"> -Presence of two witnesses. <ol style="list-style-type: none"> 2. Identity card of the parents or other identity document.⁵⁴⁸
	<p>Late birth registration from the age of 18</p> <ol style="list-style-type: none"> 1. Identity card of the parents or other identity document. 2. Enforceable legal document.
Guatemala ⁵⁴⁹	<p>Timely birth registration</p> <ol style="list-style-type: none"> 1. Medical birth report issued by the doctor or midwife. Otherwise: <ul style="list-style-type: none"> - Legalization of signature of the parents. <ol style="list-style-type: none"> 2. Identity document of the father and/or mother. 3. Embellishment Ticket.
	<p>Late birth registration for minors</p> <ol style="list-style-type: none"> 1. Baptismal certificate. 2. Certification of enrollment or proof of studies. 3. Certificate of the non-existence of birth registration. 4. Certifications from local authorities in the municipality where the child was born. 5. Medical birth certificate. <p>Otherwise:</p> <ul style="list-style-type: none"> - Affidavits from two witnesses of legal age.
	<p>Late birth registration for adults</p> <ol style="list-style-type: none"> 1. Photocopy of the identity card. 2. Certificate of the non-existence of birth registration. 3. Certifications from local authorities in the municipality where the child was born. 4. Administrative affidavits from two adult witnesses. 5. Public Works Tax receipt.
Mexico ⁵⁵⁰	<p>Timely birth registration</p> <ol style="list-style-type: none"> 1. Unique birth certificate. 2. Official identity document of the parents, apostilled if they are foreigners. 3. In some states, the mother's birth certificate and two witnesses are requested.
	<p>Late birth registration</p> <ol style="list-style-type: none"> 1. Certificate of non-existence of birth registration 2. Two witnesses of legal age. 3. Identification of parents. 4. Presentation of additional documents where the name, date and place of birth can be verified.
Panama ⁵⁵¹	<p>Timely registration</p> <ol style="list-style-type: none"> 1. Medical certificate or certification of the fact of birth. 2. Two witnesses of legal age. 3. Valid personal identity card or document that identifies the parents and witnesses⁵⁵².
	<p>Late registration</p> <ol style="list-style-type: none"> 1. Birth Registration Investigation Request. 2. Documentary evidence to verify the occurrence of the birth in the country. 3. Declarations from two witnesses who have resided in the location at the time of the birth and of Panamanian nationality. 4. If the mother is not present or deceased, evidence of the respective legal notice being posted.

550 Identity documents include: parents' passports, parents' refugee cards, parents' identity documents if they are citizens of CAN member countries, or special power of attorney in case the birth is registered by a third party.

Country	Requirements for the timely and late registration of births
Paraguay ⁵⁵³	<p>Timely or late registration: birth in a medical center</p> <ol style="list-style-type: none"> 1. Certificate from the doctor or midwife who delivered the child. 2. Parents' identity document. <hr/> <p>Timely or late registration: home birth</p> <ol style="list-style-type: none"> 1. Statements from two witnesses of legal age. 2. Identity document of parents and witnesses. <hr/> <p>Timely or late registration by court order⁵⁵⁴</p> <ol style="list-style-type: none"> 1. Legal document addressed to the General Director of the Civil Registry. 2. Copy of final judgment authenticated by the court clerk. 3. Copy of the identity card of the appellant or copy of the professional registration of the attorney of record.
Peru ⁵⁵⁵	<p>Timely registration</p> <ol style="list-style-type: none"> 1. Live Birth Certificate. <p>Otherwise: -Affidavit of political, judicial, or religious authority confirming the birth. Identity document of parents or informants.⁵⁵⁶</p> <hr/> <p>Late registration</p> <ol style="list-style-type: none"> 1. Live birth certificate or similar document. 2. Other evidential documents such as: baptism certificate; school enrollment certificate that certifies the grade level passed; or sworn statement from two people before the registrar. 3. Identity documents from the parents or legal guardian.
Dominican Republic ⁵⁵⁷	<p>Timely registration</p> <ol style="list-style-type: none"> 1. Certificate from the health center where the delivery occurred. 2. Identity document and electoral card of parents or passport if they are foreigners. <hr/> <p>Late registration for those over 16 years of age⁵⁵⁸</p> <ol style="list-style-type: none"> 1. Certificate from the health center where the birth occurred. <p>Otherwise: - Affidavit from the midwife who assisted in the delivery.</p> <ol style="list-style-type: none"> 2. Valid identity card and electoral card of the parents; and if one is a foreigner, identity card or passport. 3. Recently issued marriage certificate of the parents if they were married. 4. School certification. 5. Baptismal certificate. 6. 2 x 2 inch photographs.
Uruguay ⁵⁵⁹	<p>Timely registration</p> <ol style="list-style-type: none"> 1. Live birth certificate. 2. Identity document of the person registering the minor. <hr/> <p>Late registration</p> <ol style="list-style-type: none"> 1. Denial of registration processed before the Civil Registry Office 2. Live birth certificate or medical certificate. 3. Certificates and documents stating the name of the registered person. 4. Two witnesses.

554 Applies to cases in which: the child is of missing, deceased or undocumented single parents; abandoned minors; loss or misplacement of the live birth certificate issued by the health service.

558 In the Dominican Republic there is a special system for people born in the national territory who are registered irregularly in the Dominican CR. The law states that any person who is a child of a foreign parent with an irregular immigration status and who, having been born in the national territory, is not registered in the Dominican CR, may register in the Foreigners Registry (*Ley 169-14, Art 6*). Law 169-14, Art 6). (*Reglamento de la ley*). The regulation of the law establishes that for these cases, evidence of a birth include: (i) Certificate of live birth issued by a public hospital or private health center that indicates the name of the mother, the gender of the newborn and the date of birth ; (ii) Act before a Notary Public consisting of 7 Dominican nationals who are witnesses and can indicate the date and place of birth, as well as the name of the child and the parents; (iii) affidavit by means of an instrument certified by a Notary Public from the midwife who delivered the child, indicating the date and place of birth of the child, as well as the name of the mother; or (iv) Affidavit by means of an authentic instrument before a public notary signed by Dominican relatives of the child in the first or second degree of consanguinity who have Dominican national documentation.

BARRIERS AND BEST PRACTICES

In many countries the requirements are not clearly established in the legislation, or in practice other forms of evidence are requested that are not explicitly required. In **Argentina**, for late birth registration, the judge may demand evidence they deem appropriate, in addition to what is already required by law⁵⁶⁰. The judge may not issue a ruling due to lack of verified identity documents, for which further proof is requested. In some cases this is impossible to obtain. Cases of statelessness and risk of statelessness are reported for these reasons, especially among the indigenous, cross-border and migrant population⁵⁶¹. In **Bolivia**, there is a lack of uniformity in the assessment of the requirements for late registration⁵⁶². In **Colombia**, it has been noted that, despite the fact that the law does not require it, it is common for CRs to require that witnesses are of Colombian nationality and/or relatives of the person whose birth is being registered⁵⁶³. There have also been cases in which RNEC officials do not accept background documents for birth registration, such as certificates issued by authorities of indigenous peoples in which they certify that a birth that occurred in their territory outside of a health center⁵⁶⁴. In the **Dominican Republic**, it has been reported that some registrars have discretionally interpreted and applied the requirements established by the Law⁵⁶⁵.



Peruvian regulations establish that the registrar cannot request more documentation than what is established by law⁵⁶⁶.

In countries with decentralized registry systems, the different administrative jurisdictions may have their own rules and requirements for registration. In **Argentina**, provinces apply their own regulations as the registration law has not been regulated⁵⁶⁷. For example, the Province of Misiones requests a criminal record or fingerprinting report, a requirement that is not mentioned in national regulations⁵⁶⁸. A similar situation is observed in Mexico, due to the fact that the CRs are operated separately by each state, which means that procedures and requirements vary considerably.



Countries with decentralized systems can also use their autonomy to facilitate registration. In Misiones, **Argentina**, the regulations stipulate that the evidence requirements must be free to obtain, as these would otherwise involve an expense (Certificate of non-existence of a birth registration; RENAPER report; medical certificate)⁵⁶⁹. In addition, the directors of each Provincial Registry in the country form the Federal Council of Civil Registries and People's Capacity, in which they share experiences and unify criteria on the interpretation and implementation of registry legislation⁵⁷⁰.

All of the countries require notification of the birth (or similar document) as a requirement for registration (timely or late) and do not establish alternatives for its absence. This situation can increase under-registration when a birth did not take place in a medical center or was attended to by a person authorized to issue the certificate⁵⁷¹.



All of the countries included in the study permit the presentation of alternative documents in the absence of a live birth certificate. These include: religious, medical or school certifications and the testimonies from witnesses. For timely birth registration in Argentina, Bolivia, Chile, Colombia, Ecuador, and Mexico, if the parents or applicants cannot present or do not have a live birth certificate, an alternative form of evidence is the presence of two witnesses of legal age who have an identity document and provide testimony regarding the birth.

Excessive registration requirements can act as an obstacle and discourage birth registration, both due to the complexity involved and possible expenses. In **Bolivia**, it is reported that people over 12 years of age (late registration), especially older persons, do not register their births because “there are a lot of requirements” and “they do not know how to start the process”⁵⁷². Since Law 169-14 was passed in the **Dominican Republic**, the registration of births of children born on Dominican soil to foreign parents or mixed nationality couples have faced several challenges to comply with the different requirements that are requested and in some cases have been considered extralegal⁵⁷³.



Costa Rica establishes principles for the simplification of procedures and speed in relation to the reception and registration of documents without affecting the CR’s security procedures. In addition, the country considers the provisions or procedures that hinder the registration of documents to be contrary to public interest⁵⁷⁴. Regardless of the age of the person, a live birth certificate is sufficient for the late registration of a birth.

For the late registration of births, many people may not have any of the required documents, including identity documents of the parents, live birth certificates or witnesses of the birth or the mother’s pregnancy⁵⁷⁵. In addition, specific vulnerable populations cannot reasonably meet some of the requirements, including older persons, disabled, indigenous people and people on the move. If there are no alternatives to these requirements, the person will not be able to register the birth, which results in a high risk of statelessness if it is difficult for them to prove their ties with the country of their nationality.

In Mexico, the lack of a live birth certificate is primarily related to local and community practices, in which midwives deliver children and on many occasions, they are not able to issue proof or a birth record document⁵⁷⁶. In Mexico, cases of children of people on the move have also been reported, in which their parents are unable to register their births because their identity documents are not apostilled.



Costa Rica and **Panama** facilitated birth registration of cross-border indigenous populations, where, in the absence of evidence, the testimony of the applicant as an informant was admitted.

In human mobility contexts, there may be a series of aggravated complications that impede parents from registering their children at the time of their birth in host countries because they face practical and legal barriers in terms of meeting the evidence requirements. In Costa Rica, requesting a certification of migratory movements for foreigners can affect the birth registration for the children of foreigners who entered the national territory irregularly. This issue will be discussed further in the section on differentiated approach and human mobility.

Parental identity document requirement to request registration

The identity documents of parents as a requirement for birth registration is particularly relevant for this study. In these cases, populations without identity documents experience low levels of birth registration, which can be subsequently difficult to correct⁵⁷⁷.

In human mobility contexts, because parents have been displaced they may not have identity documents as these can get lost or stolen. If they do possess them, they may be expired. In some cases, there is also a requirement to apostille identity documents in the country of nationality. For people in need of international protection, they cannot approach the authorities of their country of origin to request new identity documents or apostille them because they have well-founded fears of persecution. This prevents them from obtaining this requirement. For people who lack these visas or who have entered the national territory irregularly, requesting some type of migratory visa or certificate of migratory movements could prevent the registration of children born in the host country. This issue will be discussed further in the section on the application of the differentiated approach for people on the move.

In the region, discrimination due to the lack of documentation of the parents can have a specific effect on under-registration. The biggest concern is that when registration is denied due to parents lacking an identity document, the pattern will then be reproduced from generation to generation. UNICEF points out that States must make birth registration available to all children without excluding people who do not have identity documents.⁵⁷⁸⁵⁷⁹



States must adopt necessary and permanent measures to facilitate the birth registration of children, regardless of their ancestry or origin and parents' immigration status in order to reduce the number of people who resort to late registration process⁵⁸⁰.

In turn, the UNSD admits that for registration matters, documentary evidence is more reliable than testimony. However, it also recognizes that not everyone has access to documentary evidence. In its absence, testimonial evidence may be accepted⁵⁸¹. This means that if a requirement for registration is the presentation of an identity document (ID, passport, immigration card, etc.) and the informant does not have one, testimonial evidence can be accepted to prove their identity.

COMPARATIVE ANALYSIS OF DOMESTIC LEGISLATION

Country	Identity document required from parents for registration	Alternative to identity document
Argentina ⁵⁸²	Nationals: national identity document. Foreigners: identity document recognized by international treaties or passport.	Two adult witnesses with ID. Also, the CR must “make the necessary efforts to obtain” the IDs.
Bolivia ⁵⁸³	Nationals: identity card, unique national registration number, military service book or passport. Foreigners: foreigner identity card issued by SEGIP; foreigner identity document or passport. In the case of the last two, the preliminary biometric registration is made for database entry, making the requested birth registration viable.	Two witnesses of legal age, duly identified, to prove identity and kinship; municipal, church, administrative and judicial authorities; community organizations and directors of public or private foster homes with a valid identity document and a copy of a document of that validates their professional role.
Chile ⁵⁸⁴	Nationals: identity card. Foreigners: passport, IDs or foreigner identity cards issued by the country.	Nationals: two adult witnesses with their identity cards.
Colombia ⁵⁸⁵	Nationals: the informant must be “duly identified” with a citizenship card or identity card if they are under 18 years of age. Foreigners: passport or immigration card. In case the parents are Venezuelan, they can identify themselves with the PEP or Venezuelan identity document.	The director or administrator of the health institution where the birth occurred; Family Defender, the Family Commissioner or the Police Inspector; all informants must be duly identified. There is no specific mention of alternatives. However, the RNEC indicates that “in no case may the registry official refuse to register the birth in the civil registry due to lack of proof”. ⁵⁸⁶
Costa Rica ⁵⁸⁷	Nationals: identity document. Foreigners: identity document, including the legal permanence card issued by the General Office of foreigners and immigration (DGME).	Sworn statement from two witnesses with identity documents who have known of the pregnancy status of the mother.
Ecuador ⁵⁸⁸	Nationals: identity card. Foreigners: national identity document with which they entered the country or passport.	Nationals: affidavit. Representative of the institutions that form the National System for the Comprehensive Protection of Children and Adolescents who are responsible for minors whose identity is unknown. Foreigners: affidavit. In this way, registrations are also made based on the statistical report of the live birth and the data of the mother included on this record, including the clinical history number.

