

AG/RES. 2362 (XXXVIII-O/08)

INTER-AMERICAN PROGRAM FOR UNIVERSAL CIVIL REGISTRY
AND THE “RIGHT TO IDENTITY”

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT resolution AG/RES. 2286 (XXXVII-O/07), “Inter-American Program for a Universal Civil Registry and ‘the Right to Identity’”;

RECOGNIZING the obligations of the states parties to the Convention on the Rights of the Child to undertake to respect the right of the child to preserve his or her identity (“right to identity”);

TAKING INTO ACCOUNT the Memorandum of Understanding among the United Nations Children’s Fund and the General Secretariat of the Organization of American States and the Inter-American Development Bank for Cooperation in the Area of Citizen Registration, signed on August 8, 2006, which notes, *inter alia*, that the General Secretariat is committed to “strengthening governance through the modernization of the state and to the recognition and strengthening of the right to identity through programs and projects to increase access to citizen registration and to build capacity of institutions responsible for registration in Latin America and the Caribbean as the cornerstone of its development activities”;

TAKING NOTE of the document prepared by the Executive Secretariat for Integral Development (CP/CAJP-2482/07), of April 16, 2007, entitled “Preliminary Thoughts on Universal Civil Registry and the Right of Identity”;

RECALLING the Opinion Adopted by the Inter-American Juridical Committee (CJI) on the Scope of the Right to Identity (CJI/doc.276/07 rev. 1);

BEARING IN MIND the Strategic Plan for Partnership for Development 2006-2009, which calls for “[promoting] policy dialogue to share information and best practices among member states and assist in developing effective and efficient government policies” and “[enhancing] individual and institutional capacities in the member states to design and implement cooperation programs, projects, and activities and strengthen the capacity of individuals to contribute to the social and economic development of their countries” [AG/RES. 2201 (XXXVI-O/06)];

CONSIDERING that recognition of the identity of persons is one of the means through which observance of the rights to legal personhood, a name, a nationality, civil registration, and family relationships is facilitated, among other rights recognized in international instruments such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights. The exercise of these rights is essential for participation in a democratic society;

RECOGNIZING the promotional and dissemination work carried out by the Inter-American Institute of Human Rights (IHR) in efforts to strengthen citizen participation and consolidate

democracy in the region, and the contributions it has also made to states and the General Secretariat through its technical advice and assistance;

CONSIDERING that non-recognition of identity can mean that a person has no legal proof of his or her existence, which makes it difficult to exercise fully his or her civil, political, economic, social, and cultural rights;

EMPHASIZING the importance of civil registries as state institutions that can guarantee recognition of the identity of persons and, therefore, the advisability of strengthening them to ensure that their scope is universal, taking into account the rich and varied diversity of cultures;

RECALLING that the Inter-American Democratic Charter establishes that it is the right and responsibility of all citizens to participate in decisions relating to their own development;

COMMITTED to building just, equitable societies based on the principles of social justice and social inclusion;

TAKING NOTE of the First Latin American Regional Conference on Birth Registration and the Right to Identity, held in Asunción, Paraguay, from August 28 to 30, 2007, with indigenous leaders and leaders of African descent participating prominently;

TAKING NOTE ALSO of the Meeting to Receive Inputs on the Draft Inter-American Program for Universal Civil Registry and the "Right to Identity," held at the headquarters of the Organization of American States (OAS) on December 5, 2007, in which there was broad participation by member states and governmental experts and by representatives of competent organs, agencies, and entities of the inter-American system, multilateral and intergovernmental organizations, and civil society organizations;

TAKING INTO ACCOUNT the Progress Report on the Application of the Memorandum of Understanding among the United Nations Children's Fund and the General Secretariat of the Organization of American States and the Inter-American Development Bank for Cooperation in the Area of Citizen Registration, presented by the General Secretariat at the meeting of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity" held on April 11, 2008 (CAJP/GT/DI-29/08);

VALUING the contributions received from member states, specialized organs and agencies and competent entities of the inter-American system, and civil society organizations to the efforts of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity"; and

EXPRESSING ITS SATISFACTION with the report of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity" (CAJP/GT/DI-33/08), in which, in compliance with its mandate set forth in resolution AG/RES. 2286 (XXXVII-O/07), it presents a Draft Inter-American Program for Universal Civil Registry and the "Right to Identity,"

RESOLVES:

1. To adopt the Inter-American Program for Universal Civil Registry and the “Right to Identity,” which forms part of this resolution.

