



UGANDA'S DIGITAL IDENTIFICATION SYSTEMS AND PROCESSES IN A PROTRACTED CRISIS: WHAT CAN BE DONE?

A Policy Brief



"The Agony of Indirect Costs and Data Integration Technicalities"

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Cover Photo: Ugandan citizens awaiting their National IDs.
Photo Credit: URN



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Acronyms

ID	Identity
CVRS	Civil Registration and Vital Statistics
ID4D	Identity for Development
NIC	National Identity Card
NIN	National Identification Number
NIRA	National Identification and Registration Authority
NSIS	National Security Information System
SDG	Sustainable Development Goal
SIM	Subscriber Identification Module
UNICEF	United Nations Children's Fund
UN	United Nations

Executive Summary

This brief was informed by the findings from systematic document review of various published documents. The reviewed documents included the Registration of Persons Act 2015, the 1995 Constitution of Republic of Uganda, Parliamentary Reports, news articles, journals and other reports on digital identity system processes. Key informant interviews and site visits were done from selected districts (Mukono and Jinja) which informed the study.

Our Standpoint:

Governments that deploy foundational Identity Systems must actively put human rights at the forefront of the system design. This helps them to achieve more informed and effective outcomes to balance public responsibilities and citizens' trust in the ID systems.

The foundational digital ID systems must come with promises and reality of inclusion, easy access to government services, cost-savings, reduced fraud and corruption. They should promote good governance, empowerment, and the promise of being a stepping stone towards a modern digital economy. However, no attention is being given on how ID systems may introduce or exacerbate social exclusion contributing to violations of international human rights norms.

The citizens, civil society and communities were hardly ever consulted while introducing Uganda's national digital identity system. When identification systems are pushed through less democratic means, they form a doubtful legal basis under the rule of law.

The absence of an inclusive and transparent feedback mechanism leaves no space to review, assess and amend shortcomings within the ID system during implementation. This has catastrophic risks to human rights of vulnerable communities.

What we discovered

In Uganda, the National Identity System has its headquarters in Kololo with over 117 service centres countrywide. Conversely, there are still glaring gaps within the system leading to unnecessary delays in the acquisition of a legal National Identity card.

As of March 2020, NIRA had received 29.3 million applications for the Identification Register,

representing roughly 68% of all Ugandan citizens. Of these applicants, 25.0 million had received NINs, had printed only 18.3 million NICs, and 15.2 million individuals had actually received a NIC. This leaves a shortfall of 3.1 million NICs printed but not issued causing backlogs.

NIRA continues to share citizens' data between Ministries, Departments and Agencies (MDAs) without transparent reports to the public. They rarely seek consent from the owners of the data (citizens) because NIRA and the MDAs sign the Memorandum of Understandings "behind curtains."

Ministries and administrative bodies have moved quickly and aggressively to revise procedures such that only individuals with a valid NIC can access their services or programs. In such situations, written NINs are rarely sufficient for access because digital authentication systems for NICs are still generally unavailable.

Public service providers requiring a NIC as a proof of identity only request to see the physical ID but they do not scan the card. This details on how much the system is still manual.

The insufficiency in data integration equipment and the exhaustion resulting delays in ID issuance justifies why the mandatory use of NIC to access services should be suspended. Since the establishment of NIRA in 2016, minimum efforts have been undertaken to improve the system efficiency.

What we recommend

NIRA Registration sites should provide support to people who cannot read or write, so as to further curtail on extortion schemes by interpreters ("consultants") at the registration points. Where possible, NID registration forms have to be translated into commonly spoken local languages including sign and braille language for the deaf and blind respectively.

Parliament should amend section 55 of the Registration of Persons Act 2015¹ to reduce on the requirements and information needed for registration. Minimum data should be collected reducing on the

¹ Registration of Persons Act 2015, more info available at: <http://www.mia.go.ug/sites/default/files/download/The%20Registration%20of%20Persons%2C%20%20Act-2015.pdf>

many fields of data entry that expose sensitive data to privacy risks. On the principle of necessity data collected is not intended to be more far-reaching than is necessary for the purposes for which the data will be used.

NIRA must provide alternative systems to manage biometric failures within the vulnerable populations like the elderly, manual laborers and PWDs whose fingerprint capture might be problematic.

Parliament must amend section 66 of the Registration of Persons Act 2015,² which mandates the access to social services on the availability of the National Identity card. The amendment should provide for the alternative identification documents, because the cost is severe for those without Identity cards.

The government should engage in a multi-stakeholder consultation including citizens, authorities and civil society to provide a feedback mechanism to address National ID grievances/concerns.

