

PRESERVING 'FAMILY RELATIONS'

An essential feature of the child's right to identity in the Americas

A regional supplement to Child Identity Protection's signature publication
Preserving "family relations": An essential feature of the child's right to identity



CHILD
IDENTITY
PROTECTION

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We welcome any input to this publication to help improve our understanding of the current situation, which may change, e.g. by sharing promising practices or continuing challenges. Please let us know if and how you have used this publication in your work, as it will help with CHIP's future initiatives.

Foreword

In the Americas, the right of children and adolescents to identity is a fundamental pillar to their comprehensive development and full inclusion in society. This right – recognised in international instruments, such as the Convention on the Rights of the Child – not only encompasses birth registration, name and nationality, but also the preservation of family relations, which are essential to the formulation of each individual's identity. However, despite significant progress in the region, challenges persist: armed conflicts, violence, migration, impunity, and lack of access to truth and justice; all prevent many children from fully enjoying this right.

This publication, *Preserving 'family relations': An essential feature of the child's right to identity in the Americas*, as indicated, provides a regional complement to the flagship publication of the organisation Child Identity Protection. It seeks to delve into the specifics of the region, analysing how historical, political, social and cultural contexts have influenced the creation, modification, falsification, preservation, and eventual restoration of children's identities.

In this publication, recent recommendations made by the Committee on the Rights of the Child to countries in the region can be read, highlighting the tensions between sustained progress in the right to identity and regressive trends, which unfortunately still define the current context. It is also an excellent work, which compiles information on what is being achieved in other human rights protection mechanisms, as well as developments within the Inter-American Human Rights System, making it an outstanding update.

Through a comprehensive approach, this document provides a detailed overview of the practices, challenges and opportunities that exist in the Americas to ensure that all children can access their right to identity. In this sense, the publication is divided into five chapters that address everything from the creation of identity at birth to the complexities arising within the contexts of migration, adoption, armed conflict and the newly developed assisted reproductive technologies. Each chapter not only identifies the obstacles faced by States and communities but also highlights promising initiatives and good practices that have emerged in the region to overcome those challenges.

Faith Marshall-Harris

Member of the Committee on the Rights of the Child
2019 – 2027
Barbados

It is important to emphasise, as indicated in the work, that a child's identity is not a static concept but one in constant evolution, influenced by family relations, culture, history and social environment. Therefore, the preservation of family relations is a key element in ensuring that children can fully develop, while maintaining a connection to their origins and personal history.

In the preparatory debates of the Convention on the Rights of the Child, we must not forget the fundamental role played by countries in the region, such as Argentina. Our region owes a debt of recognition for their contribution to the drafting of Articles 7 and 8 of this landmark instrument. These articles, which are now essential pillars of the Convention, reflect Latin America's historical commitment and struggle for the defense of human rights and justice.

Nonetheless, at this point, it is alarming to observe how the region is facing significant pushbacks in human rights. A concerning example is what is happening in Argentina, where the dismantling of the unit in charge of the search of disappeared children has occurred. This not only represents a major setback to history and justice but also a regression in the protection of fundamental rights that were so hard-fought and won. The Convention and its principles, forged with the effort and dedication of our region, must be firmly defended at times like this. It is imperative to remember that the fight for justice, truth and heritage cannot be abandoned, especially when it comes to crimes as traumatic as the disappearance of children. Regional unity and solidarity must prevail to prevent these advances from being undermined by decisions that erode human rights and the dignity of victims.

This work concludes with a call to action on issues requiring urgent attention in the region, such as the restoration of children's identities in the Americas. It urges governments to implement legal measures, public policies, programmes, and mechanisms to urgently restore the identity of children, adolescents and adults whose documents have been falsified, stolen, or lost due to illicit or unethical practices. These should include public apologies from States, reparations for victims and survivors, the resort to technology for the development of DNA databases, judicial and administrative activism at national, regional or global level to ensure access to justice, the strengthening of registration systems, legal and psychosocial support, as well as efforts to prevent revictimisation.

In summary, we invite readers to read this work and consider the elements it presents, as it serves as a valuable tool for reviewing legal frameworks and practices and to ensure that children can grow and develop with their right to identity secured.

Luis Pedernera Reyna

Former President and Member
of the Committee on the Rights of the Child
2017 – 2025

Secretary of the Executive Committee
of Child Identity Protection
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Acronyms

BIP	Best Interest Procedure
CLARCIEV	Latin-American and Caribbean Council on Civil Registration, Identity and Vital Statistics
CMEU	Child marriage and early union
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Committee on the Rights of the Child
CRVS	Civil Registration and Vital Statistics
HCCH	The Hague Conference on Private International Law
HCCH 1980 Child Abduction Convention	Convention of 25 October 1980 on the Civil Aspects of International Child Abduction
HCCH 1993 Adoption Convention	Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption
HCCH 1996 Child Protection Convention	Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children
IACommissionHR	Inter-American Commission on Human Rights
IACourtHR	Inter-American Court of Human Rights
ICCS	International Commission on Civil Status
IIN	Inter-American Children's Institute
IOM	International Organization for Migration
OAS	Organisation of American States
OPIC	Optional Protocol to the UNCRC on a Communications Procedure (2011)
OPSC	Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography (2000)
RELAF	Red Latinoamericana de Acogimiento Familiar
SDG	Sustainable Development Goal
TPR	Third-party reproduction
UN Guidelines	Guidelines for the Alternative Care of Children (2009)
UNCRC	United Nations Convention on the Rights of the Child (1989)
UNLIA	United Nations Legal Identity Agenda
USA	United States of America

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Introduction

The child's right to identity has been explicitly recognised in a number of global legal instruments, in particular Articles 7 and 8 of the Convention on the Rights of the Child (UNCRC),¹ as well as in other policy developments and initiatives, such as the UN Legal Identity Agenda (UNLIA).² Identity rights include being registered immediately after birth, as well as having a nationality, name and knowing one's family relations. Indeed, family relations include connections that arise as a result of a person's family – genetic, gestational, social and legal – history, continuity or separation, encompassing birth parents, gamete donors, siblings, grandparents and others.³ All these contribute to their identity, having a lifetime impact on the child and future generations.

Today, the opportunities and challenges for the implementation of children's identity rights have taken a variety of forms depending on some regions' and countries' historical, geopolitical, cultural and socio-economic contexts. These are linked to the creation of identity and the full achievement of Sustainable Development Goal (SDG) 16's Target 9 on a 'legal identity for all, including birth registration'.⁴ Other children's rights are likewise subject to irregular progress, including Article 9 of the UNCRC on the preservation of families, Article 10 on cross-border family contact or Articles 20 and 21 on children's family relations, alternative care and adoption, which may entail a modification – or even falsification – of children's identities. Other issues are also relevant to the right to identity, although not explicitly covered in the UNCRC as such, e.g. child marriage, children on the move, children born through third-party reproduction (TPR), surrogacy and the potential sale of identity.

In this context, CHIP's 2022 signature publication *Preserving "family relations": An essential feature of the child's right to identity*⁵ offered a global perspective of the implementation of the right to identity, including access to other rights. A more detailed overview of concepts and global approaches was provided in this benchmark signature publication.⁶ In the present publication, CHIP addresses issues, promising practices and testimonies at the regional level of the Americas,

in relation to the right to the establishment, preservation of and access to a '*nationality, name and family relations*' as well as the obligation '*to re-establishing speedily his or her identity*' incumbent upon States.

It focuses on the comprehensive set of elements that form a child's identity at creation (Chapter 1), the conditions that should be respected when modification of the child's identity is indeed in their best interests (Chapter 2), those measures that may prevent potential falsification of a child's identity (Chapter 3), the safeguards that States have taken steps to establishing to ensure the preservation of and access to children's identity (Chapter 4), as well as the promising initiatives that have been developed to ensure the speedy restoration of missing elements in children's identity and family relations (Chapter 5).

A high number of children in the Americas still do not have an established, full, proven and recognised identity, including a birth certificate, a name, a nationality and family relations. The present publication will focus primarily on this last element, which has often been neglected in laws, policies and practices. The overview of the various causes and implications of a lack of all features of a full identity, in particular their family relations, among many children in the Americas will help experts and practitioners reflect on this sometimes overseen right. The connecting issues relevant in the Americas include children separated from their families, abandoned and/or placed in alternative care, adoption, child abduction, migration, violence, armed conflict and other humanitarian contexts, early marriage, as well as more recent practices such as TPR and surrogacy.

Finally, this publication centralises and provides a systematic review of primary and secondary literature in the region showing the breadth of child identity issues. It offers an overview of the situation in countries that have been or are current Member States of the Organization of American States (OAS) (*see Country references*). In order to set the regional context, a summary of the incorporation of relevant international and regional legal instruments is necessary.

a. A regional perspective of the contribution of States to, and incorporation of, the international legal framework

All countries in the region are States Parties to the UNCRC, except the United States of America (USA), although the latter has ratified the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography (OPSC). Most countries in the region committed to the implementation of the UNCRC in the years following its entry into force.⁷ In fact, some of these countries played a key role in the drafting of the UNCRC, including of those provisions relating to children's identity, such as Argentina. As briefly explained in CHIP's above-mentioned global signature publication⁸ as well as other CHIP resources,⁹ the proposal for Article 8 focusing on the restoration of identity was submitted by Argentina,¹⁰ after the fall of that country's dictatorship during which children had been illegally removed from families linked to the opposition, stripped of their identity and placed for adoption with families supportive of the regime.¹¹ Consensus was reached on using the term 'family relations' as one explicit element of identity. The term 'relations' stresses the importance of children knowing their wider family, which goes well beyond the traditional Western construct comprising just parents and their biological children.¹²

In the decade following their ratification of the UNCRC, many States in the region also initiated comprehensive reforms of their child rights legislation, reflecting international principles and standards in their domestic legal frameworks. They assumed the new paradigm of the child as a holder of rights and the resulting child-rights approach, while incorporating the concept of identity – the right to birth registration, a name, nationality and family relations – into their domestic legal frameworks. This was the case in Brazil with the enactment of the *Estatuto da Criança e do Adolescente*¹³ in 1990 – an example for other countries in the region; Honduras in 1996;¹⁴ Mexico in 2000¹⁵ and subsequently 2014;¹⁶ Ecuador in 2003;¹⁷ Uruguay in 2004¹⁸ or Colombia in 2006.¹⁹

The Committee on the Rights of the Child (CRC) has consistently issued observations and recommendations relating to the scope of implementation of the provisions relating to children's identity in the region's countries. For example, in 2023, the CRC expressed its concern at the lack of birth registration of certain groups of children in Bolivia.²⁰

The CRC also focused on the preservation of the identity of indigenous children in Canada by urging 'the State party to: (...) to ensure that indigenous children in the child welfare system are able to preserve their identity; (b) restore names on birth certificates where they have been illegally altered or removed; (...)'.²¹ Furthermore, with regards to Chile, the CRC expressed its concern about 'the children who do not have effective access to a nationality'.²²

Other UN treaty bodies and mechanisms have occasionally likewise explored children's rights to identity. This is the case, for example, of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), which expressed its concern in its review of Venezuela 'that, in some cases, Venezuelans abroad have been unable to register their children as Venezuelans owing to the lack of access to civil registration services through consulates'.²³ The Committee on Enforced Disappearances has proceeded similarly, e.g. in relation to the wrongful removal of children in Chile.²⁴

Finally, some States have been particularly active in promoting and setting an agenda focused on children's rights to identity within the UN system, including Mexico, which led the review and the adoption of the 2026 *Human Rights Council Resolution on birth registration*²⁵ (and its previous version in 2023) as well as of the *Global Compacts for safe, orderly and regular migration*²⁶ and on *Refugees*.²⁷ A considerable number of States in the region are also Contracting Parties to other international standard-setting instruments closely linked to children's rights to identity, which will be mentioned further in the present publication, including the 1961 *Convention on the Reduction of Statelessness*,²⁸ the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*,²⁹ the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*,³⁰ the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*³¹ and the 2010 *International Convention for the Protection of All Persons from Enforced Disappearance*.³²

b. Regional legal and policy framework

The overview of regional legal standards offered in CHIP's global signature publication (2022)³³ reflects that identity rights in family relations have been an important issue in the Americas, in particular due to some countries' past political, social and legal contexts. The 1969 *American Convention on Human Rights (Pact of San José)*³⁴ explicitly mentions the right to a name, to family life, to nationality and the rights of the child. Furthermore, the Inter-American Convention on Forced Disappearance of Persons³⁵ states that '*the States Parties shall give each other mutual assistance in the search for, identification, location, and return of minors who have been removed to another state or detained therein as a consequence of the forced disappearance of their parents or guardians*', which responds to the history of some of the region's countries.

The Inter-American Commission of Human Rights (IACommissionHR) and the Inter-American Court of Human Rights (IACourtHR) have expressly addressed children's identity rights in their family relations.³⁶ In particular, the IACourtHR stated that the right to identity '*can be conceptualized as the collection of attributes and characteristics that allow for the individualization of the person in a society, and, in that sense, encompasses a number of other rights according to the subject it treats and the circumstances of the case*'.³⁷ In the case of *Ramirez Escobar v Guatemala* (2018),³⁸ the IACommissionHR considered that the State was responsible for the violation of the right to identity and to a name, a fundamental component of their identity, and which includes various elements, including family relations (Chapter 5). Other relevant cases to children's identity rights include *Fornerón v Argentina*³⁹ and *Contreras et al. v El Salvador*.⁴⁰ The IACourtHR also issued its first-ever opinion in a child abduction case in 2023 (Chapter 2.3).⁴¹

The IACourtHR further addressed children's right to identity in its *Advisory Opinion on the Rights and guarantees of children in the context of migration and/or in need of international protection*.⁴² The IACommissionHR has examined children's rights to identity in a number of its reports on various

situations, including in relation to migration and statelessness,⁴³ children's rights,⁴⁴ and alternative care and the right to a family.⁴⁵ Finally, the Organisation of American States (OAS) has stated that the recognition of the identity of persons is one of the means through which the exercise of the rights to a legal personality, name, nationality, civil registration, family relations is facilitated, among other rights recognised in international instruments. It has likewise recognised that a lack of recognition of the identity may entail that a person does not have a legal proof of their existence, which makes it difficult to fully exercise their civil, political, social and cultural rights.⁴⁶

Other regional bodies, several in partnership with the OAS, equally play an important role in promoting the rights of children to identity, including the Inter-American Children's Institute (IIN),⁴⁷ the Latin-American and Caribbean Council on Civil Registration, Identity and Vital Statistics (CLARCIEV),⁴⁸ the Regional Conference on Migration⁴⁹ or the Southern Common Market (MERCOSUR)'s Institute of Public Policies on Human Rights (IPPDH).⁵⁰ It is worth mentioning that the Hague Conference on Private International Law (HCCH) has a regional office operating in the region,⁵¹ which leads on key developments in International Private Law in the Americas with interested governments.





1. Creation of a child's identity: Family relations in the Americas

As explained in CHIP's global signature publication (2022), the right of the child to an identity begins with the right to have the constituent elements of their identity recorded in an official document: registration at birth and the possibility of obtaining a complete birth certificate, which includes the child's name(s) and surname(s), date and place of birth, as well as information about their parents.⁵²

Where the child's identity is created, Civil Registration and Vital Statistics (CRVS) systems have a key role to play in upholding the child's right to identity, with the key objective 'to ensure certainty in legal matters, that individuals be provided with probatory instruments which allow them to prove, with ironclad certainty, the facts relating to their existence, identity, and personal and family situation'.⁵³

1.1. General considerations: Birth registration, progress and further opportunities for compliance

In 2024, it was estimated that 92% of all children under the age of five in Latin America and the Caribbean had been registered and had a birth certificate. This left about 3% of children within the same age category with registration but without a birth certificate and two million, i.e. 5%, not registered at all.⁵⁴

While there has been progress since the early 2000s, when only about 76% of these same age-group children were estimated to be registered,⁵⁵ there still remain important disparities across the region. The lowest levels of registration may be observed in Ecuador, Haiti, Paraguay and Venezuela, whereas some countries might already have reached universal birth registration.⁵⁶ However, despite a 100% birth registration rate in Canada (2020) and the USA (2021), some children in these countries are still at risk of not being registered.⁵⁷

As in other regions in the world, the causes for under-registration in the Americas are manifold – often cumulative – and may reflect historical, geopolitical, cultural and socio-economic national and local disparities.

Socio-economic, geographical and climate obstacles to civil registration

Despite the establishment of a growing number of civil registry offices in most countries, including offices in hospitals, other medical facilities and mobile units⁵⁸ (Chapter 5), it remains complex for many families to register their children immediately after birth. This is particularly true for families living in rural and remote areas, due to the distances to be travelled and the costs involved. Families in urban settings may also be affected given potential direct socio-economic requirements applicable to birth registration as well as those displaced due to climate-related issues.⁵⁹ This is the case, for example, in Bolivia, where parents in rural areas do not register their children due to the absence of a civil registration office in their district or community, followed by a lack of economic resources to cover the direct or indirect costs (e.g. transport or loss of a day of work).⁶⁰ In Guyana, birth registration is often disrupted due to the disparities faced around accessibility to adequately serviced hospitals and health centres between the coastal and interior region (e.g. remote and riverine communities need to travel on foot and by boat, and may also be affected by the rainy season's consequences).⁶¹ In Mexico, a similar situation may be observed in the states of Oaxaca and Chiapas, which are rural and were among the states with the lowest levels of early birth registration.⁶² This is also the case in Peru, where geographical access, long distances as well as adverse climate conditions limit access to civil registration.⁶³ In Saint Lucia, another socio-economic factor was raised for the disparity of registration rates: '[c]hildren living in larger households, which have more children, are less likely to be registered than children from smaller households: 85 per cent of

children from households with 3 or more children are registered after birth, compared to 92.3 per cent of children from 1-child households'.⁶⁴

Socio-economic obstacles specifically related to late registration and the issuance of subsequent birth certificates equally exist.⁶⁵ The legal frameworks in the region have set up early birth registration periods that vary, in general, from 10 days to six months, with a notable exception in Bolivia, where it has been set at 12 years old based on culturally-determined indigenous beliefs (see below). Several countries have established differentiated periods, depending on whether the birth occurs in urban or rural areas or whether it occurs in hospital or not. This is the case in Argentina, the Dominican Republic, Panama, Paraguay, Peru and Uruguay.⁶⁶ Once these periods have concluded, some countries have set up specific administrative and/or judicial mechanisms for late registration, including the payment of fees. While countries have moved towards safeguarding the gratuity of early registration – e.g. Belize, Brazil, Colombia, Cuba, Honduras, Mexico, Paraguay, Peru, late registration might not only entail transport and procedural costs, but some countries still implement the payment of a fee, including Bolivia and Guatemala.⁶⁷ It is worth mentioning the promising practices of Brazil, where the registration and certificates required for the regularisation of the Civil Registry are exempt from fines, costs or fees, and are considered an absolute priority,⁶⁸ and of Chile, where there is no cost for birth certificates in general.



Belonging to an indigenous group

A child's ethnic and cultural background is closely linked to their family and community relations and therefore their identity. In some countries, limited information having been disseminated to indigenous populations for decades still has an impact, including a lack of understanding of the importance of birth registration within legally-set timelines. This situation was raised in Bolivia, where some communities are not aware of the importance of registration because the parents do not have adequate and adapted information about the procedure.⁶⁹ In response, the law increased the period of registration until the age of 12 years, in recognition of the indigenous custom of registering children after the age of five, and it is linked to the belief of a higher probability of survival.⁷⁰ In Guatemala, non-institutionalised births occur mainly among indigenous women and half of all indigenous women in the country give birth at home.⁷¹ Moreover, indigenous children in Guyana are those most affected by a limited access to services, as many still live in geographically remote groups and do not speak English. This linguistic element entails an additional challenge for the registration process, as many health workers do not speak indigenous languages.⁷² Likewise, in Paraguay, only 70% of children, who speak Guarani at home, have been registered, that is about 17% lower than those who speak Guarani and Spanish and 24% lower than those who only speak Spanish.⁷³ These country examples reflect the need to strengthen efforts to ensure that information about the importance of birth registration and about the relevant and adapted procedures reaches these populations in their languages. In line with the latter, in 2018, UNICEF supported three municipal authorities in Mexico to implement special bilingual birth registration campaigns, followed by the deployment of civil registration units to undertake the free registration and issuance of birth certificates. This resulted in progress demonstrated in 2020 in the participating municipalities.⁷⁴ Mexico has been implementing initiatives across the country, focused on territorial coverage, free registration, awareness-raising and the use of digitisation.⁷⁵

Child and adolescent motherhood and other gender-based issues⁷⁶

Gender-related issues may hinder the registration of children's family relations or even represent an obstacle to their early registration. In fact, obstacles to registering a child without the presence of a father in some societies appears to be an inter-generational transmission of lack of identity documentation. For example in Peru, it has been reported that the '*children of undocumented mothers and fathers or who face problems to conclude the cycle of documentation, face increased difficulties to obtain a birth certificate or national identity documents, as their parents must have their documents*'.⁷⁷ While most domestic civil registration legal frameworks in the region do now allow women to register their children without the presence of the husband or father,⁷⁸ there remains shame among women to recognise that they are single or fear that the father does not want to be recognised as such, and underage girls may be subject to some additional conditions when registering their children.⁷⁹ The most recent regional statistics also reflect a link between child and adolescent motherhood and child marriages and early unions (CMEU) (Chapter 3.4).⁸⁰



Children and families on the move⁸¹

As described in a recent regional study, it may be impossible for many children born in transit or for persons who were forced to move to another country to register their births due to a lack of consular services.⁸² Even when registration services exist, some of the requirements may be difficult to comply with, making even late birth registration impossible.⁸³ Births occurring outside the parents' country of origin also entail obstacles as they may not have identity documents,⁸⁴ due to their irregular migratory status, associated costs and fear to become visible in the country of transit or destination.⁸⁵ Even when they do have such documents, they still face difficulties in ensuring that these are duly recognised outside their country of origin and that these documents' portability is safeguarded.⁸⁶

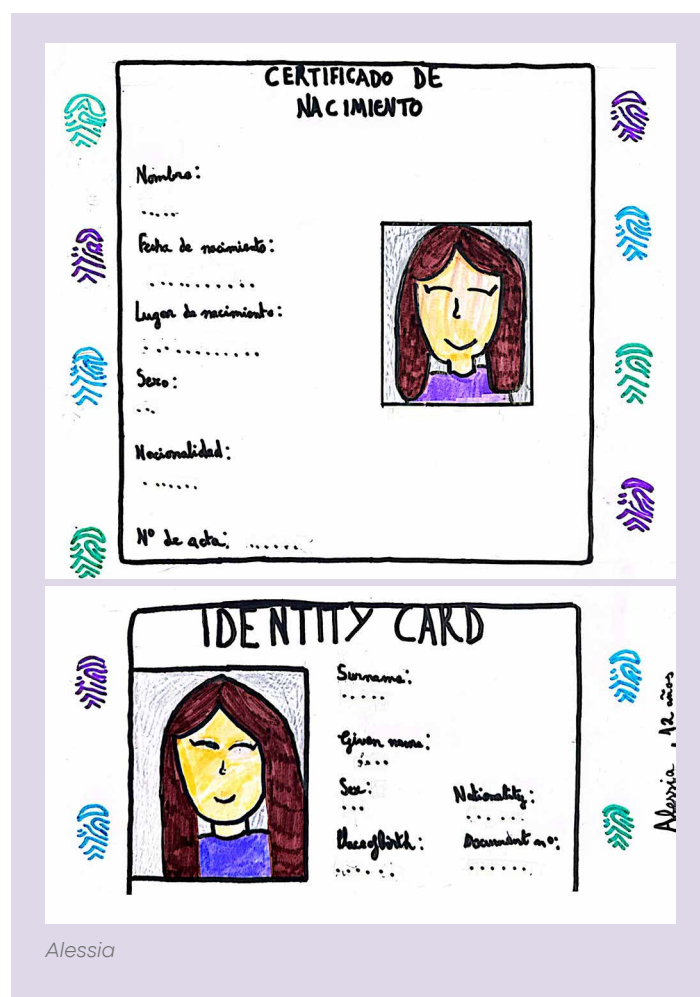
The status of parents, in terms of children's identity in family relations, is closely linked to whether they can be registered immediately after birth. It appears that Belize has faced such a situation for over a decade, as UNICEF has reported *'that a combination of lack of documentation, irregular migration status of parents and the costs of nationality or residence applications (...) deterred some migrants from registering children's births'*.⁸⁷ In Dominica, a study identified that children of migrant families were among the most vulnerable in the country, because of separation from the extended family and difficulty accessing social services.⁸⁸ In the Dominican Republic, *'many Haitian migrant families or their descendants (...) have extremely limited access to legal identification and permits'*.⁸⁹ A report on the situation of Venezuelan migrants in Trinidad and Tobago suggested that *'parents do not receive the needed document at the hospital, they are not aware of their child's right to be registered (...), and/or they do not know the registration process (...) when parents attempt to get birth certificates for their children, authorities ask for additional identification documents for the mother; this requires going to the Venezuelan embassy and paying a fee, which most families cannot afford. (...) [T]he result is that they cannot obtain documentation proving that their children have [Trinidad and Tobago] citizenship'*.⁹⁰ In 2022, one in every four children born of Venezuelan descent in Trinidad and Tobago did not receive a birth certificate.⁹¹

Some countries in the region have, however, set up bi-national or sub-regional agreements to address these issues, including some of Venezuela's neighbouring countries, such as Panama, where the Tapón de Darién region is one of the most resorted to – and dangerous – migratory routes in the region⁹² as well as in Peru.⁹³ The Central American countries among themselves and the region's southern cone's countries have concluded similar initiatives (Chapter 5).⁹⁴ In the

Eastern Caribbean sub-region – including Antigua and Barbuda, Barbados, Grenada, Saint Lucia, Saint Kitts and Nevis and Saint Vincent and the Grenadines, a recent situational analysis recommended to *'abolish discrimination in legislation regarding migrant children and children of migrant parents, including children's right to obtain birth certificates in the country of their birth'*.⁹⁵

Impact of COVID-19 on CRVS systems

During the global health emergency declared in early 2020, the world⁹⁶ and the region⁹⁷ saw a general decrease in early birth registration rates at global level, due to the closure of key infrastructures and the quarantine imposed in many countries. Several countries in the region declared their CRVS system to remain an 'essential service' in their emergency decrees, but this did not mean that all civil registration services were offered or given priority during that period.⁹⁸ In Mexico, the National Child Protection System (SIPINNA) approved actions for children during the pandemic, including the work of Civil Registry offices.⁹⁹



1.2. Specific consideration: Abandonment and 'safe haven' legislation, challenges and opportunities for the recording of family relations

Most domestic legal instruments across the region specifically address the registration of births of children, who have been abandoned.¹⁰⁰ However, given the ongoing informal care of these children, and a lack of notification of the abandonment to official bodies, some of these children may remain unregistered.

It is worth mentioning here the negative impact of the operation of so-called 'baby boxes/hatches' or 'safe haven baby boxes', which do not allow for the registration of all the features that make up a child's full identity, given that this practice perpetuates anonymous abandonment.

In the USA, where child abandonment is illegal,¹⁰¹ since the late 1990s, laws have been enacted in an increasing number of states to 'generally allow the parent, or an agent of the parent, to remain anonymous and be shielded from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven'.¹⁰² By 2021, 'all 50 States, the District of Columbia, Guam, and Puerto Rico ha[d] enacted safe haven legislation'.¹⁰³ It is estimated that there are 420 baby boxes installed in 23 states, of which 417 are in use and 76 babies have been placed in them.¹⁰⁴ In Canada, this practice has also been developed, but with less guarantees for anonymity. 'Under current Canadian law, the abandonment of a live infant is illegal. Parents, however, can drop off infants at hospitals, but the drop-off cannot be anonymous and the cases will be investigated',¹⁰⁵ which opens the path to search for the child's parentage and family relations. It appears that four such baby boxes only are currently operating in Canada.¹⁰⁶

With a view to going beyond the parents not being criminalised and the newborn's immediate physical safety ensured, confidential births – rather than anonymous births – have been promoted by the CRC.¹⁰⁷ In addition to the ethical problems over the use of 'baby boxes' as a practice, many countries do not keep data concerning the number of children deposited,¹⁰⁸ as no or limited actions are taken to trace the child's biological parents or to determine their family relations. Thus, it is fundamental to ensure all the measures that facilitate that complete information is recorded at birth and to promote practices preventing abandonment, such as early intervention initiatives, which seek to support parents in their caregiving roles, such as in Guatemala.¹⁰⁹



1.3. Specific consideration: The creation of a child's identity and its relation to nationality and potential statelessness

The situations faced by migrants in the region have raised concern for children's access to an identity in relation to family relations, granting of nationality and risk of statelessness (Chapter 1.I).

