

# RETRIEVING IDENTITY DOCUMENTS

## COUNTRY MANUAL: UGANDA

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REUTERS/BEAWIHARTA



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# ABOUT ASKV REFUGEE SUPPORT

ASKV Refugee Support is an Amsterdam-based organisation that provides legal assistance and social support to rejected asylum seekers in the Netherlands. Undocumented refugees are often caught in an impossible position: being unable to return to their country of origin, but at the same time lacking access to social security, education and employment in the Netherlands. This group often ends up in the margins of society, vulnerable to abuse and exploitation.

Over the past thirty years, ASKV has supported undocumented refugees by providing shelter, legal and social assistance, daytime activities, and vocational training. The legal team of ASKV investigates the possibilities for starting a new procedure for legal stay in the Netherlands through thorough research, and further assists the client in preparing the new case in cooperation with the (new) lawyer. This report will support the daily activities of the legal team in gathering the necessary evidence that is of utmost importance to substantiate a new claim for asylum, or an alternative procedure for legal stay, in this case for our clients from Uganda.

Besides broad social assistance such as doctor and psychologist referrals, ASKV also organises Dutch language training, courses focused on entrepreneurial skills, and future orientation seminars to increase knowledge, competence, and confidence so that undocumented refugees can have the best possible chances of making a life for themselves in the Netherlands. For every person who walks into the ASKV office, we aim to work towards personal solutions that are viable, sustainable, and robust.

In addition to direct assistance, ASKV is a vocal advocate for refugee rights, both locally and nationally and has a wide network on local, national and European level. ASKV engages in direct policy advocacy and research for structural improvements in Dutch refugee policy, as well as organising debates with policy makers for the general public. Our multifaceted approach to assistance and support for undocumented refugees aims to end their precarious and marginalized existence and enables people to work on their own future in a durable, dignified way.

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As one of Uganda's largest law firms, MMAKS Advocates is committed to delivering practical and quality legal services with professionalism and integrity. The firm adopts a proactive approach to high quality, timely and efficient legal services and prides itself on a policy of open communication, teamwork, and client satisfaction. The firm provides strategic and commercially insightful transactional advice to an array of high profile local and international entities. MMAKS has also been involved in numerous ground-breaking legal cases in Uganda.



# ACRONYMS

CAA	Children (Amendment) Act 2016
DCIC	Directorate of Citizenship and Immigration Control
DSD	Diaspora Services Department
ICC	International Criminal Court
NIRA	National Identification and Registration Authority
RPA	Registration of Persons Act 2015
UNEB	Uganda National Examinations Board
URA	Uganda Revenue Authority
URSB	Uganda Registration Services Bureau



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# INTRODUCTION

Identity documents are a fundamental feature of modern daily life; they enable us all to participate in society and to access essential services and entitlements. Given the circumstances in which refugees are often forced to leave their home countries, their identity documents are very often lost or left behind.

The absence of identity documents and other supporting paperwork is one of the biggest obstacles faced by refugees who seek to substantiate a claim for asylum. Indeed a large share of the asylum seekers ASKV helps on a daily basis have had their first application for asylum in the Netherlands rejected on the basis of not having the correct supporting documents. To compound the problem, procedures in countries of origin for obtaining replacement identity documents and other necessary paperwork are often unclear and difficult to navigate.

This is the reason why this country manual has been designed. To set out the procedure of obtaining replacement documents for asylum seekers in countries of origin in a clear and practical way. The country manual aims to assist lawyers, caseworkers, and field workers in their efforts to retrieve documents from Uganda. The manual has been particularly designed to be of value when assisting asylum seekers in their legal procedures to obtain a residence permit, as possessing the right identity documents and other supporting documents is of crucial importance for the outcome of the client's procedure.

The manual shares a detailed account of how a document is retrieved according to the official authorities' guidelines. Additionally, because of thorough review of the data by local counsel this manual has also been checked on any discrepancies in practice. A variety of documents are addressed and analysed: official identity documents (including national identity card, passport, and birth certificate), key legal documents (including marriage status documents, death certificates, extracts from civil registries, and others), and other documents (including medical and educational records, baptism certificates, and others).

The manual also addresses the procedure of obtaining documents when the applicant is physically outside of the country. This is a very important aspect of the manual as most clients will be residing outside of their country of origin. Practical barriers, for example when a person does not reside in a city with an Embassy where an application may be submitted or does not have the necessary supporting documents at hand, may arise and are also further examined. Important legislation is quoted throughout the manual to address the right to obtain documents and the official application procedures for retrieval.

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## CASE STUDY

When documents are not obtained according to the official laws of a country, this could have grave impact. The case of June from Uganda is an example of this:

*“June, a 22 year old woman from Uganda, fled her country because of her sexuality. LGBT people in Uganda face severe discrimination and persecution, not only by the government but also by their own family members and community. When June was forced to flee, her smuggler arranged a passport for her. She had to provide her fingerprints, but was not involved in the further process of obtaining the passport. This is very common for refugees having to flee their country on short notice, and being dependent on a smuggler. When she arrived in the Netherlands this proved to be problematic, as her personal details on the passport differed from her real identity, including her age. In her interview with the Immigration Office she explained her story based on her real identity, but because of contradictory details in her passport, which was found to be authentic by the Dutch authorities, her story was not believed. Her asylum was consequently rejected. In order to prove her real identity, she went to the Embassy of Uganda in Brussels to obtain a passport. This was not possible. She therefore asked her mother in Uganda to obtain a passport for her with the help of her original birth certificate. Her mother went to the Immigration Office in Kampala and was able to obtain the passport. June was relieved. She hoped that the Dutch Immigration Office would now believe her story, so she submitted a second asylum request. However, the Dutch Immigration Office rejected her case again: the passport was not obtained according to the official guidelines of the Ugandan authorities. A new passport can only be obtained in Uganda in person and not with the help of a third person. They therefore won’t attach any significance to this document, despite the fact it was found to be authentic, because they can’t confirm that the details on it are now correct. June had to leave the asylum seeker camp once again, and is now living undocumented in the Netherlands. She hopes she can start a new procedure soon.”*



# 1. IDENTITY DOCUMENTS

This section deals with the application process for a number of key identity documents, including:

- National Identity Cards
- Passports
- Birth certificates
- Other identity documents (incl. driving permit)

## 1.1 TYPE OF IDENTITY DOCUMENTS ISSUED IN UGANDA

There is no statutory outline of the identity documents issued to Ugandan citizens. Having said this, the key documents used as identity documents in Uganda are a national identity card, a passport and a driver's license. This is because these are government issued documents.

1. The **National Identity Card** is currently becoming the most important identification document. The National Identification and Registration Authority (NIRA) was established under the Registration of Persons Act 2015 (RPA) and issues the "National Identity Cards to citizens [...] after a thorough Identification and Registration exercise". S.69 of the RPA provides that the Authority shall issue every citizen allocated a unique national identification number a national identification card. To date, the issue of National Identity Cards is ongoing at District Level across Uganda.<sup>1</sup>

The RPA itself has a definition of "identity documents", pursuant to which the following documents are enumerated: birth certificate; baptism certificate; immunisation card; voter card; immigration document; passport; driving license; residence permit; and certificate of acquired citizenship. The identity documents mentioned in the RPA refer to the documents presented for purposes of issuance of a national identity card. Namely, at the time of application for a national identity card, an applicant is required to present one of these 'identity documents'.