2. To instruct the General Secretariat to provide, through the Executive Secretariat for Integral Development, to member states that so request necessary assistance in implementing the Inter-American Program for Universal Civil Registry and the “Right to Identity,” promoting the improvement and enhancement of their civil registry systems and the adoption of universal civil registration.

3. To urge the member states to continue adopting measures to ensure full recognition of the right to identity, emphasizing that non-recognition of identity can mean that a person has no legal proof of his or her existence, which makes it difficult to exercise fully his or her civil, political, economic, social, and cultural rights.

4. To request the Permanent Council to continue supporting efforts under the Memorandum of Understanding among the United Nations Children’s Fund and the General Secretariat of the Organization of American States and the Inter-American Development Bank for Cooperation in the Area of Citizen Registration.

5. To request the General Secretariat to continue increasing its cooperation with other specialized organizations and agencies of the inter-American and international systems on matters of citizen registration.

6. To urge the states that participated in the First Latin American Regional Conference on Birth Registration and the Right to Identity to implement the recommendations that emerged from it that seek to develop and strengthen the capacity of the registered institutions.

7. To instruct the Permanent Council to hold, in the first half of 2010, a special meeting of the Committee on Juridical and Political Affairs to review the status of implementation of the aforementioned Inter-American Program on the basis of information provided by the states and of a progress report prepared by the General Secretariat, with a view to making such changes in the Program as are deemed appropriate in order to achieve universal civil registration by 2015. That meeting may include contributions from experts in the field, civil society organizations, and organs, agencies, and entities of the inter-American and international systems.

8. To instruct the General Secretariat to support the maintenance of the Inter-American Virtual Forum for Universal Civil Registry and the Right to Identity, which is intended to promote discussion, the fostering and sharing of experiences and lessons learned, and dissemination of knowledge on matters of identity and civil registry in the region.

9. To request the Inter-American Children’s Institute (IIN) to continue working on the topic “[t]o ensure children’s right to identity and citizenship,” as set out in its Strategic Plan 2005-2008, as well as on universal birth registration, in accordance with its Action Plan 2007-2011. Likewise, to instruct the IIN to join forces with the General Secretariat to achieve the objectives of the Inter-American Program for Universal Civil Registry and the “Right to Identity,” and to keep the Permanent Council informed of progress and obstacles in the region.

10. To request the Permanent Council to report to the General Assembly at its thirty-ninth and fortieth regular sessions on the implementation of this resolution, the execution of which shall be subject to the financial resources available in the program-budget of the Organization and other resources.

INTER-AMERICAN PROGRAM FOR UNIVERSAL CIVIL REGISTRY AND THE “RIGHT TO IDENTITY”

The Inter-American Program for Universal Civil Registry and the Right to Identity is a consolidated effort by the OAS and its member states, in consultation with international organizations and civil society, to promote and achieve in a progressive manner and in accordance with international law, applicable international human rights law, and domestic law, the purposes, objectives, and specific measures set forth below:

PURPOSE

- Ensure that by 2015 birth registration, which is used to ensure the right to identity, with emphasis on persons in poverty and at risk, is universal, accessible, and, if possible, cost-free.
- Identify and promote best practices, criteria, and standards for civil registry systems and their universalization, in order to address the problems and overcome the obstacles that arise in this area, taking the gender perspective into account, as well as raise awareness of the need effectively to establish the identity of millions of persons, taking into account vulnerable groups and the rich diversity of cultures in the Americas.
- Promote and protect the rights to identity; juridical personality; a name; a nationality; inscription in the civil registry; family relations; and citizen participation as an essential element of decision-making.
- Contribute to building just and equitable societies based on the principles of social justice and social inclusion.