NIRA should provide transparency reports about data sharing detailing on the number of private and public organizations making data requests and the purpose. This was foster liability for any data breach.

1. Introduction

Before the rollout of the national digital identity systems, Uganda had various district-level efforts to create identity systems. They were organized through villages, age groups, professions and gender categories. Nevertheless, these systems remained highly localized. The absence of an integrated legal Identity systems became an excuse for inefficient delivery of public services by government.

So, Uganda made the first attempt to establish a comprehensive national ID system in 2010 which failed.³ In 2014, the Ugandan government launched a new digital ID program under the National Security Information System (NSIS) Project.⁴ This was in connection with the voter registration

process ahead of the 2016 general elections. In March 2015, as the UN General Assembly was preparing to adopt the SDGs, the Ugandan government converted the NSIS Project into a permanent national foundational digital ID system. Government oversight was restructured for both the CRVS system and the new national identification system by enacting the Registration of Persons Act of 2015. This Act led to the establishment of the National Identification and Registration Authority (NIRA).⁵

Government established NIRA under the Ministry of Internal Affairs, reflecting the national security concerns driving the initiative for the digital ID system. Consequently, the Ministry of Internal Affairs replaced the URSB and the Ministry of Justice as parties that were previously responsible for birth, death, and adoption registrations in the CRVS system.

The ambiguity in the definition of national security has extended the mandatory use National ID into other realms of people's privacy. Among other things, the National ID is used in accessing public service entitlements including, registration and acquisition of SIM card, movement and trade across East African regional borders, healthcare, social protection and opening up bank accounts.

Since its formation in 2016, NIRA has received support from international organizations and donors including UNICEF, the World Bank, and the Global Financing Facility.⁶ The World Bank's ID4D initiative has not only included Uganda in its set of diagnostic studies, but has also promoted NIRA's achievements regarding both the CRVS and foundational digital ID systems.⁷

By sustaining the impression that it has powerful international institutional allies, NIRA may insulate itself from domestic criticism and reform on exclusionary risks within the ID system processes. Conversely, the World Bank's ID4D Practitioner's Guide highlights "exclusion" as the first of four main risks to "implementing new or upgraded ID systems."⁸

² *ibid*

³ Uganda Debt Network (2020) more info available at: <https://www.udn.or.ug/index.php/resources/udn-policy-reports/165-key-issues-in-procurement-processes-in-uganda/file>

⁴ <https://www.immigration.go.ug/media/nsis-mass-enrollment-strategy-launched>

⁵ Unwanted Witness(2019) Preliminary Report on Uganda's Digital Identity System more info available at: <https://www.unwantedwitness.org/download/uploads/UgandaE28099s-Digital-ID-System.pdf>

⁶ <http://documents1.worldbank.org/curated/en/248371559325561562/pdf/ID4D-Practitioner-s-Guide.pdf>

⁷ WorldBank (2018) ID4D Country Diagnostic: Uganda more available at <http://documents1.worldbank.org/curated/en/921761542144309171/pdf/132011-REVISED-PUBLIC-ID4D-Uganda-Diagnostic-12282018.pdf>

⁸ *ibid* pg.26

The ID4D is an organization with multiple hats: they are a funder; an analyst; and a proponent placed in the position of a moral leader. There should be opportunities to bring some of these exclusionary discussions to open, inclusive multi-stakeholder forums.

Ugandans have been far more critical of NIRA's performance. As of March 2020, NIRA had received 29.3 million applications for the Identification Register, representing roughly 68% of all Ugandans.⁹ Of these applicants, 25.0 million had received NINs, printed only 18.3 million NICs, and 15.2 million individuals had actually received a NIC. This leaves a "gap" of 3.1 million NICs printed but not issued causing backlogs¹⁰.

Over 2.4 million Ugandans aged 16 and above have not enrolled for the National Identity Cards and these figures keep changing as many Ugandans lose their IDs or turn 18 years.¹¹ The delays that have plagued digital ID card issuances and replacement services are disproportionately affecting the poor and vulnerable populations living far from the capital city of Kampala.

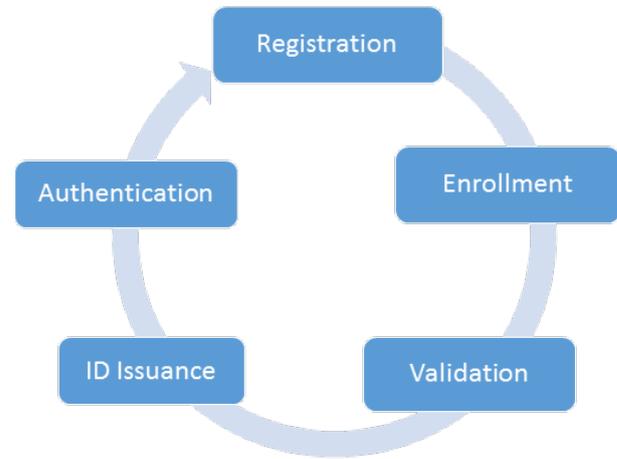
Without efficient communication and distribution channels from NIRA, applicants have remained confused where to find their IDs. Although pilots have been done by NIRA to reduce on the backlogs through creating collection centers in a few sub-county/divisions/town councils, such campaigns have lasted for a limited period of time.

