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Facilitating Social Justice

INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

GOVERNMENT'S REQUIREMENT TO HAVE NATIONAL ID BEFORE RECEIVING COVID VACCINE WILL EXCLUDE MILLIONS



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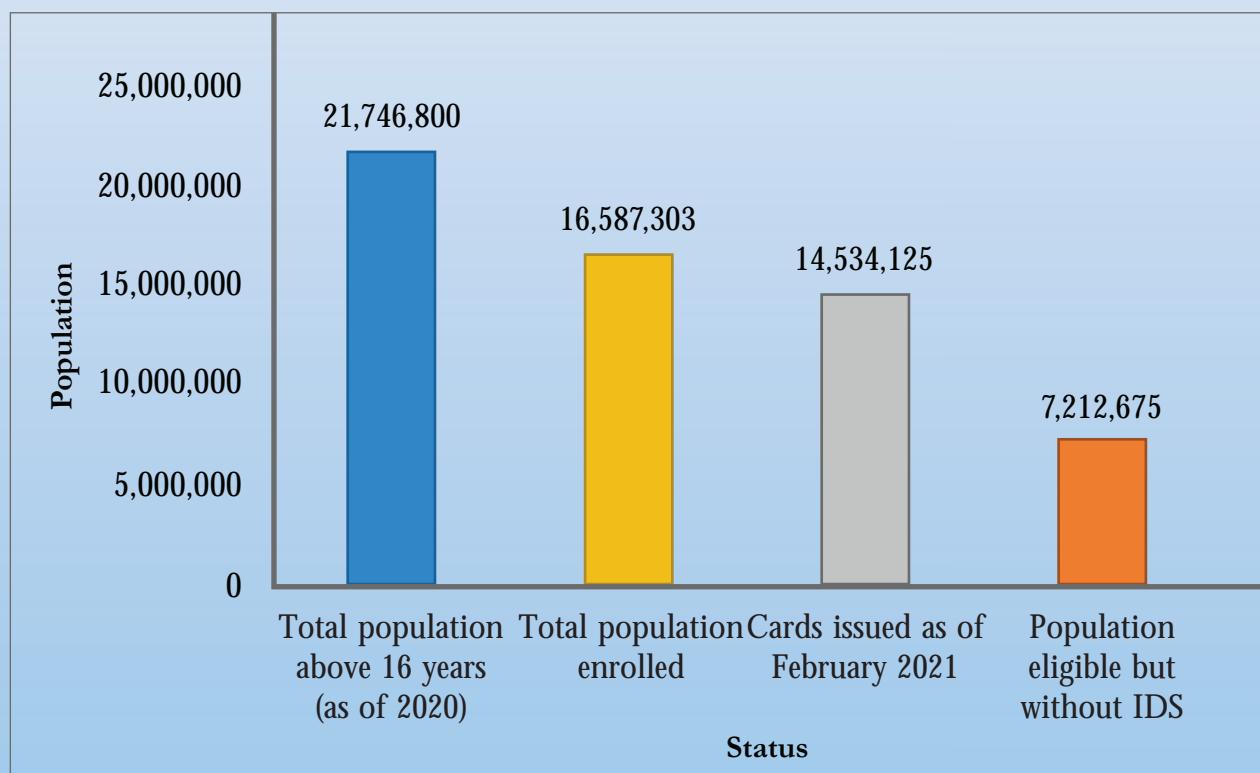


GOVERNMENT'S REQUIREMENT TO HAVE NATIONAL ID BEFORE RECEIVING COVID VACCINE WILL EXCLUDE MILLIONS

As the country receives the first batch of COVID 19 vaccines and embarks on vaccination, the Ministry of Health requires a National ID card in order to access the vaccine. This requirement raises public health and human rights concerns as a number of Ugandans, including, those at a high risk of dying or being hospitalized from the coronavirus will be excluded simply because they lack a national ID.

7,212,675 UGANDANS ABOVE 16 YEARS, 33% OF THE TOTAL POPULATION ABOVE 16 YEARS, LACK NATIONAL IDs. AND MANY OTHERS ARE WAITING ON NATIONAL ID REPLACEMENT CARDS AND WILL BE EXCLUDED FROM RECEIVING COVID VACCINES IF A NATIONAL ID CARD IS MANDATED FOR VACCINATION.

