

# **We Call upon the Congress**

## **An Advocacy Strategy on Behalf of Birth Registration Rights**

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# Abstract

In Peru, birth registration means government recognition; it means that children and their needs are documented and that the government will take them into consideration when making policy decisions or determining budget allocations. A number of legal barriers exist, however, which prevent women from registering the birth of their child. Without birth registration, Peruvian children are doomed to a lifetime of poverty and social exclusion. Without being recognized by the government, they will live without access to a broad range of basic social goods, such as healthcare.

The Ministry of Women and Social Development and the Alliance for Citizen Rights prepared an advocacy strategy aimed at passing a bill that would decrease the number of unregistered children through the elimination of a legal barrier. The strategy consisted of two primary tactics: (a) an interpersonal advocacy effort targeting Congress; and (b) a communication campaign targeting influential leaders to create a supportive public opinion. This case study examines the combined advocacy strategy, and the impact that was made on birth registry in Peru when the bill was approved on March 30, 2006.

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# Background

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## Birth Registration, an Open-Door Right That Still Remains Closed

In Peru, a lifetime of social exclusion at the base of the socioeconomic pyramid typically starts with the lack of birth registration.<sup>1</sup> Not having a birth certificate confines people to a life of poverty, and exclusion from formal participation in, and benefits of, society. It results in a disempowerment that affects individuals starting in childhood, and lasting throughout their lifetime. As adults, those who were not registered as children will not have an identification card, which in turn, forbids them to register their own offspring. Thus, the cycle of poverty and exclusion continues as it is passed down through the generations.

The issue of birth registration has important implications for health inequalities in Peru. A birth certificate establishes where a child was born and, therefore, where he or she is entitled to receive free or subsidized health treatments (i.e. treatments for acute respiratory infections or diarrhea).<sup>2</sup> Birth registration also informs health information systems that keep track health problems and health inequalities.<sup>3</sup> For example, mortality rates for infants and children under five are identified only if the child's birth was registered.<sup>4</sup> Child advocates have also demonstrated that involving the health sector in registration provides the government with data for identifying health threats and for allocating resources to combat them.

The burden imposed by the lack of birth

registration falls most heavily on women. Certainly, this reflects a pattern of both social and political gender inequality in Peru. Peruvian society tends to protect traditional institutions, such as marriage and family; therefore, an unmarried women with an unregistered child, has a lower social status within Peruvian society. These women and their children are victims of social exclusion, particularly if they belong to the lower classes,\* reinforcing the well documented connection between social hierarchy and health.<sup>5</sup> Moreover, poor and single women with children must often forego education and are less able to engage social institutions to advocate for the health services that they and their children need.

The Ministry of Women and Social Development (now referred to as MIMDES, its Spanish acronym) and the Alliance for Citizen Rights (referred to as the Alliance), prepared an advocacy strategy to pass a bill that would substantially reduce the number of unregistered children and subsequently, health inequalities. The bill targeted a gender-biased requirement for registration that was the primary cause for a large number of unregistered children. Prior to the advocacy campaign, unmarried women were not allowed to register their children with the father's last name if the father was not present at the moment of registration.<sup>6</sup> Due to social and cultural factors (explained in more detail later in this paper), unmarried

women do not, typically, register their offspring with their own last names because of the attached stigma; therefore, for years, a large number of infants went unregistered.<sup>7</sup>

The bill, which was also prepared by the MIMDES and the Alliance, would modify Peruvian Civil Code and allow unmarried women to declare the name of the presumed father at the moment of registration, even

if he were not present in the Registration Office. Birth registration with the father's last name would not imply any affiliation between father and child, meaning the father will not have any legal or financial obligation to the child. This modification of the Civil Code was strongly recommended by the Public Defender's Office in Report #74, and by the Intersectorial Committee which elaborated the National Plan of Identity.