In addition, an exhaustive list of identity documents issued in Uganda can be found in a *"Report on identity documents available in the Ugandan legal and administrative system and other supporting documentation for applications for participation in proceedings in Uganda"*, which was prepared by the International Criminal Court's (ICC) Victims Participation and Reparations Section on 12 October 2007 in connection with proceedings before the ICC.<sup>2</sup>

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<sup>1</sup> <http://www.nira.go.ug/index.php/services-2/>

<sup>2</sup> <http://www.legal-tools.org/doc/ad2e2c/pdf/>

The ICC Report highlights the following as “Documents Issued by the Ugandan Legal and Administrative System”:

2. **Driving permits/license** (Uganda Revenue Authority (URA))<sup>4</sup>
3. **Voter cards** (Electoral Commission)<sup>5</sup> (note: *not widely issued, used or accepted in practice*)
4. **Graduated tax tickets** (the underlying tax that led to the issue of these tickets was abolished in 2005, although the tickets were still being used as a form of identification at the time that the ICC Report was produced. Currently, these tickets are no longer used as a means of identification in Uganda)
5. **Birth certificates / birth notification cards** (NIRA)<sup>6</sup>
6. **Certificates of amnesty** (Amnesty Commission); (note: *not widely issued, used, nor accepted in practice*)
7. **Residents permits / cards** (issued by local authorities).
8. Documents issued by **bodies** such as employers, banks and educational institutions.
9. Identification cards issued by professional bodies such as the **Uganda Law Society**.
10. **National Social Security Fund cards** issued to citizens

The following section will provide more details on the respective documents most widely issued in Uganda and ways to obtain them.

## 1.2 NATIONAL IDENTITY CARD

### 1.2.1 Legal right to obtain *National Identity Card* and Register access

Firstly, note that under Article 41 of the Constitution of Uganda, every citizen has a right to access information in the possession of the State or any organ of the State except where the release of such information is likely to prejudice the security or sovereignty of the State (also stated in section 5(1) of the Access to Information Act 2005). This gives all citizens the legal right to access all information in the possession of the State or organ of the State.

Furthermore, NIRA is required to establish a National Identification Register (the “Register”) under the RPA. The Register is to be maintained as an electronic database or in any other form. The Register is to contain information on all persons required to be registered under the RPA.

Under Regulation 3(1) of the Registration of Persons (Access and Use of Information) Regulations, 2015, a person who wishes to access or use the information in the Register shall apply to the NIRA in Form 1 in Schedule 2 of the regulations. This form is not available on the NIRA website yet and an applicant is therefore recommended to apply by going to/contacting their offices. Such person is also required to pay a prescribed fee currently at UGX 1,000/=.<sup>7</sup>

<sup>3</sup> <http://www.mia.go.ug/directorate/directorate-citizenship-and-immigration-control>

<sup>4</sup> <http://www.legal-tools.org/doc/ad2e2c/pdf/> and <https://www.gov.uk/guidance/living-in-uganda#driving-licences-and-vehicles>

<sup>5</sup> <http://www.legal-tools.org/doc/ad2e2c/pdf/> and <http://www.ec.or.ug/?q=content/activities-electoral-commission>

<sup>6</sup> Also see the Registration of Persons Act 2015 at <http://citizenshiprightsafrika.org/wp-content/uploads/2016/08/Uganda-Registration-of-Persons-Act-2015.pdf>

<sup>7</sup> <http://www.nira.go.ug/index.php/fees/>

Section 69(1) of the RPA provides that NIRA “*shall issue*” every citizen with a National Identity Card. Under S.54 of the RPA, every citizen in and out of Uganda is required to register with the NIRA. The information contained in the register maintained by NIRA is used to issue National Identity Cards. In practice, all registration with NIRA has resulted into the issuance of National identity cards. Mandatory registration with NIRA may therefore be interpreted as a legal right to obtain a national identity card.

Further, under S.66 of the RPA, a ministry, department, or agency of government or any other person providing a public service shall require a person accessing the service to produce a national identity card. S. 66(2) goes ahead to list the services for which a national identity card will be required. There is also a government policy in practice requiring all persons to provide their National Identification numbers to telecommunications companies prior to obtaining a sim card. The government provided a period within which submission of national identification numbers to telecommunication companies was required. Any persons that did not submit the numbers during the prescribed period were disconnected and only reconnected upon submission of the national identification number. This is in a bid to issue national identity cards to all Ugandans.

### 1.2.2 Procedure of obtaining a *National Identity Card*

#### 1.2.2.1 Within the country

##### First National Identity Card

Regulation 10 of the RPA provides that an application for registration shall be in Form 3 in Schedule 2 in respect of citizens and Form 4 in respect of resident aliens. These forms are not uploaded on the NIRA website. They however require that the applicant provides:

1. full name of the applicant;
2. residential address;
3. date of birth;
4. place of birth;
5. indigenous community / tribe to which the applicant belongs;
6. place of origin;
7. spouse’s name (we presume that this piece of information is only required where applicable); and
8. parents’ name, nationality, tribe and clan.

As per section 58 of the RPA, NIRA shall by notice in the Gazette designate registration centres for the purpose of registration. The regulations require an applicant to appear in person at a designated registration centre, which the applicant will be referred to after appearing at the NIRA offices.

Under Regulation 15 of the Regulations, where NIRA is prima facie satisfied that an applicant has provided all the required information, NIRA shall:

- a. record the particulars of the applicant;
- b. take a photograph of the applicant;
- c. take and record the applicant’s fingerprints or other biometric information;
- d. give the applicant a copy of the application form and an acknowledgement of receipt of the application for registration.

Note that section 55 and schedule 3 of the RPA also require information relating to the applicant's descendants, ethnicity, sex, spouse's details (where applicable), education and profession, occupation, tax identification numbers, passport number (where applicable) and any other information that NIRA may require from time to time (e.g. in the case of double nationality, for excluding security threats, etc.). NIRA may, before registering an applicant, require him or her to provide proof of the information given. NIRA may also require an applicant to produce certain documents, including a birth certificate, voter's card, driving permit, passport and/or baptism certificate (and where an applicant is unable to produce any of these documents, his or her relative may identify the applicant under oath).

The Regulations provide that NIRA is to process all applications for registration within sixty days from the date of receipt of the application. In practice, NIRA may take up to more than the prescribed sixty days to process the application.

Where NIRA is satisfied that the applicant meets the criteria for registration, NIRA shall register the person in the Register and allocate the person a unique national identification number. NIRA shall then issue a national identification card bearing the particulars of that person and the national or alien identification number allocated to that person.

