



**Initiative for Social and Economic Rights (ISER),  
Unwanted Witness (UW), and  
the Health Equity and Policy Initiative (HEAPI)**

**v.**

**Attorney General and the National Identification and Registration Authority  
(NIRA)**

*Last updated 9 March 2024*

**About the Case**

***The national digital ID in Uganda, commonly known as Ndaga Muntu, has become an exclusionary and discriminatory barrier to accessing essential services such as healthcare and social protection. This litigation argues that the implementation of this digital ID system violates women’s right to health and older persons’ right to social security.*** Up to a third of the adult population in Uganda remains [excluded](#) from the Ndaga Muntu system because they do not yet have a national ID, and many others have critical errors in their data or cannot verify their identity biometrically. Despite [publicly recognising this egregious exclusion](#), the Government of Uganda continues to make the national ID a mandatory requirement for accessing many social services. In doing so, it excludes thousands of eligible older persons from cash assistance through the Senior Citizens’ Grant and denies vulnerable women access to public health services.

On April 25, 2022, three civil society organisations—the [Initiative for Social and Economic Rights \(ISER\)](#), [Unwanted Witness \(UW\)](#), and the [Health Equity and Policy Initiative \(HEAPI\)](#)—filed a case on behalf of affected persons before the High Court of Uganda in Kampala. We allege that the Government of Uganda has failed to meet its obligations under the Constitution, national legislation, and international human rights law to respect, protect, and fulfill the rights to health and social security, and the rights to privacy, equality and non-discrimination, as they intersect with health and social security.

We are seeking remedies for the millions of people who have been shut out of both the national digital ID system and connected public services. Given that exclusion from these rights is often a matter of life and death, we argue that the Court must urgently provide declaratory relief that recognises the exclusionary and discriminatory impact of the mandatory national digital ID as a violation of human rights. To provide an adequate remedy, the Court must compel the Government to allow alternative sources of identification and grant a structural interdict, or supervisory order, to ensure that remedial measures are put in place immediately.

The human rights concerns have taken on new urgency in light of government plans for a comprehensive overhaul and an [upgrade to a “smart ID” system](#). Driving these plans is the fact that over 15 million cards are set to expire between 2024 and 2025, while up to one-third of the population have still not received their national digital ID. Meanwhile, the government is considering integrations of the new system into other sectors, requiring individuals to prove their identity solely through this digital ID to access even more services. This case is therefore relevant not only for the millions of Ugandans who remain excluded from the national digital ID system but also for the many who will be placed at risk by upgrades and expansions of the system. The court has the ability to establish legal limitations on government’s use of digital ID in the delivery of public services, now and in the future.

**No person in Uganda should ever be denied access to life-saving social security or health care because they lack a national ID.**

## **Frequently Asked Questions (FAQs)**

### **1. Who is bringing this case?**

This case is brought by three civil society organisations: the Initiative for Social and Economic Rights (ISER), Unwanted Witness (UW), and the Health Equity and Policy Initiative (HEAPI).

These three organisations bring this case in the public interest, on behalf of all affected persons. Several women and older persons also join the case as witnesses, presenting their personal experiences of exclusion.



### **2. Who are the respondents?**

This case is brought against the Government of Uganda, represented by the Attorney General and the National Identification and Registration Authority (NIRA).

### **3. What progress has been made since filing the case?**

Since filing in April 2022, there has been a lot of progress in the case.

**Presentation of evidence:** On **April 13, 2022**, the applicants submitted 36 affidavits—signed, factual statements from individuals—to support their case, and the Attorney General and the National Identification & Registration Authority (NIRA) filed 9 affidavits in reply. This included statements from the Executive Director of NIRA and the Head of the Expanding Social Protection Programme at the Ministry of Gender, Labour & Social Development (MOGLSD).

**Intervention of two "friends of the court":** In **March 2023**, Justice Wamala Boniface allowed two parties to participate in the case as *amicus curiae*, or "friends of the court," to provide expert knowledge that will help the court to reach a just and fair decision. The two intervenors were:

- Professor Philip Alston, Professor of Law at New York University (NYU) School of Law and former United Nations Special Rapporteur on extreme poverty and human rights. He sought to assist the court in interpreting international human rights law on the accessibility of the rights to social security and health, as well as equality and non-discrimination law.
- A coalition of civil society organisations, comprised of CIPESA, Article 19, and Access Now, provided guidance on questions of privacy and data protection, and an overview of court judgments from other countries regarding digital ID and biometrics.

**Written submissions:** Both parties submitted comprehensive written briefs that explained their legal arguments, highlighted key points from the evidence that they had submitted, and requested specific rulings from the judge.



These case documents can be found below.

#### **4. When will the case be decided?**

Justice Wamala Boniface has stated that the ruling will be delivered in writing on **March 15, 2024**.