When an ID is made a mandatory requirement for accessing critical public services in people's lives, those without legal ID cards innovate dubious ways of getting them such as theft.

The Registration of Persons Act 2015, criminalizes unregistered persons, making it hard to seek employment for the youths. This traps the citizens in unescapable cycles of poverty, contravening Article 6 of the Universal Declaration on Human Rights, which stipulates that "Everyone has the right to recognition

everywhere as a person before the law."¹²

2. Digital Identity Life Cycle:



Source: More at semanticscholar.org

3. Problem Statement:

With growing pressure from International donor community to control fraud and public expenditure, more donor-dependent countries are adopting nation-wide digital identity system. The systems are to determine efficient distribution of goods and services within their territories in order to achieve development goals and targets.

In the deployment of the foundational and functional identity systems in Uganda, data protection and privacy concerns continue to emerge. The citizens' data is shared without their consent, even after the country enacted the Data Privacy and Protection Act in February 2019. Additionally, unreasonable costs are being incurred by citizens to rectify errors and replace IDs.

With digital identity system expanding to the creation of digital welfare states, citizens are bound to be disillusioned during breakdown of the centralized system. This is because the IDs are used across the healthcare, social protection programs, education, and employment services.

The development of welfare states in Africa have followed a very different trajectory from the welfare states of Western Europe due to the lack of

9 https://twitter.com/nira_ug/status/1237317378247139329?lang=en

10 <https://www.monitor.co.ug/OpEd/Letters/national-IDs-Nira-NINs-requirements/806314-5484814-o8lj7b/index.html>

11 <https://allafrica.com/stories/201902110825.html>

12 <https://research.un.org/udhr70/6-11>

robust registration systems. Individuals who are not registered may not obtain a legal identity recognized by the state and as a result may also lack proof of identity.

Previously, Ugandan citizens would use multiple identification documents to access services, however, today digital identity systems being deployed have replaced the true meaning of “legal identity.” Other authentic identification documents issued by government such as passports, voters’ IDs and driving per its are no longer widely recognized to access public service entitlements.

Without a comprehensive human rights impact assessment regarding exclusion, citizens’ dignity hangs in balance. This is especially when the systems fails to recognize them because they lack a digital ID placing the most vulnerable at a higher risk.

4. Evaluating the Identification Principles for Sustainable Development.

Faulting on identification principles disregarding international human rights- based practices is a threat to the attainment of Sustainable Development Goals.

The principles have been divided into three major categories:

a) Inclusion: Universal Coverage and Accessibility

Identification systems should strive for continuous universal coverage from birth to death free from discrimination and accessible to all. Uganda is mandated to fulfill its obligations under The International Covenant on Civil and Political Rights.

The definition of ‘resident’ in identification should include irregular migrants and other undocumented people, otherwise discrimination against such populations is amplified by identity systems.¹³

As such, to ensure that systems are truly non-discriminatory, the requirements for people to enroll in a particular identification system have to be revised.

Cost should not be a barrier to access identification services.¹⁴ Civil registration, first birth and death certificates should be free of charge to the individual, as it is for the initial issue of a legal identity credential that is mandatory. If fees are charged for certain additional services such as issuance or replacement of lost credentials, the charge rates should be reasonable, proportional to costs incurred and transparent to the public

DON'T

Create digital identity system without proportionality and necessity tests based on publicly available evidence

Use one unique identity because it aids surveillance, tracking an targeting

Inclusion- Do's and Don'ts

DO

Ensure a full and meaningful engagement with civil society and affected persons

Provide legal identification for all residents

Reduce registration requirements for enrollment

Employ mitigation measures if biometrics are to be deployed.

b) Design: Robust, Secure, Responsive, and Sustainable

Identification systems should respond to user demand and long-term needs. Accurate and updated information is essential for the trustworthiness of any identification database and credentials used for authentication. Identification systems should provide a statistically verifiable identity for the course of an individual’s life, from birth to death, with safeguards against tampering.