After the applicant has filled in the Application form provided by NIRA, part of the form is retained by NIRA and another part of the form is given to the applicant to be presented upon receipt of the National ID. National Identity Cards are issued free of charge and are valid for 10 years.<sup>8</sup>

#### Replacement National Identity Card

Under the Regulations, where a person loses a national identification card, the person shall immediately report the loss to the nearest police station. After reporting the loss to the police, such person is required to apply to the Authority within thirty days for replacement of the national I.D.

An individual seeking a replacement National Identity Card must send the following to NIRA:

1. a completed Form 11<sup>9</sup> ; accompanied by
2. payment of the relevant fee (currently UGX 50,000)<sup>10</sup>; and
3. the police report

A fee of 50,000 UGX is also incurred in case of renewal of the National Identity Card. Payments for National Identity Cards are made to the banks currently contracted by NIRA located in Kololo at the NIRA offices. These include Bank of Africa and Diamond Trust Bank.

<sup>8</sup>. <http://www.nira.go.ug/index.php/contact-us/faqs/>

<sup>9</sup>. <http://www.nira.go.ug/wp-content/uploads/Publish/FORM11%20Application%20for%20replacement%20of%20lost%20defaced%20or%20damaged%20National%20ID%20card.pdf>

<sup>10</sup>. <http://www.nira.go.ug/index.php/fees/>

### 1.2.2.2 Outside of the country

As per section 59 of the RPA, Ugandan Missions abroad shall serve as registration centres at which Ugandan citizens may apply for a National Identity Card. The official premises of Uganda's Missions abroad shall serve as registration centres for the purpose of registering and issuing national identification numbers and national identity cards to Ugandan citizens.<sup>11</sup>

**However**, in practice it is confirmed that this is still in process and not operationalised yet. This means that National Identity Cards are not yet being issued widely outside of Uganda, although persons in specific jurisdictions have been registered by NIRA and cards are issued to their proxies in Uganda.

### 1.2.3. Practical barriers

It is unclear at which of Uganda's Missions abroad an individual can register and apply for a national identification card.

Furthermore, an application for a National Identification Card may require the applicant to have certain information and documents, which he or she may not have to hand (for example, his or her identification documents and parents' details).

A completed Form 11 is required in connection with an application for a replacement National Identification Card. Form 11 asks the applicant to provide various details, which he or she may not have to hand (for example, his or her National Identification Number).

### 1.2.4 Support with application

The Diaspora Services Department (DSD) plays a coordinating role for the Ugandan government in providing a comprehensive range of services to Ugandans abroad.<sup>12</sup>

## 1.3 PASSPORT

### 1.3.1 Legal right to obtain *Passport* and Register access

The Uganda Citizenship and Immigration Control Act (Cap 66) provides that every Ugandan shall have a right to a passport or other travel document. The DCIC also sets out a process for obtaining a replacement passport.<sup>13</sup>

<sup>11</sup> <http://newyork.mofa.go.ug/data/dnews/89/NATIONAL-IDENTITY-CARDS---GUIDANCE-FOR-UGANDANS-IN-THE-DIASPORA.html>

<sup>12</sup> <https://www.mofa.go.ug/data/smenu/16/Overview%20and%20Mandate.html?option=smenu&id=16>

<sup>13</sup> <https://www.immigration.go.ug/content/passports-other-travel-documents>

### 1.3.2 Procedure of obtaining a *Passport*

#### 1.3.2.1 *Within the country*

##### New passport

An individual seeking a new passport must provide the following in person and filed in a manila folder to the Receiving Officers at the Passport Receiving Section at the Ministry of Internal Affairs in Kampala, Passport Control Office or a Regional Immigration Office (see the “*Passport*” box in 1b above for locations of these Offices):

1. completed Form G<sup>14</sup>, which the individual should take in person for endorsement by Area Local Council 1, 2 and 3, a Resident District Commissioner and a District Internal Security Officer. In practice this endorsement is obtained from the Local Council of the area within which the applicant resides.
2. a cover letter from the individual’s employer / school / parents / guardian or person well known to the applicant (the letter should be addressed to the Passport Control Officer, Ministry of Internal Affairs, Kampala);
3. a copy and original of the individual’s identification documents (e.g., National ID, Voters Card, Birth Certificates, School Certificate, Residential ID, Baptism Card or Employer’s Card);
4. a recommendation from a citizen of good repute (i.e., one from any recognised profession) who will also provide a copy of his or her ID or Passport;
5. a bank receipt for UGX 150,000 (normal applications) or UGX 300,000 (express applications), which the individual must pay to a Ugandan Revenue Authority collection bank, including the Bank of Africa, Diamond Trust Bank, Stanbic Bank Uganda Limited, Barclays Bank of Uganda Limited and Orient Bank.<sup>15</sup>

A receiving slip will be issued to the individual indicating his or her receiving code and file number. The individual must collect his or her passport in person from the Passport Delivery Office after 10 working days (normal applications) or 2 working days (express applications), unless advised otherwise by an Immigration Officer. The individual will be required to produce his receiving slip and identification at collection.

##### Replacement passport

An individual seeking a replacement passport must send the following to the DCIC in Uganda (via its Passport Control Office in Kampala, Mbale, Mbarara or Gulu, or its Regional Immigration Office in Jinja, Masaka, Fort Portal, Arua, Hoima, Masindi or Lira) or one of three Ugandan Missions abroad (Washington DC (USA), London (UK) or Pretoria (South Africa)):

1. completed Form G<sup>16</sup>;
2. the individual’s detailed written explanation to the Passport Control Officer explaining the circumstances under which he or she lost his or her passport;

<sup>14</sup> <https://www.immigration.go.ug/downloads/passport-application-forms>

<sup>15</sup> <https://www.immigration.go.ug/about/fees-services-offered-directorate-citizenship-and-immigration-control-effective-1st-july-2015>

<sup>16</sup> <https://www.immigration.go.ug/downloads/passport-application-forms>

3. a completed Questionnaire Form (examples of which can be found on the websites of various Ugandan Missions abroad, including Washington DC<sup>17</sup>, London<sup>18</sup> and Pretoria<sup>19</sup>;
4. a completed affidavit in lieu of the lost passport (examples of which can be found on the websites of various Ugandan Missions abroad, including Washington DC<sup>20</sup> and Copenhagen<sup>21</sup>;
5. a police report confirming the individual's loss of his or her passport;
6. 3 coloured, passport-size photos taken against a white background;
7. a copy of the individual's identification documents. Currently this refers to a copy of the National Identity Card.
8. a copy of the lost passport, if available; and

a bank receipt in respect of payments of UGX 100,000 (a fine payable for lost passports) and UGX 150,000 (a fee payable for replacement passports). These fees should be paid to a 'prescribed bank' (also referred to as URA revenue collection banks), which are listed on the URA PORTAL.<sup>22</sup>

The passport should be collected after 10 working days, in practice at the same point where the application has been submitted.<sup>23</sup>

#### Passport for minors

There is no statutory provision as to who can make the application for the passport of a child. The practice however is that the parents or guardians of the child will make the application on behalf of the child. It is a requirement that the child must be presented at the DCIC. Where a passport is sought on behalf of a minor, the following documents must be provided in person to the DCIC in Uganda or one of three Ugandan Missions abroad (see the "Passport" box in 1b above for locations of these Offices):

1. completed Form G<sup>24</sup>;
2. a written consent letter from the parents addressed to the Passport Control Officer;
3. a copy of the minor's birth certificate;
4. a copy of the applicants' parents' passports or identification documents;
5. 4 coloured, passport-size photos taken against a white background; and

a bank return/receipt for UGX 150,000 paid to a 'prescribed bank' listed on the URA portal<sup>25</sup>

Where a child has been adopted, the adoption order from the High Court of Uganda will also need to be attached. The minor's passport will be available for collection after 10 working days.

