



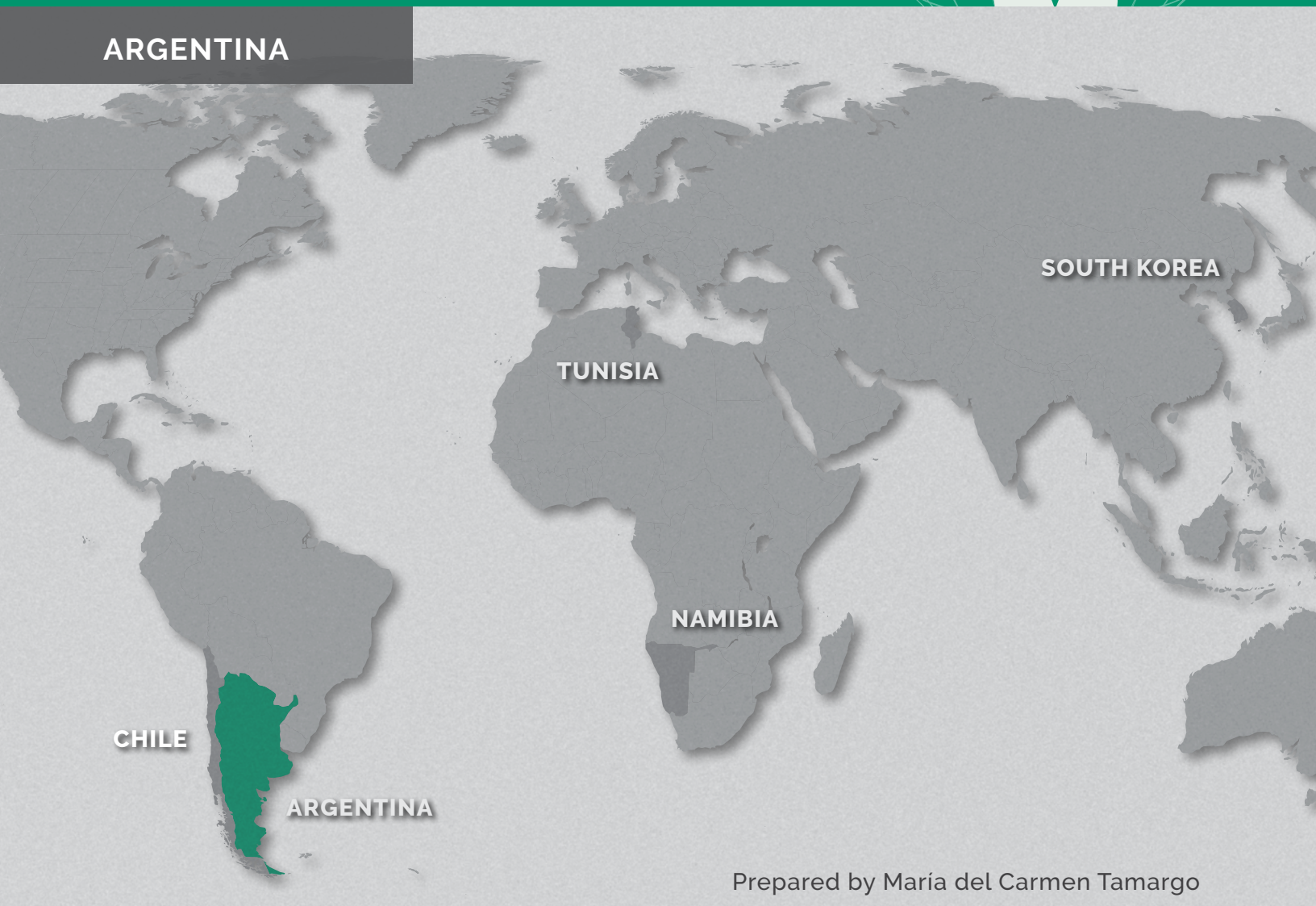
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The Nexus Between Civil Registration and Social Protection Systems: **Five Country Practices**



ARGENTINA



Prepared by María del Carmen Tamargo



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This publication is a single chapter in a larger body of work. *The Nexus Between Civil Registration and Social Protection Systems: Five Country Practices* is available at CRVSystems.ca/SocialProtection.

Published by the Centre of Excellence for Civil Registration and Vital Statistics Systems.

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The research presented in this publication was carried out with financial and technical assistance from the Centre of Excellence for CRVS Systems. Housed at the International Development Research Centre (IDRC), it is jointly funded by Global Affairs Canada and IDRC. The views expressed herein do not necessarily represent those of Global Affairs Canada, IDRC, or its Board of Governors.



Legal Identity and Social Protection: A Look at the Last Few Decades in Argentina

María del Carmen Tamargo

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1.1 Introduction

This chapter looks at the links between administrative policies on legal identity¹ and public policies on social protection in the Argentine Republic over the past two decades. The focus is on the synergies between the two types of policies that have helped to improve universal access to legal identity and created better conditions for the social inclusion of people.

The analytical work relied on documents, studies, and published research that concern both identity management policies and social protection policies. However, in themselves these works do not offer a comprehensive analysis that provides irrefutable relationships or synergies between the two areas. The task at hand is exploratory: it allows some hypotheses for relevant programs and policies to be developed and addressed in future research or evaluations.

Before we begin analyzing information, it is important to clarify some basic concepts related to legal identity as a right. Both under-registration of births and lack of documentation are structural problems that are generally associated with a set of social determinants — such as poverty, rurality, geographical isolation, ethnic belonging, and gender. These issues violate people's access to rights and benefits; for instance access to full citizenship.

Therefore, birth registration and documentation mark the starting point for the social inclusion of individuals, insofar as they guarantee the recognition of individuals as citizens. They also enable access to rights, including identity, education, health, housing, work, political participation, etc. Birth registration and documentation are a fundamental starting point for the construction of an inclusive society that guarantees equal access to the opportunities and benefits of social, economic, and cultural development of the population.