Identification systems that create a unique identifier removes the urgency of the individual to control how government and private-sector services can link this unique identity to multiple sources of data. This gives states an effective ‘kill-switch’(surveillance) over the civic life of an individual.¹⁵

13 Privacy International (2020). Consultation response to the ID4D on the Principles on Identification for Sustainable Development: Toward the Digital Age

14 Ibid pg.6

15 Privacy International (2020). Consultation response to the ID4D on the Principles on Identification for Sustainable Development: Toward the Digital Age

Allowing an individual to have a multiplicity and fluidity of identities mitigates against these severe risks to human rights.¹⁶ An emphasis should rather be placed on systems that allow a multiplicity of identities as a mitigation of these risks. The system design should not include reusable unique identifiers backed by regulation to prevent the development of defacto identifiers.

Identification providers should work to ensure that identification and authentication services are flexible, scalable, and meet the needs and concerns of end-users (individuals

DON'T

Create reusable unique identifiers

Design- Do's and Don'ts

DO

Ensure that the information is up-to-date and accurate

Embed data protection and privacy protection principles

Place emphasis on security limiting access to the data

Share and transfer data through an end to end encryption.

c) Governance: Building trust by protecting Privacy and user rights.

Identification systems must be built on a legal and operational foundation of trust and accountability between government agencies, international organizations, private sector actors and individuals.¹⁷ Identification systems must be underpinned by legal and regulatory frameworks and strong policies that promote trust in the system. They must ensure data privacy and security, mitigate abuse such as unauthorized surveillance violating the due process, and ensure provider accountability.

Enforcing legal and trust frameworks through independent oversight and adjudication of grievances. The use of identification systems should be independently monitored (for efficiency, transparency, exclusion, misuse, etc.) to ensure that all stakeholders use them appropriately.

DON'T

Legalize unreasonable costs for enrollment or replacement of IDs

Interfere with the financial and institutional independence of the regulatory authorities to execute their duties effectively

Governance- Do's and Don'ts

DO

Governments and authorities must be accountable to citizens

Institute legal and trust frameworks

Create an independent oversight and adjudication of grievances

5. Concerns within Uganda's National Identity System Design:

The Uganda National Digital Identity System processes have deviations that impact greatly on the lives of Ugandans proportionately limiting the enjoyment of citizens' fundamental human rights. These exclusions exacerbate the already existing inequalities in social and economic status among the majority poor population.

a) Registration Requirements

The amount of registration data submitted in exchange for an identity by Ugandans is quite vast with applicants incurring indirect costs of transport, photocopying, bribery and corruption.

An individual applicant is mandated to provide either (1) a copy of a national ID of both or either parent (if alive), (2) a certified copy of a birth certificate, or (3) a Ugandan passport.

Applicants that do not have access to any of these

¹⁶ https://www.researchgate.net/publication/233179328Measuringidentity_multiplicity_and_intersectionality_HierarchicalClassesAnalysis

¹⁷ GMSA (2016), Regulatory and policy trends impacting Digital Identity and the role of mobile: Considerations for emerging markets

materials must obtain a “recommendation letter” from a local district (LC1) person stating that the applicant is a resident. Also, the chairperson has to confirm the applicant’s name, citizenship, tribe, clan, and parental details, and the length of time the applicant has lived in the locality. Such recommendation letters must be signed with an official stamp of the LC1 Chairperson and the Gombolola (Sub-County) Internal Security Officer (GISO) or District Internal Security Officer (DISO).¹⁸

During the search for these letters, a lot of applicants, experience long waiting times in queues to get endorsements from the DISOs and some officials extort money from the applicants. The average cost of obtaining a signature from the officials ranges between Ugx 5,000(\$1.4) to Ugx 20,000(\$5.7) shillings. This is coupled with photocopying costs of required documents with an individual attracting a cost of Ugx 500(\$0.14) shillings per page in most areas.

These costs paradoxically affect the illiterate applicants more because the literacy gaps create room for “fixers” (consultants) managing the extortion schemes. The “fixers” disguise to be assisting such sub-populations. In secret they ask for money to help applicants fill out the forms. Although NIRA has put out public notices against these extortions at their centers, they are written in English that some of the applicants don’t understand and so the vice continues.

The registration forms are issued in English, a language¹⁹ that some applicants cannot comprehend. The World Bank Data Atlas approximates Uganda’s adult illiteracy at 5.3 million.²⁰ This partially explains why applicants submit incomplete and inaccurate information wasting a great deal of time at verification and data entry resulting into rejections of applications.

According to a research done by Makerere University School of Public Health–Resilient African Network in 2019, 33.7% of the respondents without IDs did not complete the registration. This was because they did not meet the requirements, while 7.7% from the same

category bowed out because of the slow registration process.²¹

The situation becomes more cumbersome for applicants whose parents travelled or died because they do not have access photocopies of their parents’ IDs. This problem was prevalent during the registration of learners’ project. Access issues to these documents prolongs the waiting time through which one has to register.