For example, the Constitutional Court of the Dominican Republic ruled that the 2010 restrictions to deny citizenship to anyone born in the country after 1929 to parents without legal residency – affecting mainly persons of Haitian descent –¹¹⁰ applied retroactively and annulled the citizenship of thousands of individuals who could not demonstrate that their parents had legal residency at the time of their birth. These individuals became stateless, despite often being born in, and never having left, the Dominican Republic.¹¹¹ Children born to undocumented parents of foreign descent in the Dominican Republic now receive a 'foreigner birth certificate', which, in principle, allows them to obtain Haitian or other citizenship at age 18, though there are substantial economic and administrative barriers to doing so.¹¹² A study found that 'some resorted to "methods outside established proceedings" to acquire documentation'.¹¹³

Other practices in the region are more promising in terms of ensuring the registration of births of migrant children. In 2023, in the Bahamas, the Judicial Committee of the Privy Council ruled that all children born on Bahamian territory, regardless of their parents' marital status, are to inherit citizenship from either parent; 'while issues remain, including around proof of paternity and the rights of non-Bahamian mothers of Bahamian children, the ruling is also an important step in protecting children's right to a nationality in the Americas'.¹¹⁴ In Colombia, '[t]o prevent statelessness, Colombian nationality was granted to 47,617 children born in Colombia to Venezuelan parents between

August 2019 and August 2020. Resolución 8470 de la Registraduría Nacional, which was announced in August 2019, is intended to facilitate registration of children of Venezuelan parents born in Colombia and at risk of statelessness'.¹¹⁵ In 2023, Colombia enacted Law 2332 on the acquisition, loss and recovery of Colombian nationality, which facilitates naturalisation for stateless people and grants nationality to children born on its territory, who have been recognised as stateless or provided with temporary protection. The country subsequently extended the childhood nationality programme for Venezuelan migrant children born in Colombia until 2027.¹¹⁶ Suriname, too, has established in law an obligation by the authorities to register every birth on Surinamese territory, irrespective of status (Surinamese, foreigner or illegal person) or residence of the parents.¹¹⁷

In this context, it is also hoped that some regional initiatives in the Americas, such as the *2019 Regional Framework Law on Migration*¹¹⁸ – in particular Article 9 – would move towards facilitating birth registration among migrant populations and therefore their access to a number of services and procedures, such as migratory regularisation. Finally, it is worth mentioning a recent study on migrants' access to and use of civil registration in Latin America and the Caribbean.¹¹⁹ Among the most recurrent barriers to civil registration, the report identified the obligation to provide official foreign documents accompanied by apostille and translation; direct and indirect expenses; birth records established with identity documents that cease to exist or lose validity; passports being the usual means of identification required for migrants; holding a regular status to access civil registration; and some additional barriers (e.g. the obligation to present difficult-to-obtain documents).

1.4. Specific consideration: Identity rights in anonymous third-party reproduction

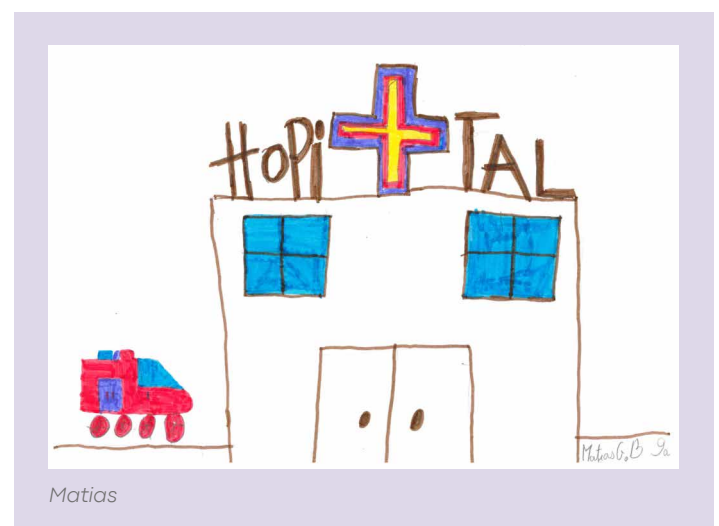
While resort to TPR creates opportunities for new family building, it may also entail a number of risks. This is due to the lack of information being recorded, as many legal frameworks do not ensure the recording of all of a child's genetic, gestational and/or biological origins in these situations.

In the USA, where tens of thousands of children are born every year from gamete donations, the legislation varies, but many states still allow anonymous donations and diverse forms of establishment of legal parentage.¹²⁰ There has been a 'double-track' policy, as donors may determine whether or not to donate anonymously, which enables access to identifying information about the donor only when the latter opted for an open donation.¹²¹ In 2011, the state of Washington changed its law, and the donor now has to ask specifically to remain anonymous and opt out of any disclosure.¹²² Since 2020, California has made it easier for children born through donations to obtain information which concerns them, as the 'law (...) requires the sperm bank to obtain a declaration stating whether the donor does or does not authori[s]e the agency to disclose the donor information to any resulting children when they reach age 18 and request the information. (...)'.¹²³ Likewise, a law in Colorado now 'effectively prohibits anonymous gamete donation'.¹²⁴

Progress may have been made with research confirming the potential risks linked to the secrecy surrounding the resort to TPR,¹²⁵ but this progress has also been complemented by the demands of donor-conceived persons in relation to their right to know the identities of their genetic parents as well as the availability of genetic testing.¹²⁶ The availability of DNA testing for genetic disease and genealogy-tracing websites as well as sibling registries means that 'sperm donor anonymity is no longer a lifetime guarantee'¹²⁷ and has facilitated transparency. The incomplete creation of a child's original identity could explain the increase in persons searching for the 'lost generation of sperm donors',¹²⁸ and their origins in general.¹²⁹ Most domestic legal frameworks do, however, still not advance as rapidly as practices in terms of transparency and the disappearance of secrecy and anonymity. Some case law tends to move towards denying complete donor anonymity,¹³⁰ but some persons have had to resort to the judiciary to see their demands for access to their full identity being granted, e.g. in Costa Rica¹³¹ and Venezuela.¹³²

In Argentina, the *Civil and Commercial Code*¹³³ incorporated provisions on parentage stating that the information relating to a child's birth with a third party's gametes must be recorded in the file used for birth registration. Children born from TPR may obtain information on the donor's medical data from the health centre involved, when it is relevant for their health, and may obtain identifying data about the donor, on duly justifiable grounds as assessed by a court. Several additional bills have been submitted,¹³⁴ including one on surrogacy, which set out that the intending parents would appear on the child's birth certificate but that any information about the surrogate would remain registered in the respective file.¹³⁵ Relevant case law has also been emerging in the country on the preservation of the information about the donor and addressed issues relating to access to this information.¹³⁶ In another case relevant to surrogacy (Chapter 1.5),¹³⁷ the local Civil Registry now allows to register a child when the surrogate expressed no procreational intention and information about the surrogate shall be recorded in the file.¹³⁸

Other countries in the region have opted for a more restrictive approach, including Chile, which merely states that the parentage of children born from a resort to TPR will be considered solely in relation to those persons having undergone the TPR procedure.¹³⁹



1.5. Specific consideration: Complex creation of identity in births through surrogacy arrangements

In addition to the challenges that arise with the use of anonymous donation of human reproductive material, specific issues arise in surrogacy arrangements. Their numbers appear to be increasing over the past decades globally,¹⁴⁰ including in the Americas, even though there are *'currently no official statistics on the number of surrogacy arrangements undertaken in the region, nor of the children born through such arrangements (...)'*.¹⁴¹

For example, *'[i]n 2015, 2,807 children were born in the United States by a surrogate. This is a significant increase from 2004 when only 738 births were via a surrogate'*.¹⁴² The creation of identity in this circumstances may already entail an incomplete recording of a child's genetic and gestational origins, given limited and insufficient records being kept on all features of a child's identity. The risks for the right to identity in surrogacy arrangements, including the potential sale of identity, have been addressed and disseminated in the Verona Principles,¹⁴³ by the Special Rapporteur on the sale and sexual exploitation of children in several reports,¹⁴⁴ as well as by the Special Rapporteur on Violence against Women and Girls in 2025.¹⁴⁵

In practice, the intending parents appear to be the ones ultimately appearing on the birth certificate; thus, any court order should include both sets of parents and all information about gametes used. In the USA, particularly in Arizona, *'if the hospital responsible for completing the birth certificate does not receive a court order prior to the child's birth or within seven days after the child's birth, then the mother who gave birth to the*

child shall be placed on the child's birth certificate'. This certificate is then submitted to the State Office of Vital Records to register the birth. The intending parents, who want to have their names added to the child's birth certificate, will need to obtain the court order to amend this birth certificate and send a copy of the order to the State Office of Vital Records.¹⁴⁶ In the state of Washington (USA), intending parents listed on the surrogacy agreement must fill out the Washington State Surrogate Birth Filing Form. Likewise, the hospital, birthing facility or midwife must register births using this form and intending parents should coordinate with the facility's social worker prior to the child's birth. The state's legislation requires information to be collected on the surrogate for statistical public health purposes, and while the form requires the surrogate's identifying information, it will not display it on the birth certificate. The intending parents identified on the form will be listed as the parents on the birth certificate.¹⁴⁷ Finally, despite comprehensive regulation of the practice across the USA, the CRC has considered that some of the practices could nonetheless amount to the sale of children.¹⁴⁸

In Latin America, *'[t]he transnational nature of surrogacy – with intended parents often crossing national boundaries to achieve their desire of become parents – has meant that individual states have difficulty taking decisive action to regulate this practice'*.¹⁴⁹ The various approaches that have guided developments in domestic and cross-border surrogacy arrangements in the region to date will now be explored.

A growing practice within a generalised legal vacuum...

Most countries in Latin America and the Caribbean remain without any regulation on the practice of surrogacy.¹⁵⁰ However, those countries, which have not specifically regulated domestic or international surrogacy agreements to date, have had to address the practice. This is the case of Ecuador, which published a report that recognised that surrogacy procedures have been taking place in the country since 1993, in

a context of legal gaps, with social, economic, political and cultural elements.¹⁵¹ Cases of surrogacy have also increased in Peru despite a lack of legislation and with potential acts of falsification of identity (*Chapter 3*), e.g. the forgery and fraud of the identity documents of the surrogate and the falsification of live birth declarations.¹⁵² These cases could amount to a sale of children's identities.

... with some calls for registering the surrogate mothers and gamete donors...

In Colombia, the practice of surrogacy is surging despite a remaining gap in legislation and has been addressed through legal mechanisms on a case-by-case basis. The issue was first addressed by the country's Constitutional Court in its sentence T-968 of 2009 on parentage and the recognition of surrogacy arrangements.¹⁵³ The Court's subsequent sentence SU-696 of 2015 also addressed this issue in a case of denial

of registration of births.¹⁵⁴ Calls to regulate surrogacy were further reiterated in 2018 and 2022,¹⁵⁵ however, no bill has moved forward to date. It is worth highlighting a recent judicial development which clearly reflects a move towards recognising the surrogate mother at birth – an important safeguard for the child's right to identity.¹⁵⁶

... and other legal frameworks recording the intending parents as the parents from birth

In Brazil,¹⁵⁷ commercial surrogacy has been forbidden, as reiterated most recently by the Federal Council of Medicine in its Resolution CFM No. 2.320/2022.¹⁵⁸ In line with this latest instrument and other similar resolutions,¹⁵⁹ there is an obligation to maintain the anonymity of the donor; in case of medical issues, information may only be transmitted to the medical doctor but preserving the anonymity of the donor.¹⁶⁰ Altruistic surrogacy in Brazil should be undertaken among relatives up to the fourth degree of parentage.¹⁶¹ In accordance with *Provimento No. 149*,¹⁶² *'in the event of a surrogate pregnancy, the name of the woman who gives birth, informed in the declaration of live birth, will not appear in the registry, and a term of commitment signed by the temporary donor of the uterus must be presented, clarifying the issue of parentage'*. It is also clearly established that *'all documents presented (...) must remain filed in the office in which the civil registry was drawn up'*. However, *'the intending parents may be the legal parents at the child's birth, when [assisted reproductive technologies] have been undertaken in accordance with the law, i.e. in regulated medical clinics, irrespective of the existence of a genetic link or not. This is then reflected in the declaration that the technical director of the human reproduction facility signs and which includes the names of the beneficiaries of the process. This document is a requirement of the birth registration process'*.¹⁶³

Mexico, on the other hand, has seen a surge of surrogacy arrangements in recent years.¹⁶⁴ Legal reforms in 2016 in one of Mexico's states known for surrogacy, Tabasco, limited surrogacy practices in this state to Mexican citizens only.¹⁶⁵ Another state in the country, Sinaloa, also allows the practice of surrogacy and two states explicitly prohibit it.¹⁶⁶

Mexico's Supreme Court has developed jurisprudence in this regard based on children's right to identity and best interests.¹⁶⁷ It has also called for provisional birth registration until the conditions of the surrogacy arrangement are ascertained in relation to the surrogate mother¹⁶⁸ and determined a series of elements that must be considered prior to the child's registration with the intending parents as the legal parents.¹⁶⁹ In response to the country's concern at the right of children born through surrogacy arrangements to know their origins,¹⁷⁰ a study concluded that these may be considered personal data linked to the right to identity of the person born through a surrogacy arrangement, which results in the health authorities having to preserve this information under confidentiality and allow access to it.¹⁷¹ Evidence suggests that there have been difficulties to obtain birth certificates for those children born through surrogacy in other states; these being a condition for the issuance of passports, to prove parentage and to access basic services.¹⁷²

The various approaches present in the region still reflect an uncertain panorama for a complete identity for those children conceived through TPR and born through surrogacy, as was extensively explored in a recent study on the registration of births of children born through surrogacy arrangements in Latin America and the Caribbean.¹⁷³



Key points on the creation of children's identity in the Americas



Legislation, policies and practices should promote the recording of all relevant elements of a child's identity, including family relations;



States and regional mechanisms should continue to address the remaining barriers and obstacles to universal birth registration in the Americas, by reforming outdated legislation, by facilitating the implementation of procedures, by removing fees, by promoting the decentralisation of CRVS services and by implementing concrete and targeted actions, including through the interoperability between the CRVS and other sectors (e.g. health, education, social security);



CRVS systems should be further strengthened to be fully operational and accessible to all, with investment in digital technologies, targeted campaigns, training of staff, availability of multilingual forms and procedures, as well as cross-country and sub-regional cooperation, promoted, for example, by the International Commission on Civil Status (ICCS) and CLARCIEV;



Practices that continue to discriminate and that perpetuate anonymity of birth should be reformed and prohibited in line with international and regional standards and case-law, affecting, in particular, children born from the resort to anonymous TPR and surrogacy arrangements, teenage and other mothers in complex and vulnerable situations, indigenous communities and families on the move;



In the context of TPR and surrogacy, these must be comprehensively regulated at domestic level, including cross-border arrangements, whether the country decides to allow or prohibit these, and clearly state the safeguards when this practice occurs;



In any legal response chosen to the latter, **legislation should promote the recording of genetic, gestational and biological origins and the conditions for access to this information.**



2. Modification of a child's identity and family relations in the Americas

As addressed in Chapter 2 of CHIP's signature publication (2022), there may be situations, in which the child's identity, as created at birth, may be modified in line with domestic and international standards, including Articles 9, 20 and 21 of the UNCRC.¹⁷⁴

However, when modifications are unduly determined, not legally permissible or simply inappropriate, they may entail serious implications for the child's development and wellbeing, even later as an adult (Chapter 3). This Chapter focuses on the conditions for the modification of a child's identity.

2.1. General consideration: Assessment of a child's best interests in the modification of their identity

First and foremost, any modification of a child's identity should be based on a best interest procedure (BIP). The CRC states that *'[t]he right of the child to preserve his or her identity is guaranteed by the Convention (Art. 8) and must be respected and taken into consideration in the assessment of the child's best interests'*.¹⁷⁵

In balancing elements and rights in decision-making, UNHCR recalls that the *'identity of the child'* and *'the family environment, family relations and contacts'* should *'be considered by any decision-maker having to determine a child's best interests'* and that *'the child's development and identity needs'* should be a factor in BIP decisions.¹⁷⁶ This is in line with Article 20 of the UNCRC, which calls for compliance with a child's best interests when considering special assistance and protection and for *'continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background'*.

When such modifications occur based on a BIP, information about the original identity of the child should be preserved and accessible (Chapter 4). The true facts surrounding birth circumstances should never be changed, as origins are unalterable, such as the date and place of birth. CRVS systems, in particular civil registries, serve a vital role in maintaining a record of all subsequent changes and in keeping evidence of the acts that triggered such changes. Other bodies

may also play a key role in ensuring that all features of a child's original family relations and other identity elements are duly preserved, including, among others, any child protection authority, the Judiciary, migration authorities, health facilities, etc.

Modification of a child's family identity may occur as a result of a formal change of parentage or transfer of parental rights, justifying a new, modified, legal identity. In other situations, the child's identity may be modified due to informal changes occurring in their family relations.



2.2. Specific consideration: Modification of children's identity as a result of alternative care, domestic and intercountry adoptions

Across the region, thousands of children are currently separated from their families and placed in care. A decade ago, a sub-regional estimation for Latin America and the Caribbean was set at 240,000 children in alternative care.¹⁷⁷

This number may have been higher at the time due to the remaining practice of not systematically notifying a child's placement to the child protection authorities or due to the informal nature of some temporary placements with extended family or unknown persons (Chapter 3). Despite ongoing efforts to ensure gatekeeping and prevent the entry of children into the care system,¹⁷⁸ some national estimates continue to reflect high numbers of children in care across the region, e.g. 9,754 in Argentina (2020);¹⁷⁹ about 14,900 in Costa Rica (2022);¹⁸⁰ 4,565 in Jamaica (2021)¹⁸¹ and 33,000 in Mexico (2020).¹⁸² In the USA, the numbers are also particularly high with 'over 391,000 children and young people in foster care'.¹⁸³ Some less recent and updated numbers are available about children placed in care in the Caribbean.¹⁸⁴

Many countries have reformed their alternative care systems, in particular by developing family-based options rather than residential facilities.¹⁸⁵ There are issues that remain to be addressed to fully safeguard placed children's identities, including their family relations, for example when siblings are separated¹⁸⁶ or in relation to the over-representation of indigenous or migrant children in care. In Canada, new legislation has been enacted to reduce the number of Indigenous children and youth in care and improve services for families of origin.¹⁸⁷ This includes targeted services provided by First Nations, Inuit or Métis agencies.¹⁸⁸ In Peru, an obligation to protect children's identity, including their ethnic and cultural background, while placed in foster care has been incorporated into the legislation on alternative care.¹⁸⁹

Despite Articles 9 and 20 of the UNCRC and the principles enshrined in the Guidelines for the Alternative Care of Children (UN Guidelines),¹⁹⁰ many decisions relating to children's entry into care in the Americas still do not result from a comprehensive assessment of their best interests, and therefore may entail an unnecessary separation from their families of origin. This can lead to an improper modification of their identities, with little consideration for their family relations, culture, language, ethnic and religious

background throughout the child protection and care process (Art. 20(3) of the UNCRC). It is necessary to further promote multidisciplinary assessments of each child's situation, taking into account these aspects. For example, in Grenada, only 67% of the children placed in alternative care mentioned having any contact with their family of origin while in care and only 43% of the former wards finally went back to live with either their mother or father. Moreover, 'the absence of systematic recordkeeping of children in institutionalised care is a major cause for concern' in the country.¹⁹¹ Given these concerns, a number of countries, supported by the Red Latinoamericana de Acogimiento Familiar (RELAF), have incorporated the concepts of family relations and other elements of identity into their child protection case management protocols, such as Panama,¹⁹² the state of Sonora in Mexico¹⁹³ and Venezuela.¹⁹⁴ It is also worth mentioning the development and dissemination in the region of child- and youth-friendly materials aimed at ensuring that children and young people in care know their rights and may demand that they are duly respected and implemented.¹⁹⁵ Legal provisions in Guyana are promising given their positive impact on the preservation of the identity of children placed in care: 'a person over 12 years of age has the right to and shall, on request, be given access to information relating to himself including: (a) information relating to his birth family; (b) the reasons why he was removed from his parent; (c) the reasons for the continuation of a Court order relating to him; and (d) the identity of former caregivers'.¹⁹⁶



When a child is placed in adoption, a legal modification of their family relations and parentage and therefore identity will occur. This is usually provided for in law and should always also be based on a BIP, as discussed earlier. Additionally, this should entail taking into consideration the child's family and social background, their family relations, the impossibility of family reintegration and the consents of the parties. As addressed and analysed in Anne-Marie Piché's and CHIP's publication *South American Panorama of Adoption Practices: Cases of countries in transformation*,¹⁹⁷ over the years, most countries in the region have amended their adoption systems to provide quasi exclusively for full adoption; a notable exception is Argentina.

However, a still very limited number of countries have the possibility of preserving or maintaining potential relations with the family of origin on the basis of agreements on openness or post-adoption contact, i.e. a type of adoption in which the family of origin and the adoptive family of the child commit to exchanging periodic information (indirect contact) or even to have direct contact, which is most common in Anglo-saxon countries. In Canada, open adoption is a possibility.¹⁹⁸ In some Caribbean countries, such as Dominica,¹⁹⁹ Guyana²⁰⁰ and Trinidad and Tobago,²⁰¹ open adoption²⁰² or openness in post-adoption contact may also be implemented. In the USA, 'approximately 95% of domestic infant adoptions are considered to be open adoptions'.²⁰³ A notable exception among Latin American countries is Chile, which enacted new legislation on adoption in 2025, in which it clearly enshrined post-adoption contact and its determination together with the adoption or in a subsequent order.²⁰⁴

There is no doubt that the practice is developing informally among some families and that the adoption system is undergoing adjustments.²⁰⁵ In Costa Rica, it appears that, even though open adoption is not established in law as such, in practice, if the child wishes to maintain a relationship with their biological family and support is sought, the Department of Adoption within the *Patronato Nacional de la Infancia* (PANI) helps as much as possible to arrange this.²⁰⁶ In Uruguay, its legislation includes that children may maintain a personal and affective bond with their families of origin, which entails that the Judge determines the communication between them.²⁰⁷

In any of the cases of alternative care and adoption, which may entail due and legal modifications to the child's family relations and other elements of their identity, the child's original identity must be duly preserved in order to ensure the child's access to their origins in the future, irrespective of the child's type of child protection measure, care placement or adoption (*Chapter 4*). Thus, openness after the determination of the placement and adoption may contribute to preserving a child's family relations and access to their origins.



Paola, Elena

2.3. Specific consideration: Modification of children's identity as a result of domestic practices relating to parental child abduction

Parental child abduction has an impact on a child's family relations and, therefore, identity – in some situations entailing distancing from their place of habitual residence, a child being taken into hiding, obtaining false identity documents or simply prohibiting any form of contact with the left-behind parent.

As reflected in the HCCH 1980 Child Abduction Convention, the child's identity is preserved by maintaining that it is in the best interests of the abducted child to be promptly returned to their habitual residence. The instrument, however, also envisages that in some – well-defined – situations, it will not be in the best interests of that child to be returned to their habitual residence. When 'exceptions' to prompt return are raised, the Court in the requested State is encouraged to take into account a number of issues, including those related to the child's identity, a part of a BIP in exceptional circumstances.²⁰⁸

The interruption of contact with one or the other parent may entail the child's loss of their family relations. The separation from one parent – in often illicit circumstances – may have a serious impact on the child's wellbeing and on their contact with the left-behind parent, potential siblings and extended family, as well as, potentially, their language and culture. Such relationships should be maintained insofar as may be possible.

In this context, a growing number of countries in the region have been joining the HCCH 1980 Child Abduction Convention²⁰⁹ and the region's 1989 Inter-American Convention on the International Return of Children.²¹⁰ Regional and domestic mechanisms to address situations of cross-border parental child abduction have also been established, including the HCCH-IIN *Ley Modelo sobre Normas Procesales para la Aplicación de los Convenios sobre Sustracción Internacional de Niños* and the *Anexo específico para su Protocolo de Cooperación Judicial Internacional*.²¹¹ It is interesting to note that Uruguay has concluded a bilateral agreement to address situations of child abduction with Argentina, Chile and Peru;²¹² several countries have enacted national procedural regulations;²¹³ Guatemala has installed its Central Authority within the Office of the Public Prosecutor, therefore assuming such cases as child protection

cases;²¹⁴ Jamaica has established a mechanism through its Courts to determine the whereabouts of a child, but has not provided information on the elements of a child's identity that are required in child abduction cases;²¹⁵ and Mexico has established a specialised network of judges.²¹⁶ Nicaragua, on the other hand, requests a wider range of information, including identifying information on the parents.²¹⁷

In the case of *Córdoba v Paraguay*²¹⁸ – the first case on child abduction to reach the IACourtHR, the majority of the Judges concluded that insufficient legal provisions to address a case of child abduction between Argentina and Paraguay and excessive delays had had an impact on the son's relationship with his father, in particular continuity in contact. In fact, the IACourtHR called for the analysis of child protection and child abduction issues to be addressed jointly in order to avoid undue delays.²¹⁹

When a child is returned, the Court of habitual residence should undertake a BIP about where the child should live. Any final decision of the court should ideally prioritise solutions where the child can most fully benefit from all meaningful relationships with both parents, siblings, extended family, friends and community, and thereby preserve their identity.²²⁰ This has been explored in domestic jurisprudence, such as in Argentina and Mexico, in relation to procedural decisions and substantive decisions.²²¹



2.4. Specific consideration: Modification of children's identity and family relations as a result of displacement and migration

In 2023, there were 6.1 million Venezuelan refugees and other people in need of international protection in the region; most of these Venezuelans have remained in Latin American countries (97%), particularly in Colombia, Chile, Ecuador and Peru.²²²

The complex socio-political and humanitarian situation in Venezuela has also entailed numerous separations of children from their families of origin.²²³ *'Children travelling with adult family members who are not their parents also risk separation from their groups at border points and long delays in their onward journeys and family reunification'* and are at increased risk of facing *'[d]ocumentation-related barriers (actual or perceived) (...) particularly for recently arrived migrants and refugees'*. They also face *'limited capacity among the relevant authorities to facilitate family reunification, leading to some children spending long periods in institutional care'*.²²⁴ Neighbouring countries have adopted differing measures in response to this situation.

Peru has allowed children entering the country for reunification to enter with a birth certificate, but there have been reports of an emerging problem of statelessness, as Venezuelans with irregular status avoid registering births for fear of alerting the authorities to their status.²²⁵ On the other hand, *'[a]n estimated one million children have remained in Venezuela while their parents have migrated to other countries in the region'*, which can *'make it harder for children to obtain key documents, such as birth certificates (affecting their ability to travel to reunite with family members). It is also a factor contributing to children's unaccompanied movement for family reunification, which can be very hazardous, depending on how and with whom they travel'*.²²⁶

At the end of 2023, there were 6.9 million internally displaced persons in Colombia.²²⁷ In Mexico, of all the persons, who migrated internally in Mexico due to insecurity or violence until 2020, 12% of the women and 14% of the men were aged 0-11 years old.²²⁸ As mentioned in a report by UNICEF and the Colegio de la Frontera Norte (COLEF), these children face difficulties to access basic services²²⁹ and therefore recommended that the Civil Registry facilitate the procedures needed under internal displacement for the issuance or replacement of their identity documents, promptly and free of charge, as well as to issue an act of recognition of guardianship for the carers, when these are not their mothers or fathers, in order to prove that this is their form of care.²³⁰ The office of the International Organization for Migration (IOM) in Mexico has taken the initiative to disseminate information to migrants on the importance of registering their children in the country and to address some of the issues faced by migrants, including not holding identity documentation,²³¹ as well as to support registration campaigns aimed at this group of families.²³²





Key points on the modification of children's identity in the Americas



In all circumstances entailing the modification of a child's identity, the process should include a BIP;



Any BIP should take into account a comprehensive range of identity elements, including family relations;



A child's identity and family relations should be a key factor in the determination of a child's child protection, care and/or placement measure, in terms of prevention of family separation, continuity in family relations and other cultural and linguistic elements, and in the identification of the most appropriate measure or placement;



Any information leading to and relating to the modification of a child's identity, including the latter's original identity, must be duly recorded, preserved and accessible;



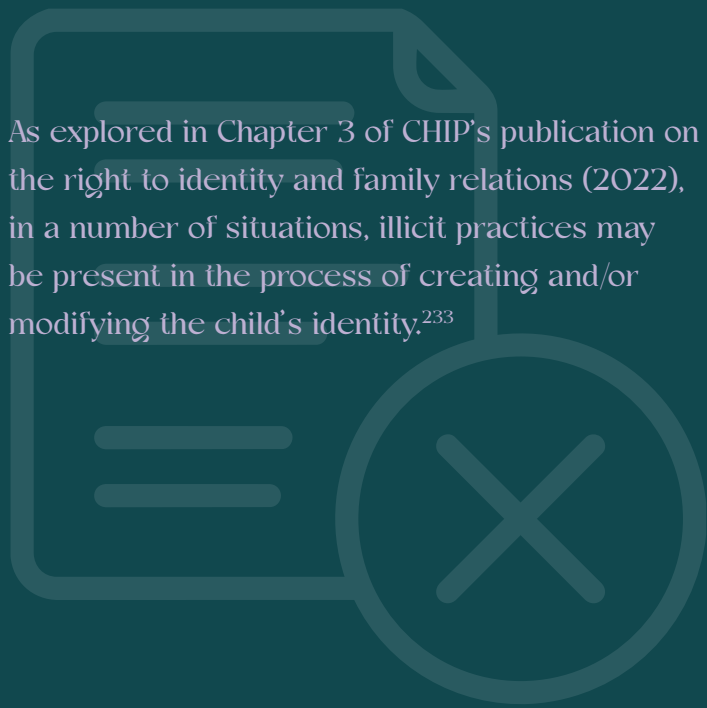
In all cases, efforts and actions should aim at preventing the sale of children and of their identities through undue modifications of the latter (*Chapter 3*);



In relation to child abduction, where exceptions to the prompt return principle may apply, issues that affect that individual child's identity and family relations should be weighed by the Courts and authorities.



