



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)

About the Litigation

The national digital ID in Uganda, commonly known as Ndaga Muntu, has become an exclusionary barrier that violates women’s right to health and older persons’ right to social security.

Up to a third of the adult population in Uganda remain shut out of the Ndaga Muntu system because they do not yet have a national ID, and many others have critical errors in their data or are unable to biometrically verify their identity. Despite publicly recognizing 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. This is a violation of their rights to health and to social security.

On 25th April 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. The applicants allege that the Government of Uganda has violated its obligations under the Ugandan Constitution, national legislation, and international human rights law to respect, protect, and fulfil the right to health and the right to social security.

Given that exclusion from these rights is often a matter of life and death, the Court must urgently provide declaratory relief that recognizes the exclusionary and discriminatory impact of the mandatory national 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. 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

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 organizations 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 are the 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.

4. What kinds of evidence will be presented in court?

The applicants will present 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 will rely on their own experience and expertise as public interest organizations 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 will also draw on the work of civil society organizations, on academic research papers, and on government reports to support their case. Applicants will also bring in affidavits from foreign experts in Kenya, India, and the United Kingdom to illuminate comparative examples of exclusion related to national digital identification systems.

5. What are the legal remedies being sought?

- A declaration by the Court that the mandatory use of the national ID has led to exclusion of women and older persons, in violation of the Government of Uganda's obligation to respect, protect and fulfil the right to health and the right to social security.
- An order compelling the Government to allow for the use of alternative forms of identification, which are more easily accessible to affected populations, until such

time as 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.

6. 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 health 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 may create similar exclusionary barriers for access to these rights, judicial intervention is needed to safeguard against further exclusion.

7. How can I support civil society organizations 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 it progresses.
- Tweet a message with the hashtag [[#NdagaMuntuExcludes](#)] to show your solidarity.
- Participate in community dialogues and events hosted by the applicants.