#### **5. What are the Applicants' key legal arguments in this case?**

- The Government of Uganda has an obligation to respect, protect, and fulfil the right to health and the right to social security, and to non-discrimination and equal treatment.
- The exclusion of women from public health services due to the mandatory requirement of a national ID card or national ID number violates the right to health.
- The exclusion of older persons from social protection payments due to a lack of a National ID card, National ID Number, or presence in the National Identity Register, or due to errors in biographic or biometric information, violates the right to social security.

#### **6. What kinds of evidence has been presented in court?**

The applicants have presented witness statements of those directly affected by the mandatory requirement of the national ID, which shows the harms suffered due to exclusion from social security and healthcare. Applicants also rely on their own experience and expertise as public interest organisations working with affected communities, and on research reports, such as the report [\*Chased Away and Left to Die\*](#), which documented many of the exclusionary issues being raised in this case.

They have also drawn on the work of civil society organisations, on academic research papers, and on government reports to support their case. Applicants have also brought in affidavits from foreign experts in [Kenya](#), [India](#), and the [United Kingdom](#) to illuminate comparative examples of exclusion related to national digital identification systems.

The government, in response, has provided affidavits from the Executive Director of NIRA, representatives from other agencies including the Ministry of Gender, Labour & Social Development, and an external expert on biometric systems, and has pointed to World Bank publications on the advantages of digital ID systems. The government argues that the national digital ID system is intended to be inclusive, and that they have taken sufficient steps to discharge their obligations under human rights law by providing services such as healthcare and social protection. They have also contested many of the factual allegations put forward by the applicants relating to exclusion.

#### **7. What are the legal remedies being sought?**

- A declaration by the Court that the mandatory use of the national ID in healthcare and social protection services has led to the exclusion of women and older persons, violating the Government of Uganda's obligation to respect, protect and fulfill the right to health and the right to social security.
- An order compelling the Government to allow the use of alternative forms of identification, which are more easily accessible by the affected populations, until the national ID system no longer serves as an exclusionary and discriminatory barrier to accessing fundamental human rights.



- An order compelling the Government to establish accessible accountability mechanisms, as required under Section 83 of the Registration of Persons Act, 2015.
- A structural interdict, or supervisory order, allowing the Court to oversee the administration of remedial measures needed to comply with human rights law.

## 8. Who will be affected by the outcome of this case?

The outcome of this case will directly affect all women who seek to access public healthcare facilities, and all older persons who are, or will soon be, eligible for the Senior Citizens' Grant.

However, the decision of the Court will also affect anyone in Uganda who seeks to access any form of social service, including all areas of health, education, or social security. Since under the current law, the Government of Uganda can mandatorily require the Ndagamuuntu for accessing these rights, judicial intervention is needed to safeguard against further exclusion.

## 9. How can I support the civil society organisations leading this case?

There are many ways to get involved and support this case. A few ideas:

- Share information about our case with your networks.
- Follow the Applicants on social media [@ISERUganda, @UnwantedWitness, @HeapiUganda] to hear updates on the case as it progresses.
- Tweet a message with the hashtag [**#NdagaMuntuExcludes**] to show your solidarity.
- Participate in community dialogues and events hosted by the applicants.
- Partner with the organisations by funding further work on digital ID in Uganda.

## 10. Can I read some of the court documents?

Yes, these documents are publicly available and can be found [here](#):

Document(s)	Description	Date Filed
Notice of Motion ( <a href="#">Link</a> )	This document lays out the core legal arguments in the case, explains the factual evidence that will be provided, and specifies the remedies that the applicants seek from the court.	April 13, 2022
Affidavits of the applicants ( <a href="#">Link</a> )	These affidavits present the factual evidence that the applicants rely on in building their case. They include statements from representatives from each of the civil society organisations bringing the case, which presents their own research and knowledge, as well as evidence from individuals who have directly experienced exclusion from the digital ID system.	April 13, 2022
Expert affidavits ( <a href="#">Link</a> )	Statements from three expert witnesses who have provided in-depth	April-May 2022