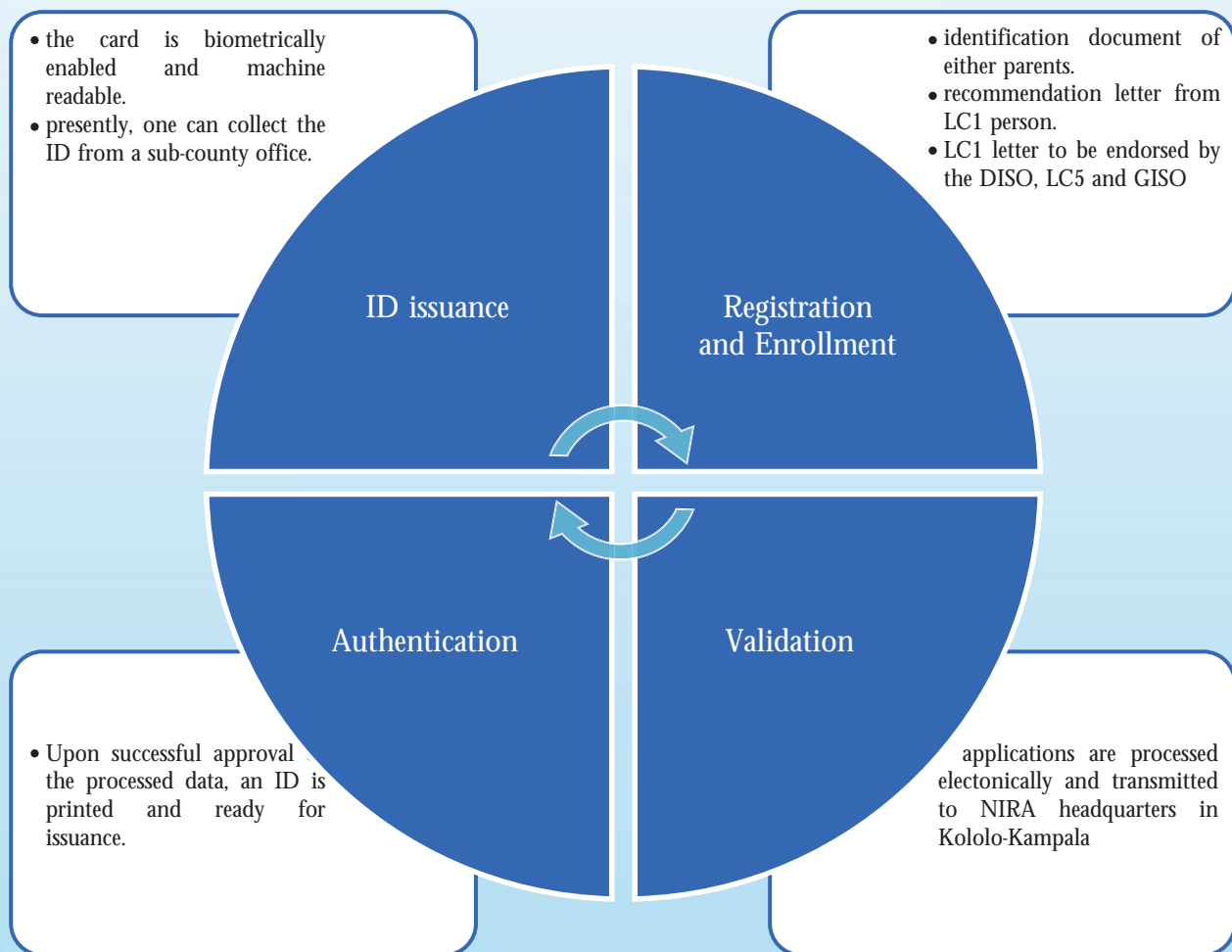
Digital Identity Card issuance status




Source: NIRA at: <https://www.nira.go.ug/index.php/statistics/>. Last accessed 4 March 2021

National IDs are issued by the National Identification Registration Authority (NIRA). NIRA was created by an act of Parliament, the Registration of Persons Act on 26 March 2015. The system collects biometric information and photographs. The process to acquire a national ID is set out below.

Process of acquiring a national ID



FOLLOWING REGISTRATION, THERE ARE SIGNIFICANT DELAYS IN PROCESSING APPLICATIONS BEFORE A NATIONAL ID CARD CAN BE AVAILED. While it should officially take 12-16 weeks to receive an ID following registration, NIRA has struggled with its mandate due to the lack of adequate budget and staffing, which prevents it from providing robust, continuous service at district levels ([World Bank, 2018](#)). As the [Office of the Auditor General Report](#) found, there are delays in processing applications for registration, particularly for new applicants. As of 2020, there was 2,713,413 backlog of unprocessed IDs. Some Ugandans have waited for [three years](#). In 2019, Parliament’s committee on Commissions Statutory Authorities and State Enterprises (COSASE) [tasked](#) NIRA to explain the delays. [Several Members of Parliament](#) noted they had spent more than a year trying to process national IDs. Unwanted Witness



in their report, [Uganda’s Digital ID system: A Cocktail of Discrimination](#), found 88% respondents had applied for a national ID and were yet to receive it, waiting for over six months. Reports of having to pay a bribe to get a national ID promptly are rife. Legislators in 2020 adopted a report [calling for a forensic audit](#) of some of NIRA’s registration processes with regard to learners.