Country	Identity document required from parents for registration	Alternative to identity document
Guatemala ⁵⁸⁹	Nationals: personal identity document.	The duly identified persons exercising legal custody.
	Foreigners: there is no mention in the law of requirements or alternatives.	
Mexico ⁵⁹⁰	Nationals: official photo identification.	Nationals: two witnesses of legal age with voter ID or other official identification.
	Foreigners: apostilled documentation proving the identity of the parents; proof of identity or nationality issued by embassies or consulates; or proof of residence. ⁵⁹¹⁵⁹²	Foreigners: there are no alternatives. CSOs, the Federal Institute of Public Defense and the Federal Attorney for the Protection of Children and Adolescents intervene to process identity documents and the apostille with the consular representations.
Panama ⁵⁹³	Nationals: identity card.	Head of the medical center or hospital where the birth occurred. Any person who has assisted with the delivery or a person who has knowledge of the state of abandonment of a newborn. It is indicated that “persons who prove that they are processing their birth registration, when they go to register their children, are excluded from the presentation of an identity card.”
	Foreigners: passport or valid immigration card.	Foreigners: an identity document containing general information and photos.
Paraguay	Nationals: identity documents.	No other alternatives mentioned.
	Foreigners: there is no mention in the law of requirements or alternatives.	
Peru ⁵⁹⁴	Nationals: ID.	Directors of protection centers, educational centers, representative of the Attorney General’s Office, representatives of the Children’s Ombudsman with their respective credentials.
	Foreigners: original copy of their immigration card, passport or identity card.	No alternatives are mentioned.
Dominican Republic ⁵⁹⁵	Nationals: identity and electoral card.	No alternatives are mentioned.
	Foreigners: foreigner identity card or passport.	No alternatives are mentioned.
Uruguay ⁵⁹⁶	Nationals and foreigners: identity document.	No alternatives are mentioned.

BARRIERS AND BEST PRACTICES

When there are no alternative options to obtain the identity documents of the parents as one of the main requirements for registering a birth, people who lack these documents may find it impossible to register the birth of their children. There is a correlation between the lack of birth registration and having foreign or national parents without identity documents⁵⁹⁷. This is the case in the **Dominican Republic**. The most recent household survey identified that in addition to the regulatory and institutional barriers that hinder access to birth registration, the mother's lack of documentation is an additional factor that makes it impossible to register the child, especially for pregnant women under the age of 18, as the ID card is issued to people over 16 years of age. However, there is the possibility of issuing the identity card to pregnant minors under 16 years of age so that the health center can carry out the timely registration of the child⁵⁹⁸. Many adolescents cannot register their children due to a lack of information about the procedure to obtain their own IDs in advance⁵⁹⁹. In **Colombia**, the person who is not "duly identified" is considered "not suitable to act as an informant," meaning that the family defender, family commissioner, or police inspector has to register the birth⁶⁰⁰. In practice, the RNEC states that the birth is registered by indicating "no information" in the box with the identity data of the parents. In **Argentina**, the Pan American Health Organization (PAHO) identified that of the households interviewed where children and adolescents were not registered, 1 out of 5 cases were due to the mother not having an ID, either because they had lost their ID or because they were foreigners⁶⁰¹. In Mexico, the National Survey of Women and Children conducted in 2015 found that the biggest cause of non-registration of birth is due to difficulties with obtaining the necessary documents to do it⁶⁰². This condition is replicated in the migrant and refugee population, who do not always have apostilled legal identity documents to prove their personal data, a requirement requested by some CR offices for birth registrations.

In the cases of Guatemala, Paraguay, Peru, the Dominican Republic and Uruguay, national laws do not authorize alternatives for parents' lack of documentation at the time of registering the birth.



In recent years, some countries have tried to mitigate this situation, exempting the obligation of parents to identify themselves and accepting the testimony of witnesses in lieu of documentation⁶⁰³. Meeting the requirement with witnesses is allowed for both nationals and foreigners in **Argentina, Chile, Costa Rica** and **Mexico**.

In **Chile**, the Office of the Comptroller General of the Republic has indicated that when faced with a request for birth registration of children of foreign parents, they cannot be required to prove their legal status, and as such cannot be required to prove their identity. They can show any identity document, even if it is expired, and with this register the birth⁶⁰⁴.

In **Mexico**, the IFDP has filed indirect appeals to register the births of people on the move who do not have identity documents or do not have them apostilled⁶⁰⁵.

As indicated above, the lack of identity documentation is a common situation for people on the move. During their journey, their documents may have been lost or destroyed. In the case of refugees, asylum-seekers and people with international protection needs, due to well-founded fears of

persecution, they are unable to request the replacement of their documentation by consular means. In Bolivia, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, and Peru, identity documents and cards issued by immigration entities are accepted to register births. Similarly, some of these countries have allowed foreign parents to present expired identity documents proving their nationality in order to register births.



In **Chile**, foreign parents can present their passport, residence visa, immigration card or any other identity document to register their children and have them acquire Chilean nationality. If they lack one of these documents, the registration is continued and the DEM is informed so that they can analyze the immigration status of the parents and determine whether or not to rectify the birth registration⁶⁰⁶.

In **Colombia**, the PEP is an identity document that allows for the registration of the birth of children of Venezuelan parents who were born in the country⁶⁰⁷. Despite this, it has been reported that many Venezuelans who have entered irregularly have not been able to obtain this document⁶⁰⁸.

In Mexico, asylum-seekers and refugees who lack identity documentation from their country of nationality are allowed to register a birth with their asylum-seekers and refugees card⁶⁰⁹.

Requirements for the registration of a birth by consular means

Internal regulations can also empower consuls to register specific vital events, including births. All of the internal regulations included in this study allow for the possibility of registering the birth of a child of a national **that occurred in a foreign country**, both in consulates and before the relevant CR offices in the national territory. For this purpose, a series of substantive requirements different from those that are requested for the registration of a birth that took place within the national territory are requested.

Less common than the previous assumption, internal regulations can also empower consulates to carry out the late registration of a birth that occurred in the national territory of the country corresponding to that consulate. This is the case for people who have moved to another State without having registered the birth.

COMPARATIVE ANALYSIS OF DOMESTIC LEGISLATION

Requirements for consular registration of children born in a foreign country to national parents⁶¹⁰

Argentina	Timely registration (age limit is not specified) <ol style="list-style-type: none">1. Original birth certificate from the country of birth, apostilled and translated if applicable.2. Photocopy of the updated ID of the parents.3. Photocopy of the passport if one of the parents is a foreigner.4. Statement from the parents of the child or adolescent, or of the person of legal age, of their decision to apply for Argentine nationality.
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Bolivia⁶¹¹	Timely registration up to 18 years of age <ol style="list-style-type: none">1. Birth certificate or similar registration document issued by the relevant authority in the country of birth; original or legalized and translated photocopy in which the full name of the Bolivian mother or father appears, or their identity document number, or their passport number, or any other information that proves that the parent is Bolivian.2. Live birth certificate or similar document issued by the relevant authority in the country of birth as an original or legalized and translated photocopy, if applicable, in which the full name of the Bolivian mother or father appears, or their identity document number, or their passport number, or any other information that proves that the parent is Bolivian.3. Identity card, passport, or birth certificate (original) of the Bolivian mother or Bolivian father.4. Identity card, passport, or identity document (original) of the foreign mother or father (if applicable).5. Identity card, passport or identity document of two observing witnesses who must be persons of legal age with the full capacity to exercise their civil rights. Must be present at the time of registration.
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Late registration from 18 years onwards

1. Birth certificate or similar registration document issued by the competent authority abroad as an original or legalized and apostilled copy when appropriate and translated if necessary. This document must include the full name of the Bolivian mother or father, their identity document number, passport and any information that proves that the person has a Bolivian mother or father.
2. In the event that the official birth document must be issued by countries that are experiencing armed conflicts, wars or for people who are stateless, refugees or asylum-seekers, supplementary documentation may be accepted prior written authorization of the consular officials and/or accredited public servants.
3. When the filiation of the Bolivian mother or father is not stated in the official birth document, the blood relationship will be demonstrated by a suitable official document from a relevant authority (acknowledgement, court order or other original document, or a legalized or apostilled photocopy, when appropriate, and translated if necessary in which the full name of the Bolivian mother or father appears).
4. Identity document issued abroad or other documentation that proves the identity of the holder.
5. Identity card, passport or birth certificate (original) of the Bolivian mother or father.
6. Identity card, passport or identity document (original) of the foreign mother or father (if applicable).
7. Identity card, passport or identity document of two observing witnesses who must be persons of legal age with full capacity to exercise their civil rights. Must be present at the time of birth registration.

⁶¹⁰ In some cases, it is not marked as late registration because the age limit is not specified or because the registration of a birth in another country can only be done up to a specific age. If an age limit is not specified, it is understood that it can be done at any time.

Requirements for consular registration of children born in a foreign country to national parents⁶¹⁰

Chile⁶¹²	Timely registration (age limit is not specified) <ol style="list-style-type: none">1. Original apostilled birth certificate from the country of birth, legalized or translated if applicable.2. Parents' marriage certificate (if they were married).3. Birth certificate of the mother or father.4. Valid identity card of the applicant.5. Appearance of both parents or at a minimum the parent with Chilean nationality. In cases of people of legal age, the registration must be made by the interested party.
Colombia⁶¹³	Timely and late registration (age limit is not specified) <ol style="list-style-type: none">1. Original live birth certificate.2. Colombian identity card of the parents.3. Blood type and RH factor certificate.
Costa Rica⁶¹⁴	Timely registration for persons under 18 years of age. <ol style="list-style-type: none">1. Original and copy of a valid identity card of the Costa Rican birth father or mother.2. Original passport of the Costa Rican father or mother.3. Copy of the biographical data page of the Costa Rican father or mother's passport.4. Birth certificate from the country of birth duly apostilled and translated if necessary.⁶¹⁵ Late registration from 18 to 25 years of age <ol style="list-style-type: none">1. Original and copy of the valid official identity document from the country of their current nationality.2. Original passport.3. Copy of the biographical data page of the passport.4. Birth certificate from the country of birth duly apostilled and translated if necessary. Registration over 25 years of age <ol style="list-style-type: none">1. Apply for residency first and then naturalization.⁶¹⁶
Ecuador⁶¹⁷	Timely and late registration <ol style="list-style-type: none">1. Apostilled birth certificate from the country of birth that is legalized and translated if necessary.2. Identity card of the applicant.
Guatemala⁶¹⁸	Timely up to 18 years of age <ol style="list-style-type: none">1. Apostilled birth certificate from the country of birth, legalized and translated if necessary.2. Consular service form.3. Public Works Tax receipt.
Mexico⁶¹⁹	Timely registration <ol style="list-style-type: none">1. Apostilled birth certificate of the minor from the country of birth, legalized or translated if necessary. If the person was born in the United States of America, the apostille requirement is waived.2. Proof of Mexican nationality and identity of the parents. Late registration <ol style="list-style-type: none">1. Apostilled or legalized birth certificate from the country of birth. If the person was born in the United States of America, the apostille requirement is waived.2. Proof of Mexican nationality of the parents.3. Names of paternal and maternal grandparents.

615 Birth certificates must have been issued within a year.

Requirements for consular registration of children born in a foreign country to national parents⁶¹⁰

Panama⁶²⁰	Timely registration for persons under 18 years of age.
	<ol style="list-style-type: none"> 1. Original apostilled birth certificate from the country of birth, authenticated and translated if applicable. 2. Sworn statement from the father or mother of Panamanian nationality. 3. Certificate of residence. 4. Photocopy of the personal identity card or passport of the father or mother of Panamanian nationality and photocopy of the passport of the foreign parent.
Paraguay⁶²¹	Timely registration (age limit is not specified)
	<ol style="list-style-type: none"> 1. Copy of Paraguayan identity documents of the parents. 2. Live birth certificate or apostilled proof of the birth registration issued in the country of birth. 3. Parents' marriage certificate. 4. Residence document of the minor (if applicable).
Peru⁶²²	Timely registration
	<ol style="list-style-type: none"> 1. Original birth certificate from the country of birth apostilled and translated if necessary. 2. Document that proves that one of the parents is Peruvian by birth, such as a birth certificate or ID. 3. Identity document of the foreign parent (if applicable). 4. Affidavit stating that it is the registration of a Peruvian child by birth of no more than the third generation.
	Late registration for people over 18 years of age
	<ol style="list-style-type: none"> 1. The same requirements mentioned above but additional information can be requested if required.
Dominican Republic⁶²³	Timely and/or Late Registration
	<ol style="list-style-type: none"> 1. Birth certificate from the country of birth, apostilled and translated, if applicable. 2. Dominican identity and electoral card of any of the parents if they have one. 3. Dominican passport of the parents (if they have it). 4. Dominican birth certificate of the parents (if they have it). 5. Identity document of the foreign parent. 6. Marriage certificate if both parents are married to each other. 7. Recent photograph of the minor. 8. Statement from a witness.
Uruguay⁶²⁴	Timely (age limit is not determined)
	<ol style="list-style-type: none"> 1. Birth certificate from the country of birth, apostilled and translated, if applicable. 2. Birth certificate of the Uruguayan mother, father or grandparents 3. Two witnesses of legal age.

BARRIERS AND BEST PRACTICES

After analyzing the requirements to register the birth of a child of a national born in a foreign country, there are a series of common basic requirements including: that at least one of the parents has a valid identity document that proves their nationality; an apostilled birth certificate from the country where the birth occurred and statements from witnesses.

In human mobility contexts, a series of complications may arise that can impede parents registering their child's birth in a foreign country with the CR. They may face practical and legal barriers that prevent the birth registration, as has been observed throughout this study. The lack of birth registration implies the impossibility of presenting an apostilled birth certificate, a requirement that is necessary in all countries to be able to register a birth before the consulate of the parents' country. Additionally, and due to displacement from their country of origin, parents may not have their identity documents as they may have been lost or stolen, or if they have them, they may be expired.



Some children are born to refugee or asylum-seeking parents and cannot automatically obtain the nationality of their parents due to restrictions established in the legislation of the country of origin regarding the nationality of the children of nationals born in another country. If the nationality of the parents can normally be obtained through registration or other procedure before a consulate, this will not be possible due to the very nature of refugee or asylum seeker status that prevents refugee parents from contacting their consular authorities. In these circumstances when the child of a refugee would otherwise be stateless, the safeguarding of Article 20 (2) of the ACHR and Article 1 (1) of the 1961 Convention will apply, thus automatically obtaining the nationality of the country of their birth⁶²⁵.