Over the last two decades in Latin America and the Caribbean, most governments moved to resolve inequalities that keep people from accessing birth registration and documentation. They have done this by

- revising legal frameworks;
- modernizing administrative models of civil registration and identification;
- using technological innovations; and
- taking specific actions to make it easier to access the birth register and documentation.

In many countries, legal identity management policies became a way to change sectoral social policies (education, health, housing, work, credit, political participation, etc.) to help people access rights and benefits.

1 In this text, management policies on legal identity are all state actions that aim to facilitate access to birth registration and documentation, improve the provision of civil records, and assist agencies that issue identity documents.

Argentina was part of this process of designing and implementing specific actions to promote inclusion. We will discuss these policies,² as well as those aimed at social protection, to assess

- the extent to which a positive relationship between administrative policies on legal identity and policies on social protection occurred; and
- whether their interactions generated positive effects on improving people's access to birth registration and documentation.

1.2 The status of birth registration and documentation in Argentina

To set in context the data describing the under-registration of births and the issuing of identity documents in Argentina, we need to outline the country's political and legal-administrative structure.

Below we describe the bodies responsible for registering births and granting identification. Then we present the data collected on under-registration and lack of documentation. We also give the socio-economic context of the country and each province.

1.2.1 The legal-administrative structure

The Argentine Republic is a state whose form of government is representative, republican, and federal.³ It consists of a central (federal) government and 24 subnational jurisdictions (23 provinces and the Autonomous City of Buenos Aires⁴). The provincial governments, meeting under a common federal government, retain their autonomy, dictate their own constitution, and exercise all non-delegated powers in the federal government. Each has jurisdiction over its own territory. The federal government has jurisdiction over the entire national territory. This coexistence is based on control and mutual cooperation between the provinces and the federal government.

2 In preparing this chapter, we interviewed institutional actors linked to the topics. We also consulted secondary data sources (documents and statistics).

3 The concept of representativeness is laid out in the national constitution. It means that the people exercise government through their elected representatives. The republican character refers to the division, control, and balance of powers that aim to guarantee individual freedoms: executive power, legislative power, and the judiciary. The federal character is based on the existence of a central government ("federal scope") and of member governments, whose existence is guaranteed in the Constitution. It underpins the form of government, where tasks are divided between the central government and the member governments. Each level of government can make decisions on its own and take on certain responsibilities. It also implies a constitutional and legal aspect. This emphasizes the existence of the three powers of government: executive, legislative, and judicial. archivos.juridicas.unam.mx/www/bjv/libros/7/3045/7.pdf

4 Each provincial government is divided into departments or parties and municipalities (these may or may not coincide with the party/department, depending on the province). Buenos Aires, which has special autonomy, is divided into municipalities.

Law 1565 (1885) makes the federal government responsible for

- recording vital population data;
- setting uniform criteria and procedures for registration; and
- laying the groundwork for creating provincial civil registries as well as the civil registry of the City of Buenos Aires.

In 1948, the National Register of Persons (RENAPER) was created. Its mission is to register and certify the identity of all persons of Argentine nationality who are domiciled in Argentina.⁵ It is an autonomous and decentralized body under the Ministry of the Interior of the Nation.

Each provincial government and the City of Buenos Aires organizes its own local civil registries. These must record all vital events or acts that give rise to, alter, or modify the civil status and capacity of the people in their jurisdiction. In this way, the registration of births and the granting of the *Documento Nacional de Identificación* (DNI), or national identity document, are the responsibility of different institutions, but both procedures are carried out in the offices of the civil registries.⁶

A third institution, the Federal Council of Directors of Civil Registries,⁷ is made up of the directors of each provincial civil registry, the civil registry of the City of Buenos Aires, plus a representative of RENAPER. The Federal Council aims to

- link the tasks of the civil registries across the country in a space of joint exchange and learning;
- create and unify criteria on interpreting registration legislation; and
- connect national and international bodies with links in this area.

1.2.2 Data on birth under-registration and lack of documentation

The under-registration rate of births in Argentina is seen as low in the Latin American context. Several recent studies⁸ describe a stable trend showing a birth under-registration rate of around 2 percent.

5 Except for foreign diplomatic personnel, in keeping with international rules and reciprocity agreements.

6 The issuing of birth certificates, which are needed to get ID, is done by the provincial civil registries. So is the start of ID processing, as the federal government delegates this power to the provinces.

7 The Council's last meeting took place on 24–26 October 2018, in the city of El Calafate, in Santa Cruz province.

8 Data from a study conducted for the IDB in 2010 showed that Argentina was in the group of countries with under-registration rates below 5 percent (similar to Chile, Colombia, Panama, and Uruguay). Two other groups of countries have rates between 5 and 10 percent (Brazil, Mexico, Ecuador, and Paraguay) and over 10 percent (El Salvador, Guatemala, and Peru). See María del Carmen Tamargo (2014), "Systematization on the Experiences of Reform and Modernization of Civil Registries in Latin America and the Caribbean, and the Status of Birth Registration and Documentation. 2005–2012." Source: Good Civil Registries Practices. ATN/FT 13346–RG; RG-T2020-IDBDOCS 37684159.

This number reflects the fact that some parents or legal guardians face obstacles in accessing government services and cannot fully exercise their rights. Indicators of poverty and destitution are generally seen as social determinants that restrict access to birth registration and documentation. Also, Argentina's federal character affects how registration and identification are organized and coordinated. It also restricts — based on the institutional capacities of each province — the exercising of the right to a legal identity.