SOME GROUPS IN UGANDA HAVE BEEN EXCLUDED FROM NATIONAL IDS

Communities like the Maragoli community in Kiryadongo district, western Uganda [petitioned](#) the Equal Opportunities Commission after being denied access to national ID cards. Ugandans of mixed race continue to be excluded from obtaining national ID cards. Certain populations with biometric complexities like manual labourers, older persons with worn out fingerprints were not captured at all and were not provided with alternatives.

HUMAN RIGHTS, DIGITAL IDENTITY CARDS AND PUBLIC SERVICE DELIVERY

Uganda’s Constitution enshrines the right to non discrimination and equality. Section 66 of the [Registration of Persons Act \(2015\)](#) prescribes the mandatory use of national IDs. While 66(2) allows Ministries, Departments and Agencies that provide certain proscribed services to produce a national identification number or card, the services do not explicitly include health. The services listed include employment, identification of voters, application for and issuance of passports, opening of bank accounts, purchase of insurance policies, purchase, transfer and registration of land, pension and social security, consumer credit transactions, payment of taxes, financial services, registration services. It however, does have a caveat, “any other purpose as may be prescribed by the Minister.” Whether vaccination would fall within this is debatable.

The use of national IDs as a pre requisite to receiving public services has been contested.

Experience from Social Assistance Grants for Empowerment (SAGE)
National IDs have been used as a pre requisite to identify older persons to receive SAGE. However, doing so resulted in exclusion of a number of older persons who were not captured for a number of reasons including that they could not travel distance to get registered.

Nubian Rights Forum & 2 others v Attorney-General & 6 others; Child Welfare Society & 8 others (Interested Parties); Centre For Intellectual Property & Information Technology (Proposed Amicus Curiae) [2019] eKLR
In 2019, Kenya imposed a requirement on all its citizens, including those living abroad, and all foreign nationals and refugees in the country above the age of 6, to obtain a national identification card as a pre requisite to access government services, including welfare benefits.

High Court found preconditioning receipt of services on whether someone had a national ID (Huduma Namba) violated citizen’s right to equality and non discrimination, public participation and privacy.



ACCESS TO VACCINES ON CONDITION THAT ONE HAS A NATIONAL ID PERPETUATES DISCRIMINATION AND VIOLATES THE RIGHT TO LIFE AND HEALTH.

Receiving COVID vaccines is integral to the rights to life, health and other economic social rights. A human rights based approach also focuses on equality and non-discrimination. A national ID should therefore be a tool of inclusion and not exclusion, and should not be used to deny fundamental rights like access to health care which will be the inevitable consequence if the government insists on only vaccinating those with the ID.

While Article 6 of the [Universal Declaration on Human Rights](#), stipulates that “everyone has the right to recognition everywhere as a person under the law,” a national ID is not the only way for recognition. Moreover, the government’s is yet to take adequate measures to streamline the national identity process and ensure all Ugandans have National IDs. The government without rectifying this, can not now predicate access to vaccines and health services on having a National ID.

REQUIRING A NATIONAL ID CARD AS THE SOLE IDENTITY MARKER TO RECEIVE A COVID 19 VACCINE IS NOT SOUND PUBLIC HEALTH POLICY.

A COVID 19 vaccine should be a public good, available to everyone. Vaccines for COVID 19 have been recommended as the quickest way to curb the pandemic and ease the strain on the health system and economy. Insisting on national IDs as the only proof of identification, is an onerous requirement that will prolong the pandemic for everyone and strain the health system further. The pandemic does not discriminate. Why should the government? Uganda has not officially required national IDs in the past for vaccination or health services.

REQUIRING A NATIONAL ID TO ACCESS HEALTH SERVICES LIKE A VACCINE SETS A DANGEROUS PRECEDENT.

What stops the Ministry of Health from requiring it to access all health services including emergency services? The Ministry of Health has considered this [before](#). As the UN Special Rapporteur on Poverty cautioned in his [2019 report](#) on digital technologies in the welfare state, they risk entrenching the notion that individuals are not rights holders but rather applicants that must convince the decision-makers that they are deserving and meet eligibility criteria. This is particularly problematic for essential services like health, which are basic human rights.

Moreover, without comprehensive data protection, there are loopholes that will detrimentally impact the right to privacy. [Unwanted Witness](#) has cautioned against national IDs serving as a tool of surveillance by the state and non-state actors, with regards to who to “include” and “exclude” depending on the political, social and economic aspects.

This requirement for a National ID or passport for foreigner excludes refugees and stateless persons with no formal identification.

Without a comprehensive human rights impact assessment regarding exclusion, citizens’ rights to life, health and dignity hangs in balance. This is especially true when the lack of a digital ID places the most vulnerable at a higher risk of contracting COVID 19.



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