In some circumstances, children were born while the parents were in transit to their country of destination and did not attempt or were unable to register the birth in the country where it occurred. In these cases, and upon arrival in the destination country, the only option that people have to register the birth is through the Consulate of the country of birth of the child. As mentioned at the beginning of this section, most of the countries included in the study do not allow this type of birth registration to be done through consular channels. If the birth occurred within the national territory, the person must be registered with the corresponding offices of the CR in the national territory, meaning that it is impossible to carry out a late registration in a foreign country. Ecuador and Peru have stated that their consulates are responsible for registering the vital events of nationals who are in another country. This means that the registration of a minor is only possible in the national territory.⁶²⁶



In **Argentina**, if the applicant requires the intermediation of a Consulate for a birth registration that took place in Argentine territory, the procedure must be conducted by the CR in the jurisdiction where the birth occurred⁶²⁷.

In **Chile**, the registration of a birth that occurred in Chile and was not registered in a timely manner is allowed through a written request to the Consul if the parents are not residing in Chilean territory⁶²⁸.

In **Colombia**, late registrations of births that occurred in the national territory can be made through consular channels provided that the legal requirements established for any late registration in the national territory are met⁶²⁹.

Mexico allows late registration of births for nationals who were born in the country and then left it. This registration can be carried out through Consulates. The minor and the parents must be present. Requirements include documentation proving the birth took place in Mexico; if the mother is a foreigner, proof of her travel through the country must be presented; identity document of the interested party; identity document and nationality of the parents; proof of address; and two witnesses over 18 years of age⁶³⁰.

Requirements for obtaining a birth certificate and ID

In all countries, the initial birth certificate is issued following the registration of the birth. As a result, the following table only considers the requirements to obtain a copy of the birth certificate, which is a common requirement for accessing rights and services.

COMPARATIVE ANALYSIS OF DOMESTIC LEGISLATION

Country	Requirement for a copy of the birth certificate
Argentina ⁶³¹	Have the necessary information (volume, certificate, year, section). If you do not have this information, an additional payment must be made. The requirements are different in each province
Bolivia ⁶³²	Be registered in the Biometric Electoral Roll; Valid identity card.
Chile ⁶³³	Provide Unique National ID Number (RUN) or full name of the certificate holder.
Colombia ⁶³⁴	Provide volume, folio, serial number, name and date where the registration was made and proof of bank payment.
Costa Rica ⁶³⁵	Identity document number, otherwise, name and date of birth and relevant stamps.
Ecuador ⁶³⁶	Identity card. Proof of payment.
Guatemala ⁶³⁷	Provide the Unique Identification Code (CUI). Proof of payment.
Mexico ⁶³⁸	Provide the Unique Population Registry Code (CURP) and personal information including names, surnames, date of birth, gender and State.
Panama ⁶³⁹	Provide the holder's birth registration number or the parents' identity card number. Proof of payment.
Paraguay ⁶⁴⁰	Identity card of the applicant. Request form to search for the record (for digitized records).
Peru ⁶⁴¹	ID and payment receipt.
Dominican Republic ⁶⁴²	Provide the event number and the applicant's personal information.
Uruguay ⁶⁴³	If the certificate is digital: identity document and provide the names, surnames and date of birth or registration of the person. If the certificate is handwritten: provide names and surnames of the person, identity card number, names and surnames of the parents, date and place of birth or registration. Record or registration number, judicial section or office number where the registration was made.

The following table describes the substantive requirements to obtain ID by country depending on the age of the person requesting them.

Country	Substantive requirements for the ID	
	For children and adolescents	For adults
Argentina ⁶⁴⁴	Any ID: birth certificate.	
Bolivia ⁶⁴⁵	Identity card of minors: original birth certificate, bank deposit slip, physical presence of the child or adolescent.	Adult ID: original birth certificate, bank deposit slip.
Chile ⁶⁴⁶	Identity Card: provide full name, date of birth and RUN. Proof of payment.	
Colombia ⁶⁴⁷	Identity card for those older than 7 years old: photocopy of the minor's birth certificate; inform the blood group (if the CR does not have this information). In some municipalities, three photographs must be submitted.	Identity card: copy of the civil registration of birth or identity card; confirmation of blood type. In some municipalities, three photographs must be submitted.
Costa Rica ⁶⁴⁸	Identity card from 12 years of age: the minor must come with a duly identified direct family witness.	Identity card: minor identity card or identify through witnesses.
Ecuador ⁶⁴⁹	Identity card: personal information. Proof of payment. Children under 15 must attend with a parent or legal representative.	Identity card: personal information. Proof of payment.
Guatemala ⁶⁵⁰	Personal identity document: not issued to minors.	Personal identity document: original and copy of the registration certificate; original and copy of the Public Works Tax receipt; and receipt of payment.
Panama ⁶⁵¹	Youth ID: personal data and must be accompanied by a parent or legal representative.	Identity card: youth card that has biometric data capture or copy of the identity card of the mother or father.
Paraguay ⁶⁵²	Identity card: original birth certificate; photocopy of the registration certificate book, authenticated by the CR official; residency certificate issued by a police station or Justice of the Peace.	
Peru ⁶⁵³	ID up to 19 years: payment receipt, certified copy of the birth certificate; utility bill; photograph. 20 years and older: payment receipt, affidavit of parents, siblings or two adults who know them. If the person is studying a university or technical degree they can present their student card.	
Dominican Republic ⁶⁵⁴	Identity and electoral card for minors aged between 16 - 18 years old: an original and recent birth certificate for identification purposes; and blood type certification.	Identity and electoral card: original and recent birth certificate for identification purposes; and blood type certification.
Uruguay ⁶⁵⁵	Identity card for minors under 14 years of age: must be accompanied by a person of legal age with a valid identity card; birth certificate.	Identity card: birth certificate.

BARRIERS AND BEST PRACTICES

Without having previously registered the birth, it is impossible to obtain a birth certificate or an ID. In some countries, the requirements to obtain a copy of the birth certificate mean that the applicant has to provide specific information about the book, volume, or page where the registration was made. This information is difficult to know if they do not have the birth certificate that was issued following the registration. For the most part, this type of requirement is common in CRs that have not been able to digitize all of their birth certificates, and still have to resort to physical books for the issuance of copies. Some offices in **Argentina, Colombia, Paraguay** and the **Dominican Republic** request this type of information.

Regarding the ID, in some cases the requirements are difficult to meet. In Colombia, some CR offices do not have integrated services, so photographs and blood type tests are requested in order to issue the ID, which represents an obstacle for families living in poverty⁶⁵⁶. In Paraguay, three documents are requested that must be issued by other government entities that are not part of the Identification Department. The fulfillment of these requirements implies additional transportation costs and visits to access the additional documentation. Although the cost of issuing the ID is US \$1.22 (Gs. 8,500), it has been estimated that the final cost of the procedure would have a total cost of US \$76.14 (Gs. 530.320)⁶⁵⁷, representing a limitation for people who do not have these resources.

In 2003, Peru declared that the electoral roll used across the national territory would be replaced by a national ID. In 2013, in the indigenous jungle communities of Betania, Sarhua and Ahuay, older persons were identified who had not been able to obtain their ID due to lack of a birth certificate. Although RENIEC implemented some measures to facilitate the issuance of a DNI to these populations, the affected citizens reported that they had been required to go to the RENIEC offices in the company of three witnesses of legal age. This requirement was particularly difficult due to the long distances and costs associated with the trip⁶⁵⁸. In response to this, RENIEC has undertaken free identification campaigns in coordination with local authorities.



Argentina implemented the campaign titled “My first document, access to my rights”, in which it identified and provided free assistance to Argentine people older than 1 year who had not been able to process their ID because they did not have a birth certificate⁶⁵⁹.

VI. Application of differentiated approach

Certain population groups have specific vulnerabilities and disadvantages compared to other groups in terms of their ability to access birth registration and identity documentation that proves their nationality. Practical and regulatory barriers that make registration and documentation difficult or impossible affect them more seriously, which means that CRs must take measures to meet their different needs⁶⁶⁰.



For the administrative due process of law to really exist, it is necessary for the petitioner to be able to assert their rights and defend their interests effectively and in procedural equality with other petitioners⁶⁶¹. In this way, **so that the process can achieve its objectives, it must recognize and resolve factors involving real inequality for petitioners** because if these means of compensation did not exist then it would be impossible to say that those who are in disadvantaged conditions enjoy the same access to their rights⁶⁶².

The Inter-American Court has established that States must guarantee that people can carry out late registration procedures living in conditions of equality and non-discrimination⁶⁶³. In the same vein, the HRC urged States to **identify and eliminate physical, administrative, procedural and other obstacles that hinder access** to timely and late registration, especially barriers caused by poverty, disability, gender, age, illiteracy, being in detention, living in rural areas and other issues faced by people in vulnerable situations⁶⁶⁴.

The World Bank has highlighted the danger of the exclusion faced by women, populations in rural areas, ethnic and linguistic minorities and people belonging to religious groups⁶⁶⁵. OHCHR highlights the importance of social accessibility as people can be excluded based on their level of literacy or disability⁶⁶⁶. It has also stated that States must adopt special measures to address the levels of vulnerability of children and of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons⁶⁶⁷. The CRC also highlights the importance of facilitating registration, especially for children and adolescents who are ill or living with disabilities⁶⁶⁸.

UNICEF has warned about the creation and subsequent implementation of public policies aimed at the exclusion of certain groups from birth registration procedures, especially minorities. These actions contribute to altering demographic figures, denying the existence of members of minorities and/or preventing their participation in political life⁶⁶⁹. The following vulnerable groups will be analyzed: (i) women who face practical barriers based on gender; (ii) older persons; (iii) illiterate people; (iv) indigenous people; (v) LGTBI people; (vi) people with disabilities and (vii) people on the move. The best practices and barriers that were identified for these population groups will be analyzed below.

Women and gender-based barriers

In Peru, 2010 data showed that women and girls had higher rates of lacking identity documents compared to men, conditions that are still being replicated today. According to FINDEX 2018, 2.1% women over 15 years of age do not have an ID, compared to 1.1% of men⁶⁷⁰. The most recent data from 2016, is not broken down by sex. Despite this, the gender gap has narrowed, not because of changes in gender roles but because many social programs (food and childcare) require mothers to present an identity document to access services⁶⁷¹.

Mothers without identity and nationality documents, particularly those who are stateless or at risk of statelessness, often give birth at home, rather than in a hospital, in order to avoid exposing themselves to the authorities. This makes access to birth registration even more difficult.⁶⁷²

Women, especially those who are heads of household, face specific barriers in order to register their own births and their children's births as well, and/or to obtain an ID. For example, they have to look for alternatives for the care of their children while they travel to obtain their ID, especially when they live in remote areas or far from the CR offices. This has meant that in some cases they delay the registration of the births of their children or even prefer to wait to register all of their children at the same time, especially when a government requests copies of birth certificates so that families can benefit from social programs⁶⁷³.

Underage mothers may also not register the birth of their children due to additional requirements requested by CRs. In **Ecuador**⁶⁷⁴, **Mexico**⁶⁷⁵, and **Uruguay**⁶⁷⁶ underage mothers must attend with their legal guardian or caregiver. In the case of Ecuador and Mexico, this was one of the main obstacles for registering the births of underage mothers on the move⁶⁷⁷. In **Panama**⁶⁷⁸ and **Paraguay**, the minor must be accompanied by two witnesses of legal age at the time of the registration. **Costa Rica**⁶⁷⁹ and **Guatemala**⁶⁸⁰ register newborns using the same standard procedure; however, authorities must report these cases for a criminal investigation of the cause of this pregnancy. Many underage mothers may avoid registering the birth of their children due to their fear of being involved in criminal proceedings and fear of criminal retaliation against the father if he is of legal age.

Single mothers may face problems when trying to register their children with their father's last name or even just registering their child if the father is not present at the time of birth, especially when they are not legally married. In **Ecuador** and **Paraguay**, paternity will be established with the appearance of the parent, in person or by means of documentation, and the acceptance of the mother when the parents have a marital status different to that of being married to each other or in a common law partnership⁶⁸¹. It is reported that in Peru, registry officials can refuse to register a birth if only the mother is present⁶⁸².

In addition, certain social and cultural norms do not recognize the authority and autonomy of women to register their children without the presence of the father. In cases of unacknowledged paternity, many mothers do not register their children due to fear that the child will be discriminated against, social disapproval or questioning of the woman's behavior in her own community⁶⁸³. Due to cultural stigma, many mothers in Peru do not register the birth of their children in a timely manner if there is no paternity acknowledgement, even when the law allows it⁶⁸⁴. Based on this stigma, there are similar reports in **Colombia**, but they have not been thoroughly investigated by official sources⁶⁸⁵.

In the **Dominican Republic**, the desire of women to not be registered as single mothers on their children's birth certificates was observed. Women in common law marriages did not consider themselves to be single mothers. In this country, women in common law marriages are initially registered as single parents, but the fathers are allowed to put their name on the birth certificate later. Although this is explained to users, they do not like this option and prefer to register their child when their partner is present. The term single mother is generally offensive to Dominican women. This causes the mother to leave the CR without registering her baby. This can also be perceived as a gender bias⁶⁸⁶.

In the **Dominican Republic**, one of the largest gaps for achieving timely birth registration is found in pregnant adolescent women. In October 2016, out of every 100 babies born in 12 hospitals, 32 were not registered and 17 were children of teenage mothers. Due to the prevailing gender roles, women are made to feel guilty and the parental responsibility of Dominican men is invisible, which undoubtedly has an influence on under-registration⁶⁸⁷.

In addition to this, situations of gender-based violence have been reported. Many hospitals in the **Dominican Republic** store the identification cards of pregnant mothers (not fathers) because they believe that a woman who just gave birth does not need her identity card immediately. Although this measure was motivated by the concern that they would not register the births of their children, it should be noted that even though timely birth registration does not represent the exercising of the right of children and adolescents to an identity, this should not involve violating the human rights of mothers. In the action described above, babies were prioritized, and women's rights were undervalued⁶⁸⁸.



In **Bolivia**, the Political Constitution establishes that “by virtue of the best interests of children and adolescents and their right to an identity, the presumption of filiation will be enforced by indication of the mother or father. This presumption will be valid unless proven otherwise by the person who denies filiation. In the event that the evidence denies the presumption, the expenses incurred will correspond to whoever indicated the filiation”⁶⁸⁹.