OBJECTIVES

In accordance with the guidelines contained in operative paragraph 4 of resolution AG/RES. 2286 (XXXVII-O/07), “Inter-American Program for Universal Civil Registry and the “Right to Identity,” the Program pursues the following objectives:

1. Universalization and accessibility of civil registry and the right to identity
 - a. The member states will strengthen and/or, where applicable, develop national institutions responsible for conducting universal civil registration.
 - b. The member states, with the support of the General Secretariat when such support is requested, will work to ensure that the birth registry, which is used to ensure the right to identity, with emphasis on persons in poverty and at risk, is universal, accessible, and, if possible, cost-free.
 - c. They will also promote a multidimensional approach to this topic, considering its relationship with enjoyment of rights and freedoms, with the modernization and transparency of state institutions, and with citizen participation^{1/} in the

1. For the purposes of this Program, citizen participation shall include all social sectors.

democratic societies of the Hemisphere. Moreover, this approach should take into account the rich and varied cultures in the Americas.

2. Strengthening of policies, public institutions, and legislation

- a. The states will develop public and institutional policies and adopt legislative measures to improve civil registry systems, taking into account the contributions of specialized bodies and international organizations.
- b. The states will guarantee the administrative and procedural autonomy of civil registries in order to safeguard their independence.
- c. Through appropriate legislation, the states will guarantee the confidentiality of the personal information gathered by the civil registry systems, applying the principles of personal data protection and the conditions needed to ensure its physical and legal security and to protect against forgery and adulteration.
- d. In accordance with their domestic laws, the states will promote the cost-free use of administrative procedures in connection with registration processes in order to simplify and decentralize them, while leaving recourse to the judicial system as a last resort.
- e. The states will secure an adequate endowment of human and economic resources for their civil registries to enable them to be effective in promoting the accessibility and universality of civil registry and protecting the right to identity of all persons.
- f. The states will ensure that people may consult the information about themselves that the states possess. The state will promote to that end, in an expeditious and simple manner, the use of information and telecommunication technologies.

3. Citizen participation and awareness

- a. The member states, with the support of the General Secretariat when such support is requested, will promote citizen participation and awareness through the universalization of civil registry to protect and demand the effective exercise of and respect for the right to identity, especially with regard to the formulation of public policies and legislative proposals conducive to those ends.

4. Identification of best practices

- a. The General Secretariat, with the support of the member states, will identify the best practices employed to guarantee—with a gender perspective—the different elements that make up the right to identity, paying particular heed to the challenges posed by poverty, social exclusion, multicultural, multilingual, and multiethnic contexts, and, especially, vulnerable groups.

5. International and regional cooperation

- a. The states will foster international and regional cooperation as an effective tool in support of the efforts of member states, trying to ensure that it leads to partnerships among the different players at the national, regional, and

international level, with an emphasis on the sharing of and benefiting from successful experiences, including those where social programs have been implemented to guarantee the right to identity, by issuing the corresponding public identity documents.

- b. The states will, to the extent possible, consider factors aimed at harmonizing laws in force in the various member states in the area of the identity of persons.
 - c. The states will foster uniformity in registry systems, so as to obtain instruments that will enable their use in the various member states.
6. Follow-up on implementation of the Program
- a. The Permanent Council, with the technical support of the General Secretariat, will follow-up on the commitments and implementation of this Program.

SPECIFIC MEASURES

1. Universalization and accessibility of civil registry and the right to identity
- a. The states will guarantee access, without discrimination, by all persons to registries.
 - b. The states, with the support of the General Secretariat when such support is requested, will secure the implementation of modern mechanisms for facilitating access to civil registry. To that end, they will promote, *inter alia*, the establishment of mobile offices, the use of technology, the coverage of civil registry offices within their territory and their on-line connectivity, the issuance of registry certificates through teller machines, joint field trips, and auxiliary registrars.
 - c. The states will ensure registration of the births of all those born in their territory, regardless of the migration status of the child's parents, in accordance with their domestic law.
2. Strengthening of policies, public institutions, and legislation
- a. The states will establish and carry out policies, rules, and other measures aimed at eliminating practices of racism, discrimination, and intolerance in their civil registry systems.
 - b. The General Secretariat will provide technical assistance to governments that so request in the modernization of their identity registries, in national plans to restore identity, and in the updating of vital statistics.
 - c. The states will, where applicable, pay special attention to zones affected by conflicts and/or natural disasters, in which civil registries have been destroyed, implementing special procedures for the recovery of the information.
 - d. The states will promote the enforcement throughout their territory of applicable legal instruments related to civil registry, including, as appropriate, those at the