3. Falsification of a child's identity and family relations in the Americas



As explored in Chapter 3 of CHIP's publication on the right to identity and family relations (2022), in a number of situations, illicit practices may be present in the process of creating and/or modifying the child's identity.²³³

This can lead to the falsification of the child's identity and, in some cases, result in the sale of the child, including their identity. The sale of children can occur, when 'any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration'.²³⁴ The transfer of a child from the family of origin into a new family or other setting, for remuneration or any other consideration, is considered a sale of a child. This Chapter addresses some of the common circumstances in the region, in which a child's identity may be falsified, resulting in undue modification.

3.1. General considerations: Illicit practices affecting the creation and/or modification of children's family relations

Given the usual 'underground' nature of illicit practices that may possibly affect the creation and/or modification of a child's identity, such activities are difficult to detect and may only become apparent years or decades later,²³⁵ e.g. the falsification of documents, coercive separation from families, the sale of children and of their identity, through potential trafficking or exploitation.

Many instances of falsification of a child's identity are linked to some form of financial gain or other compensation and usually occur in contexts of permissive legal frameworks, weak processes of government supervision, widely acceptable traditional practices and tend to affect children and families, who are already facing other forms of inequity or human rights violations, e.g. poverty, migration, armed conflict, exploitation, etc. The falsification of a child's identity entails the undue modification of some or all features

of a child's original family relations and identity, but its personal impact still represents a life-long trauma. States must assume the responsibility of restoring the missing elements of the child's or person's identity (Chapter 5), although this may become more complex with time.

Across the Americas, several contexts have opened the doors to potential widespread and systematic falsification of some children's identities over the past decades, despite efforts to overcome these risks. These include years of dictatorship regimes in various countries, including Argentina or Chile,²³⁶ a number of armed conflicts in Colombia, El Salvador or Guatemala, increasingly complex gang-related violence leading to internal displacement and cross-border migration in Central America and Mexico, significant economic, social and political crises in Haiti or Venezuela,²³⁷ as well as deep-rooted discrimination against certain groups of children and families.

3.2. Specific consideration: Falsification of children's identities in past and recent contexts of illicit placement in alternative care and adoption

A change in the care environment of children may lead to a temporary change in the family structure and dynamics, whether in kinship care, foster care, residential care or, on a permanent basis, through adoption, after all other options that could allow the child's return to their family of origin have been explored.

Historically, there have been widespread and generally accepted situations of children being separated from their families and communities of origin by force, based on social or cultural prejudices. This was the case, for example, in Canada up until the closing decades of the 20th century,²³⁸ where *'Indigenous children were (...) being taken from their families, usually justified through means of poverty or addictions. And they would be placed intentionally with non-Indigenous families'*.²³⁹ Indeed, the *'system (...) forbade them to acknowledge their Indigenous heritage and culture or to speak their own languages'*.²⁴⁰ Canada has attempted to respond to these systemic abuses, including through the Prime Minister's apology in 2008²⁴¹ and the report of the Truth and Reconciliation Commission.²⁴² Indigenous children remain over-represented in the alternative care system of Canada and there is a need to prevent the further systematic undermining of indigenous children's family relations and other elements of their identity (Chapter 5).²⁴³ A similar approach was also widespread in the USA, where *'[g]enerations ago, this country used to put many Native children in boarding schools'*,²⁴⁴ with a view to assimilate them into non-Native society.²⁴⁵

In UNICEF and RELAF's report on discrimination in care institutions,²⁴⁶ emphasis was placed on the operation of the programme of indigenous educational centres in Mexico, which ended up perpetuating situations of discrimination and even family separation. These were sometimes located far away from the children's communities, which did not enable them to maintain easy contact with their families of origin.²⁴⁷ In one large-scale private boarding school in Mexico, some girls started showing signs of collective stress, apparently due to, among other grounds, the fact of only being able to see their families on very few occasions.²⁴⁸

In matters of adoption too, contexts particularly prone to the potential falsification of the identity of children have developed. These have arisen due to a number of conditions – weak legal frameworks, situations of corruption, discrimination, violence, etc., and where considerable amounts of money are involved in the provision of care or adoption services.

In Argentina, it is estimated that thousands of children were separated from their families during the dictatorship of the end of the 1970s and early 1980s, in a context of abductions and widespread disappearances of their parents and the detention of their mothers in torture facilities. Many were handed over to families 'waiting' for a baby, adopted by military and regime-friendly families and even families abroad; *'in all these cases, their identity was annulled and they were deprived of their legitimate families, of their rights and of their freedom'*.²⁴⁹ This explains why *'[t]oday, Argentina is one of few states that expressly prohibits [intercountry adoption] of children born in its territory and maintains the legal concept of "simple" adoption, in which adopted children do not fully sever their link with their birth family' and that '[t]he question of identity sowed in Argentinian society made it possible for many people to begin questioning their origins and organi[s]ing themselves to make their claims public'*.²⁵⁰



Over a decade ago, another situation came to light in Chile, where, under general Augusto Pinochet's regime, adoptions abroad were promoted to reduce poverty in the 1970s and 1980s. The process relied on the help of a wide network of public servants – including judges, social workers, health professionals and adoption intermediaries – who forged documents and allegedly accepted bribes.²⁵¹ *'In 2014, numerous denunciations of irregular adoptions came to light that occurred during the 1970s and 1980s, known collectively as the "Joannon Case"'*.²⁵² In 2018, Judge Mario Carroza opened a criminal investigation to analyse the circumstances of thousands of potential cases; in addition, Visiting Minister Alejandro Aguilar has also been appointed to focus on cases of illegal adoption (Chapter 5).²⁵³ The media outbreak around these cases then boosted *'the public visibility of the issue and the construction of new political narratives'*.²⁵⁴

The situation in Guatemala until the mid 2000s is another example, with serious concerns expressed for years in relation to the rights of children and families of origin in a system that entailed considerable financial profits for many actors. Just before the legal reforms in 2007, the HCCH mentioned that *'parental consent was never presented before a judge, such that an unscrupulous Notary could elude consent by falsifying a signature or obtaining it through illegal means'*.²⁵⁵ The International Commission Against Impunity in Guatemala (CICIG) also raised concerns and *'analy[s]ed various allegedly criminal facts and identified different proceedings used by illegal networks engaged in trafficking for purposes of irregular adoption. (...) Children [were] sometimes kidnapped and given fake identity papers. Women [were] used to supplant birth mothers through forged identity documents. For this purpose, both notaries and snatchers, (...) rel[ied] on doctors, midwives, registrars of vital statistics in different municipalities and DNA laboratories, where the relevant tests [were] also falsified'*.²⁵⁶

Another example of unethical practices may have been observed in Haiti, where – in a permissible system, further fragilised by the 2010 earthquake, children left the country in circumstances that did not fully safeguard their right to identity, as no domestic competent body could ensure compliance with internal procedures or financial aspects linked to the adoption process in a context where intercountry adoptions were expedited. Neither Haiti nor the receiving countries ensured that family reintegration measures and other domestic solutions were exhausted and few efforts existed to confirm the adoptability of children and the required consents.²⁵⁷ Finally, Paraguay is another country known for its past practices of illicit adoptions – as was showcased in the documentary *'Juan'*²⁵⁸ – and which led to the country suspending intercountry adoptions until now;²⁵⁹ so has El Salvador.²⁶⁰

Unfortunately, in addition to these widespread, systematic and well-publicised practices, there have also been a number of more isolated cases in other countries that also raised violations of the rights of children and their families of origin, including their right to identity.²⁶¹

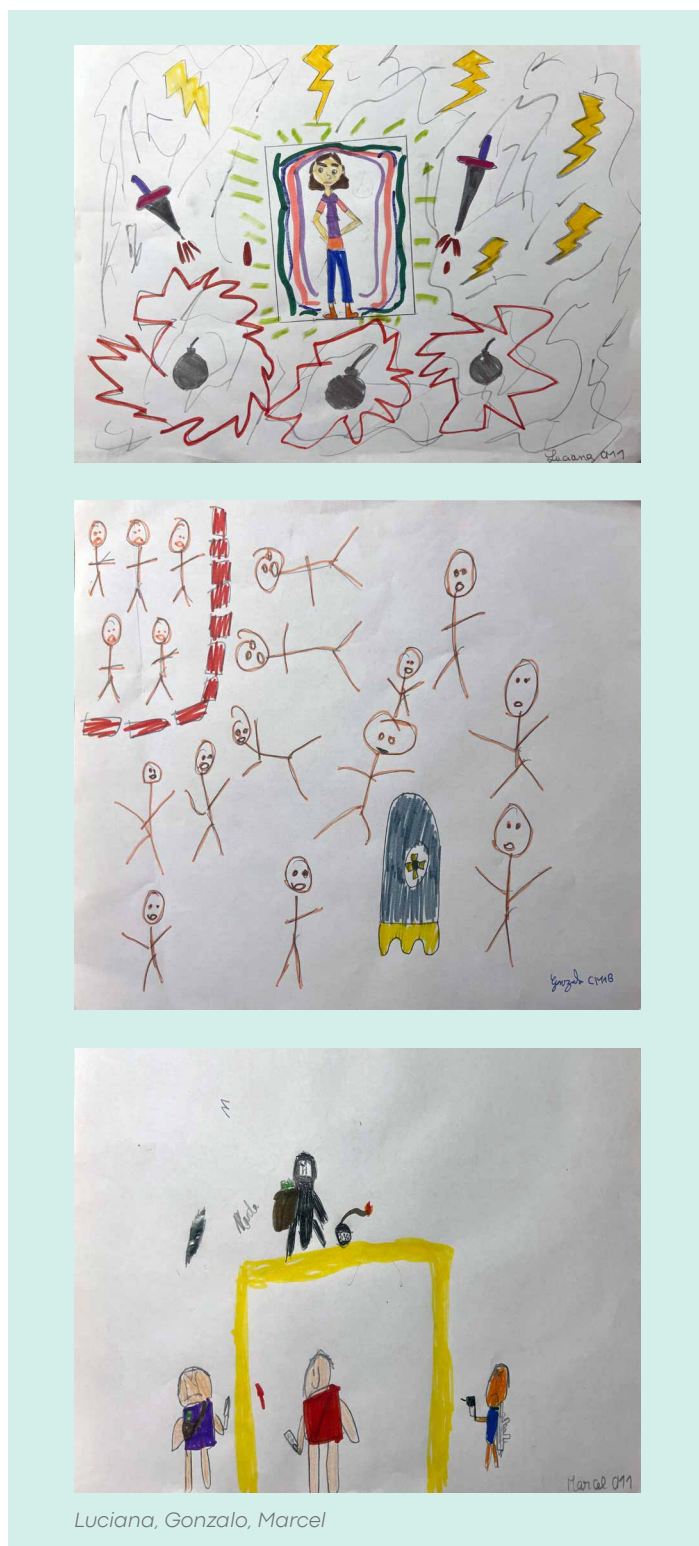
3.3. Specific consideration: The implications of armed conflicts and recruitment of children into armed groups for their family relations and identity

As referred to in CHIP's signature publication (2022),²⁶² the family element of children's identities may also be falsified in emergency settings, for instance, to enable them to become part of an armed group.

When children belong to these groups, their family existence is often erased and they are subjected to a new identity linked to the group. The identity of children, whose parents are involved in armed groups, may also be falsified for reasons sometimes related to their protection against violence. In Paraguay, for example, children of parents fighting as guerrillas have given them another identity, but they may subsequently encounter difficulties in proving or recovering their original identity.²⁶³

In the context of the Colombian conflict and the related human rights violations affecting children, their right to identity was severely violated and this has had a traumatic impact on the relationship between these children and their families. The signature of the peace agreements (2016) opened the doors for actions to remedy this situation, but the country has also suffered from gang-related and drug trafficking-related violence.

It is likely that children affected by violence and recruited by armed groups in Mexico are facing similar issues and challenges. It is estimated that, in 2022, there were between 145,000 and 250,000 children and adolescents at risk of being recruited or used by criminal groups in the country.²⁶⁴ In this context, UNICEF has been supporting the Government to translate its efforts in the first national policy in Mexico on the recruitment of children by the organised crime, which would establish integrated prevention, freedom and reintegration services for affected children.²⁶⁵



'I was part of the reintegration process (...). The success of my process is linked to a sequence of events: the family attachment is quite important. (...) I met great people who welcomed me. (...) Reintegration is a long-time process.'

Ferlay Vargas Díaz

Former child soldier, member of Taller de Vida (Colombia)²⁶⁶

3.4. Specific consideration: Remaining practices of child marriage and early unions and their implications for children's family relations and identity

Harmful traditional practices can likewise result in the improper modification of a child's identity, by creating new family relations and civil status, contrary to international standards.

Child marriage and early unions (CMEUs) are harmful practices detrimental to children's – and in particular girls' – relations with their families and in violation of their rights.²⁶⁷ As mentioned in a recent global report on the subject, another 'region with lagging progress is Latin America and the Caribbean. In this part of the world, large gaps across socioeconomic groups illustrate that the practice is entrenched among the poor'.²⁶⁸ It is estimated that 25% of women aged 20 to 24 years in Latin America were first married or in union before age 18 (and 5% before age 15).²⁶⁹ In fact '[i]n Latin America and the Caribbean, where the practice most often takes the form of an informal union, progress has not been observed over the last 25 years. By 2030, the region is expected to become second to sub-Saharan Africa in terms of prevalence'.²⁷⁰ The rates of CMEUs vary across Latin America and the Caribbean, from less than 10% in Jamaica to over 30% in the Dominican Republic, Honduras and Nicaragua.²⁷¹ In Bolivia, 20% of the girls are married or in a civil partnership before they are 18 years old and 3% are married or in a civil partnership before the age of 15.²⁷² The Dominican Republic is currently the country with the highest rates of child marriage in the region.²⁷³ In Peru, over

4,000 child marriages were registered by the country's *Registro Nacional de Identificación y Estado Civil* (RENIEC). RENIEC has registered the marriages of girls of 11, 12 and 13 years old.²⁷⁴ The prevalence of CMEUs in the Caribbean is high too, where Belize, Guyana and Suriname²⁷⁵ exceed the average of the broader region, i.e. one in three girls under 18 is married or in a union.²⁷⁶

In addition, several countries in this sub-region still have legal frameworks that are not fully in line with international standards: in Belize and Guyana, boys and girls can marry from the age of 16 with parental consent, in Haiti and Suriname, girls can still marry from the age of 15,²⁷⁷ which reflects an important gender disparity in legal provisions, which also explains why girls are particularly affected by CMEUs.²⁷⁸ In 2017, Guatemala reformed the *Civil Code* (Decree 13- 2017) to prohibit the marriage of persons under 18 years of age, but *de facto* unions continue to occur. In Mexico, child marriage has been prohibited since 2019,²⁷⁹ but it persists in a number of the country's states²⁸⁰ and early unions remain in practice.²⁸¹ In terms of prevention and eradication of the practice by implementing children's rights to identity, Girls Not Brides has highlighted the role that CRVS systems have in contributing to the eradication of the practice. It states that '*registering births and marriages helps prevent child marriage by proving the age of a girl and her partner. It also means that girls and women can seek financial and legal redress if the marriage ends*'.²⁸²



3.5. Special consideration: Falsification of identity as a result of trafficking and exploitation, including in situations of migration

As explored above (Chapter 2.4), in a context of cross-border migration, children's family relations – and therefore identity – may be more easily unduly modified.

In the USA, there have been reports of children being forcibly separated from their parents, who are illegal immigrants, placed in care and who then become difficult to trace – or even disappear – in the alternative care system. It was reported that the *'administration intentionally separated thousands of migrant children from their parents at the southern border in the spring of 2018'*.²⁸³ This included US-born children, who *'were placed into foster care for lengthy periods, and some have yet to be reunited with their parents, lost in the system'* and *'[b]ecause official records are scattered and incomplete, it [would] take months for the government to review additional files to identify separated parents and children and then try to determine their whereabouts in the United States or abroad'*.²⁸⁴ Indeed, one of the implications of the separation of migrant families at the US border has been a surge in child exploitation in the USA.²⁸⁵ An investigation led by *The New York Times*²⁸⁶ reflected this worrying situation, resulting from a severance in family relations and a lack of identity among migrant children, in particular those who have migrated alone, separated or unaccompanied. As a result of their situation far away from their families of origin, these children are, as the title clearly explicitly observes, *'Alone and Exploited'*. *'These workers are part of a new economy of exploitation: migrant children, who have been coming into the United States without their parents in record numbers, are ending up in some of the most punishing jobs in the country. (...) But as more and more children have arrived, the administration has ramped up demands on staffers to move the children quickly out of shelters and release them to adults'*.²⁸⁷

Furthermore, there may be situations where a child is placed in informal settings, away from their family of origin, where they may be subject to slavery or the worst forms of child labour.²⁸⁸ When the employer is a relative, the practice may receive acceptance and appears to provide the child with a protective environment. Examples of the latter may be observed in the region. In Haiti, children placed informally with other families for their care but mostly as domestic employees are known as *'restaveks'*. Indeed, *'[m]any parents, who live in poverty, are unable to feed their*

children and give them away to more affluent families, hoping that their child will live in better conditions and will be able to get an education. But, with few exceptions, these children become slaves (...). Many of the restaveks are not permitted to go to school and are exposed to domestic and sexual violence'.²⁸⁹

A similar form of child exploitation has taken place in Paraguay for a long time. Nearly 47,000 children in Paraguay suffer a form of child labour, known as *'criadazgo'*.²⁹⁰ The girls known as *'criaditas'* are the daughters of families with low economic resources, who are relinquished to richer families, who exploit them in domestic labour. Despite the legal reform in 2012 to *Law 4,788 Against Trafficking in Persons*, which explicitly incorporated the recruitment, transport, displacement, care or reception of a child with a view to exploitation as a form of trafficking in persons,²⁹¹ the government of Paraguay has declared it to be a form of dangerous child labour and UNICEF has stated that efforts must be directed at preventing the unnecessary separation of children from their families of origin.²⁹² In this practice, there is no transfer of guardianship; these children are *de facto* fully relinquished.

Situations of child trafficking and exploitation – when children live far away from their families of origin – may entail serious violations to their right to identity, by being granted a new identity on the basis of illicit acts or through the issuance of false identity documents, thereby affecting their original family relations.





Key points on the falsification of children's identity in the Americas



Development and strengthening of legal provisions and detection mechanisms to prevent and respond to the falsification of children's identity in a variety of circumstances;



As countries move forward, **development of mechanisms to restore the identities of children placed in alternative care and adopted illicitly** through individual and collective channels and inter-sectoral initiatives (*Chapter 5*);



Strengthened protection of children in the context of migration – whether accompanied or not – who are at risk of family separation, abuse, trafficking and exploitation as well as efforts to maintain families together and reunification from care;



Programmes aimed at the disassociation from armed groups should include efforts to restore the legal identity and family relations of child victims;



Clear and enforced prohibition of child marriage across the Americas and initiatives to address and overcome the main factors contributing to perpetuating the practice of CMEUs;



In order to fight child trafficking and exploitation, ensuring the early creation of children's identity, in particular those placed, on the move, at risk of exploitation, etc.



4. Preservation of a child's identity and family relations as well as access to origins in the Americas

Beyond the needed safeguards that ensure that a child's identity, including their family relations, is promptly recorded and created (*Chapter 1*), only subject to modification in the child's best interests (*Chapter 2*), and never suffers any falsification (*Chapter 3*), it is a key obligation incumbent upon all involved public and private bodies to ensure the safe, transparent and indefinite preservation of all elements, including potential changes, of a child's identity.

The preservation of these elements is directly linked to other rights and safeguards relating to a child's – or, subsequently, adult's or descendants' – right to access any information on their identity, including to promptly restore falsified or missing elements of their identity. The preservation of identity and the right to access it shall be subject to the balancing of potential overriding privacy and other rights of the various parties mentioned in this information.²⁹³ While, today, many countries have slowly moved towards more solid, transparent and open record-keeping relating to individuals' identities and changes to the latter, further efforts are required. Preservation of, and access to, a full identity sometimes still entail additional obstacles, due to the complexity and weaknesses remaining in many CRVS systems and numerous legal frameworks of countries in the region.

4.1. General considerations: Trends, progress and further opportunities for the preservation of records on family relations

Resort to technologies, in particular, the digitalisation of CRVS systems, has proven a positive trend, albeit containing risks.

4.1.a. Digitalisation and digitisation of birth and other civil registration documents

As technologies have evolved over the past decades, many CRVS systems have invested in modernising the processes and the resort to advanced tools used for registering civil acts, in particular births (*i.e.* digitalisation). For example, in Bolivia, the Supreme Electoral Court presented a Biometric Civil Registration System in 2017, which enables the registration of births online.²⁹⁴ In Chile, the *Servicio de Registro Civil e Identificación* (SRCEI) established a digital civil registration database in 1982. Since 2001, the system has been integrated, with all offices connected online with the central register. Vital event registration is now fully computerised. All birth records created since 1940 have been digitised and entered in the central database.²⁹⁵ In addition, they are free of charge. El Salvador has also made considerable progress in digitising and preserving civil acts.²⁹⁶ In Guatemala, after the Registro Nacional de las Personas (RENAP) was created, civil registration functions were transferred to central headquarters and the process was automated. In 2008, RENAP began compiling all the municipal books to centralise them and to begin to digitise, index and undertake data entry.²⁹⁷

These digitalisation initiatives and efforts have contributed to stronger data management in relation to CRVS, but careful implementation is needed for the solid preservation of individuals' identities, including a larger range of content and elements of identity, as these are linked to the identities of other family members (parents, children, grandparents, biological parents, etc.) and increasingly take into account other changes in persons' identities (marriage, death, gender, same-sex families, adoption). Necessary safeguards still remain to be strengthened in these processes in many countries, including addressing human rights challenges, such as the right to privacy, a risk of exclusion for groups in vulnerable situations and thereby targeted discrimination, and addressing the long-term operation of digital mechanisms.²⁹⁸

4.1.b. Recognition of a right to access personal information

Many States in the Americas have also been reforming their legislation and adapting their practice relating to access to personal information, by addressing the implementation of children's rights, human rights, privacy and family life, data protection management, etc. This has entailed a growing recognition of an individual's right to access information about their identity in many contexts, e.g. adoption, resort to TPR and surrogacy (*Chapter 1*). For example, in Paraguay, any interested person may examine the acts under the supervision of a civil servant. Copies of the acts and certificates are issued within 48 hours to whoever requests it and has a legitimate interest.²⁹⁹ Similarly, in Peru,³⁰⁰ any person may request certificates of the registrations undertaken and the documents archived that supported that registration, as well as the personal archives. The information subject to reserve that is included in these documents will only be submitted to the holder or their representative upon a special power, the legal representative in cases of children or anyone authorised by a judicial order.

While access to origins may have been facilitated by some developments in public policies and provision of State-led services, as is the case for adoptees searching for their origins in several countries in the Americas (*Chapter 4.2*), many other children and young people, born or living in specific circumstances, such as those conceived through TPR, adopted or those in a situation of migration, may still face considerable obstacles to have their identities fully preserved and/or to access the latter.



Erica

4.2. Specific consideration: Progress in the preservation of adoptees' identities and development of legislation and programmes for access to origins

A significant move towards access to origins by domestic and intercountry adoptees has been observed in several countries in the Americas. Not only have several domestic legal instruments incorporated adoptees' right to access information about their adoption, but an increasing number of countries have established specific programmes – mostly within their Central Adoption Authorities – to address searches for origins.

In Colombia, within the *Instituto Colombiano de Bienestar Familiar* (ICBF), a fully operational programme for search for origins has been established by the Under-Directorate for Adoptions.³⁰² The ICBF has undertaken efforts to disseminate the existence and functioning of the programme, in order to make it well known among other Central Authorities, accredited adoption bodies and adoptees. Not only has it reflected the country's commitment to supporting adoptees in searching for information about their families of origin and life prior to their adoption, but it has, in parallel, improved the information gathered about children now in alternative care and/or in adoption proceedings.

“

'I was adopted at the age of two and a half and have always known it. My parents used to say it as if it was a tale, for as long as I can remember. I also always knew that, one day, I would reveal the unknown of my identity.'

Marcela, “El reconocimiento” in *Sankofa. Historias sobre adopción y búsquedas de orígenes*³⁰¹

Other examples include the Programme of Search for Origins of the Servicio Nacional de Protección Especializada a la Niñez y Adolescencia of Chile,³⁰³ which has been subject to the development of specific guidelines.³⁰⁴ Panama,³⁰⁵ Peru,³⁰⁶ the Province of Quebec (Canada)³⁰⁷ and Uruguay³⁰⁸ are other jurisdictions that are committed to supporting adoptees in their searches and have established specific programmes. The *Consejo Nacional de Adopciones* of Guatemala has also established an area that specifically addresses requests for searches for origins,³⁰⁹ and a similar approach has been taken by the *Centro de Adopciones* of Paraguay. It is worth highlighting that these programmes are all provided by public services, as part of their efforts to provide adoptees with support in their searches for origins and access to personal information, thereby implementing the recommendations issued by the HCCH,³¹⁰ CHIP³¹¹ and many adoptee-led organisations to prevent potential abuses in searches for origins.³¹²

The development of these programmes has gone hand-in-hand with the incorporation and implementation of legal provisions that clearly establish adoptees' right to identity, access to information and search for origins. In Bolivia, for example, the law³¹³ recognises the right of the adoptee to know about their condition, and recognises that the adopters must inform the adopted child, and that adoptees, when they reach adulthood, have a right to know about the background of their adoption by requesting the information to the Departmental Court of Justice or the Technical Social Policy Department.³¹⁴ In Brazil, the law recognises that the adoptee has a right to know their biological origin, as well as to obtain unrestricted access to the process which determined the measure and the potential implications, having reached the age of 18. It adds that access to the adoption process may also be granted to children under the age of 18, upon their request and when ensuring their counselling and legal and psychological assistance. However, Brazilian legislation ensures the biological mother's secrecy at birth.³¹⁵

In Cuba, the Family Code recognises the right to know one's biological identity and origin and to access one's adoption file once the adopted person has full legal capacity.³¹⁶ In El Salvador, the law on adoption³¹⁷ establishes that the adoptee has a right to know their biological origin and that this is a unwaivable right, not subject to prescription. The competent authorities should ensure the preservation of origin-related information, as well as actions undertaken to search for family options prior to the adoption. Adopters are under an obligation to inform the adoptee about any data available on their biological origins, by resorting to methods in line with their age, maturity and best interests, with available professional support.³¹⁸ There are similar examples in the Dominican Republic,³¹⁹ Ecuador,³²⁰ as well as in Quebec (Canada) since 2018.³²¹

Thus, the Americas have witnessed a solid move towards greater openness and support for adoptees, in legislation, policies and practices.³²² However, some remaining obstacles to access information about adoptees' full identity, due, in particular to contexts of secrecy and irregular practices in the past, should be further addressed and have been subject to international debates in recent years.³²³ Support and guidance resources have been developed, including the book *Sankofa*,³²⁴ which is aimed at Chilean adoptees in search of their origins and who wish to have their right to identity recognised.