No differences are identified in the process of applying for a passport in the event that the applicant is a woman or from an ethnic minority.

#### E-passports

Please note: there is a current move toward the use of the e-passport (popularly referred to as the East African Passport). The Government is in the process of phasing out the current passports by January 2021 in exchange

<sup>17</sup> <http://washington.mofa.go.ug/files/downloads/Questionnaire%20for%20lost%20passport%20applicants.pdf>

<sup>18</sup> <https://london.mofa.go.ug/data/smenu/14/Passport-Information.html?option=smenu&id=14>

<sup>19</sup> <http://www.ugandahighcommissionpretoria.com/support-files/lost-passport-questionnaire.pdf>

<sup>20</sup> <https://washington.mofa.go.ug/files/downloads/Affidavit%20for%20lost%20passport.pdf>

<sup>21</sup> <https://www.ura.go.ug/ayment.do>

<sup>22</sup> <https://www.immigration.go.ug/content/passports-other-travel-documents>

<sup>23</sup> <http://www.immigration.go.ug/downloads/passport-application-forms>

<sup>24</sup> <https://www.ura.go.ug/ayment.do>

for the electronic passport. The application process for the e-passport is the same as that for the regular passport. The prescribed fee has however been changed to Ug. Shs 250,000 as opposed to Ug. Shs 150,000. A person seeking to get an e-passport in less than 2 weeks will need to pay Ug. Shs 500,000. The biometric data on an e-passport is stored on a chip on the passport.<sup>26</sup>

### 1.3.2.2 Outside of the country

#### New passport

Individuals (save for children born abroad) can only apply for a *new* passport in Uganda as the application process requires an applicant to appear in person for identification purposes. Where a child is born abroad, the above process (passport for minors) is presented for the issuance of a new passport. The renewal process does not require the applicant to be in the country.<sup>27</sup> A third party can renew a passport on behalf of another individual. In addition, applications for *renewal* passports can be made by the applicant themselves. An applicant is expected to appear at the nearest Uganda Embassy for identification. The appearance is confirmed on a headed letter which is forwarded together with the application to the responsible Missions for further processing in Washington DC (USA), London (UK), Pretoria (South Africa) or Uganda. It is advised to contact your local Embassy for further details of the application process, as well as the updated procedure for the issuance of the new e-passport.<sup>28</sup>

#### Replacement passport

No differences are known in the process of obtaining a replacement passport in the event that the individual applying is outside Uganda.

### 1.3.3 Practical barriers

Applications for passports may require certain information or documents that an applicant may not have to hand, for example, Local Council endorsements, Questionnaire Forms, affidavits (which do not appear to be standardised), sponsorship by a Ugandan citizen of standing and identification documents.

### 1.3.4 Support with application

The Diaspora Services Department plays a coordinating role for the Ugandan government in providing a comprehensive range of services to Ugandans abroad.<sup>29</sup>

## 1.4 BIRTH CERTIFICATE & REGISTRATION

### 1.4.1 Legal right to obtain *Birth Certificate* and Birth Register access

Section 28 of the RPA<sup>30</sup> provides for the compulsory registration of every birth within Uganda. Birth registration is free of charge. A “register of births” is mentioned in the Act subsequently. S.39 of the RPA refers to a

<sup>26</sup> <https://www.independent.co.ug/new-e-passport-all-you-need-to-know/>, [https://www.newvision.co.ug/new\\_vision/news/1489983/passports-holders-january](https://www.newvision.co.ug/new_vision/news/1489983/passports-holders-january)

<sup>27</sup> <https://immigration.go.ug/content/passports-other-travel-documents>

<sup>28</sup> For example the Embassy of Uganda in Brussels: <https://brussels.mofa.go.ug/data-smenu-55-E-PASSPORT-.html>

<sup>29</sup> <http://www.mofa.go.ug/data-smenu/16/Overview%20and%20Mandate.html>

<sup>30</sup> <https://ulii.org/system/files/legislation/act/2015/4/Registration%20of%20Persons%20Act%202015.pdf>

certificate of birth issued by NIRA upon notification of a birth and therefore relates to first time issuance.

Section 50(1) of the Act provides that, “[u]pon payment of the prescribed fee by the applicant, NIRA shall furnish a certified copy of any entry in a register or return in its custody or a certified copy of any extract from that entry”. Further, section 50(2) states that the “copy of any entry in the register or return, or a copy of any extract from the entry, which is certified under the hand of the authorised staff of [NIRA] to be a correct copy, shall be prima facie evidence in all court proceedings of the facts contained in the copy”.

### 1.4.2 Procedure of registering a birth and obtaining a Birth Certificate

#### 1.4.2.1 Within the country

Under S. 39 of the RPA, NIRA is to issue certificates of birth upon application in a prescribed form and the payment of the prescribed fees.

Regulation 5 of the Registration of Persons (Births and Deaths) Regulations 2015 (the “RPA (Births and Deaths) Regulations”) provides that every birth occurring in a designated registration area shall be notified to the registration officer of the area in which the birth occurs. Further, a person whose duty it is to notify a birth is required to give the registration officer of the area in which the birth occurred the particulars in Form 3 in the Schedule.<sup>31</sup>

The duty to notify a birth is placed upon the parents of a child, an occupier of a home in instances where the parents are unable to notify a birth, or the guardian of the child. Birth registration should be immediate after the date of birth or finding of the child. Late registration is possible but a birth not registered immediately, shall not be registered unless the registrar is satisfied as to the truth of the particulars and is directed to register them by the Executive Director.

In practice, upon the birth of a child, the parents or guardians of a child obtain a form in respect of the birth from the hospital in which the child was born. The form is taken to the registration area, which is usually the division office of the area in which the hospital in which the child was born is located. This form is stamped by the town clerk of the area and taken to NIRA. The applicant is then required to fill in form 3 and submit it together with the notification from the hospital in which the child was born. Upon registration of a birth by a registration officer, the Authority will allocate a National Identification Number to a child identified as a citizen of Uganda or an Alien Identification Number to a child identified as an alien.

Upon registration of a birth, the Authority is to issue a certificate in a prescribed form (Form 4).