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## The Need for Political Change

Passage of the bill was intended to address several specific issues with respect to birth registration. First, it aimed to persuade government officials that birth registration must become a political priority. In 2004, it was estimated that 18% of the live births (approximately 110,000 infants), were not registered annually,<sup>†</sup> and nine percent of the total population (1.5 millions Peruvians) did not possess identification cards.<sup>8</sup>

Second, it attempted to modify the existence of an inadequate legal framework which was an expression of a generally discriminatory and conservative social structure in Peru. In the six year-period prior to the implementation of the advocacy strategy, 16 legislative initiatives were introduced in the Congress to modify the Civil Code regarding birth registration and unmarried women; all of them, however, were rejected by the Justice Committee of the Congress. The rejection of these initiatives could be seen as politicians' desire to maintain patriarchal power and continue to punish unmarried women and their children by denying children's inherited rights.<sup>8</sup>

Third, the bill planned to reduce the discriminatory way in which birth registrations were composed. Due to cultural and social

traditions, the father's last name is written first on the birth registration, followed by the mother's last name. If a woman is unmarried, however, the birth registration contains only the mother's two last names, which creates social discrimination against the child, as well as the mother.<sup>9</sup> Thus, it is easy to identify when a child is born within a marriage or outside of one. According to Myriam Herrera, from the National Children's Directorate, "to be a child born within a married or an unmarried union does not produce discrimination *per se*; the discrimination is produced when it is evident that a child was not born within a married union, and therefore, the child only had the mother's last names." It is the social environment that produces the discrimination when it treats children unequally, concluded Herrera. Peruvian law reflects a sentiment erroneously assuming that an unmarried woman is likely to lie about who the father of her offspring is, because her social values and moral principles are not as strong as those of a married woman. The unmarried mother is seen as lacking in trust and credibility and therefore, the law states that the father must be present at the signing of the birth registration.<sup>10</sup> This discrimination was addressed by the formation of the bill and the advocacy strategy to support the passage of the bill.

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## The Advocacy Strategy

The ultimate goal of the advocacy campaign was to reduce the unequal burden of the lack of birth registration on mothers and children, as well as general gender and health disparities. A change in the political environment, therefore, was mandatory. Following Hornick's typology of communications strategies,<sup>11</sup> the most appropriate behavior change model for this case was the *Institutional Diffusion Model*, which emphasizes a change in "elitist opinions." That change is then translated into institutional behavior (which includes policy changes), which in turn affects individual behavior. Using the Diffusion of Innovation theory, the primary target population of elites are the agents of

change, or individuals who influence innovation (or decisions in this case), in a direction deemed desirable by a change agency.<sup>12</sup> In this instance, the agents of change were several members of Congress who held strong political leadership positions and were able to either give this issue high priority in the Congressional agenda or influence other members to support the bill during a debate. The lobbyists who were part of the advocacy team played a facilitator role, working constantly to persuade the agents of change of the merits of passing the bill, such as multiple effects in the social and legal systems to benefit children and mothers.

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# Cooperation Not Competition: Building a Team

To accomplish the goal of bringing social and legal change to Peru, a communication campaign was developed. In order to carry out the communication campaign efficiently, a broad-based collaborative partnership was formed, in which there were flexible roles assumed by the involved institutions. The identification and recruitment of partners are initial steps in planning for any communication effort, and in this case it helped guarantee success in targeting the intended audiences with campaign messages. Although a formal partnership plan was not developed, certain steps were followed to form a collaborative partnership work.

Advocacy networks are groups of organizations and individuals working together to achieve changes in policy, law, or programs on particular issues. Working with other organizations can be a cost-effective way to enhance the credibility and reach of program messages.<sup>13</sup> The previously mentioned Alliance for the Citizen Rights is a Peruvian advocacy coalition comprised of 20 organizations: 13 civil society groups, three governmental groups, and four international groups. It was formed in 2004 to address the lack of identity papers, as well as to increase public awareness of the need to make birth registration a fundamental right so that children and adults could have a legal existence through either birth certificates or

identification cards. With several public and private organizations working on changing rights related to name issues, the Alliance, as a network, had the opportunity to make a positive impact on the lives of disadvantaged members of the population. The Alliance decided to support collaborative work with MIMDES in order to eliminate one of the most important obstacles that had taken birth registration away for many children. Economic support for this cause comes from Oxfam Great Britain, which is also a member of the Alliance.