In 2007, a study by the Inter-American Development Bank (IDB) showed that under-registration of births in Argentina was 2 percent, based on those enrolled within the statutory period.⁹ In 2011, the Social Debt Observatory of the Universidad Católica Argentina revealed that:

"1.6% of children, aged between 0 and 17, born in the country had no ID (equivalent to approximately 168,000 children); the most critical situation was among Argentine children between 0 and 4 years old, among whom 2.3% had no documents; the same situation affected the average 1% of children between the ages of 5 and 17."¹⁰

Also, a survey on living conditions for children and adolescents that the National Secretariat for Children, Adolescents and Family (SENNAF) and UNICEF completed between 2011 and 2012¹¹ showed that 98 percent of the population under the age of 18 had at some time processed a birth certificate or ID. These studies confirm the stable range or trend of the birth under-registration rate mentioned above.

On the other hand, in 2017, a study by the Ministry of Health and the UNICEF Argentina office (based on 2015 data) showed that "approximately 91 percent of the children registered were registered in the year of their birth;¹² 5 percent were born in the year prior to their registration and the rest were born in previous years."¹³

9 Dwight Ordóñez Bustamante. 2007. "The Birth Sub-Registration in Argentina: The Consequences," Inter-American Development Bank, 4. idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=1959580

10 Observatory, UCA. 2012, p. 7.

11 Survey conducted on a national probabilistic sample of 23,000 households that included some indicators on the registration and identification of children.

12 The regulations set a legal period of timely registration of 40 days from birth. Over the last 15 years, this was modified through different decrees. The period was extended to up to 12 years of age and, more recently, up to the age of 17. This simplified the process and provided a non-judicial administrative procedure.

13 In interpreting this data, note that in Argentina there are three instances for accrediting identity and identifying persons: the Medical Certificate of Birth and the Statistical Report of Live Birth (IENV), prepared by the professional who attended the birth at the public or private health facility; the birth certificate or record (registration or inscription) issued by the civil registry that is proof of identity; and the national identity document (DNI), the identification document for all persons (including newborns) issued by RENAPER (unique number assignment or ID number). To get ID, people need to have a birth certificate or record.

According to this study, almost all jurisdictions found that more than 95 percent of births were registered within three months of when a child was born. For registrations made after three months, there is an increased likelihood of births in public health facilities by socially vulnerable populations, such as

- adolescent mothers (25.3 percent of registrations after three months or more);
- lower levels of education; and
- mothers who are not living with their partner at the time of the birth.

This shows that children who are not registered in a timely manner face unfavourable conditions compared to the rest, based on their socio-economic situation.

Even though the under-registration rate of births is low in Argentina, inequalities exist in the provinces. These conditions are found throughout the Argentine territory; this leads to inequalities between the provinces for registrations done more than three months after birth:

“... provinces with more unfavourable living conditions (e.g. those with the highest percentage of households with unmet basic needs) show a concentration of more late registrations than expected if the percentage distribution of total live births is calculated.”¹⁴

In the past, the northwest and northeast regions have had the most unfavourable social indicators. Poverty data show levels higher than other regions. In 2018, poverty based on income was 30.2 percent for the entire country; it was 34.5 percent in the northwest and 40.4 percent in the northeast.¹⁵ For Poverty based on Unmet Basic Needs (NBI), the last National Population Census (2010) recorded 12 percent for the whole country. The northeast provinces had values of 19 to 25 percent, and those in the northwest had values of 14 to 23 percent, well above the national average.¹⁶

A study by the Social Debt Observatory, through the Argentina Social Debt Survey (EDSA), shows a correlation between the characteristics of a person's living space and their lack of documentation, since “the children in shanty towns or squatter settlements have a higher likelihood of having no ID than their peers in formal urbanized areas (2.2 percent and 1 percent, respectively).” In other words, “as the conditions of the socio-residential space worsen, the propensity of the violation of the right to identity increases.”¹⁷

14 Ministry of Health and UNICEF Argentina. 2017, p. 10.

15 INDEC. 2018. “Incidence of Poverty and Homelessness in 31 Urban Agglomerates.” *Technical Reports – Living Conditions*, Vol. 3, No. 4. Buenos Aires, Argentina.

16 National Directorate of Economic Relations with the Provinces, DINREP. 2014. NBI: 2010 Census Report, January 2014, Ministry of Economy and Finance. Buenos Aires, Argentina.

17 Observatorio, UCA. 2012, p. 6.

Around 98 percent of children born in 2014 (766,096) were registered and obtained their Year 0 ID,¹⁸ meaning that the national proportion of registered children who did not yet have their ID would reach 2.4 percent for those born in 2014. This is important, as most social protection programs that provide social and health benefits require ID.

The same study also indicates that the socio-economic situation of households has a strong effect on the possibility of access to birth registration and documentation. In 2012, it was found that a very low-income child was 2.5 times more likely to not have an ID than a child who belongs to the upper-middle income stratum. The likelihood of children not having a document is slightly higher in single-parent households than in those with two parents (1.6 percent and 1.4 percent, respectively). Also, the likelihood of not having an ID increases in large households (2 percent) and decreases to 1.1 percent for children in smaller households.

According to the above study, children who cannot exercise the right to health care are less likely to have ID. These children are also much less likely to attend school, especially at the secondary level, as no ID is needed to enter primary school.¹⁹

These situations are aggravated in poverty settings, so it is assumed that children living in the northeast and northwest are more likely not to access all their rights. This includes the registration of births and identity documents.

One noteworthy point is that similar levels of timely registration of births in public, private, or social welfare establishments are observed.²⁰ This highlights the fact that progress is being made in ensuring equal access to the registration of children. This could be seen as a result of a set of active public social protection policies with multisectoral impact, which will be described below, as well as improvements in providing the registration service (such as having civil registry offices in public hospitals and other public institutions).

18 The Year 0 ID is free for all newborns (Law No. 26 614, Art. 12), as is the first ID card of the identified person up to the age of 18. The ID requires two updates: at 5 to 8 years of age and at 16 years of age.