In **Costa Rica**, if the alleged father questions paternity, he is forced to provide a DNA sample for analysis. If the analysis confirms paternity, the child receives their last name. If the result is negative, the man has no legal relationship to the child. If the man refuses to provide a DNA sample, the birth certificate will still contain his last name and any other information supplied by the mother⁶⁹⁰.

In human mobility contexts, this can happen in cases of mixed couples (national father and foreign mother), when the foreign mother faces problems with registering the birth of her child if the national father is not present, which is a common occurrence with single mothers. In the Dominican Republic, the lack of acknowledgement of paternity is one of the factors that contributes to preventing access to birth registration and Dominican nationality in cases of mixed couples⁶⁹¹.

Regarding obtaining nationality in human mobility contexts, children of foreigner single mothers who need to obtain the right to nationality through their paternal relationship may face barriers if the father does not voluntarily participate in the acknowledgement of paternity during birth registration. This is a specific challenge for foreign single mothers who require proof of paternity for their children to be entitled to the father's nationality. If they do not recognize the paternity of their child and therefore the

child does not have their nationality, and the baby is born in a country that does not grant nationality automatically if a child is born in its territory (*ius soli*), then there would be cases of children and adolescents who are born stateless. This was the case faced for children born in Colombia to single Venezuelan mothers before the law granting their children Colombian nationality was passed⁶⁹².

Older persons and people with disabilities

Older persons and people with disabilities who did not register their births may face various obstacles when trying to access late registration procedures, including physical accessibility barriers (long distances to offices or inadequate infrastructure for people with disabilities or reduced motor skills). Additionally, older persons and people with disabilities may find it difficult to reasonably obtain the substantive requirements established by law.



People with disabilities should enjoy true access to registration and be beneficiaries of administrative due process alongside those who do not face these disadvantages. The process must recognize and resolve factors of real inequality⁶⁹³.



The following countries have specific registration provisions for people living with disabilities:

The “**Chile Solidario**” program, which is implemented in conjunction with the Ministry of Social Development, subsidizes a fraction of the cost of identity documents for the population living in extreme poverty, including the elderly⁶⁹⁴.

Colombia, the Vulnerable Population Attention Unit (UDAPV) has exempted fees for duplicates, citizenship, identity card corrections and copies of civil registration. In 15 years, the work of this unit has helped more than 1.5 million people in vulnerable conditions, including the elderly. In addition, people with disabilities living in poverty are exempt from paying for a copy of civil registry documents, duplicates and identity document corrections⁶⁹⁵.

In **Costa Rica**, home service programs are carried out to serve the elderly and people with disabilities. These services began to be offered in 2015 as part of the “Regionalization” project, which involves the decentralization of services. Resources were provided to the regional offices so that they can provide services to receive applications, deliver identity cards and inclusion in the national records, favoring this vulnerable population⁶⁹⁶.

695 Colombia. RNEC. Comportamiento histórico. Unidad de Atención a Población vulnerable. Historical behavior. Service Unit for Vulnerable Population. Beneficiaries of the Social Programs System include victims of the armed conflict, demobilized people, population living in poverty, victims of catastrophes or natural disasters, people deprived of liberty and indigenous communities. Resolution 14368 de 2017

In **Ecuador**, in the case of the father or mother having a mental disability who is unable to personally register the birth of the child, the procedure must be carried out through their legal representative⁶⁹⁷. In addition, citizens with disabilities are exempt from paying fees for CR services⁶⁹⁸.

In addition, **Ecuador** has the “Misión Solidaria Manuela Espejo” Program in which several government entities participate to provide social protection services to people with disabilities, visiting them at their homes. CR staff also participate in these visits to facilitate the issuance of birth certificates and identity documents to those who require them. For older persons, the “My Best Years Brigades” do door-to-door tours to offer different services provided by the State. The CR technical team conducts this program⁶⁹⁹.

In Guatemala, identification fairs have been held with the support of organizations such as “ANINI” (works in vulnerable sectors of Guatemala, primarily with children with reduced mobility or reduced physical and mental capacities) and the “Hogar de Ancianos Madre Teresa de Calcuta” in highly vulnerable populations. These conferences have also been held with support from the Ministry of Public Health and Social Assistance.⁷⁰⁰

The Government in **Mexico City** has exempted CR services for people with disabilities, indigenous people and people living on the street⁷⁰¹. The Government of the State of Mexico also established the “Permanent Campaign for the Birth Registration of Older Persons” with the purpose of raising awareness that birth and issuing certificates are free of charge for the older adult population⁷⁰².

A project has been implemented in Panama since 2011 to assist vulnerable populations called “Interinstitutional Protocol for Timely Birth Registration and Identification”. Through this protocol, a service and coordination procedure was created with ministries, entities, and shelters for the elderly, working together to identify cases of elderly people without identity documents. In the cases of people with disabilities, home care is provided that includes the issuance of a personal identity document free of charge⁷⁰³.

The Identification Department of Paraguay has coordinated activities with the National Ministry for the Rights of Persons with Disabilities to provide home identification services to senior citizens who are classified as at-risk. In 2017, Paraguay opened its first mobile office in the city of Itacuribí to strengthen birth registration campaigns and facilitate the issuance of birth, marriage and death certificates in remote areas. The mobile structure has special accesses for people with disabilities. The Identification Department provides home identification services to senior citizens who are in the at-risk group.⁷⁰⁴⁷⁰⁵

In Peru, people over 65⁷⁰⁶ and people with disabilities do not have to pay for the procedure to obtain the ID⁷⁰⁷.

Illiterate people

Illiterate people and their children have a lower birth registration rate and have a lower chance of receiving a birth certificate. These people sometimes fail to understand the procedure and also refrain from approaching CRs to register births due to their fear of stigmatization.⁷⁰⁸



Eloísa Castro, first naturalized stateless person in the Americas. San Jose, Costa Rica. © UNHCR/José Díaz



The following countries have specific registry provisions for illiterate people:

In **Argentina**, if any of the appearing parties did not know or could not sign, someone else must do so on their behalf, leaving a record⁷⁰⁹.

In **Chile**, if the parents cannot sign, the reason why must be indicated, and the digital impression of the thumb of the right hand will be taken⁷¹⁰.

In **Ecuador**, if the father or mother cannot or does not know how to sign, a fingerprint will be taken, and two suitable witnesses will attest to the impossibility of signing⁷¹¹.

In **Guatemala** and **Peru**, the signature requirement may be waived when the person is illiterate or permanently prevented from signing⁷¹².

In **Paraguay**, if any of the appearing parties or witnesses do not know how to or cannot sign, another person will do so at their request, and their digital impression will also be stamped, preferably the thumb of the right hand, along with the signatures. If this is not possible, it will be stated⁷¹³.

In the **Dominican Republic**, if the appearing parties or witnesses cannot sign, the causes that prevent them doing so will be recorded⁷¹⁴.

Indigenous people

Indigenous populations in the Americas tend to be concentrated in rural areas, in many cases areas that are difficult to access and that have high rates of poverty. Combined with the fact that the supply of public services (health centers, CR offices, schools, etc.) is not equally distributed between urban-rural areas, this situation means that indigenous people have less access to government services, aggravating their situation and making it even more difficult for them to access birth registration and identification services. In many cases, indigenous people do not speak the language of the birthplace of their children. Added to this, indigenous women have the highest number of non-institutionalized births. In Guatemala, half of the indigenous women reportedly gave birth at home.



The States must guarantee that the members of indigenous peoples do not have to make excessive or exaggerated efforts to gain access to registration⁷¹⁵, which is why it is necessary for the States to avoid differentiated obstacles to the detriment of this population⁷¹⁶.

Additionally, lack of access to information on registration procedures, especially in indigenous languages, can make registration difficult. Coordination with the indigenous authorities of some communities and local authorities can also be difficult. In Paraguay, only 70% of the children and adolescents who speak only Guaraní at home have been registered, which represents 17% less than those who speak Guaraní and Spanish at home and 24% less than those who only speak Spanish⁷¹⁷.

Regarding the right to indigenous identity, States have worked to have sufficient safeguards that allow the names of indigenous people to be registered while respecting their right to their cultural identity. This is an important area because some registration regulations reportedly did not admit indigenous names, phonetics or spellings, promoting registration errors, which was causing cultural exclusion, distancing people from the CRs⁷¹⁸.



Argentina allows for the registration of indigenous names or names derived from indigenous and Latin American native words⁷¹⁹.

Bolivia has carried out outreach campaigns in Spanish, Quechua, Aymará and Guaraní⁷²⁰ to keep the population informed. Regarding the registrations, these may include the names of indigenous people based their cultural identity⁷²¹. However, situations affected by a lack of documentation persist, especially due to errors in the registration of surnames and names of indigenous origin. To correct this, the affected person must resort to an administrative procedure, which represents an additional obstacle⁷²².

In **Costa Rica**, the law establishes that the indigenous language must be integrated into registration procedures⁷²³.

The children of the indigenous communities, peoples and nationalities of **Ecuador** have the right to be registered with their own names in their language. CR authorities have the obligation to register these names without any type of limitation or objection⁷²⁴. The State's principles of interculturality and multinationalism are respected. Communication materials to promote CR services are produced in both Spanish and Quichua⁷²⁵.

In **Guatemala**, the registry regulations must be translated and disseminated in the Mayan, Garífuna and Xinka languages. The writing standards of each indigenous Mayan, Xinka⁷²⁶ and Garífuna language must be observed and respected in all registration acts⁷²⁷. Since 2019 the Personal Identity Document includes a field for the applicant to state the indigenous people and linguistic community they identify with. Through this initiative, the Personal Identity Document recognizes with legal validity the diversity of the 22 linguistic communities of Guatemala⁷²⁸.

In **Mexico**, RENAPO in coordination with the National Institute of Indigenous Languages⁷²⁹, translated the unique formats of certified copies corresponding to the birth, marriage, and death records to 30 of the 64 variants of indigenous languages. The criteria used to select the languages for translation included the number of speakers, their linguistic regulations and the availability of certified translators. The translated certificates have information in Spanish on the back⁷³⁰.

Article 45 of the Civil Registry Law of Panama establishes that people of indigenous ethnic groups may register their children in the CR with the names from their respective languages. In the same way, the services provided by the Electoral Court have translators in indigenous languages for native peoples who inhabit the regions and activities with these populations are established with district coordinators.

In **Paraguay**, the registration of births in the Guaraní language is allowed. The CR has a list of names in that language.

In the context of **Peru's** "Intercultural Management in the Bilingual Civil Registry" program, the country has developed protocols for differentiated intercultural care and registration of indigenous peoples. For example, the protocol for Amazonian indigenous peoples establishes guidelines focused on rights and cultural relevance⁷³¹. All the materials used for the attention of indigenous peoples are currently made in native languages and registration can be done in Spanish or an indigenous language.

Despite best practices, errors are reported in the registration of names and surnames due to a lack of understanding of indigenous phonetics by CR officials, especially in **Bolivia** and **Guatemala**⁷³².

Another identified obstacle, which was detailed in a previous section, is the impossibility of indigenous parents to meet the requirements for birth registration (e.g., live birth certificate). Indigenous parents may not have the identity document required to register the birth of their children.



In **Colombia**, administrative identification processes were adapted to be more respectful of the cultural practices of indigenous peoples, with a regulation that indigenous authorities can issue an “indigenous authorization” as sufficient proof for birth registration⁷³³.

In **Costa Rica**, the Civil Status Regulation includes requirements for the registration of births of indigenous people, stating that the only proof for birth registration of people over 10 years of age is to present an endorsement from the Indigenous Development Association with information about the person and their indigenous origin. In the case of minors, a statement from the person who delivered the child must also be included⁷³⁴. To achieve this, the CR has worked with members of the indigenous peoples, appointing them Assistant Registrars so that they can facilitate birth registration for the people in their respective indigenous community⁷³⁵. In the “Chiriticos Project”, administrative procedures were made more flexible for the issuance of birth certificates and identity cards to this population⁷³⁶.

In **Panama**, a statement from an indigenous person will suffice to register their own birth, or the birth of their father, mother or relative, when they are of legal age. This has to be validated by two witnesses⁷³⁷.

Finally, late registration fees or penalties can represent an additional obstacle for indigenous people or discourage birth registration.



Bolivia established the free late registration of any person over 18 years of age who comes from indigenous and native peoples⁷³⁸.



Proyecto #Chilereconoce. Iquique, Chile. © UNHCR/David Alarcón

LGBTI people⁷³⁹

OHCHR has expressed concern about the obstacles that children born to non-heterosexual or cisgender families may face. This includes the children of LGBTI couples and others who can be stigmatized. To protect them, parents may not disclose their births and not register them⁷⁴⁰. In several of the countries included in this study, there is no regulatory framework that allows LGBTI couples to register their children with the surnames of both parents. In **Costa Rica, Chile, Ecuador, Mexico** and **Peru**, the advisory opinion OC 24/17 of the Inter-American Court⁷⁴¹ and the judgments adopted by the Supreme Courts of Justice and Constitutional Courts have encouraged States to regulate and allow equal marriage to make same-sex couple filiation viable. This is how Costa Rica, Chile and Mexico have adapted their laws.



States must guarantee access to all existing means in domestic legal systems to ensure the protection of all the rights of families consisting of same-sex couples and their children without discrimination compared to the rights enjoyed by families consisting of heterosexual couples and their families⁷⁴².

COMPARATIVE ANALYSIS OF DOMESTIC LEGISLATION

Registration of children of LGBTI couples and homoparental affiliation	
Argentina ⁷⁴³	The birth registration for children of same-sex marriages must contain the name and surname of the mother and her spouse and the type and number of their respective identity documents. In the event that they do not have identity documents, their age and nationality will be recorded.
Bolivia ⁷⁴⁴	The right to identity of the child or adolescent includes the right to their own and individual name and to bear both the paternal and maternal surname or a single surname. The recognition of homoparental surnames is not mentioned.
Chile ⁷⁴⁵	The Senate approved a Bill that regulates the filiation rights of the children of same-sex couples and the necessary legislative adjustments are pending.
Colombia ⁷⁴⁶	The Civil Code applies to children born within the marriage or duly declared common law partnership of same-sex couples. Article 213 states: "The child conceived during the marriage or during the de facto marriage has the spouses or permanent partners as parents ". In the event that an acknowledgement of paternity is required, once paternity has been established by the competent authority, the children of homoparental couples are subject to the same general rules applicable to children conceived during marriage or common law marriage.
Costa Rica ⁷⁴⁷	When there is a marriage between two women and one of them gives birth, as a rule of principle, the presumption of filiation will apply, assigning co-motherhood to the child. In the case of marriage between two men, the application of this presumption is impossible, as the newborn will have in most cases a registered mother, and that registration cannot be replaced by the registration of the birth with both male spouses. In this case, an adoption procedure will be necessary with the parents' prior consent.
Ecuador ⁷⁴⁸	The filiation corresponding to paternity and maternity is established by having conceived the minor within a marriage or de facto union; a voluntary acknowledgement by the father or mother; or for having legally acknowledged paternity or maternity.
Guatemala ⁷⁴⁹	The individual person identifies with the name under which their birth is registered in the Civil Registry, consisting of their own first name(s) and surname of their married parents or of their unmarried parents who have acknowledged the child as theirs. The children of a single mother will be registered with her two surnames. The filiation will be made in accordance with paternal acknowledgement. Homoparental filiation is not specified.
Mexico ⁷⁵⁰	Some states have modified their civil codes, noting that the legal status of voluntary acknowledgement of the minor can also occur for homoparental couples.
Panama ⁷⁵¹	The filiation is determined by both areas, the father and the mother, by mutual agreement. Homoparental filiation is not specified.
Paraguay ⁷⁵²	The filiation is only attributable to the mother and/or father. Homoparental filiation is not established.
Peru ⁷⁵³	The minor is given the surname of the father and mother; or their presumed parent. Homoparental filiation is not established.
Dominican Republic ⁷⁵⁴	The assignment of surnames will be made according to the filiation, which is only attributable to the mother and/or father. Homoparental filiation is not established.
Uruguay ⁷⁵⁵	The filial bond can be established with the spouse who did not conceive.