Within the Alliance, an advocacy team was formed by three partners: MIMDES, Oxfam and Action for Children, a nonprofit organization. These partners were selected for the advocacy team for the following reasons: (a) the political support shown by MIMDES would drive bill approval efforts, (b) the popularity and strong leadership of Action for Children, which is renowned for their dedication to working on children's issues, would make them an influential and credible partner, and (c) Oxfam was the institution that founded and conducted the Alliance at that time. The other members of the Alliance supported most of the actions included in the advocacy strategy, particularly the lobbying process, since their directors maintain political connections at the Congressional Offices.

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# Communication: The Principal Component of the Advocacy Strategy

In a political sense, communication is defined as any action that informs, persuades or moves the target population towards actions that will accomplish a given goal.<sup>14</sup> A communication campaign can be thought of

as a planned process of message dissemination used to influence behavior in a particular group or population through a coordinated process.<sup>15</sup> The campaign to pass the bill was organized as follows:

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## (1) Objectives and General Strategy

The communication objectives of the campaign were established to accomplish the overall advocacy goal of passing a bill regarding changes to birth registration rights. These objectives were: (a) increase support of the bill among Congress members through personal lobbying, and (b) increase the public's knowledge about the importance of passing the bill through the use media advocacy.

The two-pronged communication strategy included the following specific activities:

(a) Interpersonal communication was used to influence the decision making process among politicians and journalists. Journalists were selected as a target audience because they

were decision makers in regards to media coverage.

(b) Media advocacy was used to influence members of Congress through the news media. This type of media advocacy, typically called "news outreach," was used to help shape media coverage so the issue was presented in a way that advanced the promotion of equality in children's birth registration and created a sense of urgency for policy change. Additionally, because media advocacy moves beyond a focus on the individual, it holds promise as a form of health communication strategy used to address health disparities,<sup>16</sup> which was appropriate to this case and its aim to reduce inequalities.

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## (2) Target Audiences

The primary intended audience of the advocacy campaign was Congresspersons. Journalists and producers from television, print and radio were identified as a secondary intended audience because the campaign

included strategic use of the mass media to create supportive opinion of, apply pressure for, and obtain important advances in policy change.

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### (3) Communication Channels

To be effective, communication campaigns typically combine different modes of communication and channels.<sup>17</sup> Using multiple channels in communication campaigns has been found to be effective in producing desired results, including behavior change.<sup>18</sup> This campaign was no exception; the “two pronged” strategy relied on interpersonal channels and mass media, including public events. This combination of channels was created to increase the likelihood of reaching more of the primary and secondary audience members. It supported the repetition of the campaign messages in order to improve the likelihood that the target audience would be exposed to the messages. These particular

channels were chosen, because influence through interpersonal communication may work best when individuals are already familiar with a message (i.e. first hearing it through mass media exposure, and then having an interpersonal exchange.) Similarly, mass media is particularly effective at changing behavior when supplemented by interpersonal messages.

The specific interpersonal communication channels utilized in this campaign included: face to face interaction, meetings, group sessions, electronic mail and phone calls. Mass media channels included television, radio, print, and public events.

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### (4) Messages

Formative research was conducted to identify the knowledge level and attitudes of the primary target audience concerning birth registration issues. It was also used to understand which themes would resonate with the target audience and should therefore be emphasized throughout the campaign. The formative research involved a review of arguments used by the Justice Committee of the Congress related to this issue and an assessment of the issue conducted by the Committee in charge of the National Plan of Identity. It also consisted of meetings with Congress members, and knowledge and expertise sharing among the advocacy team and the other Alliance partners.

Based on the formative research, the level of knowledge among members of Congress appeared to be very low. This group often misunderstood the concept of the right to a name and legal affiliation between a fa-

ther and child. It was commonly assumed, for example, that if the law were approved, the father would have economic obligations to his child. Furthermore, their attitudes demonstrated a strong and negative bias toward unmarried women and unregistered children, referring to them as illegitimate children. Lastly, many members of Congress were more concerned with protecting a man’s honor than with defending the rights of children.