A person requiring a certificate of birth is therefore required to provide the following to NIRA:

1. Form 3;
2. Stamped notification from the hospital in which the child was born
3. Pay the prescribed fees currently at UGX 5,000 (Uganda Shillings 5,000) being approximately USD 2.<sup>32</sup>

<sup>31.</sup> <https://www.nira.go.ug/wp-content/uploads/Publish/FORM3%20NOTICE%20OF%20BIRTH%20OF%20A%20CHILD%20.pdf>

<sup>32.</sup> <http://www.nira.go.ug/index.php/fees/>

Regulation 24(1) of the RPA (Births and Deaths) Regulations provides that an application for a certified copy of under S.50 shall be in Form 15 in the Schedule. A person seeking to obtain a certified copy of an entry in the register of births and deaths is required to:

1. Submit Form 15 of the RPA (Births and Deaths) Regulations, 2015<sup>33</sup>;
2. Pay a prescribed fee of UGX 1,000. This fee may be in addition to a fee of UGX 1,000 for searching the register.<sup>34</sup>

A person seeking to inspect the births and deaths register or seeking to obtain a copy of an entry in the register is required to:

1. Submit Form 16<sup>35</sup>; and
2. Pay a prescribed fee of UGX 1,000.

Fee payments are made to NIRA through the contract banks located at the NIRA offices. These include Diamond Trust Bank and Bank of Africa.

There is no statutory period within which the process of obtaining a birth certificate is to be completed. The practice is that the process of obtaining a birth certificate is normally completed within 10 working days.<sup>36</sup>

#### 1.4.2.2 Outside of the country

##### Birth registration

A birth can be registered abroad, however, it is important to notify the officials at NIRA. The practice is that the applicant notifies NIRA in writing and attaches the documents referred to in section 34 of the RPA (listed below\*). An applicant is also required to send through a statutory declaration confirming the birth of the child. Once these documents are submitted, NIRA will then write a letter to the applicant confirming that the birth has been noted in the register.

\*Section 34 of the RPA provides the following for a birth occurring outside Uganda<sup>37</sup>:

1) A person giving notice of a birth occurring outside Uganda of a child whose parent or guardian is a citizen of Uganda, shall produce to the registration officer the following evidence of the birth:

- (a) a certificate of birth issued by the appropriate authority in the foreign country, with an English translation of the certificate if it is not in English; or
- (b) if a certificate of birth is not issued in the foreign country, a certificate of the birth given by the doctor, midwife or other persons who attended to the birth, with an English translation of the certificate if it is not in English; or
- (c) if there is a Uganda Mission in the country abroad, a certificate of an officer of the Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made, that the particulars of the birth given in the certificate are correct; or

<sup>33</sup> <http://www.nira.go.ug/wp-content/uploads/Publish/Form%2015%20Application%20for%20a%20Certified%20Copy%20of%20Entry%20in%20the%20Register%20of%20Birth%20and%20Death.pdf>

<sup>34</sup> <http://www.nira.go.ug/index.php/fees/>

<sup>35</sup> <http://www.nira.go.ug/wp-content/uploads/Publish/Form%2016%20Application%20to%20Inspect%20Register%20Obtain%20a%20Copy%20of%20Entry%20In%20Register.pdf>

<sup>36</sup> <http://www.refworld.org/docid/50729a5e2.html>

<sup>37</sup> <http://citizenshiprightsafrika.org/wp-content/uploads/2016/08/Uganda-Registration-of-Persons-Act-2015.pdf>

(d) if there is no Uganda Mission in the country abroad, such other evidence as the Minister may prescribe in the Regulations.

(2) The person giving notice of the birth shall certify in writing to the registration officer the correctness and authenticity of the evidence which such person submits.

(3) Upon receiving the evidence required under subsection (1), the registration officer shall forthwith enter the prescribed particulars of the birth in the register of births occurring outside Uganda.

#### **Birth certificate**

An official in the Ugandan High Commission in London has indicated that birth certificates may only be obtained in person at the Office of the Registrar General.<sup>38</sup> Having said this, local counsel in Uganda notes that in exceptional circumstances, people outside Uganda may issue power of attorney to persons in Uganda to obtain a birth certificate on their behalf. This is also possible for obtaining a certified copy of an entry in the register of births.

The assessment of an 'exceptional circumstance' is considered on a case-by-case basis. You may email the relevant office and explain the situation, for which they will make their decision. A power of attorney is often provided to a lawyer, or a family member, and needs to conform to applicable standards.

#### **1.4.3 Practical barriers**

Applications for birth certificates can only be made within Uganda, with the exception of exceptional circumstances and the requirement of power of attorney.

Where an individual does not have the short birth certificate issued by the hospital in which the baby is born, they may obtain one from the Kampala Capital City Authority (KCCA). However, this is a tedious process due to the bureaucracy within KCCA.

Note that prior to the enactment of the RPA, registration of births and death was governed by the Births and Deaths Registration Act (Cap 309) as enforced by the Uganda Registration Services Bureau (URSB). However, all data registered with URSB has been transferred to NIRA. Searches relating to birth documentation prior to 2015 may therefore be obtained from NIRA.

#### **1.4.4 Support with application**

The Diaspora Services Department plays a coordinating role for the Ugandan government in providing a comprehensive range of services to Ugandans abroad.<sup>39</sup>

<sup>38</sup>: <http://www.refworld.org/docid/50729a5e2.html>

<sup>39</sup>: <http://www.mofa.go.ug/data/smenu/16/Overview%20and%20Mandate.html>

## 1.5 OTHER IDENTITY DOCUMENTS

### 1.5.1 Legal right to obtain and Register access

#### Driving permit

We have not seen any information suggesting that there is a “*legal right*” to obtain a copy of a driving permit.

Driving permits are issued pursuant to Part IV of the Traffic and Road Safety Act 1998 and subject to various conditions, such as age and successful completion of a driving test. Individuals may apply for a learner’s licence, which is issued for a renewable period of three months, or a full driving licence, which is issued for a renewable period of either one or three years.<sup>40</sup>

Note: a learner’s license does not constitute valid identification documents as full driving permits do. Driving permits are used to a large extent for identification purposes.

#### Other identity documents

Voting cards are covered in section 2 below. We have not covered graduated tax tickets due to their abolition in 2005. We have not found any information regarding certificates of amnesty or residence permits / cards.

### 1.5.2 Procedure of obtaining document

#### 1.5.2.1 Within the country

#### **Driving permit**

*Initial driving permits* are issued pursuant to Part IV of the Traffic and Road Safety Act 1998. In order to receive a full driving permit, applicants must:

1. apply for, and be issued with, a learners’ permit (see section A (*Obtaining a learners’ permit*) below);
2. practice driving and take driving lessons; and
3. undertake a driving test with the appropriate URA licensing office (see section B (*Obtaining a full driving permit*) below).

Once the individual has passed the driving test, the URA will issue a full driving permit to the individual.