750 Through the intervention of the Supreme Court, the following states have facilitated the registration of children of homoparental couples: Aguascalientes, Campeche, Mexico City, Coahuila, Guadalajara.

BARRIERS AND BEST PRACTICES

Paternal and/or maternal affiliation is particularly relevant for the children of LGBTI couples, as it involves the exercising of their rights. Furthermore, the recognition of people's identity, including gender identity, facilitates the exercising of rights to legal personality and nationality.⁷⁵⁶



In **Colombia**⁷⁵⁷ and **Argentina**⁷⁵⁸, LGBTI couples can register their children in the same conditions as heterosexual parents.

In **Ecuador**, the Ombudsman's Office initiated a case in favor of two minors so that they can be registered with the surnames of their mothers. The ruling of the Constitutional Court indicated that the CR must immediately begin to register minors with the names of their mothers. This ruling was established as a precedent to guarantee identity rights for the LGBTI community and their families⁷⁵⁹.

A similar case was reported in **Chile** in which the Court of Appeals ordered the CR to register minors with the surnames of their mothers. In this case, the protection appeal was presented by a civil society organization⁷⁶⁰.

As previously mentioned, the right to identity and nationality is a basic component necessary for the access and exercising of the rest of a person's rights. Disqualification of the rights of populations with non-normative gender identities can lead to discriminatory practices.



The Inter-American Court has established that sexual orientation and gender identity, as well as gender expression, are categories protected by the ACHR. For this reason, any discriminatory regulation, act or administrative practice based on the sexual orientation, gender identity or gender expression of the person is prohibited by the ACHR. No rule, decision or domestic law made by state authorities can diminish or restrict in any way the rights of a person based on their sexual orientation, their gender identity and/or their gender expression⁷⁶¹. The IACHR has asked States to take the necessary measures that guarantee the right to gender identity for people without discrimination⁷⁶².

The guidelines for the implementation of Advisory Opinion OC-24/17 regarding the recognition of gender identity constitute an important milestone in the region in terms of rights for the LGBTI community. This legal opinion is a reference point so that the CR can include the human rights and gender identity approaches in their internal processes and mandates, establishing standards that are applicable for the legal recognition of gender identity⁷⁶³. For the transgender population, the impossibility in some countries to obtain an identity document that proves their nationality and indicates their self-perceived gender identity is a major obstacle that impedes them from accessing the CR to obtain an ID.



The right of people to autonomously define their own sexual and gender identity is made effective by ensuring that such definitions agree with the identification information recorded in the different registries, including the Civil Registry, as well as in the IDs. In real terms this means the existence of the right of each person to have the personality attributes recorded in those records and other identity documents match with the identity definitions they have of themselves and, if this is not possible, the possibility of modifying these must exist⁷⁶⁴. The right to recognition of gender identity implies the right that information in CRs and IDs corresponds to the sexual and gender identity assumed by transgender people⁷⁶⁵.

Several countries included in this study have approved regulatory frameworks so that transgender people can register their self-perceived gender identity, and make changes to their identity documents, whether these are birth certificates or ID.

COMPARATIVE ANALYSIS OF DOMESTIC LEGISLATION

Procedure and comprehensive recognition of gender identity in IDs with non-normative gender identities

Argentina ⁷⁶⁶	The photograph, name and sex or gender specification can be changed.	Administrative procedure.
Bolivia ⁷⁶⁷	The photograph, name and sex or gender specification can be changed.	Administrative procedure.
Chile ⁷⁶⁸	The photograph, name and sex or gender specification can be changed.	Administrative procedure for people of legal age and who are not married. Legal procedure for those of legal age who are married or those over 14 and under 18 years of age.
Colombia ⁷⁶⁹	The photograph, name and sex or gender specification can be changed.	Administrative procedure.
Costa Rica ⁷⁷⁰	The photograph and name can be changed.	Administrative procedure.
Ecuador ⁷⁷¹	The photograph and name can be changed.	Administrative procedure.
Guatemala ⁷⁷²	The photograph and name can be rectified.	Administrative procedure
Mexico	It depends on each federal entity. In Mexico City, Chihuahua, Coahuila, Colima, Hidalgo, Michoacán, Nayarit, Nuevo León, Oaxaca, San Luis de Potosí and Tlaxcala, the name, photograph and sex or gender specification can be changed.	Depends on each federal entity. For the aforementioned States, the procedure is administrative.
Panama ⁷⁷³	The photograph, name and sex or gender specification can be changed.	Administrative and/or legal procedure.

Procedure and comprehensive recognition of gender identity in IDs with non-normative gender identities

Paraguay	Does not have procedures available that permit the recognition of gender identity to people with non-normative gender identities.	Does not apply.
Peru⁷⁷⁴	The photograph, name and sex or gender specification can be changed.	Judicial procedure.
Dominican Republic	Does not have procedures that allow for the recognition of gender identity to people with non-normative gender identities.	Does not apply.
Uruguay⁷⁷⁵	The photograph, name and sex or gender specification can be changed.	Administrative procedure.

Source: OAS, *Overview of the legal recognition of gender identity in the Americas*, Adapted table

Despite these regulatory advances, countries that have adopted legal provisions in terms of the registration rights of LGBTI persons may still experience challenges in implementing the regulations. In Colombia, some indigenous transgender women are rejected by their communities and flee without having their births registered or without obtaining an ID. By not being able to return to their communities, they do not have access to evidence to register or request their ID, which can generate a high risk of statelessness⁷⁷⁶. In addition, it is reported that the name change has a cost of USD \$30 (\$110,000 COP)⁷⁷⁷. CSOs have reported that the transgender population has to face several barriers to access the process of changing their name on identity documents, which has led to the activation of legal mechanisms such as appeals for protection⁷⁷⁸. In Mexico, local deputies from Jalisco have not modified the civil regulations that would allow same-sex couples to register their children, despite an order issued by the Supreme Court of Justice of the Nation⁷⁷⁹. However, states such as Mexico City, Chihuahua, Coahuila, Colima, Hidalgo, Michoacán, Nayarit, Nuevo León, Oaxaca, San Luis de Potosí and Tlaxcala have adopted administrative measures to facilitate the comprehensive recognition of gender identity⁷⁸⁰.

In **Peru**, the ruling by the Constitutional Court of October 21, 2016 recognized the right to gender identity. It was established that the procedural path is the correct way to process claims for a change of name and sex/gender⁷⁸¹. Subsequently, and with the judgment handed down on July 30, 2020 by the Superior Court of Justice of Lima, RENIEC was ordered to implement an administrative procedure within a year that allows people to change their name, sex and photo on their ID⁷⁸². The RENIEC Prosecutor's Office appealed this ruling in August of the same year⁷⁸³.



Primero la Niñez Colombia project. © UNHCR/ Guoquitoqui

People on the move

People on the move include migrants, stateless migrants, asylum seekers, refugees, stateless refugees and others with international protection needs. The lack of birth registration and identity documents proving a person's nationality creates a particularly high risk of statelessness for the children of people on the move. In addition to the difficulties with registering births, these people may experience other obstacles when trying to prove that they have ties to a certain State that gives them the right to their nationality. Unregistered children are at particular risk of becoming stateless when they are born to parents who have an irregular immigration status due to barriers to obtaining nationality in the parents' country of origin, as well as limited access to birth registration and nationality in their birth country⁷⁸⁴.



Due administrative legal process must be guaranteed to all persons regardless of their immigration status⁷⁸⁵. This means that the State must guarantee that all foreigners, even when they do not have legal status in the territory, have the possibility to assert their rights and defend their interests effectively and on equal terms with other petitioners⁷⁸⁶.

UNHCR, OHCHR, World Bank and CDH agree that the right of every child to be registered at birth does not leave room for discrimination, regardless of the immigration status of the child or the parents. This includes the children of migrants, non-nationals, asylum seekers, refugees and stateless people⁷⁸⁷. The HRC urged States to identify and eliminate physical, administrative, procedural and other obstacles that hinder access to timely and late registration, especially the barriers faced due to the nationality, displacement, statelessness and/or detention of the parents⁷⁸⁸. OHCHR classifies the lack of registration of these populations as a discriminatory act that aggravates their situation of vulnerability and exposes them to the risk of statelessness⁷⁸⁹.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families maintains that all children of migrant workers have the right to register their birth⁷⁹⁰. In this sense, the CMW urges the signatory States to adopt all necessary measures to guarantee that all children are registered immediately at birth and birth certificates are issued regardless of their or their parents' immigration status⁷⁹¹.

In addition, the New York Declaration for Refugees and Migrants refers to States' commitments to register the births of all refugee children, as well as providing documentation for refugees⁷⁹².

Legal and practical obstacles to accessing the birth record should be removed, including bans on exchanges of data between health centers, CR officials and immigration authorities; and to not require parents to provide documentation of their immigration status⁷⁹³.



The Inter-American Court has also established that the States must adopt necessary and permanent measures to facilitate the birth registration of children, regardless of their ancestry or origin and the immigration status of the parents, in order to reduce the number of people who use the late registration process. States must ensure that individuals can carry out late registration procedures in conditions of equality and non-discrimination⁷⁹⁴.

UNICEF states that access to information on requirements and the registration process must be strengthened in the context of emergencies and conflicts in which new challenges and barriers to late birth registration are aggravated or emerge⁷⁹⁵.



It must be guaranteed that the person on the move, regardless of their residence status in the host country, understands the procedure to which they are subject including the procedural rights that they are entitled to. For this purpose, translation and interpretation services should be offered in a language that the person understands when required⁷⁹⁶.

Additionally, in emergency contexts such as natural disasters and health crises that can generate forced displacement both internally and to other countries, a lack of identity documents that prove nationality could limit the access of these people to services and humanitarian assistance programs

for the displaced population provided by the host country. People on the move are already an extremely vulnerable population and in emergency contexts they suffer many more vulnerabilities.

BARRIERS AND BEST PRACTICES

UNHCR and the IACHR have stressed that in Latin America and the Caribbean there is a risk of statelessness associated with the lack of birth registration in human mobility contexts⁷⁹⁷. Children of people on the move often face difficulties accessing CR⁷⁹⁸ services. The following barriers are usually present in these contexts:

- People on the move who have not regularized their migratory status in the host country may not want to approach authorities to register their children for fear of being identified, deported or sanctioned by the migration authorities⁷⁹⁹. This happens even though children have the legal right to be registered at birth and in some cases obtain the nationality of the host country⁸⁰⁰.
- The child's parents do not understand the language of the country of birth of the child.
- Lack of knowledge about procedures for timely and late birth registration, as well as lack of awareness about their importance.
- Discrimination and xenophobia from public officials.
- Ignorance of the regulations among public officials.
- Many children of people on the move are born in transit. If the registration is not carried out immediately after birth and they continue their travel to another country, their children may be at risk of statelessness. People on the move may be at risk of statelessness when they have left their country of birth without proper birth registration⁸⁰¹. The risk worsens if they cannot access birth registration via consular means.
- Birth registration may be considered by the host authorities as a mere formality and of little consequence given the serious difficulties that people experience in emergency and human mobility contexts⁸⁰².
- Parents may lack identity documents, which are necessary to register the births of their children in the host countries. Additionally, some countries require that the documents are current and apostilled. If the parents of the child have international protection needs linked to fears of persecution, this will prevent them from approaching the Consulate or other representative agency of their country of origin to obtain new identity documents or apostille existing ones.
- Inability to meet some of the requirements such as witnesses who are nationals from the host country or are duly documented, certificates of migratory movements and others.
- For people on the move who are living in situations of poverty and extreme poverty, if birth registrations or obtaining a birth certificate for their children has a cost, this may represent an obstacle that impedes them from accessing this procedure.

In Argentina, in some cases children of foreigners born in the national territory reportedly face barriers for registering their births because their parents do not have legal residence in this country or do not have identity documents that prove their nationality. This means that they are registered without indicating the document number or nationality of their parents⁸⁰³.



The Birth Registration Program for the Mexican American Population, led by the Ministry of the Interior through RENAPO, is working in Mexico to facilitate the late registration of births of children and adolescents who were born in the United States and registered in that country. This program is for people who, due to the irregular immigration status of their parents, have travelled to Mexico so that they can register their birth, guaranteeing their legal and legal security and the right to their Mexican nationality⁸⁰⁴.

In **Panama**, through the Special Projects and Under-Registration Unit of the National Office of the Civil Registry, inter-institutional coordination is carried out on a permanent and periodic basis with UNHCR, the Ombudsman's Office, the National Migration Service, the National Border Service (SENAFRONT), health centers and the Ministry for Children, Adolescents and the Family (SENNIAF) to register the births of children born in the national territory to mothers and fathers on the move, primarily extra-continental. Some of the mothers are in shelters for migrants and refugees in the Darien province where they are transferred to health centers to give birth. Other children were born in the jungle in the Darién Gap. Their birth registration has been processed and their youth identity card provided. This guarantees their right to Panamanian nationality, preventing them from leaving the country without their birth registration and avoiding situations of risk of statelessness⁸⁰⁵.

In **Chile**, when foreign parents appear before the CR to register the births of their children and have an irregular immigration status at that time or have entered the territory irregularly, the CR must provide the names and information of the foreign parents to the Investigative Police, the Provincial Government or the DEM in Santiago⁸⁰⁶. This could prevent parents from registering births due to their fear of being penalized or deported to their home country.