As a result, communication campaign planners chose to focus on infancy as the principal theme that would inform, persuade and call the target audiences to action. The other possibility considered was to focus on women; in other words, the campaign might have advocated for the bill based on a women’s rights perspective. Given that Peru is still a male-dominant culture,<sup>19</sup> using the women’s rights perspective may have led to a greater

possibility of the bill being rejected, and failure of the advocacy strategy.

The campaign messages emphasized that every child must have the right to be given two last names, both the father's and mother's respectively. The idea promoted in the messages was to end discrimination against children due to their parent's civil status. The idea of this also being a woman's right issue was not entirely excluded; thus the second campaign message created was that any woman should be able to register her offspring with the father's last name, even if the father was not present. The goal was to foster and improve an unmarried woman's social status by giving her the same rights that a married woman has when registering the birth of her child.

There were not sufficient resources available for message pretesting with target audiences; however, experts on birth registration, education and communications from the Alliance reviewed the final messages to assure scientific accuracy and effectiveness. The latter was performed by assessing message components to see if they were attention getting, comprehensible, motivational and could easily be recalled. All of these influenced the resulting materials in the following way:

(a) *Attention getting*: A baby's face was the motivational symbol, and a straightforward message was developed which emphasized physical connections (e.g., eyes) between father and child. The message reflected a common saying among Peruvians which is

that "they have their father's eyes but they do not have their father's last name."

(b) *Comprehensible*: Confusing and difficult legal terminology was simplified into slogans and easily understood concepts because a large majority in Congress were not lawyers.

(c) *Motivational*: Messaging addressed the political role of government officials: to make society fair and inclusive for everyone, particularly children. The message relied on a positive emotional appeal, presenting both a major benefit to women and children with the passage of the bill and a major drawback without the passage of the bill.

(d) *Could be Recalled*: The message called for one action: to eliminate article 392 of the Civil Code. By including only one message for action, campaign planners increased the chance that there would be little interference or confusion about the message.

To develop the final messages and produce campaign materials, the advocacy team worked closely with a creative professional who translated key ideas into slogans and easily understood concepts. The materials produced, using all of the components listed above, were posters, brochures and folders. These items were delivered to Congressional members, journalists and media producers. Additional materials used included letters tailored to Congressional members, press or news releases, opinion pieces, slides and scripts for presentations, and handouts. The poster on the next page (**Figure 1**), exemplifies the tone and message of campaign materials.

**Figure 1.** Poster Used in the Communication Campaign



“He’s got his father’s eyes but he hasn’t got his father’s last name. Every child has the right to his two last names. And every mother shall be entitled to register her children with the father’s last name, without requiring his presence. Eliminate Article 392 of the Civil Code. We are talking about rights, not about favors.”

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## (5) Implementation of the Campaign: Activities

The campaign implementation started quietly. First lobbying meetings, conducted by the Minister of Women and Social Development, targeted (primarily) Congresswomen. Likewise, two expert lawyers who were part of the advocacy team, Mrs. Elizabeth Salmon and Mr. Alex Placido, presented and discussed the bill with Congressional members and advisors using persuasive legal arguments. These arguments were based on two documents about the right to a name and identity, which were published by the Alliance in November 2006. Additionally, the advocacy team participated in preparatory sessions prior to the Congressional debate in order to be sure that key messages were re-

mained at the forefront of the public’s mind.

The kickoff event for the general public took place during the second week of March at the Congressional Auditorium. This time was chosen so that more members of the primary intended audience could be involved. The kickoff event aimed to create broader awareness about the birth registration issue and develop relationships with activists from civil society groups who might be willing to support the bill. The advocacy team created a news “hook” or angle to make the event newsworthy; in this case, a delegation of student’s mayors gave the President of the Congress a Declaration Letter, signed