Other efforts have also contributed to preserving adoptees' family, cultural and linguistic identities. As reflected in the available statistics, over the past decade, there has been a marked decrease in the number of intercountry adoptions, while domestic adoptions have increased. Whereas over 4,000 children were adopted internationally every year in Guatemala in 2006-2008, in 2022 only three intercountry adoptions were finalised.³²⁵ In 2024, 101 processes of domestic adoptions were concluded, of which 34 were children included in the 'priority adoption' programme (*i.e.* children with special needs,

conditions or characteristics).³²⁶ A similar drastic decrease has been observed in Ecuador, with 13 domestic adoptions and one intercountry adoption in September 2024.³²⁷ In Nicaragua, in 2024, 114 domestic adoptions were submitted to the courts, whilst only 13 intercountry adoptions took place.³²⁸ In Peru, 189 children were adopted internationally in 2006,³²⁹ whilst only 43 children were adopted internationally in 2024.³³⁰ In general, most countries in the region no longer appear in the top 10 or top 20 States of origin, as in the past. However, it must be mentioned that the USA and Canada remain among the receiving countries undertaking the highest numbers of intercountry adoptions to date, with 1,517 and 423 respectively in 2022,³³¹ although Quebec (Canada) has now suspended intercountry adoptions.³³² In contrast, one country has still maintained its existing trend: Colombia, whose numbers of intercountry adoptions remain high to date.³³³



4.3. Specific consideration: Potential factors hindering or contributing to the preservation and recognition of migrant children's identities, including their family relations

The preservation of children's identities in the context of migration has proven a challenge in the Americas (Chapter 3). As explained, 'SDG Target 16.9 should be read together with the UN Global Compact on Refugees and the UN Global Compact for Migration. The Global Compact on Refugees (Para. 82) refers to civil and birth registration as a major tool for protection.

While it does not necessarily lead to conferral of nationality, birth registration helps establish legal identity and prevent the risk of statelessness'.³³⁴ The need to confer a legal identity to children in the context of migration – whose parents may be reluctant to register them due to a fear of detention (Chapter 1) or because their original identity and family relations are not known – is a key factor that may contribute to their protection. The lack of a legal identity puts them at heightened risk of trafficking, exploitation and sale, including the sale of their identities (Chapter 3).

In this context, in order to strengthen the preservation of migrant children's identities, including their family relations, Colombia issued *Resolución 8617* in 2021,³³⁵ which ensures that children born in the country of migrant Venezuelan parents are granted Colombian nationality and that their birth registration will be accepted as a proof of nationality. In Central America, there have been efforts to ensure stronger coordination among Civil Registries in order to ensure the creation and preservation of children's identities beyond national borders. In 2013, Guatemala's RENAP concluded an agreement with CLARCIEV and the civil registries of El Salvador and Honduras.³³⁶ In Mexico, since June 2018, the *Clave Única de Registro de Población* (CURP – a unique identification number) is also issued to applicants for refuge and complementary protection on Mexican territory, on the basis of a joint collaborative effort between the National Registry of the Population and Personal Identification, the Mexican Commission of Assistance to Refugees and the National Migration Institute.³³⁷

In terms of recognition and portability of children's identity, 'the cross-border circulation and acceptance of documents that record the legal identity of people traditionally belongs to the field of private international law (...). For many refugees and migrants, this fundamental private international law objective is currently not being achieved, due to the lack of reliable documentary evidence. Refugees and migrants often face huge challenges in proving their legal identity. Civil registry systems may be destroyed by war or simply not exist, and even where they do exist, people may, for various reasons (...) be unable to contact official authorities at the moment of birth, marriage or death'.³³⁸ The lack of recognition of a child's original identity has also led to increased risk of trafficking and exploitation (Chapter 3), as has been reflected in media reports on labour exploitation of migrant children in the USA. A *New York Times* investigation found that 'a 2008 law, intended to protect children from harm on the Mexican side of the border, has meant that children can usually enter the country without documentation'; however, 'the children use false documents to get the jobs, and employers accept them even when they're obviously incorrect'.³³⁹ In this respect, the work of the ICCS and the implementation of its Conventions aimed at facilitating the recognition and cross-border portability of civil acts and documents is of added value in these situations.³⁴⁰



Carlos Emiliano

4.4. Specific consideration: Promising opportunities to record and preserve the full identity of children born through third-party reproduction and surrogacy

With the increase of individuals and couples resorting to TPR and/or surrogacy, there is an urgent need to further preserve the full identity of children conceived from such technologies and prevent the potential sale of children, including of their identities (*Chapters 1 and 3*). Even in those countries in which, over the past years, anonymous gamete donations have been prohibited, there is still a gap in the recognition of the child's full genetic, gestational and biological identity (*Chapter 1*).

A few exceptions in this context are the USA, where '[i]n the District of Columbia and Delaware, semen or egg donors can be "de facto parents", so a child could, conceivably, have three parents'.³⁴¹ Case-law in the country has also considered a number of individual cases calling for the recognition of more than two parents.³⁴² In Argentina, there has also been a case of recognition of a third parent³⁴³ as well as in Canada.³⁴⁴

While not registering the complete set of information, some countries in the region have addressed the right of access to information about children's genetic, gestational and biological origins. Cuba recognises that persons born from the resort to TPR have a right to know they were conceived through such a procedure when this is relevant to their health and may obtain information about their gestational or genetic origins and medical information about the donor, excluding their identity. In those exceptional cases, in which identity must be known, the existence of a motive and duly justified reasons must be argued in judicial proceedings.³⁴⁵ Uruguay's law states that the identity of the donor will be revealed on the basis of a judicial resolution when the person born through this arrangement – or their descendants – request it to the competent Judge. This does not entail the publication of the donors' identity.³⁴⁶ In these cases, any access to information about a donor produces no parentage.

In Argentina, the 'legislation has clearly established a right of those born through [assisted reproductive technologies] – i.e. gametes for third parties – to access information on the records of their birth registration process'. In Brazil, there has been a growing trend towards 'potential access to documentation relating to surrogacy arrangements by persons born through the practice' as 'any person born through a surrogacy agreement, may access the full content of the [life birth declaration], which would include information on the person who gave birth to [them]'. In Colombia, despite the lack of legislation, 'relevant case law has emerged from the Constitutional Court calling for the regulation of surrogacy, one of the requirements and conditions for a "comprehensive regulation" has included "preserving the identity of the parties"'.³⁴⁷

In cross-border situations, such as international surrogacy arrangements, foreign citizens resorting to anonymous gamete donation may jeopardise their children's identity as the latter will most probably never know the identity of the donor, access their origins or know if they have any siblings. This may have legal, medical and psychological implications for these children. Beyond the recording of a child's full origins during birth registration and on the subsequent birth certificates, it is also important that intermediaries involved in these processes (e.g. hospitals, clinics, health centres) record, preserve and allow access to this information to any person concerned. Legislation on accessing records about donors and surrogates has become a global debate, given that there have been attempts to balance the child's right to identity with the other parties' right to privacy, in contexts where secrecy and anonymity still prevail.





Key points on the preservation of children's identity in the Americas and access to their origins



Continued efforts to strengthen CRVS systems, with a focus on the comprehensive range of information collected, the digitisation of acts and documents, the safe preservation and archiving of background documents, etc, which ultimately contribute to preventing the potential sale of children, including of their identities;



Development and implementation of mechanisms to access personal information, balancing the latter with transparent and safe data management regulations;



Review and strengthening of legislation, public policies, programmes and mechanisms to support specific groups of persons to access their origins (e.g. adoptees, persons conceived through TPR, etc.);



Increased respect for persons' identities and their preservation, with an impact on the portability of identity in the context of migration.



5. Restoration of a child's identity and family relations in the Americas

Reflecting the concluding chapter of CHIP's signature publication (2022),³⁴⁸ whenever there are missing elements of a child's identity at the time of its creation and/or modification (Chapters 1 and 2), or elements have been falsified (Chapter 3) or not adequately preserved (Chapter 4), States have a clear obligation to speedily restore the elements in question.

This has been explicitly established in Article 8(2) of the UNCRC: 'where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity'. Despite many remaining obstacles and challenges to the latter globally, there have been some promising initiatives and lessons learnt in the Americas, which have contributed to restoring the identity of many children – and adults – in a variety of circumstances, including through access to justice.

5.1. General considerations: Promising practices of linkages and coordination among relevant sectors aimed at improving the rate and quality of birth registration

In those countries, which have faced challenges in overcoming low birth registration rates, due, among others to several of the factors mentioned in Chapter 1, it is worth highlighting national and multisectoral efforts to strengthen coordination and linkages among sectors,³⁴⁹ in particular with the health sector, that may have a positive impact on access to birth registration.

For example in Bolivia, *Supreme Decree No. 2377* established that, in relation to births occurring in health facilities, the information generated by the health system would act as the basic information for birth certificates.³⁵⁰ The country's *Servicio de Registro Cívico* (SERECI) has been operating a registration office in health centres, in order to promote the registration of births prior to the child leaving the hospital, and now has civil registry offices in 80 public hospitals.³⁵¹ Similar initiatives to foster the establishment of civil registration offices in hospitals and other health facilities and/or twinning with the health sector systems have also been implemented in other countries, including Chile,³⁵² the Dominican Republic,³⁵³ Guatemala,³⁵⁴ Mexico,³⁵⁵ Paraguay³⁵⁶ and Peru.³⁵⁷

Inter-sectoral and targeted campaigns have also been implemented, primarily with the health sector, to address remaining and persistent obstacles to early birth registration. Costa Rica established that the Civil Registry would have to undertake, at least annually, tours to those regions in the country where indigenous persons live in order to register births.³⁵⁸ Also in Costa Rica, hospital births are registered on the same day thanks to an online system used by the Registrars of the Supreme Elections Tribunal.³⁵⁹ In Cuba too, the Ministry of Justice has cooperated with the Ministry of Public Health to ensure that the registration of births occurs in health facilities.³⁶⁰ Ecuador has been participating in the Data for Health programme, which promotes birth registration and the improved quality of the information collected.³⁶¹ Also promising are the legal provisions adopted in El Salvador,³⁶² which recognise that public bodies will work together free of charge in the search, identification and obtaining of information for the registration of births.³⁶³

Furthermore, an obligation is incumbent on the providers of hospital services of the National Integrated Health System, to maintain a register of the birth fact that occurs within or outside the latter, and to submit directly to the Family Status Registry of the municipality proof of such registration and the medical sheet of the birth within the set period.³⁶⁴ In Grenada and Saint Vincent and the Grenadines, the respective competent Ministries introduced a bedside registration procedure with a view to ensuring birth registration is completed before the child leaves the birth centre.³⁶⁵ Likewise, a region-wide catch-up birth registration drive, known as 'Catch Up Campaign' also resulted in an 81% success rate in Grenada in the mid-2010s.³⁶⁶ In the Dominican Republic, in June 2021, the *Acuerdo Marco de Cooperación Interinstitucional para el registro oportuno y tardío de nacimientos en la República Dominicana* was signed by the Dominican Government, UNICEF and the Central Electoral Board for the provision of birth certificates at birth.³⁶⁷ In Ecuador and Peru, interinstitutional cooperation agreements were concluded between the Civil Registries of both countries, which have developed initiatives to provide documents to indigenous communities located in border areas through mobile units.³⁶⁸ Other countries that have established birth registration strategies through mobile units reaching out to under-registered populations are Chile – where a service of mobile 'field birth registration' is available to persons unable to go in person to a registration office,³⁶⁹ Guatemala,³⁷⁰ Guyana,³⁷¹ Mexico³⁷² and Suriname.³⁷³ A study in Venezuela called for campaigns to ensure greater knowledge of constitutional rights – including about birth registration – among the population.³⁷⁴

With a view to ensuring greater coordination among sectors involved and to addressing jointly the widespread obstacles to early birth registration, several countries have established and are operating intersectoral coordination mechanisms,³⁷⁵ e.g. the *Oficina Coordinadora Sectorial de Estadísticas de Salud (OCSES)* in Guatemala,³⁷⁶ the *Consejo Nacional de Funcionarios de Registro Civil (CONAFREC)* in Mexico,³⁷⁷ in addition to the region-wide network of CLARCIEV.³⁷⁸



Pablo

5.2. Specific consideration: State responses to past unethical care practices

Several countries in the Americas have a history of systematic unethical and discriminatory practices in relation to children in care – particular residential care – and some of them have started addressing these and restoring their rights to identity.

This is the case of Canada,³⁷⁹ where past practices took about 150,000 First Nations children away forcibly and without any justification from their families of origin and placed them in residential facilities (*Chapter 3.2*). The Truth and Reconciliation Commission of Canada (2015) was established in the framework of the implementation of the Indian Residential Schools Settlement Agreement (2006),³⁸⁰ a result of a large collective action, and a historical record of the residential schools system was also created. This initiative is a step forward in the recognition of violations of identity rights of a large group of children, as well as an effort by a country to undertake a process of reconciliation and restoration of identity. Still recently, new mass burial sites were discovered near residential schools.³⁸¹ Another element of this process has been the 2008 Apology by Prime Minister Stephen Harper, on behalf of the Government of Canada and all Canadians, acknowledging the inter-generational damage caused by this policy to former students of Indian Residential Schools, their families and communities and asking for forgiveness from the Indigenous peoples for failing them.³⁸² Two mechanisms of financial compensation were also established.³⁸³ Similar practices occurred in the USA,³⁸⁴ and despite the demands of Native Americans for the recognition of these practices, this country has not made the progress achieved by its neighbour in setting up a mechanism of restoration of the rights of victims and survivors or in fully recognising these practices of the past.³⁸⁵

To date, indigenous, minority, First Nations and Native American children in the alternative care system continue to be over-represented in many countries in the region (*Chapter 3.2*).³⁸⁶ This is the case of Canada,³⁸⁷ where there have been efforts to devolve the competence and ensure access to services provided by First Nations, Inuit or Métis agencies depending on the indigenous child welfare model (*Chapter 2.2*).³⁸⁸ Additional efforts are necessary to address the needs of these children and their families, in keeping them together and in preserving their identity. In the USA, the priority given to Native environments for children entering care has received renewed attention recently, as the Supreme Court preserved the 1978 *Indian Child Welfare Act* backed by tribal leaders considering it to preserve their families, traditions and cultures.³⁸⁹

It is also worth mentioning the case that was decided by the CRC in relation to children in residential care in Chile, under the Optional Protocol on a Communications Procedure (OPIC). In the latter, and following a country visit, the CRC recognised the occurrence of systematic violations of children's rights when placed in care, due to 'four main structural causes (...): (a) the use of a tutelary approach to childhood, (b) a misinterpretation of the subsidiary nature of the State, (c) the courts' excessive influence over the system and (d) the insufficient human, technical and financial resources in the system', and called, among others, for an effective oversight mechanism and for reparation mechanisms for past or present victims.³⁹⁰



5.3. Specific consideration: State responses to past systematic and illicit adoption practices

Some systematic and irregular adoption practices took place over a number of years, sometimes decades, with serious implications and violations of the children's rights to identity.

This was the case, for example, in Argentina, Chile, Guatemala and Paraguay. These States' responses and political will to address these situations as well as the domestic and regional human rights mechanisms' case-law have varied but offer potential promising and inspiring initiatives towards the recognition of violations of children's rights, including their right to identity by taking a more collective – and less *ad hoc* – approach to these cases.

In Argentina, as mentioned earlier, during the country's dictatorship, children were illegally removed from their families of origin linked to the opposition, stripped of their identity and placed for adoption with families supportive of the regime as well as families abroad.³⁹¹ Following the fall of the dictatorship, the Plaza de Mayo mothers – and now grandmothers – initiated strong advocacy actions as well as concrete steps to trace, locate and return the children, working closely with scientific teams to ascertain genetic parentage³⁹² while also initiating judicial proceedings.³⁹³ The Abuelas de Plaza de Mayo have played a key role in establishing the 'Casa de la Identidad' in Buenos Aires³⁹⁴ and its Family Biographical Centre.³⁹⁵ All the efforts undertaken by the Abuelas de Plaza de Mayo have undoubtedly had an impact on Argentina's State policies and legislation in this regard, in particular the creation of the *Comisión Nacional por el Derecho a la Identidad* (CONADI),³⁹⁶ whose objective was to find the disappeared children – now adults – and safeguard the right to identity (although its Special Investigation Unit for the Disappearance of Children as a Consequence of the Actions of State Terrorism was closed in 2024)³⁹⁷; the establishment of the *Unidad Especializada para Casos de Apropiación de Niños durante el Terrorismo de Estado* (UFICANTE),³⁹⁸ as part of the Nation's Office of the Public Prosecutor and Office of Crimes Against Humanity; and the operation of the *Banco Nacional de Datos Genéticos* (BNDG),³⁹⁹ as a fundamental genetic data mechanism in the search and location of biological relatives. Finally, the

Red por el Derecho a la Identidad was created, which includes governmental and non-governmental bodies, to support search and reunion efforts as well as to address any issues relating to the right to identity.⁴⁰⁰ Furthermore, the Federal National Administrative Court No. 10 of the Autonomous City of Buenos Aires notified all interested parties, via the country's official review, and requested the Executive to implement a plan to this effect, that it would enable victims of trafficking to find their biological origins through proactive efforts to establish their identities.⁴⁰¹

There have also been serious past violations of the right to identity in Chile, which included 'irregular adoptions' as well as cases of 'child appropriation' during the dictatorship.⁴⁰² In 2018, the country started to investigate the irregular adoption of thousands of children, who were sent abroad, and has been undertaking an extensive investigation into their abduction during the dictatorship period; to date, Visiting Minister Aguilar is in charge of these judicial proceedings (*Chapter 3.2*).⁴⁰³ Among other practices, there have been reports of certificates that had uncommon or obvious irregular characteristics, that the individuals involved included doctors, midwives, social workers, religious members and children's judges and that high amounts of money were involved.⁴⁰⁴ In 2018, the first special commission was created in the Chilean Congress to clarify the reality of irregular adoption in Chile⁴⁰⁵ and determine state policies of justice and reparation.



The final report of this commission established the need to create a Commission of Truth, Justice and Reparation to elucidate these cases, to establish a public DNA bank of genetic fingerprints, greater funding for processes of legal investigation and coordination between public and private organisations.⁴⁰⁶ Even though the implementation of some of these recommendations remains pending to date, this is an essential process that offers visibility to the violations of the right to identity of these persons and their potential restoration.⁴⁰⁷ It undoubtedly creates momentum for the State to assume its responsibility in responding to past practices, including in collaboration with receiving countries.⁴⁰⁸ Several civil society organisations, which represent victims of these irregular or unethical adoptions, are also playing an important role in drawing attention to these cases,⁴⁰⁹ and a cooperation agreement between Chile and Sweden, for example, was signed and aims to work together on past illegal adoptions.⁴¹⁰ It is also worth highlighting the creation of a Consular Protocol by the Chilean government, aimed at offering support to persons adopted in Chile and who initiate their searches for origins, and at explaining the role of Consulates in this process.⁴¹¹

The example of El Salvador is also worth mentioning. In 2010, the country established the *Comisión Nacional de Búsqueda de Niñas y Niños Desaparecidos durante el Conflicto Armado Interno*. Its objective is to determine the location and the current situation of those children, who disappeared as a consequence of the armed conflict (1977-1992). It also intends to promote the reunion of these persons with their biological families. The establishment of the Commission is one of the outcomes of the IACourtHR's sentence in the case of *Serrano Cruz v El Salvador*.⁴¹² To date, the Commission has documented 525 cases of disappeared children, 213 solved cases of adults and children and 84 family reunions.⁴¹³



Julia

5.4. Specific consideration: Access to justice and development of case-law

When faced with alleged or proven violations of children's rights to identity, victims may face an number of obstacles to undertake judicial proceedings against those responsible.

The discovery of a missing element or an illicit practice regularly occurs outside the statute of limitation period, thereby excluding potential claims. While statutes of limitations are helpful for ensuring that claims are resolved within a reasonable period of time, they are particularly unhelpful for identity issues, which often fall under the radar of authorities and are 'discovered' much later, when the child concerned has reached adulthood. Moreover, whenever an identity is falsified or sold – including with the involvement of authorities, burdens of proof for convictions are understandably high and challenging to meet.⁴¹⁴ Nonetheless, domestic and regional legal and judicial actions and mechanisms have developed in the Americas and contribute to the recognition, demands⁴¹⁵ and restoration of the right to identity when there have been missing and/or falsified elements.

Over the years, Guatemala has seen a number of paradigmatic criminal proceedings brought against those responsible for illegal adoptions at domestic level, including managers of children's homes,⁴¹⁶ notaries,⁴¹⁷ lawyers and judges, following a context described by the UN Commission Against Impunity in Guatemala (CICIG) as '*organised criminal transnational child trafficking and smuggling networks for irregular adoption purposes*'.⁴¹⁸ For many years during and after the country's internal conflict (approximately 1963 – 2007), illegal adoptions – a form of child trafficking and sale of children – took place, with children disappearing or being stolen or kidnapped, and their mothers having been threatened, deceived and even punished within their communities.⁴¹⁹ Even though, nowadays, the country's Central Adoption Authority has a programme in place to support adoptees in searches for their origins,⁴²⁰ it remains difficult for most of those having been adopted in this context of illegal adoption to access any reliable information and files, if at all. Despite the judgement in the case of *Ramirez Escobar and Others v Guatemala*,⁴²¹ only recently did the Government of Guatemala issue its public apology to the Ramírez brothers and recognised its responsibility in this case.⁴²² In the case of *Fornerón and Daughter v Argentina* too,⁴²³ the IACourtHR addressed the right to identity linked to family relations, by considering the impact of the separation of a daughter from her father and the lack of measures adopted by the State to ensure contact between them.⁴²⁴

Victims and survivors of past illicit practices have also resorted recently to global mechanisms to ensure the recognition of violations of their right to identity in diverse situations. As mentioned above, the CRC undertook an investigation in relation to Chile through its mechanism under the OPIC,⁴²⁵ whose recommendations have contributed to the restoration of aspects of the identity of children, who have been unnecessarily placed in residential care in the country by calling the State to establish mechanisms of reparation for current and past victims, prioritising their right to be heard and to express their suffering; and to develop an action plan for reparation that includes actions in health, especially psychological treatment, education, housing, justice and, where appropriate, financial compensation. In response to this recommendation, in March 2018, Chile enacted a law creating the Office of the Ombudsperson for Children⁴²⁶ and the latter subsequently published an extensive report on calling for the establishment of a commission on truth, justice and reparation in relation to the violations of children's rights while in institutional care as a means of restoring these children's rights, including to identity and family relations.⁴²⁷

Another move forward globally has been the increased recognition of the violations of the right to identity in illegal adoptions by several UN treaty bodies and mandates,⁴²⁸ which have benefitted, among others, of essential inputs and follow-up actions by survivors in various countries in the Americas – including Chile and Guatemala as countries of origin and the USA as a receiving country.⁴²⁹



Inès

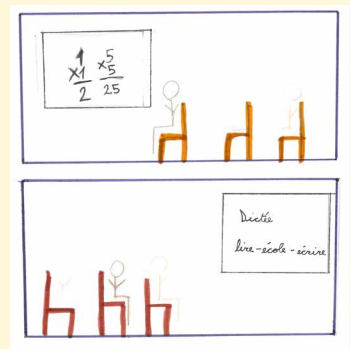
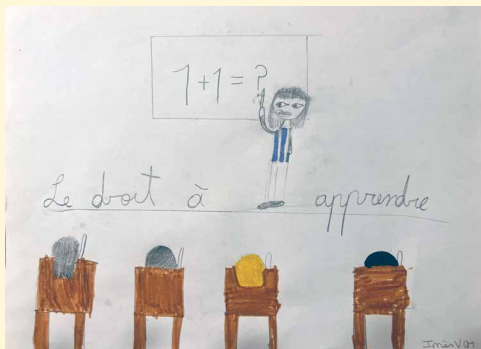
5.5. Specific consideration: Process of restoration of identity in humanitarian situations

Finally, in relation to potential violations of children's identity rights in humanitarian situations, it is worth mentioning that Colombia's Constitutional Court⁴³⁰ reiterated that, in the course of the disassociation of children from armed groups under the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Sustainable Peace, they may remain in provisional care facilities until an appropriate service may be offered to them.

The Constitutional Court took this approach with a view to implementing the right to reparation and restitution incumbent upon the State through social and economic reintegration programmes aimed at child victims of illicit recruitment.⁴³¹

In addition, since 2000, UNHCR has operated a large-scale registration/documentation project together with Colombia's National Civil Status Registry, aimed at internally displaced persons or those at risk of it.

The project facilitates access to State services and the updating of civil registries, as well as the issuance of identity cards to children and adults. UNHCR has also made mobile teams available to the National Civil Status Registry.⁴³² Unfortunately, the report of the UN Secretary-General on conflict-related sexual violence mentioned that '[i]n 2022, the early warning system from the Office of the Ombudsman issued 20 warnings identifying illegal armed groups and transnational armed groups as the source of threats of conflict-related sexual violence (...). The violations included rape, sexual slavery, forced marriage and forced contraception (...). In three cases recorded in 2022, the forced recruitment of girls resulted in forced pregnancies'.⁴³³ These situations still have an impact on the family relations not only of the victim girls and women recruited and who become pregnant while recruited, but also on their children's identities and own family relations, given the circumstances surrounding the latter's conception and the potential lack of knowledge of their fathers' identities.



Inès, Asha



Key points on the restoration of children's identity in the Americas



States should develop and implement a wide range of legal provisions, policies, programmes and mechanisms aimed at restoring the identity of children and adults, whose elements may have been falsified, stolen and/or are missing as a result of unethical or illicit practices, including

- State apologies,
- Funding to support victims and survivors,
- Technological methods (e.g. DNA databases),
- Individual and collective investigations,
- Administrative and criminal judicial proceedings (at domestic, regional or global level);



Continued efforts to strengthen CRVS systems, with a focus on a comprehensive range of information collected, the digitisation of acts and documents, the safe preservation and archiving of background documents, etc.;



Safeguarding that no legal or practical obstacles hinder access to justice, e.g. statutes of limitations, complex access to personal records, lack of legal and psychosocial support or risk of re-victimisation;⁴³⁴



Domestic and regional case law and regional and global initiatives as a means to access justice when other channels have been unsuccessfully exhausted, as well as a diversity of potential remedies and cooperation mechanisms.

Country references

The following independent States were explored in the present publication, reflecting past and current membership of the Organization of American States (OAS)⁴³⁵:

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Preliminary reviews

'[...] It has been a long time since I have seen a publication that brings together so many references of evidence of the complex issues that our subject can have. [...] I think it is a discovery, [...] that CHIP articulates the right to identity with the right to live in a family. Fundamental. The sub-themes presented are of great value. [...] To my mind, the publication does just that, providing a very focused and well-founded descriptive overview of the various sides of the issue. Having laid the foundation in the first publication, it is very valuable to have these updates.'