On the border between **Costa Rica** and **Nicaragua** in the cantons of Los Chiles and Upala, some cases have been detected of people who were born in Costa Rica to Nicaraguan parents who did not carry out a timely birth registration⁸⁰⁷. The parents, of Nicaraguan nationality, have encountered several problems in meeting the requirements to register said births, among them not having a passport or residence card⁸⁰⁸. It has also been reported that an important barrier in these cases is a lack of knowledge about the procedure, as well as the fear that parents have of approaching the authorities to register the births of their children and they are subsequently deported⁸⁰⁹.

In Costa Rica, legislation establishes that the children of foreigners born in the national territory obtain Costa Rican nationality once their birth is registered, regardless of the immigration status of their parents. The CR has established simple requirements such as the presentation of witnesses so that minors can register if their parents lack identity documents. If they are not registered then they will not be able to obtain Costa Rican nationality at the time of their birth⁸¹⁰.

Ecuador has reported that one of the greatest challenges to register the children of people born in the national territory to parents on the move is related to the lack of identity documents held by parents and that parents who are under the age of 18 do not have a person of legal age to represent them when they are registering their children. In the first case, registration is carried out based on the live birth certificate and with the mother's information that appears in it, stating the medical record

807 The report prepared by CENDEROS found that of the 1,869 people surveyed, 17% did not have a birth certificate, and 13% had difficulties obtaining said documentation.

number of the birth. If it is the father who does not have an identity document then the minor is registered only using the mother's information. In the second case, the DIGERCIC has chosen to direct users to the Children and Adolescents Parish Councils so that they can prepare a report the different situations that people on the move experience in Ecuadorian territory. With this report, the minor is registered and a representative of the board appears with the parents for the registration procedure.

In **Mexico**, it has been reported that one of the biggest challenges for registering the children of people on the move is related to: the parents' lack of apostilled identity documentation to validate their personal information⁸¹¹; language barriers to be able to provide information on the documentation required for the procedure; difficulties with proving a birth in national territory and confirming their right to Mexican nationality if the births occurred outside of health centers; and challenges with expediting the procedure and strengthening coordination with the Mexican Commission for Refugee Aid (COMAR) for the recognition of refugee status. The CNDH reported that foreigners who enter the country without identity documents are criminalized by immigration staff and are not given information to resolve their lack of documentation, which would facilitate their transit and regularize their immigration status⁸¹².

In Peru, the CR reported that its biggest challenge with the population on the move is the lack of valid identity documents and certificates of the parents⁸¹³. Without valid identity documents from the parents, the birth cannot be registered.

Panama has reported that one of its greatest challenges with registering the children of people on the move is that the births takes place without medical assistance and that their parents do not register the births. This is because they are not sufficiently aware on the importance of registering and documenting the child and also fear that this will prevent them from crossing the Panamanian border and continuing their journey. To prevent these cases, the Electoral Court has engaged in permanent joint work with immigration entities to report of cases of newborn children with the purpose of beginning the process for their registration⁸¹⁴.

In the **Dominican Republic**, the children of foreign parents face several obstacles to access the birth registry and consequently a birth certificate. UNICEF indicated that some of the obstacles foreign mothers face with documenting the births of their children include the language barrier and a lack of guidance⁸¹⁵. Data from 2013 shows that one of the factors associated with an increase in the likelihood of non-registration was having foreign parents⁸¹⁶. This situation occurs in mixed nationality couples, where one of the parents is of Dominican nationality and whose children have the right to their parent's nationality. Difficulties have been reported by Dominican men who are married to foreign mothers in terms of passing on their nationality to their children due to procedural discrepancies between the JCE and the Ministry of Public Health⁸¹⁷. Furthermore, on many occasions public officials accuse these parents of providing a fraudulent statement. It is also noted that lack of paternal acknowledgement is one of the factors that contributes to preventing access to nationality. In these circumstances, legal support from CSOs and international organizations has been essential for advising mixed couples and assisting them with the birth registration process so that their children can access their right to a nationality⁸¹⁸.

811 Regarding the lack of documentation, only the state of Chihuahua has created a service protocol for people on the move in order to support and provides information about how this population can access official documentation. RENAPO. Case of the Federal State of Chihuahua. Information sent for this study as per request for information. September, 2020.

As indicated in a previous section, several of the countries included in this study do not offer alternatives for registering the births of foreigners who lack identity documents (e.g.: witness statements, affidavit and others). However, several of the countries accept legal permanent residence cards as sufficient documentation for birth registration.



In order to register the births of children born to foreign parents without identity documents, Argentina and Costa Rica accept the testimony of witnesses in lieu of a valid identity document. Ecuador allows an affidavit.

In Mexico, there is permanent coordination between RENAPO and COMAR to grant a Unique Population Registry Code to the population on the move as a registration and identification instrument for a period of up to 365 days. In this case, a Unique Population Registry Code allows foreigners to access a variety of services, including birth registration⁸¹⁹.

In recent years, the social and economic situation in Venezuela has generated a significant forced displacement of nationals from this country to several of the countries included in this study. Figures from the Coordination Platform for Refugees and Migrants of Venezuela (R4V) show that, as of August 2020, 5.4 million Venezuelans have left their country, of whom only 2.5 million have a residence permit in the new country that they are living in or transiting through⁸²⁰. The challenges related to access to birth registration, the right to nationality and identity that people on the move face in this context are several, including: practical barriers that impede registering the birth of their children in host countries linked to the difficulty or impossibility of obtaining identity documents to prove nationality; inability to apostille the birth certificates of their country of origin or similar identity documents at consular offices; lack of awareness and knowledge regarding procedures for registering births; increase in cases involving the risk of statelessness and statelessness of their children born in host countries⁸²¹.

Furthermore, in cases where the children of parents on the move automatically obtain the nationality of the State where they were born, difficulties may arise with registering their births and thus proving their links with the State or States of their nationality. This will prevent them from confirming the nationality of the State where they were born or their parents' nationality, which could create a risk of statelessness. If these obstacles become insurmountable, these children could be considered stateless⁸²².

In Colombia, despite the fact that the regulatory framework establishes that all births that occur in the national territory must be registered, regardless of the immigration status of the parents⁸²³, there have been cases in which children of Venezuelans are denied birth registration because their parents do not have the appropriate identity documents, such as the PEP, or because they cannot meet some additional substantive requirements, thus encountering administrative barriers⁸²⁴ that could generate a risk of statelessness for several children born in this country. The risk of statelessness increases if this child continues their transit to a third country without being registered at birth or having been registered without having obtained a valid document proving their Colombian nationality before leaving the country⁸²⁵. In **Peru**, cases have been reported of children of Venezuelans born in Colombia

821 It is important to note that although Venezuela is not part of this study, information about the country is included as one of the most relevant examples of human mobility in the region and because of the challenges that its nationals present in host countries that are part of this study.

who were registered with the remark “not valid to prove nationality” on their birth certificates and who currently reside in this country. These children could be at risk of statelessness or are even currently stateless because they do not have access to Colombian nationality from this country⁸²⁶.

Barriers to accessing birth registration are not only found in host countries, but also in countries of origin. In Venezuela, the conditions of CR offices are reportedly precarious and accessing a copy of a birth certificate is almost impossible, which affects the birth registration of children from this country. An investigation conducted by CECODAP indicated that in 2018, hospitals and maternity wards lacked the necessary paper supplies to issue birth notifications, a primary requirement for processing a birth registration⁸²⁷. It was estimated that at least 32,110 children did not have access to this document in the capital. In the same year it was projected that around 271,850 boys and girls would not be able to have their births registered, which means that they could not obtain a birth certificate⁸²⁸. Many of these children have been forcibly displaced to host countries and may be at high risk of statelessness due to the lack of their birth registration, which cannot be carried out by Venezuelan consulates in host countries.

Situations may occur in which the children of nationals of the countries included in this study born in Venezuela face difficulties in registering their birth in the country of their parents’ nationality to either confirm or obtain nationality by consanguinity. In Colombia, there have been cases of denials of late birth registration for people born in Venezuela to Colombian parents who are currently in Colombia. Generally, these people cannot fulfill the requirement of an apostille for their birth certificate. An appeal against the denial of registration of births in other countries was presented to the Constitutional Court, which granted protection for the fundamental right to nationality and recognition of legal personality. The Constitutional Court ordered the Registrar’s Office to process the late birth registrations of the minors and adults who filed the appeal. The ruling indicated that late birth registration may be based on sworn statements rendered by two witnesses and that although it is not a general rule, it is a practical legal solution that would allow the registration of these births⁸²⁹. In Ecuador there have been problems with the children of Ecuadorian parents born in Venezuela who cannot confirm their nationality through consanguinity due to difficulties with providing official Venezuelan documents and/or apostilled certifications⁸³⁰.



In **Colombia**, the children of nationals born in Venezuela were exempted from presenting their apostilled birth certificate to register their birth and obtain Colombian nationality by consanguinity⁸³¹. The process can be carried out by presenting a copy of the birth certificate and two witnesses.

Additionally, and without being strictly linked to the lack of birth registration, situations of statelessness can be generated at birth due to conflicts between the nationality laws of host country and the country of nationality of the parents. If the children do not automatically obtain the nationality of the parents or of the country where they are born, they are born stateless.

There may be regulatory and practical barriers that prevent the registration of births of the children of foreign parents as nationals, especially if they have not regularized their migration status in the host country, as is the case in **Colombia** and the **Dominican Republic**. In the Dominican Republic, the Constitution establishes that the children of “foreigners in transit” or people who are irregularly in the country are not Dominicans⁸³². Birth registration is mandatory regardless of nationality, as stated

826 It is important to note that birth registration in Colombia does not necessarily include the right to nationality. However, for children of Venezuelans born in Colombia, an exceptional measure has been established so that they can obtain nationality.

in the Immigration Law when it orders that a birth certificate be granted to the children of foreign nationals, although it does not determine the granting of Dominican nationality. Although foreign mothers, especially those of Haitian nationality, could register this birth with the corresponding consulate, in reality there are few women from this population who have the necessary resources to apostille and translate the birth certificate, especially since the procedure has an extremely high cost for many families living in poverty and extreme poverty.

In Chile, despite changes to the interpretation of its internal regulations, children are frequently classified as “HET” if they are born in the national territory to parents from the Haitian, Venezuelan, Colombian and Cuban populations who live in vulnerable conditions, primarily in border areas.



If children do not obtain the nationality of the country where they were born or any other nationality at birth and face serious difficulties that make it impossible for them to exercise their right to obtain the nationality of their father or mother, then their condition as stateless can be avoided. For these cases, art. 20 (2) of the ACHR establishes the duty of the State of birth to grant them nationality automatically at the time of their birth⁸³³.

On the border between **Chile** and Peru there have been several cases of Aymará children registered in Chile as “HET”, who were denied Chilean nationality at birth⁸³⁴. Although the interpretation in the law changed in 2015, the cases that were registered with this classification require the following actions to eliminate the term “HET” from their birth registration: request that the CR carry out the administrative correction of the birth certificate; request a declaration of nationality from the DEM; or file an appeal for a nationality claim with the Supreme Court⁸³⁵.



Regarding the right to nationality of the children of people on the move, the Inter-American Court has highlighted that: a) the immigration status of a person cannot be a condition for obtaining nationality from the State; b) a person’s immigration status is not passed on to their children; c) the event of a birth in the territory of the State is the only one that needs to be evidenced. These conditions apply for people who would not have the right to another nationality if they do not obtain it from of the State in which they were born⁸³⁶.



Within the framework of mixed movements from Venezuela, Colombia identified that children of Venezuelans born in its territory were experiencing problems to confirm or acquire Venezuelan nationality from their parents⁸³⁷. Due to internal regulation, these children did not obtain Colombian nationality at birth because their parents did not have the immigration status required at the time of birth through the *Official Publication of Civil Registry and Identification*⁸³⁸, to meet the requirement of “domicile” established by the Political Constitution. This is why their births were registered with the remark “they have not met the requirements to prove nationality”. To address this situation and prevent statelessness at the time of birth, the State adopted a temporary, exceptional and urgent measure to automatically grant Colombian nationality to these children. Once the measure was adopted, the “Primero la Niñez” project was launched, in which the National Registry of Colombia automatically re-registered them as nationals. 29,337 civil birth records from between January 1, 2015 and August 19, 2019 were intervened and re-registered with the remark “valid to prove nationality”. Nationality was granted to 18,280 people born between August 20, 2019 and August 30, 2020⁸³⁹. A simplified mechanism was adopted to achieve birth registration for the children of Venezuelan parents who were unregistered.

As a result, the Constitutional Court of Colombia declared that in the face of the imminent situation of risk of statelessness, the requirement of a specific visa to prove the domicile of foreign parents so that their children can obtain nationality is incompatible with constitutional postulates⁸⁴⁰.

In Chile, the interpretation of the “HET” concept was restricted to members of the transportation crew and the children of tourists. As a result, children of foreign parents with an irregular immigration status who intend to remain in the country and were born in the territory can obtain Chilean nationality at birth⁸⁴¹.



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project.
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Alarcón*



CONCLUSIONS

The States included in the study have launched several initiatives to guarantee effective access to birth registration and identity documents that prove nationality for all people. The region of the Americas has made important progress in this area and best practices were documented in the content of this report. Continuing to systematically document and promote the sharing of these best practices is critical for achieving the goal of universal birth registration.

However, despite the efforts of the CRs, there are still a series of barriers for achieving effective access to birth registration and documentation. The main findings and recommendations for each of the variables covered by this study are summarized below.

Political Organization of the Registration Entity

In a decentralized system, there may be difficulties with obtaining birth certificates and identity documents from a sub-national area that is different to where the person's birth is registered. This situation is aggravated if the offices do not have mechanisms to digitize the information captured during registration or platforms for mutual interoperation. Depending on the level of coordination and integration between state CR entities, some national vital statistics institutes continue to face challenges to make better use of administrative records, including CRs, and to strengthen statistical production.

In a centralized system, the central body must establish clear criteria and guidelines for local offices. Training and guidance should be provided to local offices on how to manage complex cases. Parameters must be established to monitor and evaluate their work so that they meet the legal and planning requirements established by the headquarters.

In a mixed system, the main challenge is the coordination of information related to the Civil Registry with the central offices or coordinating bodies, as many times sending the physical books where the registrations are made can take several months or even years.

Regardless of the established system, in some countries there is a lack of standardization of practices for the procedures, criteria and formats of birth certificates and requirements to register births, leading to the discretion exercised by CR officers on how these are applied.