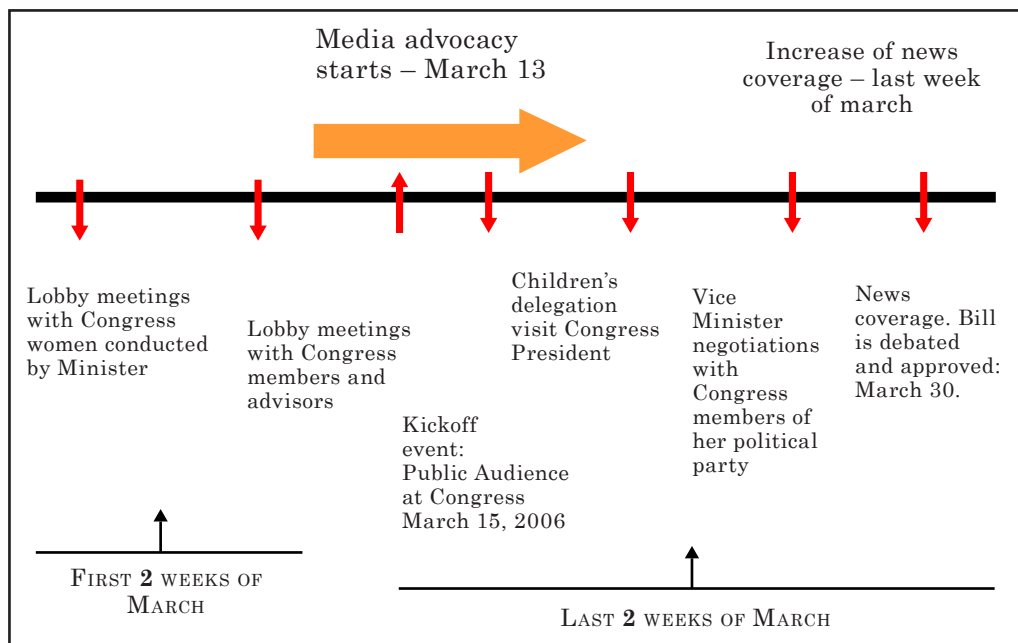
by more than 1000 student's mayors nationwide, in which urgent approval of the bill was requested.

The timing of when to use the media was not chosen randomly. Since the campaign took place during the months leading up to the April 9, 2006 Presidential and Congressional elections, it was necessary to carefully select the best moment to use the mass media because the issue would not have a long retention in headlines and news. Media activities were launched during the second week of March, however, before and after the launch, the team was also active in working with journalists and media producers to determine how to insert appropriate wording about the issue into public speeches and texts. The decision of when to utilize the

press was chosen based on lobbying negotiations so that the press could reinforce and drive the lobbying process, particularly during the last week of March.

Timing was also based on when Congressional decisions would be made. Information was gathered and produced while strategic alliances were being built, which allowed campaign planners to anticipate most Congressional members' reactions, doubts and requirements about the bill. This anticipatory process was crucial in following up the lobbying process so that valuable media time was not wasted. All of the news regarding the issue appeared during the two weeks prior to the bill being passed. A timeline for these activities can be referenced in **Figure 2**.

**Figure 2. Timeline for the Communications Campaign**



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# Results

The campaign did not have resources available to implement of a formal evaluation component; therefore it is difficult to demonstrate which materials produced had the greatest effect or impact among the intended audiences. It is also difficult to assess with precision which of the two communication strategies, interpersonal communication or media advocacy, worked best. It can, however, be assumed that both communications strategies combined, along with the creation of a partnership, accomplished the advocacy goal, which was to pass the bill.

Moreover, the success of the overall advocacy strategy is demonstrated by the following results:

(a) Tracking of media coverage showed that the full-fledged media push produced 31 print, radio and broadcast hits in the last two weeks of March 2006. The frequency increased by one hit per day until the actual days of the debate and subsequent approval. While there is no specific data which tracked message reach, members of Congress commonly review daily news summaries, so it is highly likely that they knew about the birth registration bill prior to the debates.

(b) Before the advocacy strategy was implemented, the bill was ranked as the 42nd matter on the Congressional Agenda. After the advocacy campaign had started, the issue moved up to number 34, then to number 10 (in the third week of March) and finally up to number six (in the last week of March), allowing for it to be presented for debate on March 30th.

(c) Although the Peruvian Congress consists of 120 Congressional members, due to campaign reelection activities during the months leading up to the Presidential and Congressional elections many members did not attend Congressional weekly meetings to debate and approve bills during the month of March. Given that this bill was considered a minor law, approval did not require a majority presence of Congressional members a simple majority, one vote more than half, was all that was needed for it to pass. On March 30, 50 Congressional members attended the meeting, and among those present, 29 supported the bill, 10 were against and 11 abstained. The bill passed, achieving the primary objective of the campaign.

