

Past Learnings Must be 'at the heart of implementing' a Digital Identity System in Kenya

Civil society organisations in Kenya have noted with concern a number of recent government pronouncements aimed at creating a new digital identity system for all Kenyan citizens. On 13 May 2023, the Principal Secretary for the State Department for Immigration and Citizen Services, Ambassador Julius Bitok announced [government plans to establish a new digital identity system for all Kenyan citizens](#) referred to as the Unique Personal Identifier (UPI).

The Kenyan government plans to roll out the UPI initiative on 1 July 2023 with an aim to provide citizens with a lifelong identification number starting from birth that will eventually serve as an ID number. According to the government, it will be issued at birth for all newborn children in hospitals and to adults when applying for an ID.

The UPI as formulated is intended to be the main access point for citizens to access government services such as the Kenya Revenue Authority (KRA) and National Social Security Fund (NSSF), according to PS Bitok.

As civil society organisations, we recognise that a digitisation of public and government services is inevitable and has the potential to make citizen services more accessible and convenient; we laud government efforts to better serve citizens. It cannot, however, be ignored that a transition of this magnitude comes with pitfalls that must be addressed, especially if the design and implementation process is not conducted in a transparent, inclusive and human-rights-centred manner.

Concerns in the proposed roll-out of UPI include lack of transparency on the legal basis of UPI, lack of effective, nation-wide public participation on the system, uncertainty about data protection, whether human rights impact assessments will be conducted and made available for public review, including the assessment of the risks of exclusion of millions of Kenyans, and the speed which the roll-out is being planned.

While the government is engaging a select few civil society and other stakeholders, there needs to be a broad-based engagement to ensure this initiative moves in the right direction.

Lessons from Huduma Namba rollout show that if not done right, implementing digital ID systems produces further inequalities for minority and historically marginalised communities, including the Nubian, Borana, Swahili and Somali communities as well as double registered persons (Kenyans whose biometrics are in the refugee database) who already struggle with systemic discrimination in obtaining registration and nationality documents.

The introduction of UPI could also increase inequities for vulnerable communities who do not have access to birth certificates and IDs due to discrimination, distance, cost, corruption, and other barriers and they may be further excluded from the opportunities provided by UPI.

“While it is important for the government to make changes that better the lives of its citizens, digitization of vital and essential processes - such as the identification process - bears an implication on wide swaths of the population.”

We call on the government to slow down and not rush to introduce the new digital identity system (UPI). We ask the government to instead, first engage the public, assess what needs to be done, and institute strong technological, policy and legal frameworks to guard against the long-term problems such a system is likely to bring.

“Having been through a similar but largely flawed and poorly rolled out process with the Huduma Namba, we reiterate that in order for the implementation of the digital identity system in Kenya to be inclusive and human rights centred, it is imperative that the government incorporates past learnings in a transparent manner and implements court orders arising from Huduma Namba litigation. The questions still remain; will these digital identity systems be inclusive or merely a replication of the mistakes made in the implementation of the Huduma Namba project.”

If not done conscientiously and consultatively, replicating past mistakes will almost certainly occur. While acknowledging the government’s recent commitments to issue ID cards within 21 days nationwide and issue birth certificates on the same day, we also seek redress for the lack of implementation of this directive and the administrative hurdles that have effectively denied people access to identification for so long. Those hurdles include the inaccessibility of registration centres, arbitrary and discriminatory practices used to deny people identity documents under the current ID registration process, and the shifting of this burden from communities.

As our courts pointed out before the implementation of Huduma Namba, a ‘new’ identity system must not replicate ‘old’ injustices. The government must ensure that the circumstances of historically disadvantaged communities are considered and that marginalised groups are included before introducing a new digital identity system.

LIST OF ORGANISATIONS

Nubian Rights Forum

Namati Kenya

Access Now

Kenya Human Rights Commission

Haki na Sheria Initiative

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Centre for Minority Rights Development (CEMIRIDE)

Katiba Institute

Defenders Coalition