national level, and international conventions, agreements, and treaties on the subject.

- e. The states will strive to include in their regulatory systems, where applicable, a cost-free service for correcting mistakes in registry certificates that affect the identity of persons.
- f. The General Secretariat will prepare draft model legislation covering the technical, administrative, financial, and logistical aspects needed to ensure implementation of the Program, taking into account the diversity of cultures, languages, ethnic groups, and legal systems in the region and ensuring full respect of the confidentiality and the authenticity of personal information. Member states will evaluate, as the case may be, the possibility of adopting such draft model legislation.
- g. The states may request the cooperation of the General Secretariat in support of their efforts to identify, systematize, and standardize the basic criteria and standards needed to ensure that national civil registry systems can function properly and to guarantee universal coverage.
- h. The states will protect the information in their civil registries by using highly reliable electronic security systems.
- i. The states will promote the simplification of civil registry administrative processes and their standardization at the national level.
- j. The states will strive to adopt all measures aimed at consolidating respect for the linguistic diversity of the region and indigenous names.
- k. The states will register all girls and boys immediately after birth and will promote late registration of adults in accordance with their domestic legislation and any obligations they have incurred by virtue of pertinent international instruments. To that end, with the support of the General Secretariat and specialized agencies of the inter-American system when such support is requested, the states will strive to acquire the required technological equipment and software.
- l. The states, with the support of the General Secretariat when such support is requested, will promote the design and execution of massive civil registry campaigns that include all relevant measures to guarantee access to registration and the actual registration of boys and girls, adolescents, and adults.
- m. Likewise, the states will promote late registration of those adults who have not been registered, thereby attempting to ensure that registration of the parents helps to ensure effective registration of their children.
- n. The states will foster the establishment of administrative procedures for processes involving the correction of certificates and late registry, and others, with a view to ensuring the accessibility and universality of civil registry.
- o. The states will strengthen their consulates to facilitate the issuance of registry certificates and identity documents for their nationals living abroad.

- p. The states will promote the universalization of birth registration as a means of preventing and combating statelessness and, where applicable, they will promote the reforms needed in accordance with the respective provisions of international law.
3. Citizen participation and awareness
- a. The states will promote the development of ongoing sensitization and awareness-raising plans targeting officials and civil servants in all branches of the state, and all sectors of society, emphasizing promotion and protection of the rights to legal personhood, a name, a nationality, and civil registration, and promote the elimination of stereotypes and discrimination.
 - b. The states will foster and support the implementation of awareness programs and/or campaigns for the population directed especially at the segments of the population living in poverty, indigenous peoples, and other vulnerable groups, on the importance and necessity of properly registering the newly born, and the population in general, and on the repercussions of improper registration for the enjoyment of other rights. Those campaigns will be directed with particular emphasis on mothers, fathers, guardians, or legal representatives.
 - c. The states will encourage cooperation among the authorities of states and civil society organizations, as appropriate and in accordance with domestic laws, in order to foster the co-responsibility of both citizens and states for solving the problem of underregistration in the establishment of stable and effective networks.
 - d. The General Secretariat, together with the states, will promote the participation of civil society organizations in the execution of the Program, in accordance with the Guidelines for Participation by Civil Society Organizations in OAS Activities.
 - e. The states will promote civil society participation in execution of the Program.
 - f. The states will foster and develop instructional campaigns to make parents and guardians aware of and sensitive to the importance of civil registry of minors with issuance of the corresponding public identity document.
 - g. The states will promote periodic training sessions for school teachers aimed at fostering a culture conducive to the protection and effective exercise of the right to identity among students and parents.
 - h. The states will take advantage of services and programs provided by the state to verify that all children accessing them have their civil registry IDs. If they do not, parents and guardians should be helped with the process of applying for and obtaining them.
 - i. The states will work with indigenous communities and any other under-registered ethnic group, to raise awareness on and sensitivity to the importance of the need

to register their members and obtain the corresponding public identity document, while fully respecting their forms of organization and their authorities.