19 Argentine Social Debt Survey (EDSA), UCA, 2012, p. 6.

20 In Argentina, 99.5 percent of births occur in health facilities; 54 percent take place in public hospitals.

1.3 Identity management policies: Legal frameworks for birth registration and documentation and actions to improve access to legal identity

Analyzing the policies of legal identity management in Argentina helps to differentiate between two things:

- Legal frameworks that regulate the identity and identification system; and
- Direct actions aimed at helping people access the registration of births and identity documents.

1.3.1 Legal frameworks

Legal frameworks for registering and documenting people in Argentina describe a transition in approaches: from one based on the government's need to register and identify people, to one based on people's rights and the exercising of full citizenship. An example of this transition is the 1994 Constitutional Reform. It incorporates international conventions and recognizes identity as a human right inherent to the person that must be guaranteed by the state.

Law No. 17671²¹ (1968) on the Identification, Registration, and Classification of National Human Potential and *Law No. 26413 (2008) on the Registration of Civil Status and the Capacity of Persons* regulate documentary activity in Argentina. Over time, changes, new decrees, and regulations have emerged. The purpose of these was to facilitate easier access to birth registration and documentation under the law in keeping with global trends outlined in international conventions and treaties. In many cases, these were a result of demands and needs expressed by different social groups.

An example is the sanctioning of *Law No. 26061 (2005) on the Comprehensive Protection of the Rights of Children and Adolescents*. It safeguards the right to documentation and provides:

"... the right to identity as a broad concept, composed of the right to a name, a nationality, its language of origin, the knowledge of who their parents are, the preservation of their family relationships in accordance with the law, the culture of their place of origin and to preserve their identity and idiosyncrasy." (Art. 11)

"... that Government Agencies should ensure simple and prompt procedures for newborns to be identified free of charge, mandatory, timely and immediately after birth, establishing a filial link with the mother." (Art. 12)

²¹ Law No. 17671 established a legal period of 40 days for the timely registration of individuals; late birth registration is from the 41st day to the age of 6. This procedure was similar to that of timely registration: the difference was that the Attorney General's Office authorized the registration, recorded it, and issued the birth certificate. Beyond the age of 6, the registration of births had to be done by judicial means.

This means the government must provide, by any means necessary, the free registration of all adolescents and mothers who have not been enrolled in the civil register in a timely manner. The aim is to ensure their right to a legal identity and the commitment of government bodies to facilitate, collaborate, and guarantee respect for and the preserving of this right.

In 2003 and 2006,²² two decrees established that there would be no cost for the first identity card (Documento Nacional de Identificación, or DNI) for children and adolescents. The Year 0 DNI²³ (for children up to 6 months) was created. Two amnesty laws were proclaimed, allowing late registrations of the births of children up to age 10 without a judicial process. To help implement these laws and meet the demand, RENAPER expanded the Year 0 ID to all provinces.²⁴ One study stated that "the fact that there was no charge for the document had a favourable impact, not only on the lower income strata, producing a decrease in registration times, which was impacted by the installation of civil registry departments in maternity hospitals."²⁵

In 2008, the system was made more flexible: it authorized late registration in fact or *ex officio* of births that took place in health establishments within a maximum of 20 calendar days (Law No. 26413).²⁶ While this step was designed to make it easier for people to access registration and documentation, in Argentina, the provincial civil registries are the ones that create the birth record and issue the birth certificates. Some provinces require people to pay a fee or tariff.²⁷ This in some ways restricts access to the free ID.

22 Decree 262/2003 and Decree 415/2006.

23 Ministry of Justice and UNICEF. 2009. "Right to Identity: Dimensions, Experiences and Public Policies," Argentina (p. 36), states that identification must begin in the delivery room. Two identical bands are placed on the newborn's wrist and ankle; another is placed on the mother and on the tamper-proof and coded umbilical clamp. Information on the bands should identify the relationship between the mother and her child, such as the mother's name, the sex of the child, the mother's hospital code number, and the date and time of birth. This system provides much greater protection. This number must be recorded in the medical records of the child and the mother. At the time of discharge, it must be confirmed that the bands of the mother and the child have the same number. Only one of the two bracelets is taken off the child: it is attached to the child's clinical records. This certifies that the identity was confirmed. This procedure must be monitored by the mother. The mother and child must leave the hospital wearing their bracelets. The "Right to Identity" document noted that the use of these devices differs between provinces, although most use fingerprints and bracelets. The Autonomous City of Buenos Aires enacted a specific law in 2003; in recent years, some provinces (Tucumán, San Juan) have created the concept of "identifiers" with the specific role of ensuring this identification of the mother-child pair.

24 RENAPER makes the ID cards.

25 Citizen Power. 2010, p. 15: "Among the births that occurred in the first half of 2003, 2.9% of newborns (4,184 out of 143,306 cases) were registered after the year of birth. In the second semester the late registration was 1.4% (1,846 cases out of 134,426). For the total of the year, 6,030 children out of a total of 277,732 were registered a year after their birth, representing 2.2%."

26 In the case of births occurring outside medical institutions without the intervention of a medical professional, the general management may, by reasoned disposition or resolution, allow registration where there are justifiable causes up to the maximum period of one year, after the intervention of the Attorney General's Office. See Citizen Power (2010), which describes the situation in detail (p. 31).