Such waiting times, demotivate most applicants to pursue the whole processes. Once one misses a service that mandates the use of an ID, then their pursuit for an ID card tremendously declines.

b) Exclusionary Risks

From the time, an ID seeker embarks on the journey of obtaining a card, exclusionary risks at the NIRA centers are clearly seen after allocation of queue numbers which set a threshold for the day even though interested applicants keep coming. When the maximum number of applicants for the day is attained, others are advised to return the next day, a decision reached without informing the applicants.

Transport costs incurred by those closed out are doubled because this means they have to return the next day. The doubled transport costs are worsened by the COVID-19 pandemic²², some of the applicants give up at this stage.

The poor quality of the passport photographs taken at NIRA centres affects returnee applicants who usually come to pick their IDs. They are always told to take the passport photographs again, an inconvenience of going through the tedious processes again. The reason given for this occurrence is the poor light intensities in and around the rooms, according to a few interviewed NIRA staff.

Collecting biometric information is difficult, inaccurate or impossible among some vulnerable populations like the elderly, manual labourers whose finger prints wear out. Other categories of people

18 <https://www.nira.go.ug/>

19 <https://www.nira.go.ug/index.php/forms/forms-for-registration-of-persons/#>

20 <https://knoema.com/atlas/Uganda/topics/Education/Literacy/Adult-illiteracy>

21 Resilient Africa Network (RAN) 2019, Understanding the Benefits, Costs, and Challenges of the National Identification System in Uganda. More to this visit

<https://www.ranlab.org/wp-content/uploads/2020/10/Understanding-the-Benefits-Costs-and-Challenges-of-the-National-Identification-System-in-Uganda-1.pdf>

22 The Independent (2010), Transport fares hiked as Public transport resumes. More available at

<https://www.independent.co.ug/transport-fares-hiked-as-public-transport-resumes-in-kabale-rukungiri/>

have unformed or disfigured features making the capture of the fingerprint sufficient detail and quality problematic.²³ After several failed attempts by the NIRA staff to capture these biometrics, the applicants are turned away with minimum options.

Many have given up because the system design provides no easy alternative to skip the stage of finger print capture. With no options to these sub-categories, Uganda's National Identity System is bound to exclude its own citizens in future stages of interoperability.

c) ID card replacement

NIRA initially only offered card replacement services at its headquarters in Kampala. After widespread complaints, NIRA began offering replacement services in 30 district offices across the country in 2018.

While ID replacement applications services were decentralized to a few districts, the data integration and processing are done at the headquarters in Kololo-Kampala. District offices physically send all written and digitally stored applications manually.

The fundamental question that inures in the minds of many Ugandans seeking replacement of their Identity cards is: Why does NIRA ask applicants to freshly re-register yet there is an existing Data Base or National Information Register with the same information?

With minimal logical answers to this, NIRA has continued to collect data afresh from the applicants seeking to replace their IDs.

Under normal circumstances, a digital system should retrieve all the information about the person including their bio-photo for confirmation.

One of the requirements for replacing an ID card is a Police report or letter declaring theft or loss. In acquiring this letter, Police officers ask for money to process one ranging from Ugx 2,000(\$0.5) shillings to about Ugx 5,000(\$1.4).

Applicants then must pay a fee of UGX 50,000 (\$14) to the Uganda Revenue Authority through a bank.²⁴

23 ADDENDUM TO THE STATEMENT MADE TO PARJAMENT ON 3RDMARCH 2020 ON 'STATEMENT TO PARLIAMENT ONDECENTRALISATION OF NIRA SERVICES more to this visit.

file:///C:/Users/UW/AppData/Local/Temp/Addendum to the Statement made to Parliament on 3rd March 2020 on Statement to parliament on Decentralisation of NIRA Services by Hon. Obiga Kania.pdf

24 <https://www.independent.co.uk/the-pain-of-replacing-national-identity-card/>

Once the payment has been made, the applicant must visit NIRA Offices with the supporting documentation. These costs are paid to the bank attracting charges of Ugx 2,300 (\$0.65).

The total adjusted value associated with establishing the National ID system was approximately US\$ 37,951,536 and the cost of issuing one National ID is about US\$ 4.0. This sets a high contradiction in the cost (\$14.2) of replacing an ID which is triple the original cost. This implies that a Ugandan from the poorest districts of Uganda with a GDP per capita less than \$200 will have to work for a life time to be able to replace an ID, keeping in mind that all IDs are valid for 10years

Such unreasonable costs in the National Identity System have a big cost to the ordinary Ugandan, for example, one with a monthly income of Ugx 300,000(\$85) shillings. This simply means such a person would have to starve for five days to replace an ID card.

d) Virtual Decentralization of ID Systems in Uganda.