4. Identification of best practices

- a. The General Secretariat will draw up a catalogue of best practices, criteria, and standards with respect to civil registry, taking into account the specific needs of the member states, in order to identify technical and practical factors—such as use of technology, customer service quality, performance indicators, information management, and national civil registry plans, to name but a few—that might be used by the countries in the region to ensure universalization of civil registry, bearing in mind each country’s cultural, linguistic, and ethnic diversity and the region’s already existing legal systems.

5. International and regional cooperation

- a. The states will foster international and regional cooperation and the sharing of experiences, information, and human resources with a view to drawing upon the successful experiences of countries that have implemented social programs to guarantee the right to identity of their population by issuing the appropriate government identification documents.
- b. The General Secretariat will promote and support the exchange of experiences and the integration of common fields, which will make it possible, when the states so agree, to share information among the parties and to draw up programs and projects for strengthening the institutions in charge.
- c. The states, with the support of the General Secretariat and the specialized agencies of the inter-American system when such support is requested, may, in implementing the Program, take into account the national plans drawn up at the First Latin American Regional Conference on Birth Registration and the Right to Identity (Paraguay, August 28 to 30, 2007).
- d. The General Secretariat will continue working in coordination with the Inter-American Development Bank (IDB) and the United Nations Children’s Fund (UNICEF) so that they can report on the problems of underregistration and promotion of the right to identity in the region and on the impact that the Inter-American Program for Universal Civil Registry and the “Right to Identity” might have on the improvement of registry systems.
- e. The General Secretariat will work in coordination with the Inter-American Children’s Institute (IIN) and will support its work on universal birth registration and the right to identity.
- f. The General Secretariat will strengthen ties and foster partnership for development and coordination activities with other regional and international bodies and civil society organizations working in the Americas, with a view to ensuring effective policy and optimal management of resources for proper implementation of the Program.

6. Follow-up on implementation of the Program

- a. The General Secretariat will provide the assistance required by member states that request it in order to improve and develop their civil registry systems and to achieve implementation of the Program.
- b. Hold a special meeting in the CAJP framework in 2010 to assess progress with implementation of the Program, based on the information provided by the states and a progress report by the General Secretariat, with a view to making any changes to the Program that are deemed appropriate in order to reach the goal of achieving universal civil registry by 2015. That meeting may benefit from the contributions of experts in this field, civil society organizations, and the organs, agencies, and entities of the inter-American and global systems.
- c. Strengthen the General Secretariat by endowing it appropriately with the human and financial resources needed to execute the Program in accordance with the availability of said resources and the Organization's internal rules and procedures.

STRATEGIES

1. The states will promote implementation of the Inter-American Program through their policies and, if considered necessary, in their legislation, and by furnishing the resources needed to execute and monitor it.
2. The states will promote the evaluation and, where applicable, updating and improvement of their legal systems and institutional and organizational structures, in accordance with international human rights instruments and taking into account the best practices, technical tools, and experiences of other member states.
3. The states will further promote the establishment of effective international and intergovernmental cooperation mechanisms, in order to improve their laws and policies, including—to the extent possible—their harmonization, and to share information regarding the Program's objectives.
4. The states will promote citizen participation and that of social organizations in the process of preparing and implementing public policies for combating underregistration and protecting universal access to civil registry and the right to identity.
5. The states, taking into account the existence of particularly vulnerable segments of the population who are adversely affected by underregistration and the lack of identity documents, will promote the design and implementation of policies aimed at overcoming this situation, and will foster social and institutional awareness campaigns and initiatives to address this issue, in addition to building these goals into all public policies on health, education, culture, and so on.