#### **A. Obtaining a learners’ permit**

To obtain a learners’ permit, an applicant must:

1. be over the age of 18
2. complete the application form<sup>41</sup> and receive a physical examination from a registered medical practitioner;
3. go to any bank and pay the appropriate fee (UGX 30,000) to URA’s account (the bank will provide the account number);
4. go to Face Technologies Office (a company contracted by the Ministry of Works and Transport to design, print and supply computerised driving permits) with the bank receipt, together with a dully filled application form;

<sup>40</sup>. <http://www.works.go.ug/wp-content/uploads/2017/03/Procedures-for-Application-for-Driving-Permit.pdf>

<sup>41</sup>. <https://www.ura.go.ug/manageManualForm.do?dispatch=openFile&formId=6>

5. Face Technologies will capture the individual's biometric features;
6. pay required fee (UGX 30,000) in cash to Face Technology for producing learners' permit;
7. Face Technologies will issue the learners' permit after payment.

#### **B. *Obtaining a full driving permit***

Upon issuance of the learners' permit, the individual may undertake driving lessons. Ultimately, the individual must sit a driving test with the relevant URA licensing office. Upon passing this driving test, the individual will be issued with a full driving permit.<sup>42</sup>

The procedure for transitioning from a learners' permit to a full driving permit is set out below:

1. complete a sufficient number of driving lessons at a licensed driving school to be issued with a Certificate of Completion by the driving school as evidence of your ability to drive;
2. go to the Transport Licensing Board, a bank (prescribed banks obtained from the URA portal) or the URA's portal to generate the relevant application form for a full driving permit;
3. go to any of the URA prescribed banks and pay the appropriate fee to the URA:
  - a. for a full driving permit of one year's validity, the fee is UGX 55,000; and
  - b. for a full driving permit of three years' validity, the fee is UGX 150,000;
4. upon successful completion of the driving test, go to an Inspector of Vehicles with: the Certificate of Completion, the driving instructor who supervised the individual's driving test, and the receipt of payment from the bank;
5. the Inspector of Vehicles will issue the individual with a Certificate of Competence (the form of which is prescribed in the Second Schedule to Statutory Instrument 2010 No. 40 The Traffic and Road Safety (Driving Tests and Special Provisions for Drivers of Public Service Vehicles and Goods Vehicles) Regulations 2012);
6. the Inspector of Vehicles will send the Certificate of Competence to Face Technologies;
7. pay the required fee (UGX 60,000) in cash to Face Technologies for production of the driving permit; and
8. Face Technologies will issue the renewed driving permit after payment.

The practice is that upon application, a provisional permit is issued for a specific number of days, usually 30 days. An applicant is required to collect the driving permit upon the expiry of the time period in the provisional permit.

Individuals can also apply to renew their existing driving permit or *replace* a lost permit.<sup>43</sup>

#### ***Applying to renew a driving permit***

To apply to renew a driving permit, an individual should complete the following steps:

1. go to the Transport Licensing Board ("TLB"), a bank<sup>44</sup> or the URA's portal to generate a renewal assessment form;

<sup>42</sup> <http://www.works.go.ug/wp-content/uploads/2016/08/Driving-Tests-and-Special-Provisions-for-PSV-Divers-Regulations-2012.pdf>

<sup>43</sup> <http://www.works.go.ug/wp-content/uploads/2017/03/Procedures-for-Application-for-Driving-Permit.pdf>

<sup>44</sup> Prescribed banks are stated on the URA portal and the specific banks where the applicant for a driving permit can go can be found here: <https://www.ura.go.ug/payment.do>

2. go to any bank and pay the appropriate fee (UGX 50,000 for a one-year driving permit or UGX 130,000 for a three-year driving permit) to the URA's account (the bank will provide the account number);
3. go to Face Technologies' office with the bank receipt, together with the individual's existing driving permit;
4. Face Technologies will capture the individual's biometric features;
5. pay the required fee (UGX 60,000) in cash to Face Technologies for production of the driving permit;
6. Face Technologies will issue the renewed driving permit after payment.

#### Applying to replace a lost driving permit

To apply to replace a lost driving permit, an individual should complete the following steps:

1. report the loss of the driving permit to any branch of Uganda Police and secure a police report;
2. place the advertisement for the loss of the driving permit in any national circulation newspaper;
3. ensure that the following details are captured in the advertisement – names (the way they appear on the driving permit), driving permit number, date of issue and expiry. The individual can obtain these details from Face Technologies;
4. go to TLB, a bank or URA's portal to generate the duplicate' assessment form;
5. go to any bank and pay the appropriate fee (UGX 41,000) fee to URA's account (the bank will provide the account number);
6. go to Face Technologies' office together with the police report, a cut out or copy of the advertisement, and the bank receipt as proof of payment;
7. Face Technology will capture the individual's biometric features;
8. pay the required fee (UGX 30,000) in cash to Face Technologies for production of the driving permit;
9. Face Technologies will issue the replacement driving permit after payment of the required fee.

#### **Certificate of Identity**

Certificates of Identity are issued to Ugandans who cannot readily access travel documents in emergency situations.<sup>45</sup> A Certificate of Identity will for example be provided when someone does not have a passport to travel abroad (a National Identity Card is not sufficient to travel abroad). A driving permit may be asked for issuing a Certificate of Identity.

An individual seeking a Certificate of Identity must send the following to one of the authorities listed in the "Passport" box above:

1. completed Form G<sup>46</sup>;
2. 2 passport-size photos;
3. a cover letter from the Area Local Council 1. This cover letter is issued by the Local Council of the applicant's residence. The letter confirms that the applicant is a resident of the area in question]; and
4. payment of the appropriate fee of UGX 40,000.

<sup>45</sup> <https://www.immigration.go.ug/content/passports-other-travel-documents>

<sup>46</sup> <http://www.immigration.go.ug/downloads/passport-application-forms>

### Other identity documents

Voting cards are covered in section 2 below. We have not covered graduated tax tickets due to their abolition in 2005. We have not found any information regarding certificates of amnesty or residence permits / cards.

### 1.5.2.2 Outside of the country

#### Driving permit

The process described in the “*Other Identity Documents*” in 1c above indicates that individuals will only be able to apply for driving permits when in Uganda.

#### Certificate of Identity

We have not identified any differences in the process of obtaining a Certificate of Identity in the event that the individual applying is outside Uganda. It is recommended to contact the applicable local Embassy or Mission for additional requirements for obtaining a Certificate of Identity outside of Uganda.

#### Other identity documents

Voting cards are covered in section 2 below. Graduated tax tickets are not covered due to their abolition in 2005. No information has been found regarding certificates of amnesty or residence permits / cards.

### 1.5.3 Practical barriers

#### Driving permit

Applications for new or replacement permits must be made in person to a Licensing Officer. There are no Licensing Officers outside of Uganda. A practical barrier would arise in the event that an individual is outside Uganda.

#### Certificate of Identity

Applications for Certificates of Identity may require certain information or documents that an applicant may not have to hand, for example, Local Council endorsements, sponsorship by a Ugandan citizen of standing and identification documents. Furthermore, a Certificate of Identity may be obtained from an Embassy or Mission abroad, but the procedure is unsure and may differ from location to location.

#### Other identity documents

Voting cards are covered in section 2 below. We have not covered graduated tax tickets due to their abolition in 2005. We have not found any information regarding certificates of amnesty or residence permits / cards.