Decentralization is the process by which the activities of an organization, particularly those regarding planning and decision making, are distributed or delegated away from a central, authoritative location or group.²⁵

NIRA has repeatedly announced decentralization of its services that were previously offered at the headquarters. Without connecting regional centers to the National Backbone Infrastructure to ensure full independence, this decentralization is bound to remain just in principle because operations cannot be done and viewed in real time.

There is no real time feedback mechanism to applicants from the district staff. Currently feedback is through the NIRA field staff when they physically come to pick application data or finished cards from Kololo. Although NIRA has come up with a mobile platform (*216#) to counter this, sensitization towards this end has been insufficient among the masses and this has created information gaps on queried and rejected cards.

Whereas it is possible to produce up to 10,000 national ID cards per day, the current output is 2,800 cards per day. This is because of the manual transmission of data from the enrollment centers to the processing centres.²⁶ The current system of processing applications does not have an in-built standard operating procedure to flag delayed applications that are queued in the system for months.

e) Human Resource Gaps

NIRA has deployed approximately, 433 staff (50.2%) out of the 865 staff as per the approved structure across the 117 NIRA service centres country wide, including the Kololo headquarters, district and division offices out of the 135 districts in the country.²⁷ This leaves a staffing gap of 432 staff. The overall effect of this staffing gap on service delivery cannot be underestimated.

On average a NIRA regional center has around 3 staff to serve over 100 applicants in a day. Each staff working on a ratio of 1: 30 would be reasonable but there is no real time specialization of the activities. The staff performs over 3 tasks including: helping out applicants in filling the registration forms, enter the data in the system, take photographs plus other related activities. This overwhelms the staff causing inefficiencies on the part of communicating back to applicants.

With this workload, the staff are bound to make errors in data entry with some deployed in areas where their proficiency in the local languages is lacking. Section 82 of the Registration of Persons Act 2015, however, exonerates NIRA staff from being liable for any act or omission said to be done in good faith while executing authority activities, but the definition and interpretation of good faith is not provided for in the act.²⁸

This lack of interwoven connectedness between the staff and the applicants, causes anxiety and distress among applicants leaving the centers without an explanation as to why their National IDs are not ready.

f) Cost and Sustainability

The Registration of Persons Act, 2015 mandates NIRA to register all citizens and aliens legally residing in Uganda for identification, creation and maintenance of the national identification register. This also helps in the issuance of respective identification and registration certificates to persons that have been clearly identified and registered.

Statutory Instrument 2015, No.67 of 2015 of the Registration of Persons Act, 2015, mandates the payment a fee of Ugx 50,000 (\$14.2) for notification of change of information or correction of errors and renewals.²⁹ The issuance of a new card Identity, in case of such needs, becomes a nightmare for many citizens because the amount of money needed is not affordable by many Ugandans.³⁰

That notwithstanding, for any delays in the renewals, there are designated penalty fees for each day defaulted without renewing of the national Identification card. One is required to pay Ugx 40,000 (\$11.4), Ugx. 100,000 (\$28.5) for exceeding one month and 3–6 months respectively.

The standard renewal fee for a single NIC is equivalent to 12% of the average monthly household income in Uganda. For the 41.7% of Ugandans living below the extreme poverty line, a single NIC renewal fee represents more than one full week of living expenditures foregone.³¹

g) Procurement and Vendor Neutrality Concerns.

Uganda's attempts to establish a foundational Identity System under the National Security Information System became unsuccessful. The plans to outsource a company known as Mühlbauer', which had a relationship with the "Ugandan government" was more evident in 2010.³² According to Mühlbauer High Tech International's website (www.muehlbauer.de), it was founded in 1981 and a leader in innovative systems and software solutions for the production

26 STATEMENT TO PARLIAMENT ON DECENTRALISATION OF NIRA SERVICES. For more visit. <http://parliamentwatch.ug/wp-content/uploads/2020/03/Statement-to-Parliament-on-Decentralisation-of-NIRA-Services.pdf>
27 STATEMENT TO PARLIAMENT ON DECENTRALISATION OF NIRA SERVICES. For more visit. <http://parliamentwatch.ug/wp-content/uploads/2020/03/Statement-to-Parliament-on-Decentralisation-of-NIRA-Services.pdf>
28 <http://www.mia.go.ug/sites/default/files/download/The%20Registration%20of%20Persons%2C%20%20Act-2015.pdf>

29 <https://www.nira.go.ug/wp-content/uploads/Publish/Statutory%20Instruments%202015.pdf>

30 <https://www.nira.go.ug/wp-content/uploads/Publish/Statutory%20Instruments%202015.pdf>

31 <https://www.independent.co.ug/the-pain-of-replacing-national-identity-card/>

32 <https://www.newvision.co.ug/news/1511556/ugandas-corruption-scandals>

and personalization of cards.