	research and comparative evidence for the court's consideration. The three expert witnesses are Dr. Tom Fisher (Privacy International), Professor Reetika Khera (IIT Delhi), and Diana Gichengo (Advocate of the High Court of Kenya).	
Government Affidavits in Response ( <a href="#">Link</a> )	Statements from various officials within the National Identification and Registration Authority (including the Director and several Registration Officers), from the Ministry for Gender, Labour and Social Development, and from an external consultant on digital ID.	August-October 2022
Application of Professor Philip Alston (NYU School of Law) to intervene as <i>amicus curiae</i> ( <a href="#">Link</a> )	Submission by "friend of the court" Professor Philip Alston, providing expert analysis of human rights issues, to assist the court in interpreting international human rights law on accessibility of the rights to social security and health, as well as equality and non-discrimination.	19 September 2022
Application of the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), Article 19, and Access Now to intervene as <i>amicus curiae</i> ( <a href="#">Link</a> )	Submission from three civil society organisations (CIPESA, Article 19, and Access Now) admitted as "friends of the court," who provide guidance on questions of privacy and data protection, and outline relevant comparative cases.	1 December 2022
Written Submissions of the Applicants to Court ( <a href="#">Link</a> )	Submission that provides the comprehensive <b>legal arguments</b> in the case, applying the factual evidence submitted in the affidavits to both Ugandan and international law principles.	4 June 2023
Government response ( <a href="#">Link</a> )	Government's reply to the Applicants' written submissions, which lays out its own legal arguments, rebuts certain legal assertions made by the applicants, and requests for the case to be dismissed.	30 August 2023
Applicant's rejoinder to the government response ( <a href="#">Link</a> )	A final brief rejoinder to the arguments put forward by the government in its response.	13 October 2023



## 11. I want to learn more about digital ID in Uganda. Where can I find more information?

Media coverage of the case and further resources are included below.

### **Media Coverage**

Ayang Macdonald, Uganda court accepts brief from rights groups on digital ID case, March 30, 2023, BIOMETRIC UPDATE, <https://www.biometricupdate.com/202303/uganda-court-accepts-brief-from-rights-groups-on-digital-id-case>

Frank Hersey, Ugandan digital ID on trial: high court requests expert witness while AG denies exclusion, BIOMETRIC UPDATE, October 6, 2022, <https://www.biometricupdate.com/202210/ugandan-digital-id-on-trial-high-court-requests-expert-witness-while-ag-denies-exclusion>

Juliet Kigongo, AG asks court to dismiss petition against use of national ID to access SAGE, DAILY MONITOR, October 5, 2022, <https://www.monitor.co.ug/uganda/news/national/ag-asks-court-to-dismiss-petition-against-use-of-national-ids-to-access-sage-3974494>

Nelson Mandela, Two amicus curiae show interest in case challenging govt stance on ID possession to access social services, PML Daily, October 3, 2022, <https://www.pmldaily.com/news/2022/10/two-amicus-curiae-show-interest-in-case-challenging-govt-stance-on-id-possession-to-access-social-services.html>

Nita Bhalla, FEATURE-Uganda sued over digital ID system that excludes millions, Reuters, May 16, 2022, <https://www.reuters.com/article/uganda-tech-biometrics-idUKL3N2X32RG>.

The Independent, Elderly sue gov't for discrimination over lack of National IDs, April 26, 2022, <https://www.independent.co.ug/elderly-sue-govt-for-discrimination-over-lack-of-national-ids/>

Frank Hersey, Civil society coalition sues Ugandan government, alleging digital ID exclusion, BIOMETRIC UPDATE, April 26, 2022, <https://www.biometricupdate.com/202204/civil-society-coalition-sues-ugandan-government-alleging-digital-id-exclusion>

Juliet Kigongo, CSOs petition court to nullify IDs for elderly, DAILY MONITOR, April 28, 2022, <https://www.monitor.co.ug/uganda/news/national/csos-petition-court-to-nullify-ids-for-elderly-3797300>

Kenneth Kazibwe, Gov't dragged to court over mandatory use of national IDs by elderly to access SAGE cash, NILE POST, April 26, 2022, <https://nilepost.co.ug/2022/04/26/govt-dragged-to-court-over-mandatory-use-of-national-ids-by-elderly-to-access-sage-cash/>

### **Further Resources**

Center for Human Rights and Global Justice, Initiative for Social and Economic Rights, and Unwanted Witness, Chased Away and Left to Die: How A National Security Approach to Uganda's National Digital ID Has Led to Wholesale Exclusion of Women and Older Persons (2021), <https://chrhj.org/wp-content/uploads/2021/06/CHRGJ-Report-Chased-Away-and-Left-to-Die.pdf>



Unwanted Witness, Uganda's Digital Identification Systems and Processes in a Protracted Crisis: What Can Be Done? A Policy Brief (2021), <https://www.unwantedwitness.org/download/uploads/Ugandas-Digital-Identification-Systems-and-Processes-in-a-protracted-crisis.pdf>

Digital ID: What is it good for? Lessons from Uganda's identity system and access to social services, RightsCon 2021, video at: [https://www.youtube.com/watch?v=x6mOZcw\\_ggs](https://www.youtube.com/watch?v=x6mOZcw_ggs)

Katelyn Cioffi, Human rights gateway or gatekeeper: Digital IDs on trial in Uganda, OpenGlobalRights, July 24, 2023, <https://www.openglobalrights.org/human-rights-gateway-gatekeeper-digital-ids-uganda/>