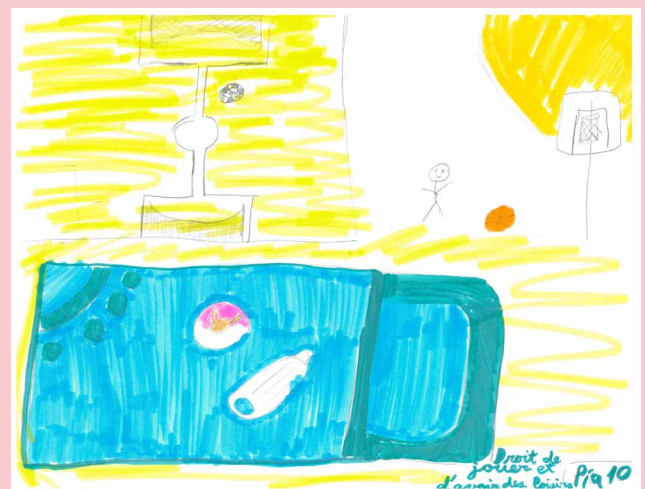
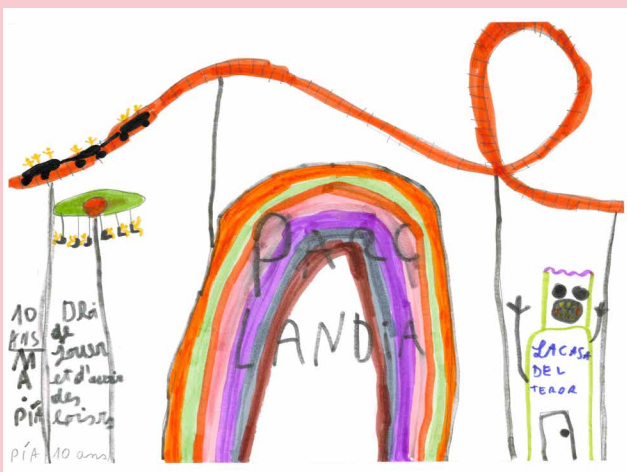
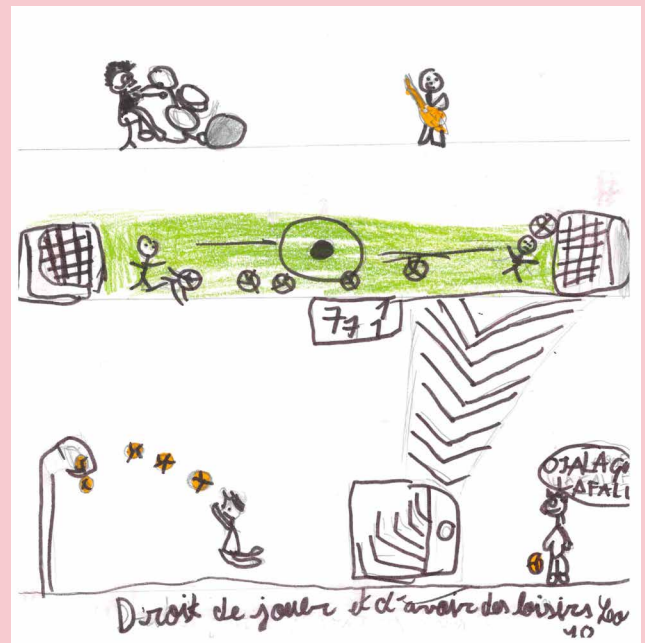
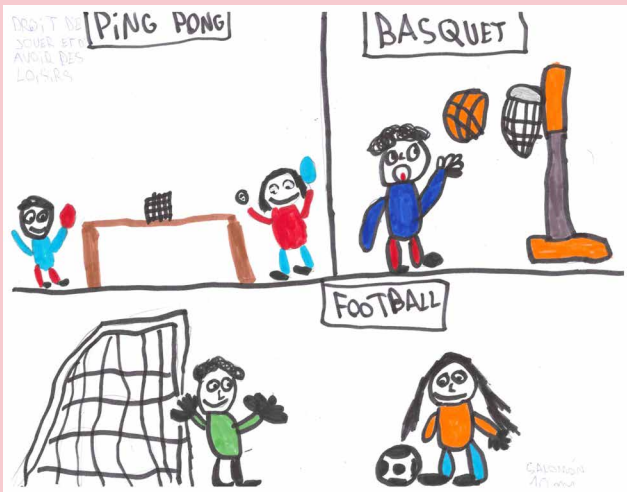
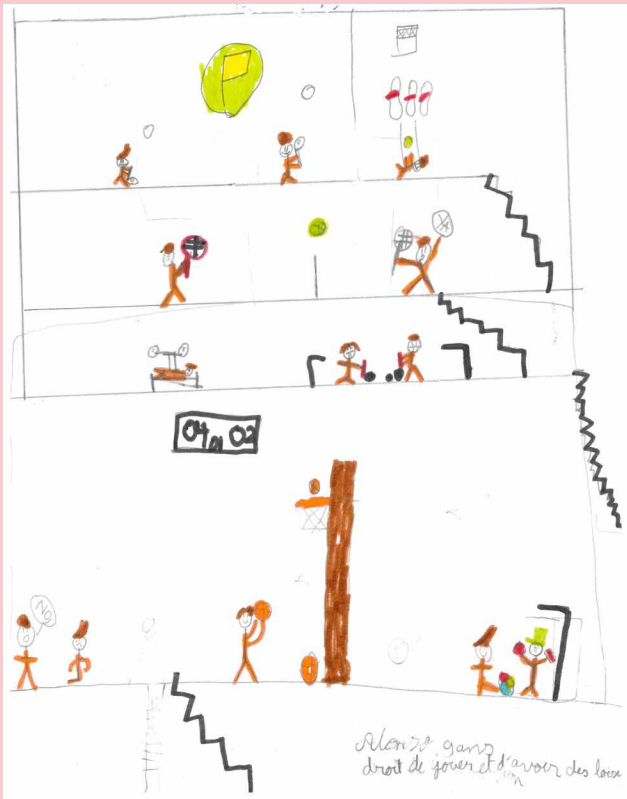
Matilde Luna,

Director General of the Red Latinoamericana de Acogimiento Familiar (RELAF)

'In-depth information and analysis of the situation in our countries in the region that helps a lot to take into account for the elaboration and implementation of public policies on this issue. [...]'

Eda Elizabeth Aguilar Samanamud,

CHIP Special Advisor, Expert and Director of Asociación Acogiendo (Peru)



Alonzo, Salomón, Pía, Sofía, Leo, Pía

End Notes

Introduction

- 1 United Nations General Assembly, Convention on the Rights of the Child, Resolution 44/25, 20 November 1989, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.
- 2 United Nations Department of Economic and Social Affairs, Statistics Division, UN Legal Identity Agenda, n.d., <<https://unstats.un.org/legal-identity-agenda/>>.
- 3 Baglietto, C., Bordier, L., Dambach, M. and Jeannin C., *Preserving "family relations": an essential feature of the child's right to identity*, Child Identity Protection, Geneva, Switzerland, 2022, p. 8, <<https://www.child-identity.org/signature-publication/>>.
- 4 United Nations Department of Economic and Social Affairs, Sustainable Development, Sustainable Developments Goals, n.d., <<https://sdgs.un.org/goals>>.
- 5 *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3.
- 6 Ibid.
- 7 Office of the United Nations High Commissioner for Human Rights, United Nations Human Rights Treaty Bodies, Convention on the Rights of the Child. Ratification Status, n.d., <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en>.
- 8 *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3, at S. iii.a, p. 12.
- 9 Child Identity Protection, Experts CHIP-in. Videos with Nigel Cantwell and Luis Pedernera, n.d., <<https://www.child-identity.org/experts-chip-in/>>.
- 10 Office of the United Nations High Commissioner for Human Rights, *Legislative history of the Convention on the Rights of the Child*, Vol. 1, 2007, p. 435, <https://resourcecentre.savethechildren.net/sites/default/files/documents/legislativehistorycrc1en_1.pdf>.
- 11 For further information and articles on this situation and its impact on the right to identity, see: Carla Villalta, Papers, <<https://uba.academia.edu/CarlaVillalta>>. See also: Gesteira, M.S., '3. Infancia, identidad y orígenes: discursos y sentidos resignificados a la luz de la Convención Internacional de los Derechos del Niño', in Isacovich, P. and Grinberg, J. (Comp.), *Infancias y juventudes a 30 años de la Convención sobre los Derechos del Niño: Políticas, normativas y prácticas en tensión*, Col. Horizontes I+D+I, Edunpaz, Argentina, 2020, <<https://edunpaz.unpaz.edu.ar/OMP/index.php/edunpaz/catalog/book/51>>; Villalta, C. and Gesteira, S., 'Violencias, demandas de justicia e identidad: problematizando la apropiación de niños y niñas desde América Latina', in *Revista del Museo de Antropología*, 16 (2), 303-316, 2023, <<https://ri.conicet.gov.ar/handle/11336/225786>>; Gesteira, M.S., Salvo Agoglia, I., Alfaro Monsalve, K. and Villalta, C., 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', in *Childhood*, 28(4), 585-599, 2021, <<https://doi.org/10.1177/09075682211028648>>.
- 12 United Nations Children's Fund, *Implementation Handbook for the Convention on the Rights of the Child*, 3rd edition, UNICEF, 2007, <https://www.unicef.org/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf>.
- 13 Ministério dos Direitos Humanos e da Cidadania (Brazil), *Estatuto da Criança e do Adolescente*, 2021, <<https://www.gov.br/mdh/pt-br/navegue-por-temas/crianca-e-adolescente/publicacoes/o-estatuto-da-crianca-e-do-adolescente>>.
- 14 Poder Judicial (Honduras), *Ley No. 73-96 - Código de la Niñez y la Adolescencia*, n.d., <[https://www.poderjudicial.gob.hn/Cedij/Cdigos/C%C3%B3digo%20de%20la%20Ni%C3%B1ez%20y%20la%20Adolescencia%20\(Actualizado%20al%20Nuevo%20Codigo%20Penal\).pdf](https://www.poderjudicial.gob.hn/Cedij/Cdigos/C%C3%B3digo%20de%20la%20Ni%C3%B1ez%20y%20la%20Adolescencia%20(Actualizado%20al%20Nuevo%20Codigo%20Penal).pdf)>.
- 15 Cámara de Diputados del H. Congreso de la Unión (Mexico), *Ley para la Protección de los Derechos de Niñas, Niños y Adolescentes en México*, Ch. 6, 2000, <https://www.diputados.gob.mx/LeyesBiblio/abro/lpdnna/LPDNNA_abro.pdf>.
- 16 Cámara de Diputados del H. Congreso de la Unión (Mexico), *Ley General de los Derechos de Niñas, Niños y Adolescentes*, Art. 19, 2014, <<https://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA.pdf>>.
- 17 Defensoría Pública (Ecuador), *Código de la Niñez y Adolescencia*, 2022, <<https://biblioteca.defensoria.gob.ec/handle/37000/3365>>.
- 18 Instituto del Niño y Adolescente del Uruguay (Uruguay), *Ley No. 17.823 - Código de la Niñez y la Adolescencia*, Arts. 9, 15, 25 and 118, 2004, <https://www.inau.gub.uy/content_page/download/3856/1597/16>.
- 19 Instituto Colombiano de Bienestar Familiar (Colombia), *Ley No. 1098 - Código de la Infancia y la Adolescencia*, Art. 25, 2006, <<https://www.icbf.gov.co/sites/default/files/codigoinfancialey1098.pdf>>.
- 20 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of the Plurinational State of Bolivia, CRC/C/BOL/CO/5-6, 6 March 2023, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FBOL%2FCO%2F5-6&Lang=en>.
- 21 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Canada, CRC/C/CAN/CO/5-6, 23 June 2022, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCAN%2FCO%2F5-6&Lang=en>.
- 22 Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Chile, CRC/C/CHL/CO/6-7, 22 June 2022, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHL%2FCO%2F6-7&Lang=en>.
- 23 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the initial report of the Bolivarian Republic of Venezuela, CMW/C/VEN/CO/1, 27 October 2023, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2FVEN%2FCO%2F1&Lang=en>.
- 24 Committee on Enforced Disappearances, Concluding observations on the report submitted by Chile under article 29 (1) of the Convention, CED/C/CHL/CO/1, 8 May 2019, Paras. 30 and 31, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED/C/CHL/CO/1&Lang=es>.
- 25 Human Rights Council, Birth registration and the right of everyone to recognition everywhere as a person before the law, A/HRC/61/L.32/Rev.1, 25 March 2026, <<https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/61/Pages/resolutions.aspx>>.
- 26 United Nations General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, A/RES/73/195, 19 December 2018, <<https://docs.un.org/A/RES/73/195>>.
- 27 United Nations High Commissioner for Refugees, *Global Compact on Refugees*, <<https://www.unhcr.org/us/at/us/europe/europe/about-unhcr/who-we-are/global-compact-refugees>>.
- 28 United Nations, *Convention on the Reduction of Statelessness*, 1961, <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5>.

- 29 The Hague Conference on Private International Law, *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, Status Table, <<https://www.hcch.net/en/instruments/conventions/status-table/?cid=24>>.
- 30 The Hague Conference on Private International Law, *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, Status Table, <<https://www.hcch.net/en/instruments/conventions/status-table/?cid=69>>.
- 31 The Hague Conference on Private International Law, *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*, Status Table, <<https://www.hcch.net/en/instruments/conventions/status-table/?cid=70>>.
- 32 United Nations General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, Resolution 61/177, 20 December 2006, <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>>.
- 33 Preserving “family relations”: an essential feature of the child’s right to identity, fn. 3, at S. iii.g, p. 17.
- 34 Organization of American States, *American Convention on Human Rights (Pact of San Jose)*, 22 November 1969, Arts. 17–20, <https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm>.
- 35 Organization of American States, *Inter-American Convention on Forced Disappearance of Persons*, 9 June 1994, Art. XII, <<https://www.oas.org/juridico/english/treaties/a-60.html>>.
- 36 Espejo Yaksic, N., Aguirre Gallardo, C. and Galicia Mendoza, D.A., *Derechos de la niñez y la adolescencia. Sistematización de criterios hasta junio de 2024. Líneas de precedentes de la Corte Interamericana de Derechos Humanos* Núm. 9, 2024, Suprema Corte de Justicia de la Nación, Mexico, 2024, <https://www.sitios.scjn.gob.mx/cec/sites/default/files/lineas-corte-interamericana-docs/2025-01/LDP_Derechos%20de%20la%20niñez_digital.pdf>.
- 37 Inter-American Court of Human Rights, *Gelman v. Uruguay*, Judgement on Merits and reparations, 2011, Para. 122, <https://www.corteidh.or.cr/docs/casos/articulos/seriec_221_ing.pdf>.
- 38 Inter-American Court of Human Rights, *Ramírez Escobar v. Guatemala*, Judgement on Merits, reparations and costs, 2018, Paras. 358–361, <https://www.corteidh.or.cr/docs/casos/articulos/seriec_351_ing.pdf>.
- 39 Inter-American Court of Human Rights, *Fornerón and Daughter v. Argentina*, Judgement on Merits, reparations and costs, 2012, <https://www.corteidh.or.cr/docs/casos/articulos/seriec_242_ing.pdf>.
- 40 Inter-American Court of Human Rights, *Contreras et al. v. El Salvador*, Judgement on Merits, reparations and costs, 2011, Paras. 103 ff., <https://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf>.
- 41 Inter-American Court of Human Rights, *Córdoba v. Paraguay*, Judgement on Merits, reparations and costs, 2023, <https://corteidh.or.cr/docs/casos/articulos/seriec_505_esp.pdf>.
- 42 Inter-American Court of Human Rights, Rights and guarantees of children in the context of migration and/or in need of international protection, Advisory Opinion OC-21/14, Series A No. 21, 19 August 2014, <https://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf>.
- 43 Inter-American Commission on Human Rights, *Due Process in Procedures for the Determination of Refugee Status and Statelessness and the Granting of Complementary Protection*, OEA/Ser.L/V/II, Doc. 255, 5 August 2020, <<https://www.oas.org/en/iachr/reports/pdfs/DueProcess-EN.pdf>>.
- 44 Inter-American Commission on Human Rights, *Towards the Effective Fulfillment of Children’s Rights: National Protection Systems*, OEA/Ser.L/V/II.166, Doc. 206/17, 30 November 2017, <<https://www.oas.org/en/iachr/reports/pdfs/FulfillmentRights-Children.pdf>>.
- 45 Inter-American Commission on Human Rights and United Nations Children’s Fund, *The right of girls and boys to a family. Alternative care. Ending institutionalization in the Americas*, OEA/Ser.L/V/II, Doc. 54/13, 17 October 2013, <<https://www.oas.org/en/iachr/children/docs/pdf/Report-Right-to-family.pdf>>.
- 46 In this regard, the Inter-American Juridical Committee considered that the American Convention on Human Rights, although it does not expressly enshrine the right to identity as such, does include the right to a name, to a nationality and to protection of the family. See: Organization of American States, *Inter-American Program for a Universal Civil Registry and ‘the Right to Identity’*, Resolution AG/RES. 2286, 2007; Organization of American States, *Inter-American Program for a Universal Civil Registry and ‘the Right to Identity’*, Resolution AG/RES. 2362, 2008.
- 47 Inter-American Children’s Institute, <<https://iin.oea.org/en/index.html>>.
- 48 Latin American and Caribbean Council on Civil Registry, Identity and Vital Statistics (CLARCIEV), <<https://www.clarciev.com>>.
- 49 Regional Conference on Migration, <<https://crmsv.org>>.
- 50 Instituto de Políticas Públicas en Derechos Humanos, Mercado Común del Sur (MERCOSUR), <<http://www.ippdh.mercosur.int>>; Instituto de Políticas Públicas en Derechos Humanos, Mercado Común del Sur (MERCOSUR), Niñez migrante, <<https://www.ippdh.mercosur.int/ninez-migrante/>>.
- 51 The Hague Conference on Private International Law, Team of the Permanent Bureau, <<https://www.hcch.net/en/governance/team-of-the-permanent-bureau>>.

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52 Preserving "family relations": an essential feature of the child's right to identity, fn. 3, at Chapter 1, p. 20.

53 United Nations Department of Economic and Social Affairs, *Handbook on Civil Registration and Vital Statistics Systems. Management, Operation and Maintenance*, Revision 1, Series F No. 72 Rev.1, United Nations, New York, 2018, <<https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Handbooks/crvs/crvs-mgt-E.pdf>>.

54 United Nations Children's Fund, *The Right Start in Life: Global levels and trends in birth registration. 2024 update*. UNICEF, 2024, <<https://data.unicef.org/resources/the-right-start-in-life-2024-update/>>.

55 United Nations Children's Fund, *Registro de nacimiento en América Latina y el Caribe: Cerrando la brecha. Actualizado al 2016*, UNICEF, 2016, <https://data.unicef.org/wp-content/uploads/2016/09/BR-in-LAC-brochure_Spanish-9_23-LR.pdf>.

56 *The Right Start in Life: Global levels and trends in birth registration. 2024 update*, fn. 54.

57 United Nations Children's Fund, UNICEF Data Warehouse. Indicator: Percentage of children under age 5 whose births are registered, n.d., <https://data.unicef.org/resources/data-explorer/unicef_f?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=PT_CHLD_Y0T4_REG.&startPeriod=2016&endPeriod=2022>.

58 For example, there are 474 civil registry offices, including 25 offices in hospitals, as well as mobile units in Chile; in Peru, RENIEC provides services at more than 4,800 offices, either directly or in cooperation with municipal governments. See: Servicio de Registro Civil e Identificación, Chile, <<https://www.registrocivil.cl/principal/quienes-somos>>; Dokovic, Z., *Snapshot of civil registration and vital statistics systems of Chile*, Centre of Excellence for Civil Registration and Vital Statistics (CRVS) Systems, 2020, <<https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/938c864b-e1a9-4652-b487-c62b9aedfc3c/content>>; Dokovic, Z., *Snapshot of civil registration and vital statistics systems of Peru*, Centre of Excellence for Civil Registration and Vital Statistics (CRVS) Systems, 2020, <<https://idl-bnc-idrc.dspacedirect.org/items/8f585047-2983-46a6-850c-a5e6d93edb23>>.

59 United Nations Children's Fund, 'Weather-related disasters led to 43.1 million displacements of children over six years – UNICEF', 6 October 2023, <<https://www.unicef.org/press-releases/weather-related-disasters-led-431-million-displacements-children-over-six-years>>.

60 United Nations High Commissioner for Refugees, Organization of American States and Latin American and Caribbean Council on Civil Registry, Identity and Vital Statistics, *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*, UNHCR and OAS, 2020, <<https://www.acnur.org/sites/default/files/legacy-pdf/61a977704.pdf>>.

61 Government of Guyana and UNICEF Guyana, *Multiple Indicator Cluster Survey 2019-2020, Survey Findings Report*, UNICEF, Georgetown, Guyana, 2021, <https://mics-surveys-prod.s3.amazonaws.com/MICS6/Latin%20America%20and%20Caribbean/Guyana/2019-2020/Survey%20findings/Guyana%202019-20%20MICS_English.pdf>.

62 United Nations Children's Fund, *Derecho a la identidad en México 2015-2020*, UNICEF Mexico, <<https://www.unicef.org/mexico/media/6681/file/Derecho%20a%20la%20identidad.pdf>>.

63 Registro Nacional de Identificación y Estado Civil, *Estado de la indocumentación de la infancia y adolescencia en el Perú*, RENIEC, Peru, 2019, <https://cdn.www.gob.pe/uploads/document/file/1760817/ESTADO_INDOCUMENTACION_INFANCIA_ADOLESCENCIA_PERU.pdf.pdf?v=1617057928>.

64 UN Women, Organization of Eastern Caribbean States and United Nations Children's Fund, *Mapping of Child Well-being in Saint Lucia*, UNICEF Office for the Eastern Caribbean Area, Barbados, 2015, <<https://www.unicef.org/easterncaribbean/media/826/file/Mapping-of-Child-Well-Being-in-Saint-Lucia-2017.pdf>>.

65 *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*, fn. 60.

66 Ibid.

67 Ibid.

68 Art. 102 of Lei No. 8.069 de 13 de julho de 1990, 1990, <https://www.planalto.gov.br/ccivil_03/leis/l8069.htm>.

69 *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*, fn. 60.

70 Art. 1 of Ley No. 2616 de 18 de diciembre de 2003, 2003, <http://www.silep.gob.bo/norma/2245/ley_actualizada>; *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*, Ibid.

71 *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*, fn. 60.

72 United Nations Children's Fund, *Birth registration – Access to services*, UNICEF Guyana and Suriname, 2020, <<https://www.unicef.org/guianasuriname/stories/birth-registration-access-services>>.

73 United Nations Children's Fund, *Health Equity Report 2016: Analysis of reproductive, maternal, newborn, child and adolescent health inequities in Latin America and the Caribbean to inform policymaking*, 2016, p. 60, in *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*, fn. 60.

74 *Derecho a la identidad en México 2015-2020*, fn. 62.

75 For examples, see: United Nations Children's Fund, Dirección General del Registro Nacional de Población e Identificación Personal de la Secretaría de Gobernación and Sistema Nacional para el Desarrollo Integral de la Familia, *Derecho a la identidad. Buenas prácticas del registro de nacimiento de niñas y niños en México*, 2016, <https://www.unicef.org/mexico/media/2006/file/BuenasPracticasRegistroNacimiento_Ver_DEF.pdf>.

On this issue, see also: Segovia, I.M., Peláez, J. and Carrasco, D., *Voces de las niñas, niños y adolescentes indígenas de América Latina y el Caribe. Una aproximación para conocer su situación*, FILAC and UNICEF, 2025, pp. 5 and 27, <<https://www.unicef.org/lac/media/52351/file/Voces%20de%20las%20niñas%20niños%20y%20adolescentes%20-%20ultima%20version%2027%20de%20julio%202025.pdf.pdf>>.

- 76 See also: United Nations High Commissioner for Refugees and United Nations Children's Fund, *Background Note on Sex Discrimination in Birth Registration*, 2021, <<https://www.refworld.org/policy/opguidance/unhcr/2021/en/123888>>. See also: United Nations High Commissioner for Refugees and UN Women, *Background Note on Gender Equality, Nationality Laws and Statelessness* 2026, 2026, <https://www.refworld.org/sites/default/files/2026-03/background_note_gender-2026mar26_final.pdf>.
- 77 *Estado de la indocumentación de la infancia y adolescencia en el Perú*, fn. 63.
- 78 See, e.g., Art. 23 of *Acuerdo del Directorio No. 104-2015*, Guatemala, 2015; Articles 54 and 57 of *Decreto 1260 de 1970*, Colombia, 1970.
- 79 See the examples of Costa Rica, Ecuador and Guatemala in *Background Note on Sex Discrimination in Birth Registration*, p. 12, fn. 76.
- 80 United Nations Children's Fund, *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, 2019, <<https://www.unicef.org/lac/media/8256/file/Profile%20of%20Child%20Marriage%20in%20LAC.pdf>>.
- 81 Ogis, G., Representative of UNHCR Regional Bureau for the Americas and Caribbean, 'Identification & Inclusion. ID systems and digital services for people on the move', United Nations High Commissioner for Refugees, 20th meeting of CLARCIEV, 8-9 November 2023, <<https://drive.google.com/file/d/1e9yZ4NHkjVWEEDzf56k41qAKaDeY5dYB/view>>. See also: International Organization for Migration, *Guía práctica sobre la identidad legal*, IOM, 2023, <<https://mexico.iom.int/sites/g/files/tmzbdll1686/files/documents/2023-05/guia-practica-sobre-identidad-legal-de-la-oim.pdf>>.
- 82 See, e.g. Concluding observations on the initial report of the Bolivarian Republic of Venezuela, fn. 23.
- 83 *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*, fn. 60.
- 84 See, e.g. in Chile. Facultad de Ciencias Sociales de la Pontificia Universidad Católica de Chile, Centro de Estudios Justicia & Sociedad, COLUNGA, World Vision and United Nations Children's Fund, *Informe Final: Estudio exploratorio de caracterización de niños, niñas y adolescentes migrantes de América Latina y el Caribe y sus familias en Chile*, 2020, <<https://www.unicef.org/chile/media/4361/file/Estudio%20exploratorio%20de%20caracterización%20de%20niños,%20niñas%20y%20adolescentes%20migrantes%20de%20América%20Latina%20y%20el%20Caribe%20y%20sus%20familias%20en%20Chile.pdf>>; Servicio Nacional de Menores, 'Política y procedimientos de SENAME para la gestión de casos de niños, niñas y adolescentes extranjeros', in *Revista Señales*, Year 12 / No. 21, December 2019, <<https://www.sename.cl/web/wp-content/uploads/2019/12/Revista-Senales-dic-2019-nro-21v3.pdf>>.
- 85 See, e.g. Rodríguez, D., Pazos, A. and Solís, C., 'Los niños sin nombre. Ciudadanos invisibles para el Gobierno Mexicano', *BINoticias*, *Connectas*, *El Sol de Tijuana*, *Newsweek* and *Pie de Página*, 18 July 2022, <<https://www.connectas.org/especiales/los-ninos-sin-nombre/>>; '200 mil mexicanos, «doblemente invisibles» en EU: Be Foundation', *Aristegui*, 4 February 2016, <<https://aristeginoticias.com/0402/mexico/200-mil-mexicanos-doblemente-invisibles-en-estados-unidos-be-foundation/>>.
- 86 Corneloup, S. and Verhellen, J., 'SDG 16: Peace, justice and strong institutions', in Michaels, R., Ruiz Abou-Nigm, V. and van Loon, H., *The Private Side of Transforming our World - UN Sustainable Development Goals 2030 and the Role of Private International Law*, Intersentia, 2021, pp. 511-512, <<https://www.intersentiaonline.com/library/the-private-side-of-transforming-our-world-un-sustainable-development-goals-2030-and-the-role-of-p>>.
- 87 Marcus, R. et al, *Children on the Move in Latin America and the Caribbean: Review of the evidence*, UNICEF, Panama, 2023, <<https://www.unicef.org/lac/en/reports/children-on-the-move-in-latin-america-and-the-caribbean>>.
- 88 United Nations Children's Fund and Commonwealth of Dominica, *Situation Analysis of Children. Commonwealth of Dominica*, UNICEF Office for the Eastern Caribbean Area and Commonwealth of Dominica, Barbados, 2017, <<https://www.unicef.org/easterncaribbean/media/891/file/Situation-Analysis-of-Children-2017.pdf>>.
- 89 United Nations Children's Fund, *The Changing Face of Child Migration in Latin America and the Caribbean. A region like no other*, UNICEF Child Alert, September 2023, <<https://www.unicef.org/media/144656/file/LAC%20Migration%20Child%20Alert.pdf>>.
- 90 Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, *2022 Trinidad and Tobago. Interagency Participatory Assessment*, R4V, 2022, <<https://www.r4v.info/en/document/2022-interagency-participatory-assessment-trinidad-tobago>>.
- 91 United Nations Children's Fund, UNICEF Country Office Annual Report 2023 – Eastern Caribbean, 2024, <<https://www.unicef.org/media/152386/file/Eastern-Caribbean-Area-2023-COAR.pdf>>.
- 92 Alvarado, R., Coordinador de Subregistro y Proyectos Especiales del Registro Civil / Tribunal Electoral de Panamá, 'Coordinación interinstitucional para el registro de niños y niñas con padres en contexto de movilidad humana – experiencia panameña', 20th meeting of CLARCIEV, Lima, Peru, 2023, <https://drive.google.com/file/d/1tfrdyBaPaq5r1_6dxxgZa1kNsKiRab_aB/view>.
- 93 International Organization for Migration, 'Estrategia de identidad legal de OIM y su trabajo en Perú y México', 20th meeting of CLARCIEV, Lima, Peru, 2023, <<https://drive.google.com/file/d/1VOhOI8sGzdYMzaJORrFrqY1OFgLEb9IW/view>>.
- 94 Based on Child Identity Protection's research on legal provisions relating to identity and birth registration in Colombia, Honduras and Paraguay for the Legal Atlas developed in partnership with the United Nations Children's Fund. See: United Nations Children's Fund and Child Identity Protection, *Legal Atlas on Birth Registration*, 2026, <<https://www.child-identity.org/legal-atlas-landing/>>.
- 95 United Nations Children's Fund, *Situation Analysis of Children in the Eastern Caribbean*, UNICEF Office for the Eastern Caribbean Area, Bridgetown, Barbados, 2019, <https://www.unicef.org/easterncaribbean/media/1896/file/ECA_Sitan.pdf>.
- 96 AbouZahr, C. et al., 'The COVID-19 Pandemic: Effects on Civil Registration of Births and Deaths and on Availability and Utility of Vital Events Data', in *American Journal of Public Health*, 111(6), pp. 1123-1131, June 2021, <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8101592/>>; Global CRVS Group, UN Legal Identity Agenda Task Force, Pacific Community, 'Impact of the COVID-19 pandemic on Civil registration and vital statistics', Webinar, 2021, <<https://unstats.un.org/unsd/demographic-social/meetings/2020/Webinar-crvs-Covid19/docs/Seminar02.pdf>>.
- 97 United Nations High Commissioner for Refugees, Organization of American States and Latin American and Caribbean Council on Civil Registry, Identity and Vital Statistics, *Respuesta de Emergencia de las Oficinas de Registro Civil e Identificación durante la Pandemia del COVID-19. Impacto, buenas prácticas e iniciativas innovadoras implementadas en América Latina y el Caribe*, UNHCR and OAS, 2020, <<https://www.oas.org/es/sap/dgpe/PUICA/docs/Respuesta-emergencia-RC-pandemia-COVID-19.pdf>>.
- 98 Ibid.
- 99 *Derecho a la identidad en México 2015-2020*, fn. 62.
- 100 This is the case of the Civil Code of Guatemala (Art. 4) and Honduras's Reglamento de la Ley del Registro Nacional de las Personas (Art. 134). In Paraguay, the legislation not only establishes the obligation to declare the birth of a child by the person having found a newborn, but they will also have to submit the clothes and objects found with the child and provide information at the closest Police station (Art. 53 of *Ley No. 1266/1987 del Registro del Estado Civil*). A similar obligation is incumbent on any person caring for a child, in cases of orphanhood or whose parents are unknown or abandoned in Peru (Art. 48 of *Ley No. 26497 - Ley Orgánica del Registro Nacional de Identificación y Estado Civil*).