### 1.5.4 Support with application

The Diaspora Services Department plays a coordinating role for the Ugandan government in providing a comprehensive range of services to Ugandans abroad.<sup>47</sup>

<sup>47</sup> <http://www.mofa.go.ug/data/smenu/16/Overview%20and%20Mandate.html>



## 2. LEGAL DOCUMENTS

This section deals with the application process for a number of key legal documents, including:

- Marriage & single status documents
- Adoption & guardianship documents
- Death certificates
- Voting cards
- Extracts from civil or municipal registries
- Judgments

### 2.1 MARRIAGE & SINGLE STATUS DOCUMENTS

#### 2.7.1 Obligation to maintain records

##### Customary marriages

Section 5 of the Customary Marriage (Registration) (Cap 248) provides that every registrar of a marriage district shall cause to be kept in his or her office a “customary marriage register book” in the prescribed form.

##### Marriages under the Marriage Act 1904

Section 31 of the Marriage Act (Cap 251) provides that the “registrar of marriages in each district shall forthwith register in a book to be kept in his or her office for that purpose, and to be called ‘The Marriage Register Book’, every certificate of marriage which shall be filed in his or her office”.

#### 2.7.2 Right to access records

Under S.31(2) of the Marriage Act (Cap 251), the registrar shall at all reasonable times allow for searches to be made in the Marriage Register Book and shall give certified copies from it upon payment of a prescribed fee.

Under S.16 of the Customary Marriage (Registration) Act (Cap 248), all registers, monthly returns and indexes in the custody of the Registrar shall be open for inspection by members of the public during the prescribed hours and upon payment of a prescribed fee.

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### 2.7.3 Procedure for obtaining records

#### Single Status Letter

A single status letter confirms an individual's status as single. To obtain a single status letter, an individual should:

1. appear before a Registrar of Marriages for an interview;
2. submit a recommendation letter from the Local Council 1 chairperson of the Local Council in which the individual resides;
3. provide a photocopy of his or her "long" birth certificate to prove his or her parentage;
4. provide proof of Ugandan nationality (e.g., passport or National Identification Card);
5. provide a statutory declaration from his or her parent to prove that the individual is single; and
6. pay a fee of UGX 25,000.<sup>48</sup>

Since this procedure requires the applicant to appear before a Registrar of Marriages it deemed to be unlikely that this application can be made from outside of Uganda.

In addition, one may make a statutory declaration confirming their status as single. This statutory declaration is then commissioned and may be used as confirmation of one's single status.

#### Other document

Under S.31 (1) of the Marriage Act (Cap 251), the registrar of marriages in each district shall forthwith register in a book to be kept in his or her office for that purpose, and to be called "The Marriage Register Book", every certificate of marriage which shall be filed in his or her office, according to Form F in the First Schedule to the Act;

Under S.6 of the Customary Marriage (Registration) Act, the parties to a customary marriage shall, as soon as may be, but in any event not later than six months after the date of completion of the ceremonies of marriage, attend at the office of the registrar of the marriage district in which the customary marriage took place, with at least two witnesses to the marriage ceremonies, to register details of the marriage.

The registrar shall, upon payment of the prescribed fee, enter such details of the marriage as may be prescribed in the customary marriage register book and he or she, the parties to the marriage and the witnesses shall sign their names in the customary marriage register book.

The URSB website sets out fees for the conduct of a search on the marriage register, a certified copy of a marriage certificate (in respect of marriages under the Marriage Act (Cap 251)), a certified copy of a marriage return (in respect of Church, Islamic and Hindu marriages) and a certified copy of a divorce return (in respect of Islamic divorces). However, no information is available about the exact procedure for obtaining any of these documents.<sup>49</sup>

<sup>48</sup>. <https://ursb.go.ug/acquiring-a-single-status-letter/>

<sup>49</sup>. <https://ursb.go.ug/civil-registration-fees/>

### 2.1.4 Practical barriers

An individual may not be able to apply for a single status letter or marriage/customary marriage certificate when abroad. In addition, applications for single status letters require identification documents that an applicant may not have to hand. For example, a recommendation letter from Local Council, a “long” birth certificate and proof of nationality.

### 2.1.5 Support from civil society

The Refugee Law Project could be asked to assist.<sup>50</sup> In addition, local counsel could be approached to help in individual cases.

## 2.2 ADOPTION & GUARDIANSHIP DOCUMENTS

### 2.2.1 Obligation to maintain records

The Children Act of Uganda notes that the registrar of births and deaths shall maintain an adopted children register in which shall be registered particulars of adoptions under this Act.<sup>51</sup>

NIRA is responsible for keeping Adoption Order Registrations in the National Identification Register.

### 2.2.2 Right to access records

Article 41 of the Constitution of Uganda gives every citizen the right to access information in the possession of the State or organ of the State except where the release of such information is likely to prejudice the security or sovereignty of the State (also stated in section 5(1) of the Access to Information Act 2005). This gives all citizens the legal right to access the records in the possession of NIRA.

### 2.2.3. Procedure for obtaining records

#### Guardianship

Legal guardianship is governed by the Children (Amendment) Act, 2016 (the “CAA”) which provides that only citizens of Uganda are eligible to apply for legal guardianship. An application for legal guardianship is made by any person above the age of eighteen and is made to the High court. The petition is in a prescribed form (Form 1 contained in the Schedule to CAA) and is accompanied by a report by the probation and social welfare officer.

The CAA also permits family members to appoint a guardian of a child in accordance with their customs, culture or tradition.

Further, the CAA also states that the parent of a child may, by agreement or deed, appoint any person to be a guardian. Such appointment agreement is required to be dated and signed by the parent in the presence of two witnesses, one of whom must be a probation officer and the other a local councillor at LC1 level.

<sup>50</sup> <https://www.refugeelawproject.org/>

<sup>51</sup> <https://ulii.org/ug/legislation/consolidated-act/59>

The CAA provides that every person to whom a guardianship order is granted shall within 14 days after the grant of the order register the order with the Uganda Registration Services Bureau ("URSB") and the Ministry responsible for children affairs and submit a copy of the order to the National Children Authority.

As the registration mandate was shifted from URSB to NIRA, NIRA is currently registering all guardianship orders. We are also informed that NIRA is seeking an amendment to the law to specifically provide for registration of the guardianship orders with it rather than URSB.

The registration of a guardianship order is to be in Form 2 as set out in the third schedule of the CAA.

The law is currently silent on the mode of accessing the orders. We are informed that the amendment sought by NIRA will provide for the specific mode of access of the records.

#### Adoption

**The Children Act (Cap 59)** provides for an application of an adoption order to be made to either a chief magistrate's court within the jurisdiction of which the applicant or child resides where both the applicant and the child are Ugandan or to the High Court where the child or the applicant is not a citizen of Uganda.

The prescribed format of the petition for adoption is provided for in the schedule to the Children (Adoption of Children) Rule S.I 59-1.

An adoption order may be granted to a sole applicant or jointly to spouses where the applicant or at least one of the applicants has attained the age of 25 and is at least 21 years older than the child and in the case of an application by one of the spouses, the other spouse has consented to the adoption.