In March 2010, President Museveni ordered that Mühlbauer Technology Group be given a contract to produce national identity cards. This company had been recommended to him by the then German ambassador to Uganda, Reinhard Butchnolz.³³

It was clear that the Ministry of Internal Affairs, contrary to the Public Procurement and Disposal Act 2003 and regulations, procured the supplier through single sourcing in what they termed as “classified procurement.”

The Permanent Secretary, Ministry of Internal Affairs then, Dr. Stephen Kagoda, signed on behalf of the Uganda Government, while Mr. Gerhard Maurer signed on behalf of Mühlbauer.³⁴

The company was expected to produce over 3.5 million IDs by December 2010 and approximately 21 million by the end of the project in June 2012. However, the firm only released 400 IDs, and by March 2012 the project had stalled and government lost over Ugx 200 billion (\$57.1million).³⁵

With no registered penalties to this loss, influence peddling inefficiencies have expanded into the design and implementation phase.

There is limited public access to tender or contract documents of the public and private partnerships that took place. A few documents to this end have gagging clauses that have bound public scrutiny about the terms of the contract.

Without open design principles based on market-based competitive bidding, Buy Uganda Build Uganda (BUBU) initiatives are choked and innovation prohibited creating vendor “lock-in.” This increases the costs and reduces flexibility to accommodate changes in the system over time, a reality that is vivid today.

h) Underlying legal threats

According to the Registration of Persons Act 2015, birth and death registrations are not “free but compulsory” for all Ugandan citizens. Anyone who fails to register a birth and death in accordance with the Act commits an offense punishable by fines (UGX 120,000, or \$33 at current exchange rates) or short-term imprisonment (three months or less).

For context, the average monthly cash income for Ugandans in 2017 was UGX 416,000, or \$113 (UGX 703,000, or \$191, among urban households, and UGX 03,000, or \$82, among rural households).³⁶

Section 76 of the RPA provides that anyone who fails to register with NIRA in accordance with the act commits an offense punishable by a fine (up to UGX 2,400,000, or \$685. This is equivalent to six times the national average household income) and/or imprisonment of up to five years.

In Uganda’s case, the government’s ability to brand non-registered persons as law violators has reinforced its ability to erect barriers or simply deny access to crucial public and private services. Such services include but not limited to social protection cash transfers, public health services, SIM cards, or basic banking services. Some of these services and programs are central to Uganda’s compliance with international human rights treaties. Denial of these services contravenes the Article 12, 13 of International Covenant on Economic, Social, and Cultural Rights, and restrictions on access call for closer scrutiny.³⁷

Section 66(2) of the Registration of Persons Act 2015, provides that for the avoidance of doubt, a ministry, department or agency of government or any other institution providing the services shall require a person to produce a NIN or ID or alien’s identification number or alien’s ID. The services considered include; employment, identification of voters, application for and issuance of passport, opening of bank accounts, and purchase of insurance policies. They also include the purchase, transfer and registration of land by any individual, pension and social security transactions, consumer credit transactions, financial services, statistical services.³⁸

33 ibid

34 Parliament of Uganda (2012), Report of the Committee on Defence and Internal Affairs into the Procurement of Equipment for NSIS/The National ID project.

35 Human Rights Watch (2013). Letting the big fish swim. Available at: <https://www.hrw.org/report/2013/10/21/letting-big-fish-swim/failures-prosecute-high-level-corruption-uganda>

36 <http://www.mia.go.ug/sites/default/files/download/The%20Registration%20of%20Persons%2C%20%20Act-2015.pdf>

37 <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

38 ibid

In essence, Section 66 is an “integration clause” requiring that public and private service providers integrate their beneficiary and client lists with the Identification Register. Also, they are required to “fence in” their services and refuse access to anyone who has not enrolled in the Identification Register.

The services mentioned above are so critical for citizens’ participation in both the market and public economy. Although the law provides for identification through a NIN, participation in the economy has been restricted to a physical national identity card. This is alarming because Governments can exploit an “illegal status” to suppress a sub-population without an ID.

6. Summary of key policy issues

Issue 1: Delays in obtaining the national ID. The process of obtaining a national ID is cumbersome and takes long which denies people their right to access the services.