27 Citizen Power. 2010.

In 2009, the federal government issued Decree PEN No. 90/2009. It set up an administrative regime, on an exceptional basis and for one year (which could be extended for a second year), for registering the births of children aged 1 to 12. Under this decree, all birth registrations that take place during the term of the decree are exempt from fines to guarantee free access to the ID. In 2015, it was estimated that this decree had made it possible for more than 500,000 children to have access to the right to their identity.²⁸

In 2019, a new decree²⁹ extended the possibility of creating a birth registration record and issuing a birth certificate as well as an ID card for individuals up to 18 years of age whose births had never been registered through administrative proceedings. These processes are exempt from any fines.³⁰

These administrative measures avoid judicial proceedings, which are costly and time consuming for individuals, their families, and the public sector. The measures include advice to persons who are going through a legal process to register their births in any registry office in the country. This means any Argentine child or adolescent is included in the registration system. That approach allows progress towards the goal of guaranteeing universal access to a DNI and a way for people to exercise their rights fully.

1.3.2 Specific actions to ensure access to birth registration and ID

One of the most important transformations in the period analyzed is the development of a new identity card, the DNI. In turn, adding the use of technology, as well as the standardizing and streamlining of procedures to get the DNI, ensures better levels of document security. A public policy of identity and identification management is beginning to take shape. It addresses the administrative aspects of registration and is based on the guarantee of rights. This approach shaped the actions that were developed, regardless of how successful they have been in ensuring universal access.

A process to upgrade the DNI and the processing system for it had an impact on RENAPER and the provincial civil registries in 2008 and 2009. Until then, the enrollment process was done manually. This caused a major bottleneck in issuing (the old) DNIs: in some cases, the wait time was 6 months to 2 years. By Decree No. 1501/2009, RENAPER was authorized to use digital technologies in the identification of national and foreign citizens and in the issuing of the national identity document. The New DNI (Resolution 1800/2009) was created, in principle, in a notebook format (along with a credential). As of 2012, the ID was issued in credential/card format.³¹

28 Ministry of the Interior and Transport, Institute of Political Training, Undated. A New State, a New ID.

29 Decree 185/2019.

30 Requirements: the negative birth registration report, where it is recorded that the person has not been registered in any civil registry; the medical certificate with the date and place of birth; the presence of a father or mother with ID or, if absent, the presence of two witnesses with ID. RENAPER will guarantee the first ID for free.

31 It includes computer technologies in the production process: biographical data and footprints in digitized databases and fingerprint verification processes using computer tools. This reduces the possibility that data in the document can be modified. The new ID is valid for 15 years.

To implement the upgrade, RENAPER employees were retrained, a new credential (DNI) manufacturing plant was set up, and free software³² with national state resources was developed. Digital capture of biographic and biometric data meant the data created at each enrollment position could be sent automatically to the RENAPER central database and card production facility to validate the information and signature and to print the DNI. This speeds up the printing of the new DNI, which the applicant receives by mail to their home within 10 to 15 days.

Another democratizing action was the creation of new ID processing facilities. These included placing RENAPER satellite offices in large shopping centres³³ and Rapid Documentation Centres³⁴ — also called Digital Offices — for digital processing of DNIs and passports. According to public documents, the increase in demand for IDs by the public was around “5,000 to 25,000 IDs per day, with a growth projection of up to 40,000.”³⁵ Mobile document units with digital communication and processing systems were also put in place.

At present, in the documentation operations that RENAPER is responsible for, the DNI is managed and delivered free of charge. When these operations are the responsibility of the provincial civil registry, the ID is not always free, since the provinces claim they do not have the financial capacity to do this. In some cases, they set a fee, although the amounts are affordable. This shows the disparities in the country’s federal structure that affect universal access to legal identity.

Another significant policy is the *Gender Identity Act*³⁶ (Law No. 26743/2012), which enables intersex (transvestites and transsexuals) and transgender people to register with the name and gender of their choice in their personal documents. It also allows the non-inclusion of sex on the birth record or birth certificate and ID. The current legal framework provides that the words “female/male” or “male-male/female” do not appear in these documents, but this has not yet been fully implemented. The sex continues to be recorded on both the birth certificate and DNI.³⁷

32 The government emphasized at the time that the Argentine state owned the software. No usage licences were paid to private companies.

33 The formalities could be done during extended hours, from 10:00 a.m. to 10:00 p.m., every day of the year.

34 The number of these centres varies by province. For example, Santa Fe has around 300 and Santa Cruz has 19. The centres were jointly organized between RENAPER and the provincial civil registries: RENAPER provided the equipment and the registries operated the centres. These computerized positions also include a computer, a digital camera, a pad to digitize the signature, and a fingerprint scanner.

35 Data recorded in a document prepared by the Ministry of the Interior and Transport, Institute of Political Training: *A New State, a New ID* (undated).

36 It allows you to modify personal data in the civil registry and change the name, photograph, and registered gender. The procedure is free. No agent or lawyer is needed. A letter must be filed to request changes to the birth certificate and the new ID card, and to indicate the name chosen to be registered (the ID number is not changed).

37 www.pagina12.com.ar/153664-me-sacan-de-las-casillas

This law is specific about the self-perception of gender identity, but ideological and institutional resistance and traditional practices are hindering its application. In many cases, official documentation requires the sex to be recorded as a statistic, giving rise to different interpretations of what criterion should prevail.

Specific considerations for Indigenous peoples were also generated under the rights guarantee approach. Mobile documentation operations were set up to address documentation and under-registration issues for these populations. In 2015, RENAPER and the Secretariat of Human Rights and Cultural Pluralism signed an agreement to ensure that all citizens of the country's Indigenous communities³⁸ access their ID. The National Institute of Indigenous Affairs (INAI), under the Secretariat, is the link between Indigenous communities and RENAPER for implementing these operations. INAI also works with the National Social Security Administration³⁹ to ensure access to social security for members of Indigenous communities.

Another initiative to improve access to birth registration and documentation is the "State in Your Neighborhood" program. The program, which launched in 2015, brings services to neighbourhoods using mobile operations. The procedures and services that are provided include:

- Processing the ID;
- Advice on family allowances;
- Advice on the Universal Child Allowance for Social Protection (AUH); and
- Processing of the transport card and the social tariff.