Place to request birth registration and identity document that proves nationality and operational capacity of the CR

Accessibility to services is an essential element to improve the coverage of CR service provision. The access, availability, and operational capacity of the places where people can request their birth registration and identity documents that prove nationality directly affects the possibility of processing and obtaining these documents. According to the internal regulations of each country, registry services and the operational management of birth registration and documentation can be provided in hospitals/health centers, central and local CR offices, mobile units, courts, Consulates and online.

The countries that are included in this study have allocated resources to promote initiatives such as hospital registration, mobile units and the printing of birth certificates from home or automatic machines/kiosks. These initiatives have been successful thanks to inter-institutional coordination promoted by CRs with government representatives, local authorities and civil society. These actions have also made it possible to decentralize CR services and resolve the most complex cases of people who lack documentation.

In addition, increasing services in border areas through the provision of civil registry staff, assistants and interpreters are strategies that show the willingness of States to guarantee that everyone can enjoy the right to an identity. The affirmative actions promoted to encourage timely birth registration in the different segments of the population are also highlighted. Coordination with community leaders, midwives and the implementation of bilingual civil registries are actions that have benefited several indigenous communities and people on the move.

In recent years, CRs have digitized many of their services. Given the increase in these digital systems, States must prevent an increase in gaps for effective access to services. No one should be denied registration and identification services due to their lack of connectivity to information technology or technical knowledge. This means that States must work to ensure that infrastructure, both online and offline, can be used and reach the most remote areas and people with less connectivity.

The lack of specific regulations in most countries that would facilitate the late registration of a birth that occurred in national territory through a Consulate is especially important in human mobility contexts. If this is not enabled, the person who was forced to move to another State without having obtained their birth registration is prevented from gaining access to it.

Nature of Late Birth Registration

When late registration is processed through a court, additional difficulties are generated. Going to court generally involves direct and indirect expenses. These include fees, legal support (which, depending on the country or province, may not be free), transportation and loss of working hours, especially for people in vulnerable situations (e.g., people living in remote or inaccessible areas).

In addition, a jurisdictional process may eventually incur excessive formalities and delays that are common in procedures of this nature. Although the process for timely registration takes approximately 20 minutes, the judicial delay can take months or even years, not counting the time required to then execute the court's decision. The prosecution of late registration is one of the issues that make it difficult to improve the registration of vital events. For this reason, administrative procedures are more in line with the principles of gratuity and accessibility.

A jurisdictional procedure aimed at obtaining an authorization so that the expression of a right can be effectively materialized represents an excessive limitation for the applicant and is not appropriate, as it must be an administrative procedure.

States should think about strategies to prevent late birth registration from being brought to court. This will particularly favor populations that do not have sufficient resources to access a legal representative or attend court and other public agencies. However, de-judicialization could result in certain regulatory and institutional obstacles, especially when the CR is part of the judicial or electoral power. De-judicializing this procedure could even go against constitutional provisions.

Procedural guidelines

It is a human right to obtain all of the minimum legal guarantees from administrative and/or judicial processes that may affect people's rights. Due to its direct link with the exercising of the right to identity, legal personality and nationality, States must adopt birth registration procedures that allow effective access and full exercising of these rights. These minimum guarantees must be respected in any procedure. This is why the need to establish regional standards that contain minimum legal guarantees in administrative and/or judicial procedures with the ultimate goal of achieving birth registration and guaranteeing the right to identity, legal personality and nationality of people is acknowledged.

A series of common procedural guidelines of the countries under study were analyzed and can be considered as part of the minimum legal guarantees to achieve birth registration. These include: effective access to information; possibility of receiving legal assistance and representation; deadline for timely and late registration; legal standing capacity; costs to request registration and documentation; burden of proof; evidence substantiation; and the possibility of appealing the denial of registration. In general, CRs are urged to simplify and facilitate the late birth registration procedure.

Access to information and advice on the procedure is essential to achieve registration. Parents or unregistered adults often do not have access to information or are not aware of the importance or the procedure to register births or to obtain identity documents. This is particularly relevant in human mobility contexts and cross-border populations, including indigenous communities, where they often do not have access to information on how to carry out the procedure and do not understand the language of the country where their children were born. It has been observed that, in some of the countries CRs have carried out effective communication campaigns to inform different segments of the population in a timely and adequate manner about the benefits of birth registration, as well as the different procedures available. However, these must be recurrent and continuously disseminated using an intercultural, gender and inclusive approach in which different communication channels are used including radio, press, television and social networks. States must provide clear and timely information about the requirements to register births, whether this registration is timely or late.

All the countries that are part of the study have specific laws that guarantee access to public information. Although the States have adequate legal frameworks, they must consider its effective implementation. In this sense, several best practices were documented that are carried out by both CRs and CSOs to provide information to vulnerable populations about the procedure. Including vulnerable populations in the design of communication strategies is essential to ensure their effectiveness and purpose.

One of the essential elements of the administrative legal process is that petitioners have the right to receive legal assistance for their case, in this case the birth registration procedure. CSOs, child protection institutions and Ombudsman's Offices have played a fundamental role in this process. In recent years, these actors have actively participated, not just by providing information about the procedure, but also by supporting and representing specific cases before the CR to achieve late birth registrations for people belonging to vulnerable groups. A series of best practices from these actors were documented as part of this study.

The term for timely registration is the period established by legislation within which the informant must communicate the occurrence of a birth and its characteristics to the registrar. In general, once the deadline for timely registration has expired, the procedure for late birth registration takes place. The obligation of States is to achieve registration immediately after the occurrence of the birth, which would be within the appropriate period. The probability of achieving registration is higher if done immediately after birth. As time passes, and during the processing of a late birth registration, the person could face serious barriers to prove that they have links with the State. This could make this person stateless or at risk of statelessness if the barriers they face are insurmountable. For some populations, the timeframe for timely registration may not be sufficient to achieve registration. This is because multiple factors affect access to the CR. People may delay or not go to register births when there are geographical barriers, when the procedure is complicated, judicial or involves expenses, when CR services are limited or do not function properly, or it may also depend on the level of information and interest from communities. The time period granted for timely birth registration must take into account all of the relevant factors that exist in the respective country. Some countries included in the study have established different deadlines for the registration of births of people who live in rural areas or whose birth occurred outside a health center. Any extension of the period for timely birth registration must be complemented by other measures that also facilitate registration.

In some countries, after the deadline for timely registration has expired, the process converts into late birth registration but it is still administrative in nature. In the case of other countries, administrative and judicial procedures for late registration are combined after reaching the age of 18. Among the analyzed countries, there is only one that establishes a time limit on the possibility of late registration. Once they are older than 25, a person would have to file for a naturalization procedure.

In terms of their legal standing, this refers to the people or informants who are lawfully entitled to communicate to the registrar the occurrence of the birth and its characteristics. The law must clearly and unequivocally designate the informant for each type of vital event. A primary filer must be selected, as well as substitute filer, and the order in which they would assume their responsibility should be established. All the countries included in the study identify the people who are entitled to register the birth based on the age of the person to be registered. All of the relevant laws allow certain public officials to register the birth of children and adolescents in the absence or impossibility of the parents, guardians, or legal representatives doing so.

The costs refer to both the direct costs for birth registration or request for documentation (fines, fees or fees), as well as the indirect or associated costs to access it (including transportation to the CR, accommodation, loss of hours of work, copying expenses, certifications and other associated requirements). In addition, certain countries establish a cost (tariff or fee) that must be paid to obtain the birth certificate or ID after registering the birth. All of the countries listed in the study do not impose rates or fees for timely birth registration, and with the exception of one country, provide the birth certificate to the minor free of charge. In some countries there is a fee or fine for late birth registration. In some countries there is no fee for the late registration of births, but the requirements represent a cost for this procedure. Despite the fact that CRs have the power to establish said costs and use them as a sources of income, it is acknowledged that the existence of these pecuniary requirements for accessing a right should not render the exercising of the right null and void. This primarily applies to vulnerable populations that cannot reasonably cover these costs, which represent a barrier to them. These populations should be exempt from these costs. Several best practices are documented in this area.

The burden of proof refers to which party assumes responsibility for proving that the birth occurred. In general, in administrative and judicial proceedings it is the informant who assumes the greatest responsibility for substantiating their request. In the case of people in vulnerable situations, they are often unable to substantiate their request with the requested documentary evidence or requirements, either because the documents involve a cost (direct or indirect) or because the requirements are difficult or impossible to meet (e.g., witnesses of the birth in the case of an elderly person or person on the move). This is why it is established that the burden of proof must be shared. In this case, the informant would have the obligation to explain their situation as completely and as truthful as possible and present all of the evidence that is reasonably available. In addition, the registration authority would be obliged to obtain and present the evidence that it can access. The burden of proof cannot be disproportionate or undue. Some best practices in this area from some of the countries in the study were documented.

Merit refers to the threshold of proof necessary to prove a birth and achieve registration. As with the burden of proof, the inherent difficulties faced by a person to prove that the birth occurred must be taken into account. Requiring high merits of proof such as “absolute certainty” to prove the occurrence or characteristics of a birth could undermine the right to identity of individuals. This is why it is recommended that the occurrence of a birth can be proven as long as it can be done to a “reasonable extent”.

Finally, the denial of birth registration can occur following a request for this procedure, in which the CR decides that it cannot prove the fact of the birth within the national territory and denies the registration of the event. This can also occur when the CRs decide that the person born overseas to national parents does not meet the requirements to register their birth so that they can confirm or acquire nationality by consanguinity. The denial of birth registration must be rapidly given, written and duly founded. In administrative and/or court decisions related to children and adolescents, the CRs must show that their best interests have been a primary consideration. When a late registration request is denied, there must be the possibility of filing an effective appeal for review or reconsideration before the same registry and a judicial board of review, so that the administrative decision of the denial of registration is reconsidered and the rights of the petitioner are guaranteed.

Despite these efforts, there is still a need to continue to promote strategies that facilitate and guarantee effective access to the birth registration procedure and obtaining identity documents that prove nationality for all people.

Requirements

Birth registration is a declarative procedure in its nature. To verify this vital event, the CR may request a series of requirements or evidence that can consist of legal documents, certificates, testimonies or a combination of these. In all of the countries included in the study, late registration requires the submission of more requirements than what is requested for a timely registration. Excessive requirements for late registration can represent an obstacle or discourage birth registration due to both the complexity and the expense that could be involved.

It is not reasonable to require people to comply with requirements that go beyond the declarative nature of the registration procedure. In this sense, States are urged to facilitate and reduce the requirements for late registration.

In many countries the requirements are not clearly established in legislation. In practice some registrars use their discretion to request requirements that are not explicitly required.

For late birth registration, many people may not have any of the required documents, including identity documents of the parents, live birth certificates and testimonies from witnesses to the birth or the mother's pregnancy. In addition, certain vulnerable populations could not reasonably meet some of the requirements, including elderly, disabled, indigenous people and people on the move. If there are no alternatives to these requirements, the person will not be able to register the birth, which will lead to a high risk of statelessness if it is difficult for them to prove their links with the country of their nationality. Many of the countries included in the study have exempted certain populations from meeting certain requirements due to their vulnerability. These practices were duly documented in this study.

The lack of identity documents of parents as a requirement was identified as one of the greatest obstacles for achieving birth registration. Populations without identity documents experience low levels of birth registration, which can be difficult to correct later. The biggest concern is that when registration is denied due to lack of an identity document, the pattern will then be reproduced from generation to generation.

In human mobility contexts, because parents are in constant displacement, they may not have access to identity documents as these can get lost or stolen. If they do possess them, they may be expired. In some cases, it is also necessary to apostille the identity documents from their country of nationality. In the cases of people with international protection needs, they cannot approach the authorities from their country to request new identity documents or apostille them because they have well-founded fears of persecution, which naturally prevents them from obtaining this requirement. In addition, requesting some type of migratory visa or certificate of migratory movements could prevent the registration of children born in the national territory to people who lack visas or who have entered the national territory irregularly.

Regarding the requirements to obtain an ID, this is impossible to obtain without having previously registered a person's birth. In some countries, the requirements to obtain a copy of the birth certificate require the applicant to provide specific information about the book, volume, or page where the registration was made. This information is difficult to know if they do not have the birth certificate that was issued during the birth registration. In some cases, the requirements are multiple or difficult to obtain and for some vulnerable populations the cost of a copy is beyond their economic resources.

Application of differentiated approach

There are practical and regulatory barriers that make it more difficult or impossible to register and document certain vulnerable population groups. This means that it is necessary that the procedures for timely and late birth registration include a differentiated approach to guarantee the right to birth registration and nationality for these vulnerable populations.

The majority of CRs listed in this study have taken measures to facilitate or expedite the procedures of certain population groups, recognizing factors of significant inequality that affect the petitioners. CRs must identify and eliminate physical, administrative, procedural and other obstacles that hinder their access to timely and late registration, especially barriers faced due to poverty, disability, gender,

age, illiteracy, living in rural areas, human mobility contexts and other situations involving high levels of vulnerability.

The vulnerable populations with the most significant difficulties in terms of accessing late birth registration and obtaining identity documents that prove nationality generally include:

- **Mothers**, primarily teenagers and single mothers. The former may face obstacles with registering the births of their children. In some countries, the initiation of criminal investigations, the social stigmatization of single mothers and the lack of a guardian or legal representative have repercussions on their ability to register the birth of a child. In addition, in cases of mixed couples (foreign mother and national father) in which the parents are not legally married or are in a civil union, problems may arise with registering the birth of the child. The foreign mother could face problems with registering the birth of her child if the national father is not present. This also affects a child's ability to obtain the father's nationality. In addition to this, situations of gender violence have been reported in some hospitals. Many mothers who are single mothers also face specific barriers that limit their ability to register the births of their children, as well as their children's births and/or obtaining an ID. In addition, they face difficulties with childcare for their children while they are attending the CR, especially when they live in remote areas or far from the CR offices. This can make it difficult for them to carry out the procedure. In some cases they delay the registration of the births of their children, or even prefer to wait to register all their children at the same time.
- **Elderly and disabled adults** who face physical accessibility barriers (long distances to CR offices, inadequate infrastructure and others). Many older persons may not remember specific information about their birth. They also may face difficulties in accessing the documentation required to achieve late registration.
- **Illiterate people**, who sometimes fail to understand the procedure and also refrain from approaching CRs due to their fear of stigmatization.
- People who live in **border or remote areas**, primarily **indigenous populations**, who do not have the resources to go to the nearest CR office, and whose births usually take place outside of a health center or in health centers that do not have registry officials. Many of these people are unregistered and have not obtained an ID, which becomes a problem that is passed from generation to generation. Indigenous populations often face language and cultural barriers. The CRs have taken measures to guarantee their right to indigenous identity, such as allowing them to register their children with indigenous names and translating the registration forms into their languages. However, errors have been reported in the registration of names and surnames due to a lack of understanding of indigenous phonetics by CR officials. In many cases it is impossible for indigenous parents to meet the requirements for birth registration (e.g. live birth certificate). Fees or fines for late registration can represent an additional obstacle for indigenous people because the vast majority live in poverty or extreme poverty.
- The children of **homoparental couples** can be stigmatized and discriminated against. In many countries, there is still no adaptation of internal regulations to legalize the civil union of their parents and recognize their union. In the case of transgender people, many countries still do not have a mechanism to guarantee them identity documents that prove their nationality and allow them to state their self-perceived gender identity. This can represent a major obstacle that stops them from accessing the CR to obtain an ID.