Issue 2: Registration requirements. The amount of information asked for by law during registration is much more than the necessary, for example, to go ahead to ask about the persons clan. This explains why some submitted forms are incomplete.

Issue 3: The cost and sustainability of replacing the ID is high. The standard renewal fee for a single NIC is equivalent to 12% of the average monthly household income in Uganda.

Issue 4: Some sections within the law contravene the human rights. Section 66 of the RPA 2015, mandates the access to social services on the availability of the National ID with no provision for the alternative identification documents.

Issue 5: Staffing gaps at NIRA and equipment. There is a staffing gap of 432 staff at NIRA which translates into low efficiency and hence poor service delivery.

Issue 6: Decentralization was not done fully. Although ID replacement services were decentralized to other districts, in reality only application data is collected. The processing of data and printing of the ID cards still takes place at the NIRA headquarters.

Issue 7: Citizens’ privacy is compromised. NIRA continues to share citizens’ data between Ministries, Departments and Agencies (MDAs) without transparent reports to the public.

Issue 8: The independence of NIRA. The entity is not autonomous to run its activities and this translates into poor administration.

RECOMMENDATIONS

INCLUSION

- NIRA Registration sites should provide support to people who cannot read or write, so as to further reduce the need for them to pay fees to interpreters (“consultants”) at the registration points where possible.
- NID registration forms have to be translated into commonly spoken local languages including sign and braille language for the deaf and blind respectively.
- NIRA should carryout system upgrades that provide real time retrieval of a person’s data during the time of rectifications of errors, replacement of IDs and renewals to eliminate cases of re-registration.
- NIRA should formulate options within the registration system design interface to provide alternatives to handle biometric failures. This should especially cater for the manual labourers, elderly, and those where it is impossible to capture the fingerprints.
- The correction of errors should be enhanced through the creation of mechanisms that double-check the correctness of the data collected in presence of the applicant clarified. This is done through a confirmation note signed by the applicant so that liability boundaries are clearly drawn.

DESIGN

- Transparency reports detailing on the kind of citizens’ information disclosed and shared must be provided openly to the citizens through periodic publications by NIRA. The reports have to show the number of public and private entities that made data requests adhering to the set data protection principles.
- There should be a balance between the citizen’s rights to privacy with legal and national security concerns. Any request for the citizens’ information must follow the international rules of necessity, proportionality and legitimacy.
- NIRA has to develop an acceptable substitute process with lower levels of assurance to assist in establishing trusted identity when requests are made to the system,

responses like Yes/No are able to serve the purpose.

- Third-party users including private and public entities should be closely monitored and audited by NIRA to ensure that they protect the data obtained from re-purposing.
- NIRA should develop various modes through which an applicant can register to reduce operational costs and ease registration. This should be a hybrid system of consistent mobile registration centers reaching to lowest grassroots levels (homes) and develop online platforms for those who can access mobile devices.
- Identity Card Printing should be decentralized to the regional areas to reduce on the backlog at the headquarters in Kololo.

GOVERNANCE

- Government should give NIRA the Institutional and financial independence to execute its mandates effectively. The authority should have the ability to run its budgets with minimum interference from the Ministry of Internal Affairs.
- Government through the NIRA board must provide avenues for grievance redress mechanism through selecting committees that consist of balanced representatives from the citizens, civil society and authorities to direct on issues of data breaches. Redress for breaches of data protection law should be available through the courts of law.
- Parliament should amend section 66 of the Registration of persons Act 2015, removing the condition of mandating the national Ids and provide for alternative identification documents in access to services. This is because it's the responsibility of the government to provide services for its citizens without discrimination whatsoever.
- Parliament should enact a law regarding the use of biometrics that protect dignity. The identification system should be designed in such a way that it explores all avenues to mitigate the privacy risks
- NIRA should improve on its planning to enhance fund absorption capacity within the financial year to control cases of resource allocation. Additional funding requests of over Ugx 224 billion (\$64million) made by NIRA in FY 2020/2021 cannot align with the esti-

mated Ugx 61 billion (\$17.4million) in expenditure.³⁹

- The equipment being used at the NIRA offices is of old (aged) versions, an issue that was noted in the Vote Budget Framework paper FY 2020/2021 under the performance challenges.⁴⁰ New equipment with updated software and hardware (versions of 2019 upwards) should be procured since they come along with better securities. This will increase on efficiency of data entry, processing and photography.
- Gradually phase-out the current NIRA system and introduce a new robust one that incorporates the human rights best practices of privacy.

39. Justice, Law and order: Vote Budget Framework Paper FY 2020/2021 more info visit: https://budget.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/2020-2021_VoteBFP_309_NationalIdentificationandRegistration

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