In line with this initiative, the province of Buenos Aires implemented the Guarantee Your Identity program. Since it began in May 2017, the program found that approximately 50,000 children attending school had no ID. The RENAPER and the Provincial Register of Persons program, which runs in neighbourhoods and schools, is delivered in about 800 locations. It opened offices in national hospitals and provincial and municipal clinics, where officials completed around 10,000 registration procedures during out-reach campaigns, and 4,000 registrations in the offices.

38 There are around 1,600 Indigenous communities across the country. Based on the most recent census (2010), the Indigenous population is around 955,032.

39 ANSES, the National Social Security Administration, is a decentralized body that was created in 1991. It is responsible for administering national social security services in the Argentine Republic. Its tasks include granting and paying for retirement and pensions; paying family allowances to active workers, the unemployed, retirees, and pensioners; managing and liquidating unemployment benefits; and managing and settling the Universal Child and Pregnancy Allowances for Social Protection, among others.

1.4 Synergies between social protection policies and access to legal identity

The last 15 years show steady progress toward a rights-based approach in Argentina in the design of legal identity management policies and social protection policies. This convergence is explicit in that most of the social policies base their design on the surveying and mapping of households and people in poverty or destitution; build patterns of potential beneficiaries of social programs; and set objective criteria for selecting recipients of social benefits based on needing identity or identification documents to receive social benefits.

People who are not registered and do not have identity documents cannot access social benefits provided by the state, since beneficiaries of social programs must provide some kind of documentation. This gap aggravates their exclusion and social vulnerability. "The absence of an identity document implies being invisible for state records, a situation that results in exclusion, deepening and perpetuating the conditions of poverty and vulnerability."⁴⁰

There is a contradiction here: social policies require identity accreditation to access benefits, but this requirement — which is a basic right — cannot be fully met. We could then say that sectoral policies require greater communication efforts and synergies to ensure access to rights. These include, as the first essential step, the right to a legal identity.

A review of guidelines for social protection policies in the period under review — and their effects or bridges with legal identity policies — is helpful.

In the last two decades, the Conditional Income Transfer Programs⁴¹ emerged as a dominant set of policies and projects aimed at reducing or overcoming poverty throughout Latin America. This was also the case in Argentina. These programs aim to "provide a minimum income to poor and destitute families with the aim of ensuring basic levels of consumption, human capital development and the asset development of the most vulnerable families."⁴²

In Argentina, the first such program was the Families for Social Inclusion Program. It was created in 2002 as a result of the economic and political crisis of 2001, which caused poverty levels to include almost 50 percent of the population.⁴³ It was meant for families living in poverty and destitution with dependent children under the age of 18 and pregnant adolescents who did not receive other allowances. The program provided an economic subsidy for each child — up to five children per household — and pregnant women. Mothers

40 UCA Observatory. 2012, p. 3.

41 "These are actions financed by the general budget, under the principle of solidarity, with resources from direct or indirect taxes, public enterprises or international cooperation (in the case of the poorest countries)." ECLAC. 2019, p. 15.

42 Fabian Repetto. 2010, p. 53.

43 This was first called Income for Human Development. It emerged as a reformulation of the Vulnerable Group Care Program, created in 1996, with Inter-American Development Bank funding. It is co-responsible for revenue transfer and health and education.

were the holders of the benefit. It set out counter-conditions or co-responsibility on the part of the holders: children and pregnant women had to have health checks, and children had to stay in the education system.

One of the requirements to receive the benefits of the program was that the holder and the child or adolescent had to have their birth certificate or ID card. The identity of the children and that of the parent or guardian by blood relation or affinity, by means of ID or birth certificate, was also required. In the preparation phase for possible beneficiaries of the program, there were documentation problems:

- Children did not have their birth certificates (this did not necessarily imply that they had not been registered); or
- In some cases, mothers who were potential beneficiaries did not have their ID (due to lack of documentation or loss), and therefore could not become beneficiaries despite their poverty or destitution status.

Program data showed that about 15,5 percent of persons who were potential beneficiaries had difficulty proving their identity. In some cases, this was due to a complete lack of documentation. The difficulties were linked to the processing of the ID, such as doing a registration of birth by judicial proceeding, or getting a copy of a birth certificate or ID. These procedures required paying fees and tariffs that vulnerable families could not afford. They also took a long time: in some provinces, getting a copy of a document could take two to three years.

This problem revealed a rigid institutional-organizational structure and a poor physical and technological infrastructure. The result was that potential beneficiaries of the program, because of their poverty indicators, could not access the benefit. They lacked the documents proving their identity and the mother-child relationship, and were left on waiting lists for the social benefits they were eligible for.

Between 2005 and 2009, the program underwent several changes in its design. This led to the creation of the Universal Child Allowance for Social Protection, under the National Social Security Administration, or ANSES (Decree PEN No. 1602/09). Its aims were to provide a minimum income to families living in poverty and destitution with underage children who were not receiving any formal income.

At that time, two strategies were put in place. First, in 2007, RENAPER was modernized. The ID card and the physical and technological infrastructure for identity management were transformed. Also, changes were made to the legal and technical-administrative frameworks to facilitate late registrations and regularize the various documentation problems to include families that could benefit from the Universal Child Allowance for Social Protection. An example of this is Decree No. 90/2009, which increased the age for late birth registrations to 12 years and so expanded the number of regularizations of identity documents.⁴⁴

44 UCA Observatory. 2012, p. 6.

Over the years, this program has undergone changes based on the population's socio-economic needs. It was a form of family wage for the informal workers sector and the main program of income transfers to vulnerable families with children and adolescents.