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# Implications

The implementation and success of the campaign offers a number of implications:

(a) Approval of the bill will likely establish a precedent within the Peruvian legal framework. It can be seen as an door-opener for future initiatives that aim to create policy changes that could have a great impact on social and health issues.

(b) An advocacy strategy is mandatory when policy changes attempt to address inequalities, social exclusion or unfairness, in particular when working for vulnerable groups such as children, women or indigenous communities. The previous rejection by the Justice Committee of 16 legislative initia-

tives to change the registration law supports this conclusion.

(c) Advocacy strategy is a methodology that, in this case, worked based on three key elements that were implemented concurrently: media advocacy, interpersonal communication strategies combined with partnership building. This multifaceted methodology could be used in the future to influence policy makers and public opinion, when seeking to make changes among social and public institutions and their policies.

(d) Finally, advocacy through knowledge exchange and partnership building may put children, health or gender inequalities on the national agenda.

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# Lessons Learned

The bill *per se* generated controversial opinions and rejections; therefore, it was necessary to choose an argument that was neutral, would not increase the chance of rejection. It was also important to choose a message that would gain the support of a large majority of public and private institutions, as well as decision makers. The subject of infancy was a powerful seller of any cause due to its inherently compelling characteristics.

A media-based approach that focused on the principal argument of the campaign was effective in pushing the issue through lobby negotiations. Many Congresswomen publicly identified with the message; two of whom even gave their own personal testimony of what it means to be a child registered only with the mother's last names. In the end, they publicly supported the bill, defended it in debates and encouraged other politicians to stop discrimination against children concerning birth registration.

The bill emphasized that there would be no legal affiliation between the child and the father if the child was registered with the father's last name. This issue of legal affiliation posed the greatest challenge and was the most difficult issue in terms of persuading politicians and other decision makers. To address these difficulties, intensive interpersonal communication was required. Thus, it was extremely useful to count on the support of the academic sector, which was involved in the lobbying process. Mrs. Salmon and Mr. Placido both knew when it was and was not appropriate to present this issue in legal terms. Some politicians were not familiar

with legal terminology; therefore, the very simple and understandable arguments that were developed proved to be advantageous.

The earlier rejection of 16 legal initiatives demonstrated that without the political support of the Minister and Vice Minister of Women and Social Development, the bill would not have passed. The Minister, Ms. Ana Maria Romero-Lozada, was one of the most popular and independent Ministers in the cabinet of the President at the time, Mr. Alejandro Toledo. Miss Romero-Lozada held a strong political influence among various powerful circles; therefore, her petition to support the bill was given serious consideration by politicians. In addition, support came from the Vice Minister, Mrs. Elizabeth Querol, was a strong leader in her political party "Possible Peru", which was governing the country at that time. During the debate, Mrs. Querol urged Congress members of her political party to support the bill. Although some of them did not agree with the bill, they followed the principle of party discipline: when a leader asked for cooperation, they gave up their personal beliefs and opinions and assumed those of the party.

The advocacy team initially trusted the political influence of women who were leaders of community-based organizations, particularly because there was an election in process. However, despite all the efforts made to obtain their support, in the end, they were not convinced about the law. On the contrary, they were themselves influenced by social prejudices regarding the possibility that a woman may lie about the child's father.

Repeated meetings tackling the same issue did not work with politicians because they themselves either failed to attend or they did not send their advisors. Three breakfast meetings took place in less than one month, and only the first succeeded in part because the Ministry of Women and Social Development attended and conducted the session. The other meetings had less participation from politicians.

The kickoff event worked as a news hook for

the campaign, but did not guarantee a massive participation of politicians, even though it took place at the Congressional auditorium. The team always took into consideration the electoral context, which was that many Congressional members were in the process of working towards reelection and therefore were not physically present at the Congress everyday. As a result, attendance at these kinds of events was minimal and it was more effective to visit them in their offices or meet with their advisors in private.

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