- People **on the move** currently face significant barriers for registering the births of their children. In some cases, access to information and knowledge about the birth registration procedure is limited. If the parents do not understand the language of the country of birth of their child, this can represent a significant barrier that affects learning about the procedure. They may also be victims of discriminatory and xenophobic practices by State officials, primarily CR and immigration officials. Parents may also be unable to meet the requirements for his process, which are primarily identity documents. The difficulty is aggravated if the documents need to be legalized or apostilled. In many other cases they cannot meet requirements such as national witnesses from the host country or with valid IDs, certificates of migratory movements and others. In the cases of people on the move who are living in poverty or extreme poverty, the fees or fines for late registration can represent an additional obstacle that affects birth registration. When their children are born in transit or the family moved from their country of origin without having registered the births of their children, the lack of regulation of the procedure for late registration of births in the national territory by Consulates represents a significant obstacle that stops them from registering their birth or obtaining a birth certificate that proves their nationality. This is why the population on the move is one of the vulnerable populations with the highest risk of statelessness.

Finally, it is necessary to point out that CRs must allocate resources, modify their regulations and implement strategies that guarantee effective access to birth registration and identity documents that prove nationality. CRs must respect a series of minimum legal guarantees in their administrative or judicial proceedings as these directly affect people's right to identity and a nationality. Sustainable proposals can be promoted to strengthen the institutional capacity of CRs with the support of UNHCR and other international organization. These will involve promoting access to procedures for timely and late birth registration and the provision of documentation that proves nationality with a differentiated approach. Above all, this will contribute to not leaving behind vulnerable or excluded groups that could face an increased risk of statelessness.



Field Mission to Tapón del Darién © Electoral Court of Panamá

RECOMMENDATIONS

Political Organization of Registration Entity

- Create uniformity for procedures, forms, criteria, substantive requirements and access to services, taking into consideration the differentiated needs of various population groups.
- Consider providing manuals and developing simple standard operating procedures with step-by-step instructions to assist registrars to perform complex and routine operations as part of the procedures and regulations for birth record access. It is recommended that these manuals include information on how to manage complex cases in order to respond to these people during a single visit to the CR.
- Evaluate the work carried out by auxiliary offices.
- Create or strengthen links with national vital statistics institutions to facilitate the collection and systematization of data for the planning and implementation of evidence-based policies, strategies and programs. Include strategies to classify data by sex, age and other attributes of the parents.
- Ensure interoperability between CR systems and other government services (e.g. health, electoral roll, education, etc.).
- In decentralized systems, ensure that sub-national administrations in coordination with the national authority can issue birth certificates and identity documents. To the extent possible, ensure that provincial/municipal birth registration regulations are uniform and do not impose requirements or procedures that are prohibitive or arbitrary.
- In mixed systems, establish effective coordination mechanisms with the CR, central offices and coordinating bodies that facilitate the exchange of data on birth registration in an expeditious manner.

Place to request birth registration and identity documents that prove nationality and operational capacity of the CR offices

- Expand birth registration services to as many health centers that deliver children as possible. In the event that it is not possible to allocate permanent human resources to these health centers, explore alternatives for the use of new technologies that facilitate the exchange of information between staff with the CRs regarding notifications of births that have occurred and, if possible, choose to register them by court order.
- Expand the powers of auxiliary registration officers, and specifically empower community leaders and other government officials to act as local or auxiliary registrars so that they can make timely registrations of vital events. These positions could be based outside of health centers or in health centers that do not have registrars.
- Digitize civil registration systems to reduce the risk of records being lost or destroyed. Train staff on the use of new technologies and address resistance to change.
- Conduct studies on the distribution of local CR offices and analyze the possible redistribution of these offices in response to the needs of the population. Open new CR offices where under-registration rates and demand are high.
- Ensure that the places destined for birth registration and identification have sufficient operational capacity and necessary resources (financial, human, technological, etc.) to fulfill their duties fully and effectively. Solutions must be long-term and need to encourage the creation of inclusive public policies or regulatory reforms. In addition, take advantage of existing local resources by creating “councils” or local bodies that work in a consensual manner with the CRs to represent and meet the needs of the affected populations.
- Allow late birth registration in any CR office in the country.
- Create alliances with international organizations, CSOs, the private sector, academics and other organizations to design collaborative projects that facilitate access to registration services in remote and difficult to access areas and health centers without registration services.
- Conduct studies with support from UNHCR to identify and address the specific needs of cross-border populations, camps and shelters for people on the move and those who live in rural, remote and hard-to-reach areas.
- Promote inter-institutional coordination between government entities to identify and refer the unregistered population.
- Continue to deploy mobile units to address existing deficiencies in the registration and documentation of remote, rural, hard-to-reach and on the move populations. This should be carried out in coordination with local authorities, community leaders and binational coordination. These mobile registration and documentation events can be implemented alongside vaccination, education, health and social services campaigns.
- Carry out permanent monitoring and evaluation of the mobile unit campaigns in order to assess the progress and difficulties with meeting the objectives, which will inform a redesign of strategies and methodologies.
- Authorize consular representatives to carry out the late registration of births and grant documentation to people born in the country they represent. In the countries where this is allowed, put into practice civil registry-consular regulations that have not been implemented in relation to birth registration and the issuance of identity documents.
- Continue improving and promoting access to online registration services, including the possibility of requesting digital identity documents that are valid for carrying out procedures.

Nature of Late Birth Registration

- Consider processes in which late registration requests can be submitted before a higher administrative body within the same entity. This higher body would analyze a case in detail and issues the required judgments, leaving the use of safe judicial channels as a last resort.
- Promote the use of administrative channels that are free of charge for procedures related to registration processes in order to simplify and decentralize these.
- Promote the de-judicialization of late birth registration procedures permanently and without differentiation by age group or population.
- Resolve applications for late birth registration within a reasonable period of time, and both administratively and judicially.

Procedural guidelines

- Implement information campaigns, awareness-raising and community outreach programs along with UNHCR and its partners. The target population must include vulnerable populations such as children and adolescents, community leaders, people on the move, LGBTBI people, indigenous people. The differentiated needs of these people should be considered in information campaigns. Information about where, when and how to register births in a timely and late manner and obtain documents must be disseminated, as well as benefits and advantages for individuals and society. The messages should be short and simple and can be transmitted via radio, television, posters, social media and brochures, as well as other forms of communication. They should be provided in different local languages and dialects, as well as for people with visual and hearing disabilities and those who are illiterate. When information campaigns represent a challenge in terms of available resources, they can be linked to advertising campaigns in other sectors such as health, migration, immunization, prenatal care, family planning, education and others.
- Provide training and awareness-raising about the birth registration procedure and prevention of statelessness to government officials who can identify cases and intervene in them (health staff, ombudsmen, child protection institutions, educational centers, local administrations, migration, etc.).
- Create alliances with Ombudsman's Offices, child protection institutions, CSOs and UNHCR to identify and refer complex cases. These actors can provide free legal advice, representation before the CR and support for cases.
- Determine the timely registration period based on the differentiated needs and cultural determinants of the different population groups identified in the territory. When necessary, the period should be extended. Complement the extension of the period with measures that facilitate the timely registration procedure, which will reduce cases of late registration. These can include institutional and operational measures and awareness campaigns about the procedure, requirements for access and the importance of birth registration, obtaining identity documents and preventing statelessness.
- Expand the authority for registering a birth to health centers and other relevant authorities.
- Authorize CRs to register births that occurred in health centers without registry services or outside of health centers via a court order when these births have not been registered during the relevant period. Coordination between state databases (immigration, health, and education) can be facilitated so that they can share information with each other to identify cases.
- Make the late birth registration process free, eliminating fees, fines or fees for vulnerable populations who cannot reasonably pay these costs.

- Identify indirect costs (legal sponsorship, certificates, reports, transportation, accommodation, etc.) and seek alternatives for cooperation with CSOs, UNHCR and other organizations so that they cover the costs in identified cases from vulnerable populations. The impact of costs should be mitigated as much as possible.
- If there is no fine or fee associated with late registration, widely communicate that it is free to the populations of interest who may be unaware that the process does not involve a cost.
- Provide the first copy of a birth certificate free of charge. Issue copies of the birth certificate to access services that guarantee basic rights (e.g. education, health, housing, etc.) free of charge.
- Establish internal regulations to ensure that the burden of proof is shared and implement this in practice. Specifically, the burden of proof should be higher for the State when people face difficulties with meeting the requirements to register their births due to their high levels of vulnerability.
- Establish internal regulations to ensure that a birth can be proven as long as it is proven to a “reasonable extent” and implement this in practice.
- Enable the possibility of appealing denials of birth registrations through administrative channels in countries where there are only judicial procedures for these appeals.

Substantive Requirements

- Expressly establish the requirements for birth registration in internal regulations. This will avoid any arbitrary actions. The registration authority cannot request more requirements than those indicated in the regulations.
- CRs must continually provide training to their staff to avoid the use of discretion regarding the requirements that may be requested. Training programs should update the knowledge of the officials but also help to answer their questions about how to manage and respond to complex cases.
- Make the requirements for birth registration and applications for identity documents publicly known. Provide information in different languages and dialects, taking into account the language barriers that different vulnerable groups may face.
- Continuously train CR officials to ensure adequate and uniform implementation of registry regulations, as well as the application of a differentiated approach for the most vulnerable populations.
- Conduct continuous internal analyses to identify the obstacles faced by different vulnerable groups, including nationals living in another country, in order to meet requirements for birth registration and obtaining identity documents.
- When it is identified that a requirement is difficult to obtain for a certain vulnerable population, analyze if the requirement of this undermines the declarative nature of a birth registration, and if this is the case, then exempt these people from the requirement.
- Provide vulnerable populations with alternatives to requirements that they cannot reasonably obtain for late birth registration. For example, replace documentation requirements with affidavits from themselves, their neighbors or community organizations.
- Propose alternatives so that people who do not have documents can prove their identity by presenting alternative documents, such as an affidavit, thus facilitating access to CR services for their children. In case they have identity documents, a requirement should not that they are legalized or apostilled. For these purposes, interventions from the Ombudsman's Offices or Child Protection Institutions can be requested and coordinated in an expeditious manner.

- In the case of late registration, when identification by witnesses is allowed, these people do not need to have witnessed the birth or state of pregnancy of the mother.
- Encourage the establishment of mechanisms for cooperation and referral of cases to Ombudsman's Offices, Child Protection Institutions, CSOs and UNHCR for complex cases.
- Establish criteria, clear guidelines, and standard operating manuals on how to proceed in complex cases where a person cannot fully meet all of the requirements due to their vulnerable condition. Ensure that the most favorable decision must be taken in favor of the person, and in the case of children and adolescents, that this decision takes into account the best interests of the child as a primary consideration.

Application of a differentiated approach

- Allow mothers to register the birth of their children without mentioning their status as single mothers and guarantee, with no exceptions, registration in cases where the father is not present at the time of birth.
- Provide means of proof so that the father, if he is not married or in a civil union with the mother, is able to recognize the filiation.
- With the support of Ombudsman's Offices and CSOs, facilitate the means for mothers to report actions or omissions by public officials in health centers that constitute gender-based violence and affect their effective access to register the birth of their children, as well as access to an identity document.
- Hold workshops that are specifically designed for vulnerable populations in order to empower them and encourage their registration or documentation, as well as their children's. Promote their participation in the design, implementation and evaluation of initiatives.
- Provide training to midwives, CR officials, health centers, migration centers and others about persons in need of international protection, birth registration, and prevention of statelessness. Efforts should be made to emphasize the principle of equality under the law, non-discrimination and gender and diversity approaches. This will promote the creation of alliances with health centers, midwives, and migration institutions to identify cases.
- When collecting vital information and statistics, classify these by age, gender, diversity and other attributes of parents. This will inform the future design strategies and public policies based on evidence and that use differentiated approaches.
- Conduct internal analyses on a constant basis to identify obstacles that are linked to issues of age, gender, diversity and other attributes of parents with the purpose of facilitating birth registration and obtaining identity documents based on evidence using a differentiated approach.
- Establish inter-institutional cooperation agreements and joint strategies to favor the birth registrations of vulnerable populations.
- Integrate birth registration and documentation with other public programs related to childbirth, maternal and infant care, immunization, education, migration, and social programs. Enhance the interoperability of services to facilitate access through health centers, education and other existing public services. This will help reach populations in vulnerable situations and lower the rates of under-registration and lack of documentation.
- Allow foreign parents to register births with residence cards. When the parents are asylum seekers, refugees or persons in need of international protection and do not have identity documents, they should be allowed

to register the births of their children without identity documents or access other alternatives, such as the presentation of an affidavit.

- Authorize consular representations so that people born in national territory who have not registered their births can access late birth registration by these means and obtain a birth certificate and/or ID that proves their nationality.
- Inform people on the move that they will not be deported for registering the births of their children.
- Allow the registration of indigenous names to guarantee the right to identity and combat under-registration among ethnic or indigenous minorities. Train staff who primarily work with these communities to understand the phonetics of their dialects and avoid registration errors.
- Allow LGBTI people and couples to register the births of their children and the registration includes the identity information of both parents.
- Allow transgender people to identify themselves in accordance with their self-perceived gender identity and facilitate changes to records through an administrative process that is free of charge.
- Promote dialogue between neighboring states to regulate and implement binational or multinational projects that facilitate birth registration and issuance of identity documents that prove the nationality of people living in border areas and people on the move.

ENDNOTES

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- 58 Article 8. (1) States Parties undertake to respect the right of the child to preserve their identity, including nationality, name and family relations as recognized by law without unlawful interference.
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- 60 Article 9. (1) States Parties shall grant women the same rights as men to acquire, change or retain their nationality. They shall ensure that neither marriage to a foreigner nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. (2) States Parties shall grant women equal rights with men in terms of the nationality of their children.
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