Argentina's social income protection system includes contributory and non-contributory transfers. Formal workers receive family allowances;⁴⁵ informal workers, the unemployed, private home employees, and so on with children up to 18 years of age, receive non-contributory transfers, such as the Universal Child Allowance.⁴⁶ In other words, over time, new types of beneficiaries were added, but they were always required to have proof of their identity. This forced many families to get ID documents for their children to access the benefit.

This policy has a broad scope. The initial coverage of the Universal Child Allowance for Social Protection was 3.5 million children⁴⁷ (2010). As of 2019, it is 3,924,734 children, with 2,207,723 holders (mothers/parents), 96.6 percent of whom are women.⁴⁸ As the data show, this is one policy that was kept with the change in government in 2015, which in this case expanded its coverage.

Second, RENAPER, through the provincial civil registers, continued to do specific actions to improve the coverage of identity and identification services. Because of difficulties in the Argentine economy in recent years,⁴⁹ resources have decreased. This has made it harder to replace equipment in documentation centres, among others.

By doing an integrated analysis of the policies mentioned, the changes in RENAPER, and the regulatory frameworks of access to the birth registry and the national identity document (DNI), we can observe a number of objectives aimed at social inclusion. The social policies described have promoted and focused on the need to ensure access to identity and identification as a requirement and as a primary right, and to produce a positive synergy between social policies and legal identity management policies.

At the same time as the Families Program emerged in 2002 and was later transformed into the Universal Child Allowance for Social Protection, other public sector instruments helped to place access to legal identity on the agenda as a requirement for getting social services. One of these was the Birth Plan,⁵⁰ which aimed to improve health coverage and the quality of care for pregnant and postpartum mothers and for children under the age of 6 who did not have

45 The Family Allowance Scheme is under Law No. 24,714. It is for private sector workers and other private schemes for workers in the national, provincial, or municipal public sector.

46 And other provincial money transfers or the Universal Allowance for a Child with a Disability.

47 Girls made up 49 percent; boys made up the remaining 51 percent. Children under the age of 6 received 18.8 percent of benefits; those under 12 accounted for 37.7 percent of benefits. In 2019, gender-based distribution is being maintained, since 49 percent are girls and 51 percent are boys.

48 Social Security Observatory. AUH Monthly Universal Child Allowance Bulletin. Universal Child Allowance for Social Protection.

49 The Argentine economy is experiencing high inflation, fiscal deficits, devaluation, and recession with the resulting increase in poverty due to very low income.

50 It was created in 2004 and is under the Ministry of Health.

access to social welfare.⁵¹ In 2012, it was expanded and reconfigured in the SUMAR Program. This program is for children and adolescents aged 6 to 19 years and for women up to the age of 64.

It was promoted with the Universal Child Allowance for Social Protection, which as of 2011 included unemployed or informally employed pregnant women. It established the Pregnancy Allowance for Social Protection to provide “protection to women in circumstances of socio-economic vulnerability during pregnancy,” and worked at “decreasing maternal, perinatal, neonatal and infant mortality rates associated with problems in access to health services.”⁵² With the help of SUMAR, the current government promotes Universal Health Coverage (CUS),⁵³ which is one of 100 flagship policies for achieving the Sustainable Development Goals. The government intends to promote the allocation of populations to specific health facilities. These include the nominalization of people (from their ID), their georeferencing, and the formation of health teams tailored to the needs of the reference population.

Within the framework of these policies, an integrated approach was proposed by creating cross-incentives: the Universal Child Allowance for Social Protection, the Birth Plan, and the SUMAR-CUS made showing ID a requirement for accessing benefits. In the case of newborn children, a child could be enrolled using the DNI of the parent or guardian until the child obtained their own ID. This example is central to our analysis, because it shows how a social inclusion approach to public policy design can make it easier to obtain identity and access social services provided by the state.

The SUMAR Program is still in place. New public policy actions also contribute to objectives for improving access to social services:

- National Early Childhood Plan under the Ministry of Social Development and Health; and
- National Early Childhood Strategy, which is an inter-ministerial strategy.

The National Early Childhood Strategy proposes to increase the number of early childhood spaces (there are around 1,860 daycare centres throughout the country) that provide comprehensive care, containment, and stimulation to children from 45 days to 4 years of age.⁵⁴ It defines a strategic objective relating to the identity of children in their first years of

51 The program developed public health insurance for the maternal and child population without social welfare benefits. It used a results-based financing model that respects the country's federal organization. The program introduces a structure of monetary and non-monetary incentives aimed at provinces and health teams working in institutions.

52 Ministry of Health, Latin American Social Sciences Institute (FLACSO), IECS. 2013, p. 7: “Analysis of the Institutional Process of Generating a Social Policy of Multisectoral Impact: The Birth Plan and the Universal Allowance per Child and per Pregnancy. Study of the Sequential Approach of the Integration of Social Programs and their Results in the Population.” Nacer-SUMAR Plan.

53 Universal Health Coverage aims to close gaps in access to health services between jurisdictions and between types of coverage (public, private, and social security), so that all people get the same level of quality care no matter where they live or what their socioeconomic status is.

54 This program is part of the Ministry of Social Development of the Nation, through the National Directorate of Maternity, Children and Adolescents and the National Secretariat for Children, Adolescents and Families.

life: the proposal is to ensure access to ID for all children at birth by providing them with a certificate of live birth, a birth certificate, and a national identity card.⁵⁵ The program plans to sign collaboration agreements with RENAPER and the National Social Security Administration (ANSES) to address the strategic objectives linked to legal identity.

Another relevant initiative is the Child and Youth Protection Project. It began in 2016⁵⁶ to improve the design and scope of social protection programs as a means to reduce inequities. The project collected and added missing information for 1.5 million children to see whether they were eligible for Universal Child Allowance for Social Protection benefits. This information is key because it makes it possible to link every child or adolescent to a family or home. At the same time, it was used to incorporate or assess the situation of 537,000 children who were not receiving benefits because of a lack of evidence that they were meeting the counter-conditions (going to school or getting health checks).