- 101 Mascolo, J., Child Abandonment Charges, *FindLaw*, 2025, <<https://www.findlaw.com/criminal/criminal-charges/child-abandonment.html#:~:text=Most%20states%20classify%20abandonment%20as,and%20responsibilities%20to%20the%20child>>.
- 102 See, e.g. 'Baby Moses law', Texas, 1999. Child Welfare Information Gateway, Infant safe haven laws, U.S. Department of Health and Human Services, Administration for Families, Children's Bureau, 2021, <<https://www.childwelfare.gov/pubpdfs/safehaven.pdf>>.
- 103 Ibid.
- 104 Stop Baby Boxes Now!, United States, 2025 <<https://stopshbbnow.org/usa/>>.
- 105 Stop Baby Boxes Now!, Canada, <<https://stopshbbnow.org/canada/>>.
- 106 Ibid.
- 107 Committee on the Rights of the Child, Concluding Observations on the combined fifth and sixth periodic reports of Switzerland, CRC/C/CHE/CO/5-6, 22 October 2021, Para. 22, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHC%2FCO%2F5-6&Lang=en>.
- 108 The University of Nottingham, UK, Directorate-General Justice and Home Affairs, in collaboration with For Our Children Foundation (Bulgaria) et al., *Child Abandonment and its Prevention in Europe*, The University of Nottingham (Institute of Work, Health & Organisations), 2012, <<https://bettercarenetwork.org/sites/default/files/attachments/Child%20Abandonment%20and%20its%20Prevention%20in%20Europe.pdf>>.
- 109 Consejo Nacional de Adopciones, Guatemala, Programa de asesoría a madres y/o padres en conflicto con su parentalidad, <<https://www.cna.gob.gt/Madres.php>>.
- 110 Institute on Statelessness and Inclusion, 2023 Year in review, ISI, 2024, <<https://mailchi.mp/f801e8e73b79/2023-year-in-review>>.
- 111 Institute on Statelessness and Inclusion, 10 years fighting for nationality in the Dominican Republic, <<https://www.institutesi.org/news/10-year-anniversary-of-dr-court-ruling-stripping-nationality>>.
- 112 *Children on the Move in Latin America and the Caribbean: Review of the evidence*, fn. 87.
- 113 Ibid.
- 114 2023 Year in review, fn. 110.
- 115 Ibid.
- 116 Institute on Statelessness and Inclusion, *Bulletin*, September 2025, <<https://mailchi.mp/cafb88eae876/monthly-bulletin-september2025#Law%20and%20policy>>.
- 117 Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child. Combined Fifth and Sixth Periodic Report of Suriname, CRC/C/SUR/5-6, 7 July 2023, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FSUR%2F5-6&Lang=en>.
- 118 Foro de Presidentes y Presidentas de Poderes Legislativos de Centroamérica y la Cuenca del Caribe, International Organization for Migration, Centro de Estudios Internacionales Gilberto Bosques, Save the Children, United Nations Children's Fund, Organization of American States and UN Women, *Ley Marco Regional en materia de migraciones con enfoque de derechos humanos*, 2019, <https://kmhub.iom.int/sites/default/files/ley_marco_-_1_oct_2019_-_digital.pdf>.
- 119 United Nations Children's Fund Regional Office for Latin America and the Caribbean, Organization of American States and Latin American and Caribbean Council on Civil Registry, Identity and Vital Statistics, *Access To and Use Of Civil Registration by Migrants and Refugees in Latin America and the Caribbean*, UNICEF, Panama, 2024, <https://www.unicef.org/lac/media/48971/file/Civil%20Registration_Layout%20EN.pdf.pdf>.
- 120 International Fertility Law Group, Is sperm donor anonymity a thing of the past?, 2020, <<https://www.iflg.net/is-sperm-donor-anonymity-a-thing-of-the-past/#:~:text=But%20DNA%20testing%20for%20genetic,no%20longer%20a%20lifetime%20guarantee>>.
- 121 The guidelines of the American Society for Reproductive Medicine (ASRM), which are followed by most centres in the USA, is based on this model. It proposes different levels of information that can be accessed by those conceived through these means, depending on the donor's consent at the time of donation. One can opt for non-identifying, identifying contact for medical reasons, non-identifying personal contact, and finally, identifying personal contact.
- 122 Rochman, B., 'Where Do (Some) Babies Come From? In Washington, a New Law Bans Anonymous Sperm and Egg Donors', *Time*, 22 July 2011, <<https://healthland.time.com/2011/07/22/where-do-some-babies-come-from-in-washington-a-new-law-bans-anonymous-sperm-and-egg-donors/>>.
- 123 Is sperm donor anonymity a thing of the past?, fn. 120.
- 124 Cohen, I.G, Adashi, E.Y., Mohapatra S., 'The End of Anonymous Sperm Donation in Colorado: A Step Forward to a New Fertility Future in the US?', in *JAMA*, 328(19), 2022, 1903–1904, <<https://jamanetwork.com/journals/jama/article-abstract/2797964>>.
- 125 Binet, J.-R., *Access of persons conceived by gamete donation to information on their origins*, Council of Europe, 2022, <<https://rm.coe.int/cdcj-2021-20e-final-publication-format-17122022/1680a97134>>.
- 126 'The End of Anonymous Sperm Donation in Colorado: A Step Forward to a New Fertility Future in the US?', fn. 122.
- 127 Is sperm donor anonymity a thing of the past?, fn. 120.
- 128 Fetters, A., 'Finding the Lost Generation of Sperm Donors', *The Atlantic*, 18 May 2018, <<https://www.theatlantic.com/family/archive/2018/05/sperm-donation-anonymous/560588/>>.
- 129 'Pandemic sparks more people to hunt for their birthparents, long lost relatives', *The Washington Post*, 19 September 2020, <https://www.washingtonpost.com/health/covid-search-for-birthparents/2020/09/18/def0a132-e7c9-11ea-97e0-94d2e46e759b_story.html>.
- 130 Ibid; Marquis, J., 'Court Limits Anonymity of Sperm Donors', *Los Angeles Times*, 20 May 2000, <<https://www.latimes.com/archives/la-xpm-2000-may-20-mn-32035-story.html>>.
- 131 Jimenez Mata, A., 'Capítulo 5: La gestación por subrogación en Costa Rica', in Espejo Yaksic, N., Fenton-Glynn, C., Lathrop Gómez, F. and Scherpe, J.M. (Eds.), *La gestación por subrogación en América Latina*, Suprema Corte de Justicia de la Nación, Mexico, 2022, <https://www.sitios.scjn.gob.mx/cec/sites/default/files/publication/documents/2022-07/Cap-5-LA%20GESTACION%20POR%20SUBROGACION_DIGITAL.pdf>.

- 132 Martínez S., H. J., 'Maternidad subrogada', in *Revista Venezolana de Legislación y Jurisprudencia*, No. 10. 2018, pp. 269-283, <http://www.ulpiano.org.ve/revistas/bases/artic/texto/RVLJ/10/rvlj_2018_10_1_269-284.pdf>.
- 133 Book II, Title 5, Articles 563-564 of the *Código Civil y Comercial de la Nación*, Biblioteca Digital, 2015, <<http://www.bibliotecadigital.gob.ar/items/show/2812>>.
- 134 See, e.g. Proyecto de ley – Expediente: 5759-D-2016, Dip. Gabriela Beatriz Estevez, 2016, <<https://diputados.gob.ar/diputados/gestevez/proyecto.html?exp=5759-D-2016>>.
- 135 Proyecto de Ley 2574/15; this bill was rejected in April 2017. See: Torres, G., Shapiro, A. and Mackey, T.K., 'A review of surrogate motherhood regulation in south American countries: Pointing to a need for an international legal framework', in *BMC Pregnancy and Childbirth*, 19(1), 2019, <https://www.researchgate.net/publication/330691317_A_review_of_surrogate_motherhood_regulation_in_south_American_countries_Pointing_to_a_need_for_an_international_legal_framework>; Senado de la Nación Argentina, Proyecto de Ley S-2574/15, 2016, <<https://www.senado.gob.ar/parlamentario/parlamentaria/366126/downloadPdf>>.
- 136 Poder Judicial de la Nación, C., E. M. y Otros c. EN-M. Salud s/ amparo Ley 16.986, Cámara Nacional de Apelaciones en lo Contencioso Administrativo Federal, Sala V, 2011, <<http://www.derecho.uba.ar/institucional/deintereses/2014-fallo-cem.pdf>>.
- 137 Dirección General del Registro del Estado Civil y Capacidad de las Personas, Disposición No. 93/DGRC/17, Buenos Aires, 13 October 2017, <<https://boletinoficial.buenosaires.gob.ar/normativaba/norma/383783>>; Dirección General del Registro del Estado Civil y Capacidad de las Personas, Disposición No. 103/2017, Buenos Aires, 2017, <<https://boletinoficial.buenosaires.gob.ar/normativaba/norma/385510>>; Dirección General del Registro del Estado Civil y Capacidad de las Personas, Disposición No. 122/2020, Buenos Aires, 2020, <<https://boletinoficial.buenosaires.gob.ar/normativaba/norma/517484>>.
- 138 *La gestación por subrogación en América Latina*, fn. 131, pp. 16-17.
- 139 Art. 182 of the *Código Civil*.
- 140 Gilchrist, K., 'The commercial surrogacy industry is booming as demand for babies rises', *CNBC*, 7 March 2023, <<https://www.cnbcc.com/2023/03/07/womb-for-rent-more-women-are-working-in-commercial-surrogacy-industry.html>>.
- 141 United Nations Children's Fund, Organization of American States, the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics and Child Identity Protection, *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, UNICEF, Panama City, Panama, 2026, p. 13, <<https://www.unicef.org/lac/en/reports/registration-births-children-born-through-surrogacy-arrangements>>.
- 142 González, A., 'Commercial Surrogacy in the United States', in *The Georgetown Journal of Gender and the Law*, Vol. XXI, Issue 1, 2019, <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2019/11/Alicia_Surrogacy-6.pdf>.
- 143 'The child's ability to preserve their identity, including their genetic, gestational and social origins, has an on-going, lifetime impact on the child and future generations, in particular from the perspective of the child's right to identity, health and cultural rights' (Principle 11.1). The Verona Principles therefore call for 'States (...) to ensure rigorous collection and storage to preserve in perpetuity identity information relating to all surrogacy arrangements' (Principle 11.6). See: *Principles for the protection of the rights of the child born through surrogacy* (Verona Principles), 2021, <https://bettercarenetwork.org/sites/default/files/2021-03/VeronaPrinciples_25February2021.pdf>.
- 144 United Nations General Assembly, Sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. III. Study on safeguards for the protection of the rights of children born from surrogacy arrangements, A/74/162, 15 July 2019, <<https://docs.un.org/en/A/74/162>>; Human Rights Council, Report of the Special Rapporteurs on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. III. Study on surrogacy and sale of children, A/HRC/37/60, 15 January 2018, <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/60>.
- 145 United Nations General Assembly, *Report of the Special Rapporteur on violence against women and girls, its causes and consequences. The different manifestations of violence against women and girls in the context of surrogacy*, A/80/158, 14 July 2025, <<https://docs.un.org/en/A/80/158>>.
- 146 Arizona Department of Health Services Office of Vital Records, Birth Registry – Q.A. Bulletin, Surrogate births, 2005, <https://www.azdhs.gov/documents/vital-records/manuals/birth-bulletins/birth_qa_bulletin_13.pdf>.
- 147 Washington State Department of Health, Surrogacy, <<https://doh.wa.gov/licenses-permits-and-certificates/vital-records/surrogacy>>.
- 148 Committee on the Rights of the Child, Concluding observations on the combined third and fourth reports submitted by the United States of America under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/OPSC/USA/CO/3-4, 12 July 2017, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F3%2FOPSC%2FUSA%2FCO%2F3-4&Lang=en>.
- 149 Espejo Yaksic, N., Fenton-Glynn, C. and Scherpe, J.M. (Eds.), *Surrogacy in Latin America*, Intersentia Studies in Comparative Family Law, Intersentia and Suprema Corte de Justicia de la Nación, 2023, <<https://www.larcier-intersentia.com/en/surrogacy-latin-america-9781839703256.html>>.
- 150 *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, fn. 141, p. 13.
- 151 Comisión Nacional de Bioética en Salud, Criterio y Recomendaciones Bioéticas sobre la maternidad subrogada en Ecuador, 2018, <<https://www.salud.gob.ec/wp-content/uploads/2018/02/MATERNIDAD-SUBROGADA-CRITERIO-CNBS.pdf>>.
- 152 *La gestación por subrogación en América Latina*, fn. 131, pp. 298-300.
- 153 Corte Constitucional, Colombia, Sentence T-968/09, 2009, <<https://www.corteconstitucional.gov.co/relatoria/2009/T-968-09.htm>>.
- 154 Corte Constitucional, Colombia, Sentence SU-696/15, 2015, <<https://www.corteconstitucional.gov.co/relatoria/2015/SU696-15.htm>>.
- 155 Corte Constitucional, Colombia, Sentence T-316/18, 2018, <<https://www.corteconstitucional.gov.co/relatoria/2018/t-316-18.htm>>; Corte Constitucional, Colombia, Sentence T-275/22, 2022, <<https://www.corteconstitucional.gov.co/Relatoria/2022/T-275-22.htm>>; y Corte Constitucional, Colombia, Sentence T-357/22, 2022, <<https://www.corteconstitucional.gov.co/relatoria/2022/T-357-22.htm>>.
- 156 Aranzález De la Hoz, S. and Andrade Delgado, A.G., 'Filiación materna y gestación subrogada: límites jurídicos al contrato y su repercusión en el registro civil de nacimiento del menor. Con ocasión a la sentencia del Tribunal Superior de Bogotá del 1º de abril de 2025', Universidad Externado de Colombia, Facultad de Derecho, Divulgación – Centro de Estudios sobre Genética y Derecho, 11 April 2025, <<https://geneticayderecho.uexternado.edu.co/filiacion-materna-y-gestacion-subrogada-limites-juridicos-al-contrato-y-su-repercusion-en-el-registro-civil-de-nacimiento-del-menor-con-ocasion-a-la-sentencia-del-tribunal-superior-de-bogota-del-1o/>>.

- 157 Based on Child Identity Protection's research on legal provisions relating to identity and birth registration for the Legal Atlas developed in partnership with the United Nations Children's Fund. See: Legal Atlas on Birth Registration, fn. 94.
- 158 Conselho Federal de Medicina, *Resolução CFM No. 2.320/2022*, S. VII, Para. 2, 2022, <https://sistemas.cfm.org.br/normas/arquivos/resolucoes/BR/2022/2320_2022.pdf>.
- 159 Conselho Federal de Medicina, *Resolução CFM No. 2.294/2021*, 2021, <<https://sistemas.cfm.org.br/normas/visualizar/resolucoes/BR/2021/2294>>; Conselho Federal de Medicina, *Resolução CFM No. 2.168/2017*, 2017, <<https://sistemas.cfm.org.br/normas/visualizar/resolucoes/BR/2017/2168>>; Conselho Federal de Medicina, *Resolução CFM No. 2.121/2015*; Conselho Federal de Medicina, *Resolução CFM No. 2.013/2013*, 2013, <<https://portal.cfm.org.br/images/PDF/resoluocfm%202013.2013.pdf>>.
- 160 *Resolução CFM No. 2.320/2022*, fn. 158, S. IV, Para. 4.
- 161 Ibid, S. VII, Para. 1.
- 162 Art. 514 of *Provimento de Conselho Nacional de Justiça No. 149, de 30 de agosto de 2023 - Institui o Código Nacional de Normas da Corregedoria Nacional de Justiça do Conselho Nacional de Justiça – Foro Extrajudicial (CNN/ CN/CNJ-Extra)*, que regulamenta os serviços notariais e de registro, 2023, <<https://atos.cnj.jus.br/files/compilado2130412023092965174201ae1a0.pdf>>.
- 163 *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, fn. 141, p. 11.
- 164 Vigna, A., 'In Mexico, surrogacy flourishes in a legal vacuum', *Le Monde*, 5 May 2023, <https://www.lemonde.fr/en/international/article/2023/05/05/in-mexico-surrogacy-flourishes-in-a-legal-vacuum_6025484_4.html>.
- 165 Art. 380 Bis 5 of the *Código Civil para el Estado de Tabasco*, <<https://congresotabasco.gob.mx/wp/wp-content/uploads/2019/11/Codigo-Civil-para-el-Estado-de-Tabasco-1.pdf>>.
- 166 *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, fn. 141, p. 13.
- 167 Primera Sala de la Suprema Corte de Justicia de la Nación, Mexico, Tesis aislada 1a. XLV/2012 (10a.), con rubro 'Derecho a la identidad personal. El conocimiento del origen biológico de la persona tiene trascendencia psicológica y jurídica para el individuo', 2012. See also: *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, Ibid.
- 168 Suprema Corte de Justicia de la Nación.
- 169 Tesis PR.C.CS. J/27 C (11a.). Suspensión provisional con efectos restitutorios en el juicio de amparo indirecto. Parámetros que debe considerar la persona juzgadora cuando se reclama la determinación del registro civil que niega el futuro registro de una persona no nacida con motivo de un contrato de maternidad subrogada, sin los datos de la persona gestante. Pleno Regional en materia civil de la región Centro-Sur, con residencia en Guadalajara, Jalisco. Contradicción de criterios 69/2023. Entre los sustentados por los Tribunales Colegiados Segundo y Cuarto, ambos en Materia Civil del Tercer Circuito. 13 October 2023.
- 170 The Hague Conference on Private International Law, Questionnaire on the Private International Law issues surrounding the status of children, including issues arising from international surrogacy arrangements, 2013, <<https://www.hcch.net/en/projects/legislative-projects/parentage-surrogacy/responses-q1>>.
- 171 *La gestación por subrogación en América Latina*, fn. 131, pp. 259-260.
- 172 Grupo de Información en Reproducción Elegida (GIRE), *Gestación subrogada en México. Resultados de una mala regulación*, 2017, <<https://gestacion-subrogada.gire.org.mx/#/>>.
- 173 *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, fn. 141.

CHAPTER 2: Modification of a child's identity and family relations in the Americas

174 Preserving "family relations": an essential feature of the child's right to identity, fn. 3, at Chapter 2.

175 Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, Para. 1), CRC/C/GC/14, 20 May 2013, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F14&Lang=en>.

176 United Nations High Commissioner for Refugees, 2021 UNHCR Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child, UNHCR, 2021, <<https://www.refworld.org/docid/5c18d7254.html>>.

177 Palummo, J., *La situación de niños, niñas y adolescentes en las instituciones de protección y cuidado de América Latina y el Caribe*, UNICEF, 2012, <https://redegresadoslatam.org/wp-content/uploads/2017/11/UNICEF_Estudio_sobre_NNA_en_instituciones.pdf>.

178 See various examples at: Red Latinoamericana de Acogimiento Familiar (RELAF), Biblioteca, <<https://www.relaf.org/biblioteca/historial/?recursos=1>>.

179 Secretaría Nacional de Niñez, Adolescencia y Familia, Ministerio de Desarrollo Social and United Nations Children's Fund, *Situación de niñas, niños y adolescentes sin cuidados parentales en la República Argentina. Actualización 2020*, UNICEF, 2022, <<https://www.unicef.org/argentina/media/14281/file/Situación%20de%20niñas.%20niños%20y%20adolescentes%20sin%20cuidados%20parentales%20en%20la%20República%20Argentina.pdf>>.

180 Patronato Nacional de la Infancia, Costa Rica, Programas de Cuidados Alternativos, <<https://www.unicef.org/lac/media/36661/file>>.

181 Douglas, N. Policy Planning & Evaluation, Child Protection & Family Services Agency (CPFSA), 'Beyond Institutionalization', Module I. The process of transformation of Alternative Care Systems, 16 June 2022, <<https://www.unicef.org/lac/media/36666/file>>.

182 United Nations Children's Fund, Cada niña, niño y adolescente tiene derecho a estar protegido y vivir en familia. Informe anual 2020, UNICEF Mexico, 2021, <<https://www.unicef.org/mexico/cada-niña-niño-y-adolescente-tiene-derecho-estar-protégido-y-vivir-en-familia>>.

183 Children's Bureau, Social Media Gallery for National Foster Care Month, <<https://cblcc.acf.hhs.gov/topic-areas/child-welfare-innovations/social-media-resources-national-foster-care-month/>>.

184 Government of Antigua and Barbuda and United Nations Children's Fund, *Situation Analysis of Children in Antigua and Barbuda*, 2017, <<https://www.unicef.org/easterncaribbean/media/1326/file/ECA-A-and-B-SitAn-2017.pdf>>; *Situation Analysis of Children. Commonwealth of Dominica*, fn. 88; Government of Grenada and United Nations Children's Fund, *Situation Analysis of Children in Grenada*, UNICEF Office for the Eastern Caribbean Area, 2017, <<https://www.unicef.org/easterncaribbean/media/1341/file/ECA-GRENADA-SitAn-Web-2017.pdf>>; Government of Saint Vincent and the Grenadines, *Situation analysis of Children in Saint Vincent and the Grenadines*, UNICEF Office for the Eastern Caribbean Area, 2017, <<https://www.unicef.org/easterncaribbean/media/926/file/Situation-Analysis-of-Children-in-Saint-Vincent-and-the-Grenadines-2017.pdf>>.

185 Red Latinoamericana de Acogimiento Familiar (RELAF), Biblioteca, fn. 178; Ministerio de Justicia y Transparencia Institucional, Bolivia, *Estudio sobre el Estado de Situación de Niñas, Niños y Adolescentes en Acogimiento Institucional*, 2021, <<https://www.unicef.org/bolivia/media/3721/file/Estudio%20sobre%20el%20estado%20de%20situación%20de%20niñas.%20niños%20y%20adolescentes%20en%20acogimiento%20institucional.pdf>>; Art. 343 of the Ley No. 156 – Código de las Familias, Cuba, 2022, <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-099_0.pdf>.

186 *Estudio sobre el Estado de Situación de Niñas, Niños y Adolescentes en Acogimiento Institucional*, Ibid.

187 Government of Canada, Reducing the number of Indigenous children in care, 2025, <<https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>>.

188 National Collaborating Centre for Aboriginal Health. Child, Youth and Family Health, Indigenous Children and the child welfare system in Canada, n.d., <<https://www.nccih.ca/docs/health/FS-ChildWelfareCanada-EN.pdf>>.

189 Arts. 26, 44, 58.b and 72 of the Decreto Legislativo No. 1297, Peru, 2016, <<https://www.gob.pe/institucion/mimp/normas-legales/2015609-1297>>.

190 United Nations General Assembly, *Guidelines for the Alternative Care of Children*, Resolution adopted by the General Assembly on 18 December 2009, A/RES/64/142, 24 February 2010, <<https://digitallibrary.un.org/record/673583?v=pdf>>.

191 Government of Grenada and United Nations Children's Fund, *Report of Tracer Study of Former Wards of Children's Homes in Grenada*, UNICEF Office for the Eastern Caribbean Area, 2017, <<https://www.unicef.org/easterncaribbean/media/1251/file/ECA-Report-of-Former-Wards-of-Childrens-Homes-in-Grenada-2017.pdf>>. See also: *Situation Analysis of Children in Grenada*, fn. 184.

192 Red Latinoamericana de Acogimiento Familiar, United Nations Children's Fund, Secretaría Nacional de Niñez, Adolescencia y Familia and Ministerio de Desarrollo Social, *Guía para la gestión de casos en los que hay amenaza de separación o pérdida de cuidado parental. Documento técnico de procedimientos y estándares para el cuidado de la puerta de entrada del sistema de cuidados alternativos*, Panama, 2023, p. 14, <https://relaf.org/cuidado_puerta_entrada_guia_Panama.pdf>.

193 Red Latinoamericana de Acogimiento Familiar, Gobierno de Sonora / Sistema DIF Sonora and Procuraduría de Protección de Niñas, Niños y Adolescentes en el Estado de Sonora, *Guía técnica para la desinstitucionalización de las niñas, niños y adolescentes*, RELAF and DIF Sonora, 2019, pp. 6, 10, 11, <https://relaf.org/Desinstitucionalizacion_Guia_Sonora_Mexico.pdf>.

194 Red Latinoamericana de Acogimiento Familiar, *Manual para la implementación de un programa de familias sustitutas que dé respuesta a las medidas de abrigo y colocación familiar en Venezuela*, <[https://www.relaf.org/biblioteca/RELAF_Manual_FS_Venezuela_interactivo-\(final-protégido\).pdf](https://www.relaf.org/biblioteca/RELAF_Manual_FS_Venezuela_interactivo-(final-protégido).pdf)>.

195 Red Latinoamericana de Acogimiento Familiar and United Nations Children's Fund, *Aplicación de las Directrices de las Naciones Unidas sobre las modalidades alternativas de cuidado de los niños. Tu derecho a vivir en familia y a ser cuidado en todas las situaciones que te tocan vivir*, RELAF and UNICEF, 2011, <<https://www.relaf.org/biblioteca/Versionninos.pdf>>; Red Latinoamericana de Egresados de Protección, Publicaciones de la red, <<https://redegresadoslatam.org/contenidos/publicaciones-de-la-red/>>; Red Latinoamericana de Egresados de Protección, Publicaciones regionales, <<https://redegresadoslatam.org/contenidos/publicaciones-regionales/>>.

196 Art. 46 of the Act 17 of 2009 - Chapter 46:06 Protection of Children Act, Laws of Guyana, 2009, <<https://mola.gov.gy/laws/Volume%209%20Cap.%2036.02%20-%2046.071696827848.pdf>>.

197 Piché, A-M. (Ed.), *A Panorama of adoption practices in South America: cases of countries undergoing transformation*, CHIP, Quebec, 2021, <<https://www.child-identity.org/images/files/research-panorama-en.pdf>>.

198 Government of Ontario, Canada, Public adoptions, 2022, <<https://www.ontario.ca/page/public-adoption>>; Government of British Columbia, Canada, Post-Adoption Openness Registry, 2017, <<https://www2.gov.bc.ca/gov/content/life-events/birth-adoption/adoptions/adoption-reunions-registries/post-adoption-openness-registry>>.