This process showed that the RENAPER database had some outdated information. This can be explained by old technology or lack of adequate equipment in some provinces, the lack of harmonization of procedures, or the political situation,⁵⁷ where differences between provincial governments and the federal government make it difficult to share information.

The results cannot be understated. Thanks to this project, 1 million children were registered and identified. Of this number, around 25 percent were from households that were eligible for benefits from the Universal Child Allowance for Social Protection because they were found to be socially vulnerable (through work done by RENAPER and the provincial civil registries).⁵⁸ Also, 370,000 children and adolescents were added as new family allowance beneficiaries. In 2018, extra support was approved to bring 250,000 more children into the eligibility process for social protection programs by 2020.

Finally, the Single Social Welfare Window (VUS), under Decree No. 339/2018, was created. Its aim is to improve the citizen's experience in managing procedures related to social security and social welfare⁵⁹ benefits throughout the lifecycle. This is done by centralizing interactions in a single public body. The National Social Security Administration,⁶⁰ which is responsible for administering national social security benefits and services, requires the constant updating

55 In Argentina, most maternity wards in the public system have these offices in the provinces' capital cities. For the Autonomous City of Buenos Aires, all hospitals in the public network have them.

56 Through a \$600 million loan from the World Bank. [bancomundial.org/es/news/press-release/2016/06/30/argentina-world-bank-child-allowance-additional-15-million-children-youth](https://www.bancomundial.org/es/news/press-release/2016/06/30/argentina-world-bank-child-allowance-additional-15-million-children-youth)

57 Mid-term election campaigns, voting on labour reform laws, forecasts, or other key issues in the National Congress.

58 Their participation was key because they are the generators of identity data, in charge of birth registrations and processing of IDs.

59 Under the new system, people will be able to deal with the social welfare agency for programs run by government ministries, including Education, Employment, Energy and Mining, Health, Interior, Public Works and Housing, Social Development, Social Security, and Transportation.

60 This agency has a network of around 460 offices or delegations and around 2,000 mobile care points. It uses technology that prevents processing from being done in fragments and information requests from different public entities being duplicated.

of the beneficiary data that RENAPER administers. This initiative expands ID access points⁶¹ and the regularizing of documentation issues, both of which are needed for people to access social benefits.

1.5 Some reflections by way of conclusion

Before detailing the conclusions of the analysis, it is important to restate that the objective of the study was not to establish evaluative assessments regarding the efficiency, effectiveness, and impact of the policies described. The focus was on building some hypotheses, based on the information collected, about the aspects of social protection policies and legal identity which facilitate synergies around social inclusion objectives in situations of poverty and social vulnerability.

The analysis revealed signs that a positive convergence between social protection and legal identity policies does indeed exist in Argentina. This is evidenced by the fact that the social policies studied promoted access to legal identity, as long as proof of identity was a basic requirement to access benefits. In turn, the identity and identification of individuals became the organizing element for developing patterns of potential beneficiaries of social programs and allocating benefits.

At the same time, identity management policies improved legal and operational mechanisms to ensure access to identity and identification. The aim was to improve access to social benefits for people who are socially vulnerable and to make such access transparent.

There is no doubt that these policies exist: significant levels of poverty and social inequality demand direct action by states at various levels to provide social protection to disadvantaged groups. This has led to changes in the structure of policies, legal frameworks, and the requirements for granting benefits. Over the last 15 years, a model linking legal identity and social protection has been maintained, despite turbulence in the country's political and economic context.

This link helped to solve the challenges arising from the documentation problems of populations living in poverty by improving access to social services, as shown by the way social programs extended coverage to more people.

The synergy between legal identity and social protection policies also led to greater transparency in allocating benefits to individuals and families. Objective criteria were created (based on identity data and critical social indicators); these have tended to replace old client practices⁶² in allocating social program benefits.

61 It also intends to move to a unique identification number. In the initial phase, 40 RENAPER offices were expected to be installed at ANSES offices and RENAPER processing terminals.

62 See Laura Rawlings and Gloria Rubio. 2005. Evaluating the Impact of Conditional Cash Transfer Programs. Oxford University Press on behalf of the International Bank for Reconstruction and Development/The World Bank.

The chronology and policy guidelines we have analyzed show that the synergy between them is always conditioned by the

- favourable and unfavourable cycles of the economy: stages of growth and income redistribution versus stages of crisis and retraction of public spending and social investment; and
- state of relations (friendlier or more confrontational) between the federal government and provincial governments that result from democratic changes in political leadership.

All of this shows the complexity of policy management in a country when

- policy orientations and meanings are not shared between different levels of government; and
- institutional capacities are not always equivalent or aligned for putting these policies in place.

These capacities have different effects in different provincial contexts.

In conclusion, it can be said that in Argentina, innovations in the set-up of the social protection system over the last 15 years have made legal identity a requirement for access to social benefits. From now on, legal identity is a basic requirement for access to services. Benefits are made viable through social policies and are one of the tools that governments have put in place to make it easier for people to access better living conditions.

Given its importance in creating this new architecture of social protection policies, it would be worthwhile to promote evaluation processes that allow us to know its real impact. This, in turn, will contribute to the management of knowledge in this field.



Acronyms

ANSES	National Social Security Administration
AUH	Universal Child Allowance for Social Protection
CUS	Universal Health Coverage
DNI	Documento Nacional de Identificación (National Identity Document)
EDSA	Argentina Social Debt Survey
ID	Identity Document
IDB	Inter-American Development Bank
INAI	National Institute of Indigenous Affairs
NBI	Unmet Basic Needs
RENAPER	National Register of Persons
SENNAF	National Secretariat for Children, Adolescents and Family
UCA	Universidad Católica Argentina (Catholic University of Argentina)
VUS	Single Social Welfare Window

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