- 199 S. 125.2.c of the *Children (Care and Adoption) Act No. 12, 2023*, Commonwealth of Dominica, <https://dominica.gov.dm/laws/2023/children_care_and_adoption_act_no_12_of_2023.pdf>.
- 200 Art. 41 of the *Act 17 of 2009 - Chapter 46:06 Protection of Children Act*, Laws of Guyana, fn. 196.
- 201 Children's Authority of Trinidad and Tobago, Services: Adoption, 2021, <<https://ttchildren.org/services/adoption/>>.
- 202 Ibid.
- 203 Adoption Network, US Adoption Statistics, <<https://adoptionnetwork.com/adoption-myths-facts/domestic-us-statistics/>>.
- 204 Arts. 47-53 of the *Ley 21.760, Ley de Adopción*, 2025, <<https://www.bcn.cl/leychile/navegar?idNorma=1215777>>.
- 205 Rezende Melo, E., International Association of Youth and Family Judges and Magistrates, 'Child's right to identity in family relations: A Latin-America's perspective', Online Symposium on Child's Right to Identity in Family Relations, 16 May 2023, <<https://www.child-identity.org/images/files/2023symposium/2023-05-16-AIMJF.pdf>>; International Association of Youth and Family Judges and Magistrates, Event: Derecho a la identidad de NNA; una perspectiva latinoamericana, 9 September 2021, <<https://www.youtube.com/watch?v=k62APYQ7Oos>>.
- 206 The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention, Costa Rica, 2020, <<https://assets.hcch.net/docs/90a715c9-8b35-4d50-8168-a2c51d934aa9.pdf>>.
- 207 Art. 138 of *Ley No. 17823 – Código de la Niñez y la Adolescencia*, 2004, Centro de Información Oficial, Uruguay, <<https://www.impo.com.uy/bases/codigo-ninez-adolescencia/17823-2004#:~:text=%2D%20Queda%20prohibido%20a%20padres%20o,de%20niños%2C%20niñas%20o%20adolescentes>>.
- 208 For further information, see: Borisova, B., Policy Brief 3: Protecting the child's right to identity in parental child abduction cases, CHIP, Switzerland, 2022, <<https://www.child-identity.org/images/files/CHIP-Policy-Brief-ChildAbduction.pdf>>. See also: Child Identity Protection, CHIP: Information document 2: Sharing information regarding agenda items for the 2023 HCCH Special Commission on the Practical Operation of the 1980 Child Abduction Convention and 1996 Child Protection Convention (submitted 9 October 2023), Info. Doc. No. 20 of October 2023, The Hague Conference on International Private Law, 2023, <<https://assets.hcch.net/docs/53ac7f4e-b4f3-476a-92d4-cca98bca4e22.pdf>>.
- 209 These include Canada in 1983, the USA in 1988, Belize in 1989, Argentina and Mexico in 1991, Ecuador in 1992, Bahamas and Honduras in 1993, Chile, Panama and Saint Kitts and Nevis in 1994, Colombia in 1995, Venezuela in 1996, Costa Rica and Paraguay in 1998, Brazil and Uruguay in 1999, Nicaragua and Trinidad and Tobago in 2000, El Salvador and Peru in 2001, Guatemala in 2002, the Dominican Republic in 2004, Bolivia in 2016, Jamaica in 2017, Cuba in 2018, Barbados and Guyana in 2019 and Cuba in 2018. See: *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, Status Table, fn. 29.
- 210 Organization of American States, *Inter-American Convention on the International Return of Children*, Signatories and Ratifications, <<https://www.oas.org/juridico/english/sigs/b-53.html>>.
- 211 Rubaja, N. and Goicoechea, N. "El interés superior del niño" en los procesos de restitución internacional de NNA. Consensos globales y regionales para la determinación de su aplicación y alcance', in Asociación de Mujeres Jueces de Argentina, *Restitución internacional de niños, niñas y adolescentes: y régimen de comunicación o contacto internacional. Aspectos prácticos desde una mirada nacional e internacional*, Ed. Contexto, 2023, p. 213.
- 212 The Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Country Profile: Argentina, 2023, <<https://assets.hcch.net/docs/5f7e9509-84a5-4337-aa39-53196a3cace9.pdf>>; The Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Country Profile: Uruguay, 2022, <<https://assets.hcch.net/docs/ed884feb-a711-418c-aadf-ba1279756c25.pdf>>.
- 213 The Hague Conference on Private International Law, Latin America and Caribbean Section, <<https://www.hcch.net/en/instruments/conventions/specialised-sections/latin-america>>.
- 214 The Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Country Profile: Guatemala, 2023, <<https://assets.hcch.net/docs/33892e5f-d6f2-4018-bfba-22471feee443.pdf>>.
- 215 The Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Country Profile: Jamaica, 2018, <<https://assets.hcch.net/docs/3e43dabe-a208-4a95-bd5b-597d9eaf86c5.pdf>>.
- 216 Red Mexicana de Cooperación Judicial para la Protección de la Niñez, Mexico, <<https://conatrib.org.mx/red-cooperacion-judicial-ninez/>>; Cervera Rivero, O.G., 'Funcionamiento de la Red Judicial Mexicana de Protección a la Niñez', in *Revista Perspectiva Jurídica UP*, No. 2, <<http://www.edkpublicaciones.com/up/index.php/indice-2/funcionamiento-de-la-red-judicial-mexicana-de-proteccion-a-la-ninez>>. See also: Suprema Corte de Justicia de la Nación – Centro de Estudios Constitucionales, *Cuadernos de jurisprudencia No. 1. Restitución internacional de niñas, niños y adolescentes*, México, SCJN, 2020, <https://www.scjn.gob.mx/sites/default/files/publicaciones_scjn/publicacion/2022-02/CJ%20DYF%201%20Restitucion%20internacional.pdf>.
- 217 The Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Country Profile: Nicaragua, 2023, <<https://assets.hcch.net/docs/725ddd8e-1f03-4981-bd1e-428c71d7f4a2.pdf>>.
- 218 *Córdoba v. Paraguay*, fn. 41.
- 219 Kruger, T. 'The Inter-American Court of Human Rights: First judgement on international child abduction', ConflictOfLaws.net – Views and News in Private International Law, 28 December 2023, <<https://conflictoflaws.net/2023/the-inter-american-court-of-human-rights-first-judgment-on-international-child-abduction/>>.
- 220 Child Identity Protection, Child Identity Protection (CHIP) – Observer Note, Info. Doc. No. 5 of October 2023, The Hague Conference on International Private Law, 2023, <<https://assets.hcch.net/docs/488e6147-533c-4c37-9a41-2f5c40af7482.pdf>>.
- 221 "El interés superior del niño" en los procesos de restitución internacional de NNA. Consensos globales y regionales para la determinación de su aplicación y alcance', fn. 211.
- 222 United Nations High Commissioner for Refugees, *Global Trends – Forced Displacement in 2023*, 2024, <<https://www.unhcr.org/global-trends-report-2023>>.
- 223 'Estrategia de identidad legal de OIM y su trabajo en Perú y México', fn. 93. See also: Casal Hernández, J.M. et al., *Diagnóstico sobre el acceso a la justicia en Venezuela. Experiencias en Caracas y Guayana*, Universidad Católica Andrés Bello, 2023, <<https://elucabista.com/wp-content/uploads/2023/01/Diagnostico-sobre-acceso-a-la-justicia..pdf>>.
- 224 *Children on the Move in Latin America and the Caribbean: Review of the evidence*, fn. 87.
- 225 Ibid.
- 226 Ibid.

227 *Global Trends – Forced Displacement in 2023*, fn. 222.

228 Red por los Derechos de la Infancia en México, Desplazamiento forzado de niñas, niños y adolescentes en México, Blog de datos e incidencia política de REDIM Derechos de infancia y adolescencia en México, 2022, <<https://blog.derechosinfancia.org.mx>>.

229 United Nations Children's Fund, Frontera noroeste de México – Niños y familias desplazadas "altamente vulnerables", señalan El Colef y UNICEF, UNICEF Mexico, 2022, <<https://www.unicef.org/mexico/comunicados-prensa/frontera-noroeste-de-mexico-ninos-y-familias-desplazadas-altamente-vulnerables>>.

230 Silva Hernández, A. and Alfaro Trujillo, B., "Es mucho daño lo que yo tengo". *Niñas, niños y adolescentes desplazados forzados internos en la frontera norte de México*. UNICEF Mexico and Colegio de la Frontera Norte, 2022, <<https://www.unicef.org/mexico/media/6786/file/Informe%20DFI%20Tijuana%202022.pdf>>.

231 International Organization for Migration – Mexico, ¿Qué necesitas saber para registrar a un niño o niña nacida en México si eres una persona extranjera?, n.d., <<https://mexico.iom.int/sites/g/files/tmzbdll686/files/documents/2023-08/infosheet-derecho-identidad-light.pdf>>.

232 International Organization for Migration – Mexico, Familias migrantes de 56 niñas y niños nacidos en México obtienen actas que aseguran su identidad legal, 28 April 2022, <<https://lac.iom.int/es/news/familias-migrantes-de-56-ninas-y-ninos-nacidos-en-mexico-obtienen-actas-que-aseguran-su-identidad-legal>>.

CHAPTER 3: Falsification of a child's identity and family relations in the Americas

- 233 Preserving "family relations": an essential feature of the child's right to identity, fn. 3, at Chapter 3.
- 234 United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, Resolution A/RES/54/263, 25 May 2000, Art. 2(a), <<https://www.ohchr.org/en/professionalinterest/pages/opscrcr.aspx>>.
- 235 See, e.g. Human Rights Council, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography. III. Study on illegal adoptions, A/HRC/34/55, 22 December 2016, <<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F34%2F55&Language=E&DeviceType=Desktop&LangRequested=False>>.
- 236 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 237 *Global Trends – Forced Displacement in 2023*, fn. 222.
- 238 Johnston, P., *Native children and the child welfare system*. James Lorimer Ltd., 1983.
- 239 'Why did Canada separate Indigenous families from their children?', *npr*, 25 January 2022, <<https://www.npr.org/2022/01/25/1075488955/why-did-canada-separate-indigenous-families-from-their-children>>.
- 240 Hanson, E., Gamez, D.P. and Manuel, A., *The Residential School System*, Indigenous Foundations, 2009/2020, <https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/#:-:text=The%20residential%20school%20system%20officially,to%20speak%20their%20own%20languages>.
- 241 Government of Canada, Statement of apology to former students of Indian Residential Schools, 2008, <<https://www.rcaanc-cirnac.gc.ca/eng/1100100015644/1571589171655>>.
- 242 Government of Canada, Truth and Reconciliation Commission of Canada, 2024, <<https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>>.
- 243 An Act respecting First Nations, Inuit and Métis children, youth and families (S.C. 2019, c. 24), Canada, 2019, <https://laws-lois.justice.gc.ca/eng/annualstatutes/2019_24/>; Hobson, B., 'More than half the children in care are Indigenous, census data suggests', *CBC*, 21 September 2022, <<https://www.cbc.ca/news/canada/manitoba/census-indigenous-children-care-1.6590075>>.
- 244 'Why did Canada separate Indigenous families from their children?', fn. 239; Waxman, O.B., 'The History of Native American Boarding Schools Is Even More Complicated than a New Report Reveals', *Time*, 17 May 2022, <<https://time.com/6177069/american-indian-boarding-schools-history/>>.
- 245 'How the US stole thousands of Native American children', *Vox*, 14 October 2019, <<https://www.youtube.com/watch?v=UGqWRyBCHhw>>.
- 246 Red Latinoamericana de Acogimiento Familiar and United Nations Children's Fund, *Discriminación en las instituciones de cuidado de niñas, niños y adolescentes — Institucionalización y prácticas discriminatorias en Latinoamérica y el Caribe*, 2013, <<https://www.observatoriodelainfancia.es/oia/esp/descargar.aspx?id=4053&tipo=documento>>.
- 247 Ibid; Instituto Interamericano del Niño, Lumos and Red Latinoamericana de Acogimiento Familiar, *En nombre del cuidado y la protección de los niños, niñas y adolescentes. La institucionalización en América Latina y el Caribe*, 2021, <https://www.relaf.org/biblioteca/LUMOS_LAC_Informe.pdf>.
- 248 Red Latinoamericana de Acogimiento Familiar, *Niñez y adolescencia institucionalizada: visibilización de graves violaciones de DDHH*, Serie: Publicaciones sobre niñez sin cuidados parentales en América Latina: Contextos, causas y respuestas, 2011, at 4.4, <<https://www.relaf.org/Documento%20agosto%202011%20Relaf.pdf>>; De la Peña Gómez, A., 'La Villa de las Niñas', *cimacnoticias*, 17 April 2007, <<https://cimacnoticias.com.mx/2007/04/17/la-villa-de-las-ninas/#gsc.tab=0>>.
- 249 Abuelas de Plaza de Mayo, Nuestra historia, <<https://www.abuelas.org.ar/las-abuelas>>.
- 250 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 251 Londoño, E., "'No podía entender lo que pasaba': cientos de chilenos adoptados en el extranjero han descubierto que fueron víctimas de la trata de personas", *The New York Times*, 17 December 2021, <<https://www.nytimes.com/es/2021/12/17/espanol/chile-adoptados-extranjero.html>>.
- 252 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 253 "'No podía entender lo que pasaba': cientos de chilenos adoptados en el extranjero han descubierto que fueron víctimas de la trata de personas", fn. 251; Poder Judicial, República de Chile, Corte Suprema designa a Alejandro Aguilar como nuevo ministro en visita con dedicación exclusiva en causas de adopciones ilegales, 9 July 2024, <<https://www.pjud.cl/prensa-y-comunicaciones/noticias-del-poder-judicial/111982>>.
- 254 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 255 The Hague Conference on Private International Law, *Report of a fact-finding mission to Guatemala in relation to intercountry adoption, 26 February – 9 March 2007*, prepared by Ignacio Goicoechea, Liaison Legal Officer for Latin America with the assistance of Jennifer Degeling, Principal Legal Officer, 2007, <<https://assets.hcch.net/docs/18210249-187a-4607-b6b5-808e3f3fb7fa.pdf>>.
- 256 International Commission against Impunity in Guatemala, *Report on Players Involved in the Illegal Adoption Process in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007)*, 2010, <http://www.cicig.org/uploads/documents/informes/INFOR-TEMA_DOC05_20101201_EN.pdf>.
- 257 Baglietto, C. and Dambach, M., *Haiti. 'Expediting' intercountry adoptions in the aftermath of a natural disaster...preventing future harm*, ISS, Switzerland, 2010, <https://www.iss-ssi.org/wp-content/uploads/2023/04/Haiti_ISS-ANG.pdf>.
- 258 Trailer: *Juan*, by Louise Heem, 2020, <https://www.youtube.com/watch?v=0wdsqU33_7k>.
- 259 Ortiz, R.M., *Adopción internacional o tráfico de niños. Paraguay*, Documento de trabajo No. 45, Centro de Documentación y Estudios, 1994, <<https://www.cde.org.py/wp-content/uploads/1994/10/Adopción-Internacional-o-tráfico-de-niños1.pdf>>.
- 260 Lanchin, M., 'Trafficked war babies of El Salvador search for their long-lost families', *BBC News*, 12 April 2024, <<https://www.bbc.com/news/articles/cgxw8n0q7k3o>>; 'El Salvador: resuelven casi 500 casos de niñez desaparecida', *DW*, 20 March 2024, <<https://www.dw.com/es/el-salvador-resuelven-casi-500-casos-de-niñez-desaparecida/a-68619264>>; Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos, El Salvador, <<https://www.asociacionprobusqueda.org>>.
- 261 'Devuelven bebés que serían adoptados por irlandeses', *El Universal*, 4 June 2012, <<https://archivo.eluniversal.com.mx/notas/851471.html>>.
- 262 Preserving "family relations": an essential feature of the child's right to identity, fn. 3, at Ch. 3.4.

- 263 'Denuncian reclutamiento de niños soldado por parte de guerrilla en Paraguay', *La Vanguardia*, 28 August 2015, <<https://www.lavanguardia.com/vida/20150829/54436089688/denuncian-reclutamiento-de-ninos-soldado-por-parte-de-guerrilla-en-paraguay.html>>; 'El Gobierno paraguayo denunció que la guerrilla del EPP recluta a menores', *infobae*, 30 December 2020, <<https://www.infobae.com/america/america-latina/2020/12/30/el-gobierno-paraguayo-denuncio-que-la-guerrilla-del-epp-recluta-a-menores/>>.
- 264 United Nations Children's Fund, Ishmael Beah, embajador de buena voluntad de UNICEF, visita México para dialogar con niñez afectada por violencia armada, 6 June 2023, <<https://www.unicef.org/mexico/comunicados-prensa/ishmael-beah-embajador-de-buena-voluntad-de-unicef-visita-mexico-para-dialogar>>; Red por los Derechos de la Infancia en México, Niñez reclutada por agrupaciones delictivas en México, Blog de datos e incidencia política de REDIM - Derechos de infancia y adolescencia en México, 2021, <<https://blog.derechosinfancia.org.mx/2021/12/07/ninez-reclutada-por-agrupaciones-delictivas-en-mexico/>>.
- 265 Ishmael Beah, embajador de buena voluntad de UNICEF, visita México para dialogar con niñez afectada por violencia armada, *Ibid*.
- 266 Ferlay Vargas Diaz, Taller de Vida, at Virtual Symposium – Child's Right to Identity in Emergency Settings, organised by Child Identity Protection, 22 November 2022, <<https://www.child-identity.org/22-november-2022-virtual-symposium-childs-right-to-identity-in-emergency-settings/>>.
- 267 United Nations Children's Fund, UWI, Institute for Gender and Development Studies, Maestral, *Research Brief: Child marriage and early unions in the Caribbean*, UNICEF Latin America and Caribbean Regional Office, 2023, <<https://www.unicef.org/loc/media/46136/file/Research-Brief-Child-Marriage-and%20Early-Unions-in-the-Caribbean.pdf>>.
- 268 United Nations Children's Fund, *Is an end to child marriage within reach? Latest trends and future prospects. 2023 update*, UNICEF, New York, 2023, <https://bettercarenetwork.org/sites/default/files/2023-05/is_an_end_to_child_marriage_within_reach.pdf>.
- 269 *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, fn. 80.
- 270 *Is an end to child marriage within reach? Latest trends and future prospects. 2023 update*, fn. 268.
- 271 *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, fn. 80.
- 272 Girls not Brides, Country Profile: Bolivia, <<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/bolivia/>>.
- 273 *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, fn. 80.
- 274 Espinoza, A., '5 mil matrimonios infantiles tiene registrado el Reniec en Perú: niñas de 11 y 17 años son casadas con hombres adultos', *infobae*, 29 June 2023, <<https://www.infobae.com/peru/2023/06/26/matrimonio-infantil-peru-registra-cerca-de-5-mil-casamientos-de-menores-y-congreso-se-niega-a-derogar-polemica-ley/>>; United Nations Population Fund and Grupo Interdisciplinario de Familias, *Por un desarrollo integral de niñas y adolescentes. Erradicación del matrimonio infantil en el Perú*, UNFPA and Gifamilias, https://peru.unfpa.org/sites/default/files/pub-pdf/folleto_erradi_matri_infantil_gifas.pdf.
- 275 For example, in Suriname, 36% of women aged 20-24 years were first married or in union before age 18. See: Ministry of Social Affairs and Public Housing and United Nations Children's Fund, *Monitoring the situation of children and women. Multiple Indicator Cluster Survey. 2018. Survey Findings Report*. Ministry of Social Affairs and Public Housing and UNICEF, Suriname, 2019, <https://mics-surveys-prod.s3.amazonaws.com/MICS6/Latin%20America%20and%20Caribbean/Suriname/2018/Survey%20findings/Suriname%202018%20MICS%20Survey%20Findings%20Report_English.pdf>.
- 276 *Research Brief: Child marriage and early unions in the Caribbean*, fn. 267.
- 277 The minimum age to enter into marriage for both boys and girls has been raised to 18 years in the draft revised Civil Code, and the possibility for parents to request dispensation for child marriage would be repealed. Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child. Combined Fifth and Sixth Periodic Report, Republic of Suriname, CRC/C/SUR/5-6, 7 July 2023, <<https://www.ohchr.org/en/treaty-bodies/crc>>.
- 278 *Research Brief: Child marriage and early unions in the Caribbean*, fn. 267.
- 279 Camhaji, E., 'México aprueba que se castigue el matrimonio infantil hasta con 22 años de cárcel', *El País*, 16 March 2023, <<https://elpais.com/mexico/2023-03-16/mexico-aprueba-que-se-castigue-el-matrimonio-infantil-hasta-con-22-anos-de-carcel.html>>; United Nations Children's Fund, UNICEF celebra la aprobación por el Senado del dictamen para prohibir el matrimonio infantil en el Código Civil Federal, 14 May 2019, <<https://www.unicef.org/mexico/comunicados-prensa/unicef-celebra-la-aprobacion-por-el-senado-del-dictamen-para-prohibir-el>>.
- 280 'Matrimonio infantil subsiste en 25 estados por vacío legal; denuncian impunidad de agresores', *El Universal*, 1 February 2026, <<https://www.eluniversal.com.mx/nacion/matrimonio-infantil-subsiste-en-25-estados-por-vacio-legal-denuncian-impunidad-de-agresores/>>.
- 281 Secretaría de Gobernación, Consejo Nacional de Población, *Niñez interrumpida. Matrimonio infantil y adolescente en México*, CONAPO, 2023, <<https://www.gob.mx/conapo/documentos/ninez-interrumpida-matrimonio-infantil-y-adolescente-en-mexico>>; Save the Children Mexico, *Voces de niñas y adolescentes. Una aproximación a las causas de los matrimonios infantiles*, Save the Children and Mano Vuelta A.C., 2023, <<https://savethechildren.mx/wp-content/uploads/2024/08/MATRIMONIO-INFANTIL-VF-Save-the-Children-1.pdf>>.
- 282 Girls Not Brides, Establish and implement laws and policies, <<https://www.girlsnotbrides.org/learning-resources/theory-change/establish-and-implement-laws-and-policies/>>.
- 283 'U.S.-born Children, Too, Were Separated from Parents at the Border', *The New York Times*, 11 April 2023, <<https://www.nytimes.com/2023/04/11/us/migrant-family-separations-citizens.html>>.
- 284 *Ibid*.
- 285 Seitz, A., 'White House promises crackdown on migrant child labor', *AP*, 27 February 2023, <<https://apnews.com/article/politics-child-endangerment-abuse-us-department-of-health-and-human-services-children-91ad24f4cfad0343ad83f72732b64e>>.
- 286 'Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.', *The New York Times*, 28 February 2023, <<https://www.nytimes.com/series/alone-and-exploited>>.
- 287 *Ibid*.
- 288 Defensoría del Pueblo del Estado Plurinacional de Bolivia, *Informe defensorial trabajo infantil y adolescente en Bolivia: vulneración del derecho a la protección de niñas, niños y adolescentes con relación al trabajo*, 2021, <<https://www.defensoria.gob.bo/uploads/files/informe-defensorial-trabajo-infantil-y-adolescente-en-boliviavulneracion-del-derecho-a-la-proteccion-de-ninyas,ninyos-y-adolescentes-con-relacion-al-trabajo.pdf>>.

- 289 End Slavery Now, Restaveks: Haitian Slave Children, <<https://www.endslaverynow.org/blog/articles/restaveks-haitian-slave-children>>.
- 290 'El criadazgo, la vieja práctica de emplear a niños en tareas domésticas', *La Opinión*, 1 December 2016, <<https://laopinion.com/2016/06/16/el-criadazgo-la-vieja-practica-de-emplear-a-ninos-en-tareas-domesticas/>>.
- 291 Fundación Acuorum, Las 'criaditas': el trabajo infantil pervive en Paraguay, <<https://www.acuorum.com/las-criaditas-el-trabajo-infantil-pervive-en-paraguay/>>.
- 292 Bermúdez, A., 'Criadazgo, la cuestionada práctica de los paraguayos que «adoptan» niños como empleados domésticos', *BBC News*, 16 June 2016, <<https://www.bbc.com/mundo/noticias-america-latina-36544713>>

CHAPTER 4: Preservation of a child's identity and family relations as well as access to origins in the Americas

- 293 Child Identity Protection, Briefing note: Aligning data protection rules with international standards, CHIP, 2022, <<https://www.child-identity.org/wp-content/uploads/2022/06/CHIP-BriefingNote-DataProtection-EN.pdf>>.
- 294 'TSE presenta nuevo Sistema de Registro Civil Biométrico que permitirá afiliaciones en línea', *Agencia de Noticias Fides*, 2017, <<https://www.noticiasfides.com/nacional/sociedad/tse-integran-el-registro-civil-y-el-padron-electoral-biometrico--376278>>.
- 295 Servicio de Registro Civil e Identificación, Ministerio de Justicia y Derechos Humanos, Chile, <<https://www.registrocivil.cl/principal/quienes-somos>>; *Snapshot of civil registration and vital statistics systems of Chile*, fn. 58.
- 296 Registro Nacional de las Personas Naturales, Gobierno de El Salvador, 'Digitalizando y preservando los documentos de nacimientos, matrimonios y defunciones del RNP', 20th meeting of CLARCIEV, Lima, Peru, 2023, <<https://drive.google.com/file/d/1Q2O4AQzIIIE2KV089jjoDU8XBktJvzf9/view>>.
- 297 Dokovic, Z., *Snapshot of civil registration and vital statistics systems of Guatemala*, Centre of Excellence for Civil Registration and Vital Statistics (CRVS) Systems, 2020, <<https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/0d03bb33-948b-4bf3-a0e4-3575445834e0/content>>.
- 298 Office of the United Nations High Commissioner for Human Rights, Call for inputs on universal birth registration and the use of digital technologies, 2025, <<https://www.ohchr.org/en/calls-for-input/2024/call-inputs-universal-birth-registration-and-use-digital-technologies>>; Child Identity Protection, Submission on universal birth registration and the use of digital technologies, 2024, <<https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfis/birth-registration/subm-universal-birth-registration-cso-child-identity-protection.pdf>>.
- 299 Art. 37 of the *Ley No. 1266/1987 del Registro del Estado Civil*, 1987, <<https://registrocivil.gov.py/archivos/multimedia/documentos/02e74f10e0327ad868d138f2b4fdd6f0.pdf>>.
- 300 Art. 4 of the *Decreto Supremo No. 015-98-PCM - Reglamento de Inscripciones del Registro Nacional de Identificación y Estado Civil*, 1998, <<https://www.gob.pe/institucion/pcm/normas-legales/3300110-015-98-pcm>>.
- 301 Extracted from: Salvo Agoglia, I. *Sankofa. Historias sobre adopción y búsquedas de orígenes*, TransformAdopción, 2021, p. 127, <https://www.researchgate.net/publication/353298345_SANKOFA_Historias_sobre_adopcion_y_búsquedas_de_origenes_SANKOFA_Stories_about_adoption_and_search_of_origins_Open_Access>.
- 302 Instituto Colombiano de Bienestar Familiar, Colombia, Búsqueda de Orígenes, <<https://www.icbf.gov.co/programas-y-estrategias/proteccion/subdireccion-de-adopciones/busqueda-de-origenes>>; The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Colombia, 2020, <<https://assets.hcch.net/docs/3d1bdb05-c949-4b9f-a371-6620fea5a633.pdf>>.
- 303 Servicio Nacional de Protección Especializada a la Niñez y Adolescencia, Chile, Búsqueda de orígenes, <<https://www.mejorninez.cl/tramites-busqueda-origen.html>>; The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Chile, 2020, <<https://assets.hcch.net/docs/9a4b2696-651f-4e01-8c7c-b76ad9144cfe.pdf>>.
- 304 Servicio Nacional de Menores, Chile, *Resolución Exenta No. 119 – Aprueba "Normativa técnica del Subprograma de Búsqueda de Orígenes*, 2018, <<https://www.sename.cl/web/wp-content/uploads/2019/03/Normativa-Tec-subprograma-de-Busqueda-de-origenes.pdf>>.
- 305 The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Panama, 2020, <<https://assets.hcch.net/docs/e0d81b9e-e157-4e63-a949-c8d9fb4c41c9.pdf>>.
- 306 Dirección de Adopciones, Ministerio de la Mujer y Poblaciones Vulnerables, Peru, Búsqueda de Orígenes, <<https://www.mimp.gob.pe/homemimp/direcciones/adopciones/busqueda-de-origenes.php>>; The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Peru, 2020, <<https://assets.hcch.net/docs/a8487410-736d-4921-8110-a8be813968c2.pdf>>.
- 307 Gouvernement du Québec, Canada, Services en matière de recherche d'antécédents sociobiologiques et de retrouvailles, <https://adoption.gouv.qc.ca/fr_recherche-des-origines>; The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Canada, 2020, <<https://assets.hcch.net/docs/9c8420a3-abe5-4c18-b5ae-d5f60925f14e.pdf>>.
- 308 The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Uruguay, 2020, <<https://assets.hcch.net/docs/a3d3c90b-dc14-47ce-8a4f-78ab87766cd8.pdf>>.
- 309 Consejo Nacional de Adopciones, Guatemala, <<http://www.cna.gob.gt/BOes.php>>; Committee on the Rights of the Child, Seventh periodic report submitted by Guatemala under article 44 of the Convention, due in 2023, CRC/C/GTM/7, 12 October 2023, Para. 137, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGTM%2F7&Lang=en>.
- 310 The Hague Conference on Private International Law, Conclusions & Recommendations (C&R) adopted by the Fifth Meeting of the Special Commission on the Practical Operation of the 1993 Adoption Convention, July 2022, <<https://assets.hcch.net/docs/d56b7ba3-6695-4862-b49c-75c730e9d599.pdf>>.
- 311 Child Identity Protection, Briefing Note: Safeguarding search for origins from illicit post-adoption practices, 2023, <<https://www.child-identity.org/briefing-note-safeguarding-search-for-origins-from-illicit-post-adoption-practices/>>.
- 312 Ibid.
- 313 *Ley No. 1168 de Abreviación procesal para garantizar la restitución del derecho humano a la familia de las niñas, niños y adolescentes*, Bolivia, 2019, <http://www.silep.gob.bo/norma/15663/ley_actualizada>.
- 314 Art. 95 of the *Ley No. 1168 de Abreviación procesal para garantizar la restitución del derecho humano a la familia de las niñas, niños y adolescentes*, Ibid.
- 315 Art. 48 of the *Lei N.º 8.069*, Brazil, 1990, <https://www.planalto.gov.br/ccivil_03/leis/18069.htm>; The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention. Prel. Doc. No. 3 of February 2020 for the Special Commission meeting of 2021. Brazil, 2020, <<https://assets.hcch.net/docs/ea09b723-3089-4ece-9f62-cffcae732387.pdf>>.
- 316 Art. 91 of the *Ley No. 156 del Código de las Familias*, Cuba, 2022, <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o99_0.pdf>.

- 317 Decreto No. 282 - Ley Especial de Adopciones, El Salvador, 2016, <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073649098_archivo_documento_legislativo.pdf>.
- 318 Art. 15 of the Decreto No. 282 - Ley Especial de Adopciones, Ibid.
- 319 Art. 156 of the Ley No. 136-03 del Código para la Protección de los Derechos de los Niños, Niñas y Adolescentes, Dominican Republic, 2003, <<https://docs.republica-dominicana.justia.com/nacionales/leyes/ley-136-03.pdf>>.
- 320 Art. 153 of the Código de la Niñez y Adolescencia, Ecuador, 2003, <https://www.gob.ec/sites/default/files/regulations/2018-09/Documento_Código-Niñez-Adolescencia.pdf>.
- 321 Services en matière de recherche d'antécédents sociobiologiques et de retrouvailles, fn. 307.
- 322 See also: The Evan B. Donaldson Adoption Institute, *For the records II: An Examination of the History and Impact of Adult Adoptee Access to Original Birth Certificates*, Policy and Practice Perspective, 2010, <<https://www.ncap-us.org/post/for-the-records-ii>>.
- 323 The Hague Conference on Private International Law, Questionnaire on the practical operation of the 1993 Adoption Convention, Prel. Doc. No 3 of February 2020, Responses to the Questionnaire, <<https://www.hcch.net/en/publications-and-studies/details4/?pid=6748&dtid=33>>; Conclusions & Recommendations (C&R) adopted by the Fifth Meeting of the Special Commission on the Practical Operation of the 1993 Adoption Convention, fn. 310; United Nations Human Rights Treaty Bodies, United Nations Human Rights Special Procedures, Joint statement on illegal intercountry adoptions, 2022, <https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA_HR_28September2022.pdf>; Report of the Special Rapporteur on the sale of children, child prostitution and child pornography. III. Study on illegal adoptions, fn. 235; Denéchère, Y. and Macedo, F., *Étude historique sur les pratiques illicites dans l'adoption internationale en France*, TEMOS, Université d'Angers, France, 2023, <<https://univ-angers.hal.science/hal-03972497v1>>; Committee investigating intercountry adoption (The Netherlands), Summary: Consideration, Analysis, Conclusions, Recommendations and Summary, 2021, <<https://www.government.nl/binaries/government/documenten/reports/2021/02/08/summary-consideration-analysis-conclusions-recommendations/Summary+of+the+report+of+the+Committee+Investigating+Intercountry+Adoption.pdf>>;
- Swiss Confederation (Switzerland), *Illegal adoptions of children from Sri Lanka: historical review, search for origins, outlook. Federal Council report in response to the Rebecca Ruiz postulate 17.4181 of 14 December 2017*, Partial English translation, 2020, <<https://www.bj.admin.ch/dam/bj/en/data/gesellschaft/gesetzgebung/illegale-adoptionen/ber-br.pdf.download.pdf/ber-br-e.pdf>>.
- 324 Sankofa. *Historias sobre adopción y búsquedas de orígenes*, fn. 301.
- 325 Selman, P., Global Statistics for Intercountry Adoption: Receiving States and States of origin 2004 -2022, The Hague Conference on Private International Law, 2024, <<https://assets.hcch.net/docs/a8fe9f19-23e6-40c2-855e-388e112b1f5.pdf>>.
- 326 Consejo Nacional de Adopciones, Guatemala, *Memoria de Labores 2024*, <<https://www.cna.gob.gt/Documentos/MemoriaLabores/ML2024.pdf>>.
- 327 Ministerio de Inclusión Económica y Social, Niñas, Dirección de Adopciones, Niños y Adolescentes en Proceso de Adopción, 2024, <<https://www.inclusion.gob.ec/ninas-ninos-y-adolescentes-en-proceso-de-adopcion/>>.
- 328 Consejo Nacional para la Niñez y Adolescencia (CONANI), *Boletín Estadístico de 2024*, 2025, <<https://conani.gob.do/transparencia/phocadownload/Estadisticas/Informe-Estadistico-Anual/2024/Informe-Estadistico-Anual-2024.pdf>>.
- 329 Global Statistics for Intercountry Adoption: Receiving States and States of origin 2004 -2022, fn. 325.
- 330 Ministerio de la Mujer y Poblaciones Vulnerables, Dirección de Adopciones, Estadísticas, 2025, <<https://www.gob.pe/institucion/mimp/informes-publicaciones/4310755-estadisticas-direccion-general-de-adopciones>>.
- 331 Global Statistics for Intercountry Adoption: Receiving States and States of origin 2004 -2022, fn. 325.
- 332 Secrétariat aux services internationaux à l'enfant (SASIE), Moratorium on new international adoption files, <<https://www.quebec.ca/en/family-and-support-for-individuals/pregnancy-parenthood/adoption/international-adoption/about/general-information>>; Lowrie, M., 'Quebec halts most international adoptions amid human trafficking concerns', CBC, 2 December 2024, <<https://www.cbc.ca/news/canada/montreal/international-adoption-moratorium-quebec-1.7398854>>; Secrétariat aux services internationaux à l'enfant (SASIE), Courriel aux États partenaires et collaborateurs du Secrétariat des services internationaux à l'enfant du Québec, 27 November 2024.
- 333 ICBF – Subdirección de Adopciones, Programa de adopción, Niños, niñas y adolescentes adoptados en el año 2025, <<https://www.icbf.gov.co/system/files/Estadisticas%20adopciones%20a%20Diciembre%2031%202025.pdf>>; Global Statistics for Intercountry Adoption: Receiving States and States of origin 2004 -2022, fn. 325.
- 334 'SDG 16: Peace, justice and strong institutions', pp. 511-512, fn. 86.
- 335 Resolución de la Registraduría Nacional del Estado Civil No. 8617 por la cual se modifica parcialmente la Resolución No. 8470 de 5 de agosto de 2019, y se prorroga su vigencia, Colombia, 2021, <https://www.icbf.gov.co/cargues/avance/compilacion/docs/resolucion_registraduria_8617_2021.htm>.
- 336 Snapshot of civil registration and vital statistics systems of Guatemala, fn. 297; Organization of American States, OAS Signs Agreement with Guatemala, El Salvador and Honduras to Promote Civil Registration, 15 February 2013, <https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-050/13>.
- 337 Registro Nacional de Población, Secretaría de Gobernación, Acciones para un trato digno y humano a migrantes y refugiados, 2019, <<https://www.gob.mx/segob/renapo/acciones-y-programas/acciones-para-un-trato-digno-y-humano-a-migrantes-y-refugiados>>.
- 338 'SDG 16: Peace, justice and strong institutions', pp. 511-512, fn. 86.
- 339 Leonhardt, D. 'Child labor and a broken border', in The Morning (newsletter), *The New York Times*, 19 September 2023, <<https://www.nytimes.com/2023/09/19/briefing/child-labor-migrants.html>>; Dreier, H. 'The Kids on the Night Shift', *The New York Times Magazine*, 20 September 2023, <<https://www.nytimes.com/2023/09/18/magazine/child-labor-dangerous-jobs.html>>.
- 340 International Commission on Civil Status, <<https://cieci.org/en/>>.
- 341 Coble, C., Where can a child have more than two parents?, *FindLaw*, 2019, <<https://www.findlaw.com/legalblogs/law-and-life/where-can-a-child-have-more-than-two-parents/>>.
- 342 Peltz, J., 'Courts and 'tri-parenting': A state-by-state look', *Boston.com*, 18 June 2017, <<https://www.boston.com/news/national-news/2017/06/18/courts-and-tri-parenting-a-state-by-state-look/>>; Collins, L.M., 'A three-parent birth certificate? It's becoming more common', *Deseret News*, 23 April 2016, <<https://www.deseret.com/2016/4/23/20587112/a-three-parent-birth-certificate-it-s-becoming-more-common>>.

343 Senzee, T., 'Argentina Makes History With Three-Parent Birth Certificate', *Advocate*, 3 May 2015, <<https://www.advocate.com/world/2015/05/03/argentina-makes-history-three-parent-birth-certificate>>.

344 Rolfsen, C., 'Della Wolf is B.C.'s 1st child with 3 parents on birth certificate', *CBC*, 10 February 2014, <<https://www.cbc.ca/news/canada/british-columbia/della-wolf-is-b-c-s-1st-child-with-3-parents-on-birth-certificate-1.2526584>>.

345 Art. 122 of the *Ley No. 156 del Código de las Familias*, fn. 316.

346 Arts. 21, 22, 23 and 24 of the *Ley No. 19.167 Técnicas de reproducción humana asistida*, Uruguay, 29 November 2013, <https://oig.cepal.org/sites/default/files/2013_ley19.167_ury.pdf>.

347 *Registration of Births of Children Born through Surrogacy Arrangements in Latin America and the Caribbean*, fn. 141.

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- 348 *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3, at Ch. 5.
- 349 *Guía práctica sobre la identidad legal*, fn. 81. See also: Global Alliance to End Statelessness, Latin American and Caribbean Civil Registration Week: An Initiative Ensuring Identity for All, 2025, <<https://statelessnessalliance.org/blog/latin-american-and-caribbean-civil-registration-week-an-initiative-ensuring-identity-for-all/>>.
- 350 Art. 27 of the Decreto Supremo No. 2377 del Reglamento al Código Niña, Niño y Adolescente, Bolivia, 27 May 2015, <<http://www.gacetaoficialdebolivia.gob.bo/normas/buscar/2377>>.
- 351 *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*, fn. 60.
- 352 *Snapshot of civil registration and vital statistics systems of Chile*, fn. 58.
- 353 *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*, fn. 60.
- 354 RENAP, Los nacimientos deben registrarse durante los primeros 60 días, <<https://www.renap.gob.gt/noticias/los-nacimientos-deben-registrarse-durante-los-primeros-60-dias>>; *Snapshot of civil registration and vital statistics systems of Guatemala*, fn. 297.
- 355 Registro Nacional de Población, Secretaría de Gobernación, Garantizar el derecho a la identidad de niñas, niños y adolescentes, el gran compromiso de México, 2021, <<https://www.gob.mx/segob/renapo/es/articulos/garantizar-el-derecho-a-la-identidad-de-ninas-ninos-y-adolescentes-el-gran-compromiso-de-mexico?idiom=es>>; United Nations Children's Fund, El derecho a la identidad, <<https://www.unicef.org/mexico/el-derecho-la-identidad>>.
- 356 *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*, fn. 60.
- 357 *Snapshot of civil registration and vital statistics systems of Peru*, fn. 58.
- 358 Art. 7 of the Ley No. 9710 de Protección del desarrollo a la nacionalidad costarricense de la persona indígena transfronteriza y garantía de integración de la persona indígena transfronteriza, 9 August 2019, <http://www.pgrweb.go.cr/scij/Busqueda/Normativa/normas/nrm_texto_completo.aspx?param2=1&nValor1=1&nValor2=89811&nValor3=118002&nValor4=NO&strTipM=TC>.
- 359 *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*, fn. 60.
- 360 Committee on the Rights of the Child, Combined third to sixth periodic reports submitted by Cuba under article 44 of the Convention, due in 2017, CRC/C/CUB/3-6, 27 January 2020, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCUB%2F3-6&Lang=en>.
- 361 *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*, fn. 60.
- 362 Decreto No. 431 - Crecer juntos para la protección integral de la primera infancia, niñez y adolescencia, El Salvador, 22 June 2022, <<https://www.asamblea.gob.sv/sites/default/files/documents/decretos/ACAFD675-FAA0-40FB-916F-A51C79A22F5E.pdf>>.
- 363 Art. 42 of the Decreto No. 431, Ibid.
- 364 Art. 41 of the Decreto No. 431, Ibid.
- 365 *Situation Analysis of Children in Grenada*, fn. 184; *Situation analysis of of Children in Saint Vincent and the Grenadines*, fn. 184.
- 366 Ibid.
- 367 Presidencia de la República Dominicana, El Gobierno, Unicef y JCE firman acuerdo para impulsar el registro civil oportuno, 2021, <<https://presidencia.gob.do/noticias/el-gobierno-unicef-y-jce-firman-acuerdo-para-impulsar-el-registro-civil-oportuno>>.
- 368 *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*, fn. 60.
- 369 Servicio de Registro Civil e Identificación, Ministerio de Justicia y Derechos Humanos, Chile, fn. 295; Servicio de Registro Civil e Identificación, Atenciones en terreno, <<https://www.registrocivil.cl/principal/canal-tramites/solicitud-de-atencion-en-terreno>>.
- 370 Los nacimientos deben registrarse durante los primeros 60 días, fn. 354; *Snapshot of civil registration and vital statistics systems of Guatemala*, fn. 297.
- 371 *Multiple Indicator Cluster Survey 2019-2020, Survey Findings Report*, fn. 61.
- 372 *Derecho a la identidad en México 2015-2020*, fn. 62.
- 373 *Combined Fifth and Sixth Periodic Report, Republic of Suriname*, fn. 277.
- 374 *Diagnóstico sobre el acceso a la justicia en Venezuela. Experiencias en Caracas y Guayana*, fn. 223.
- 375 *Guía práctica sobre la identidad legal*, fn. 81.
- 376 *Snapshot of civil registration and vital statistics systems of Guatemala*, fn. 297.
- 377 Registro Nacional de Población, Secretaría de Gobernación, Consejo Nacional de Funcionarios del Registro Civil, <<https://www.gob.mx/segob%7Crenapo/articulos/consejo-nacional-de-funcionarios-del-registro-civil>>.
- 378 Latin American and Caribbean Council on Civil Registry, Identity and Vital Statistics (CLARCIEV), fn. 48.
- 379 'Why did Canada separate Indigenous families from their children?', fn. 239.

- 380 Truth and Reconciliation Commission of Canada, fn. 242; National Centre for Truth and Reconciliation, University of Manitoba, Reports, <<https://nctr.ca/records/reports/>>; Government of Canada, *Indian Residential Schools Settlement Agreement*, 2021, <<https://www.rcaanc-cirnac.gc.ca/eng/1100100015576/1571581687074>>.
- 381 'Dozens more graves found at former residential school sites', *BBC News*, 15 February 2022, <<https://www.bbc.com/news/world-us-canada-60395242>>.
- 382 Statement of apology to former students of Indian Residential Schools, fn. 241.
- 383 *Indian Residential Schools Settlement Agreement*, fn. 380.
- 384 The National Native American Boarding School Healing Coalition, In the news, <<https://boardingschoolhealing.org/about-us/in-the-news/>>.
- 385 The National Native American Boarding School Healing Coalition, <<https://boardingschoolhealing.org>>.
- 386 *Discriminación en las instituciones de cuidado de niñas, niños y adolescentes — Institucionalización y prácticas discriminatorias en Latinoamérica y el Caribe*, fn. 246.
- 387 Reducing the number of Indigenous children in care, fn. 187; VanRaes, S., 'Canadian indigenous group takes charge of child welfare services', *Reuters*, 7 July 2021, <<https://www.reuters.com/world/Americas/canadian-indigenous-group-takes-charge-child-welfare-services-2021-07-06/>>; National Collaborating Centre for Aboriginal Health, Child, Youth and Family Health, First Nations and Non-Aboriginal Children in Child Protection Services, <<https://www.nccih.ca/docs/health/FS-ChildProtectiveServices-Bennett-Auger-EN.pdf>>.
- 388 Indigenous Children and the child welfare system in Canada, fn. 188.
- 389 Sherman, M., 'Supreme Court preserves law that aims to keep Native American children with tribal families', *AP*, 15 June 2023, <<https://apnews.com/article/supreme-court-native-american-children-adoption-8eee3db1e97cee84a7fcd98d43df795>>.
- 390 Committee on the Rights of the Child, Inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Report of the Committee, CRC/C/CHL/IR/1, 6 May 2020, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FCHL%2FIR%2F1&Lang=en>.
- 391 *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3, at S. iii.a, p. 12.
- 392 Abuelas de Plaza de Mayo, *Las abuelas y la genética*, <<https://www.abuelas.org.ar/resources/LibroGenetica.pdf>>.
- 393 Abuelas de Plaza de Mayo, La búsqueda de justicia, <<https://www.abuelas.org.ar/las-abuelas/la-busqueda-de-justicia>>.
- 394 Abuelas de Plaza de Mayo, Casa por la Identidad, <<https://abuelas.org.ar/educacion-e-investigacion/investigacion>>.
- 395 Abuelas de Plaza de Mayo, Archivo Biográfico Familiar, <<https://abuelas.org.ar/educacion-e-investigacion/investigacion>>.
- 396 Ministerio de Justicia, Comisión Nacional por el Derecho a la Identidad, <<https://www.argentina.gob.ar/derechoshumanos/argentina-te-busca/conadi>>.
- 397 'Gobierno de Milei elimina el organismo que investigaba apropiación de niños en dictadura', *SwissInfo*, 14 August 2024, <<https://www.swissinfo.ch/spa/gobierno-de-milei-elimina-el-organismo-que-investigaba-apropiacion-de-ninos-en-dictadura/86832130>>.
- 398 Ministerio Público Fiscal, Unidad Especializada para Casos de Apropiación de Niños durante el Terrorismo de Estado (UFICANTE), <<https://www.mpf.gob.ar/lesa/unidad-especializada-para-casos-de-apropiacion-de-ninos-durante-el-terrorismo-de-estado/>>.
- 399 Jefatura de Gabinete de Ministros, Banco Nacional de Datos Genéticos, <<https://www.argentina.gob.ar/ciencia/bndg>>.
- 400 Ministerio de Justicia, Comisión Nacional por el Derecho a la Identidad, Red por el Derecho a la Identidad y Relaciones Institucionales, <<https://www.argentina.gob.ar/red-por-el-derecho-la-identidad-y-relaciones-institucionales>>.
- 401 Juzgado Nacional en lo Contencioso Administrativo Federal No. 10, Ciudad Autónoma de Buenos Aires, No. 96411/21 v. 15/12/2021, 2021, <<https://www.boletinoficial.gob.ar/detalleAviso/segunda/A1064935/20211215?busqueda=2>>.
- 402 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 403 'Chile comienza a investigar miles de adopciones irregulares durante la dictadura de Pinochet', *France24*, 28 June 2018, <<https://www.france24.com/es/20180628-chile-comienza-investigar-miles-de-adopciones-irregulares-durante-la-dictadura-de-pinochet>>; Sepúlveda, N., 'Entrevista al Magistrado Jaime Balmaceda: "Me avergüenza que pueda haber funcionarios del Poder Judicial involucrados en adopciones ilegales"', *Ciper*, 27 September 2019, <<https://www.ciperchile.cl/2019/09/27/me-averguenza-que-pueda-haber-funcionarios-del-poder-judicial-involucrados-en-adopciones-ilegales/>>; Laborde, A., 'Guillermo de la Barra, el nuevo juez que investigará el robo de bebés y las adopciones ilegales en Chile', *El País*, 1 July 2024, <<https://elpais.com/chile/2024-07-02/guillermo-de-la-barra-el-nuevo-juez-que-investigara-el-robo-de-bebes-y-las-adopciones-ilegales-en-chile.html>>; Corte Suprema designa a Alejandro Aguilar como nuevo ministro en visita con dedicación exclusiva en causas de adopciones ilegales, fn. 253.
- 404 Sepúlveda, N., 'Adopciones ilegales: 141 madres ya se han reencontrado con los hijos que les arrebataron al nacer', *Ciper*, 5 June 2019, <<https://www.ciperchile.cl/2019/06/04/adopciones-ilegales-141-madres-ya-se-han-reencontrado-con-los-hijos-que-les-arrebataron-al-nacer/>>.
- 405 Comisión Especial Investigadora de los actos de organismos del Estado, en relación con eventuales irregularidades en procesos de adopción e inscripción de menores, y control de su salida del país, Cámara de Diputadas y Diputados, Chile, <<https://www.camara.cl/legislacion/comisiones/informes.aspx?prmlID=2221>>.
- 406 'Plan piloto busca agilizar la ubicación de víctimas de adopción ilegal en dictadura', *CNN Chile*, 11 January 2022, <https://www.cnnchile.com/pais/piloto-agilizar-ubicacion-victimas-adopcion-ilegal-dictadura_20220111/>; 'Child appropriations and irregular adoptions: Activism for the "right to identity", justice, and reparation in Argentina and Chile', fn. 11.
- 407 For extensive information on the situation of adoption in Chile, see: Salvo Agoglia, I., *Pasado, presente y futuro de la adopción en Chile: Hacia un enfoque centrado en los derechos de niños, niñas y adolescentes*, UNICEF, 2025, <<https://www.unicef.org/chile/informes/pasado-presente-y-futuro-de-la-adopcion-en-chile>>. See also: Salvo Agoglia, I., From Silence to Accountability: Chile's Path Toward Truth, Justice and Reparation for Forced Adoptions, Blog, Facing The Past, 2026, <<https://facing-the-past.org/from-silence-to-accountability-chiles-path-toward-truth-justice-and-reparation-for-forced-adoptions/>>.
- 408 'Plan piloto busca agilizar la ubicación de víctimas de adopción ilegal en dictadura', fn. 406.

- 409 Salvo Agoglia, I. and Alfaro Monsalve, K., "Irregular Adoptions" in Chile: New Political Narratives About The Right To Know One's Origins', in *Children & Society*, 33(3), 2019, 201-212, <https://www.researchgate.net/publication/332275333_Irregular_Adoptions_in_Chile_New_Political_Narratives_About_The_Right_To_Know_One's_Origins>; Hijos y Madres del Silencio, <<https://hijosymadresdelsilencio.cl>>; Nos Buscamos, <@nosbuscamoscl>; Chilean Adoptees Worldwide, <<https://www.caw-ngo.org>>.
- 410 Herrera, P., 'Chile y Suecia suscriben acuerdo de cooperación para abordar las adopciones forzadas entre ambos estados', *CNN Chile*, 14 June 2024, <https://www.cnnchile.com/pais/chile-suecia-acuerdo-adopciones-forzadas_20240614/>.
- 411 Ministerio de Relaciones Exteriores, *Protocolo de atención consular en materia de adopciones forzadas o irregulares*, Resolución Exenta No. 2.272/2023.
- 412 Inter-American Court of Human Rights, *Serrano-Cruz Sisters v El Salvador*, Judgement on Merits, reparations and costs, 2005, Para. 218, <https://www.corteidh.or.cr/docs/casos/articulos/seriec_120_ing.pdf>.
- 413 Comisión Nacional de Búsqueda de Niñas y Niños Desaparecidos durante el Conflicto Armado Interno, <<https://cnbelsalvador.org.sv/logros-y-resultados/>>.
- 414 *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3, at Chapter. 5.1, p. 66.
- 415 See, e.g. *Diagnóstico sobre el acceso a la justicia en Venezuela. Experiencias en Caracas y Guayana*, fn. 223.
- 416 See the case of Asociación Primavera, in *Report on Players Involved in the Illegal Adoption Process in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007)*, fn. 256.
- 417 See the case of ESRE, in *Report on Players Involved in the Illegal Adoption Process in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007)*, *Ibid*.
- 418 *Report on Players Involved in the Illegal Adoption Process in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007)*, *Ibid*.
- 419 International Commission Against Impunity in Guatemala, *Illegal adoptions in Guatemala*, 23 February 2012, <<https://www.cicig.org/history/index.php?page=0003-20120323E>>.
- 420 Consejo Nacional de Adopciones, Guatemala, fn. 309.
- 421 *Ramírez Escobar v. Guatemala*, fn. 38.
- 422 Comisión Presidencial por la Paz y los Derechos Humanos, *Acto de Disculpas Públicas por el caso: Ramírez Escobar y Otros vs Guatemala*, 12 July 2024, <<https://copadeh.gob.gt/2024/07/12/acto-de-disculpas-publicas-por-el-caso-ramirez-escobar-y-otros-vs-guatemala/>>.
- 423 *Fornerón and Daughter v. Argentina*, fn. 39.
- 424 *Ibid*, at Para. 113.
- 425 Inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Report of the Committee, fn. 390.
- 426 Defensoría de la Niñez, Chile, *Historia*, <<https://www.defensorianinez.cl/home-adulto/sobre-nosotros-adulto/historia/>>. See also: *Preserving "family relations": an essential feature of the child's right to identity*, fn. 3, at Chapter 5.5, p. 73.
- 427 Defensoría de la Niñez, *Omisión de verdad, justicia y reparación en materia de violaciones de derechos humanos de niños, niñas y adolescentes en entornos institucionales y de cuidado estatal: antecedentes y recomendaciones*, 2023, <<https://www.defensorianinez.cl/wp-content/uploads/2023/05/Documento-especializado-Comision-de-VRJ-Informe-Final-DDN-31052023.pdf>>.
- 428 Report of the Special Rapporteur on the sale of children, child prostitution and child pornography. III. Study on illegal adoptions, fn. 235; Joint statement on illegal intercountry adoptions, fn. 323.
- 429 Office of the United Nations High Commissioner for Human Rights, Committee on Enforced Disappearances Marks First Anniversary of the Joint Statement on Illegal Intercountry Adoptions, 21 September 2023, <<https://www.ohchr.org/en/meeting-summaries/2023/09/committee-enforced-disappearances-marks-first-anniversary-joint-statement>>.
- 430 Corte Constitucional, Colombia, *Sentence C-541/17*, 2017. It confirms the *Decreto Ley No. 891* of 2017.
- 431 Alarcón-Palacio, Y.E., 'Reclutamiento forzado de niños y niñas (abduction) en el conflicto armado colombiano: los menores de 18 años como víctimas con protección especial reforzada en el DIH y DIDH', in *Vniversitas*, No. 138, Pontificia Universidad Javeriana, 2019, <[https://revistas.javeriana.edu.co/files-articulos/VJ/138%20\(2019-I\)/82559799002/](https://revistas.javeriana.edu.co/files-articulos/VJ/138%20(2019-I)/82559799002/)>.
- 432 United Nations High Commissioner for Refugees, *Nota informativa sobre protección infantil: Registro de nacimiento*, 2013, <<https://www.refworld.org/es/pdfid/59ee2fac4.pdf>>.
- 433 United Nations Security Council, Conflict-related sexual violence – Report of the Secretary-General, S/2023/413, 22 June 2023, <<https://docs.un.org/S/2023/413>>.
- 434 Child Identity Protection, *Children's rights to identity and family relations, access to justice and effective remedies*, 2024, <<https://www.child-identity.org/wp-content/uploads/2024/05/Right-to-identity-and-access-to-justice-CHIP-submission-June-2024-ENG.pdf>>.

Country references

- 435 Organization of American States, Member States, <https://www.oas.org/en/member_states/default.asp>.