Adoption orders are registered with NIRA. In order to register an Adoption Order you need to provide the following to NIRA :

1. An Original or Certified copy of Adoption order.
2. Certified copy of the Birth Certificate of adopted child.
3. Copies of National IDs or Valid passports of Adopting parents

Registration of the adoption order is free of charge.

As is the case with guardianship orders, NIRA is seeking an amendment to the law to provide for its specific mandate to register these orders as well as the mode for accessing these records.

#### **2.2.4 Practical barriers**

The requirements for guardianship and adoption orders require the applicants to be present in Uganda.

Further, the role of NIRA to register both adoption and guardianship orders is by implication. There is therefore no specific provision as to the mode of accessing these records.

#### **2.2.5 Support from civil society**

The Refugee Law Project could be asked to assist.<sup>52</sup> In addition, local counsel could be approached to help in individual cases.

<sup>52</sup> <https://www.refugeelawproject.org/>.

## 2.3 DEATH CERTIFICATES

### 2.3.1 Obligation to maintain records

Section 5 of the RPA provides that NIRA shall have the function of registering deaths, which are commonly registered. NIRA also maintains a register of deaths. Section 48 provides that NIRA shall issue certificates of death upon application.

### 2.3.2 Right to access records

#### Certified copy of an entry in the register of deaths

Section 41 of the RPA provides for the compulsory registration of every death within Uganda. A "register" of deaths is mentioned in the Act subsequently.

Section 50(1) of the Act provides that, "upon payment of the prescribed fee by the applicant, NIRA shall furnish a certified copy of any entry in a register or return in its custody or a certified copy of any extract from that entry". Further, section 50(2) states that the "copy of any entry in the register or return, or a copy of any extract from the entry, which is certified under the hand of the authorised staff of [NIRA] to be a correct copy, shall be prima facie evidence in all court proceedings of the facts contained in the copy".

#### Certificate of death

Section 48 provides that NIRA shall, upon application and payment of the prescribed fee, issue a certificate of death in the prescribed form.

### 2.3.3 Procedure for obtaining records

#### Certified copy of an entry in the register of deaths

An individual seeking a certified copy of an entry in the register of deaths must send the following to NIRA:

1. a completed Form 16<sup>53</sup>; and
2. proof of payment of the relevant fee (currently UGX 1,000). This fee may be in addition to a fee of UGX 1,000 for searching the register.<sup>54</sup>

#### Certificate of death

To obtain a certificate of death, an individual must send the following to NIRA:

1. a completed Form 15<sup>55</sup>; and
2. proof of payment of the relevant fee (currently UGX 5,000).<sup>56</sup>

Payment of the applicable fees is made at the NIRA contracted banks located at the NIRA offices in Kololo. The average wait time is approximately 10 days. A person who is outside of Uganda may issue a power of attorney to a person within Uganda to receive a death certificate on his or her behalf.

<sup>53</sup> <https://www.nira.go.ug/wp-content/uploads/Publish/Form%2016%20Application%20to%20Inspect%20Register%20Obtain%20a%20Copy%20of%20Entry%20In%20Register.pdf>

<sup>54</sup> <http://www.nira.go.ug/index.php/fees/>

<sup>55</sup> <http://www.nira.go.ug/wp-content/uploads/Publish/Form%2015%20Application%20for%20a%20Certified%20Copy%20of%20Entry%20In%20the%20Register%20of%20Birth%20and%20Death.pdf>

<sup>56</sup> <http://www.nira.go.ug/index.php/fees/>

#### 2.3.4 Practical barriers

It may be the case that only persons who have passed away after the enactment of the Registration of Persons Act are likely to be able to obtain certified copies of entries in the register of deaths or certificates of death.

#### 2.3.5 Support from civil society

It is unknown what support is available, specifically with regard to obtaining death certificates. Having said this, the Refugee Law Project<sup>57</sup> and local counsel may be able to help when asked for assistance.

## 2.4 VOTING CARDS

#### 2.4.1 Obligation to maintain records

It is understood that the Electoral Commission compiles, maintains, revises and updates the National Voters' Register on a continuous basis. It also produces and issues voters' cards, although it is not clear whether it is obligated to maintain legal documents or relations in relation thereto.<sup>58</sup>

#### 2.4.2 Right to access records

Article 41 of the Constitution of Uganda gives every citizen the right to access information in the possession of the State or organ of the State except where the release of such information is likely to prejudice the security or sovereignty of the State (also stated in section 5(1) of the Access to Information Act 2005).

#### 2.4.3 Procedure for obtaining records

The Electoral Commissions Act (Cap 140) provides that the voters roll for every constituency shall be open to inspection by the public, free of charge, at the office of the returning officer during office hours and shall be made available at the sub-county headquarters and at each polling station within the constituency. Further, a person inspecting the voters roll for a constituency may, without payment of any inspection fee, make copies of the roll or make extracts from it in each case at his or her expense during office hours but without removing the roll from the office of the returning roll.

#### 2.4.4 Practical barriers

Not applicable.

#### 2.4.5 Support from civil society

No civil society or legal organisations have been located that would be able to assist in relation to voting cards. An individual's most likely recourse, at least in the first instance, would be to the Electoral Commission.<sup>59</sup>

<sup>57</sup> <https://www.refugeelawproject.org/>

<sup>58</sup> <http://www.ec.or.ug/?q=content/activities-electoral-commission>

<sup>59</sup> <http://www.ec.or.ug/>

## 2.5 EXTRACTS FROM CIVIL OR MUNICIPAL REGISTRIES

### 2.5.1 Obligation to maintain records

There are no established civil or municipal registries in Uganda. Local registrations do not exist, only central government maintains person's registrations.

### 2.5.2 Right to access records

Not applicable.

### 2.5.3 Procedure for obtaining records

Not applicable.

### 2.5.4 Practical barriers

Not applicable.

### 2.5.5 Support from civil society

Not applicable.

## 2.6 JUDGMENTS

### 2.6.1 Obligation to maintain records

Rule 32 of the Judicature (Supreme Court) Rules provides that Supreme Court judgments shall be deposited in the registry of the court.

Rule 33 of the Judicature (Court of Appeal) Rules provides that Court of Appeal judgments shall be deposited in the registry of the court.

We have not identified a comparable provision for High Court judgments. However, Order IV (2) of the Civil Procedure Rules provides that the court (i.e. High Court – Civil Division) shall cause the particulars of every suit to be entered in a book to be kept for the purpose and called the register of civil suits.

Rule 38 of the Civil Procedure Rules for Courts presided Over by Magistrates Grades II and III provides that Magistrates Courts shall keep case files, including evidence and court judgments, and a civil case register, containing, among other things, details of cases, judgments and particulars of execution of judgments.

Part VII of the Local Council Courts Act 2006 provides that a parish, town, division, sub-county local council court shall keep records of its proceedings in writing. This Part also provides that a village local council court shall keep records of all court proceedings. In each case, records include judgments.

### 2.6.2 Right to access records

Article 28(6) provides that a person tried for any criminal offence or any person authorised by him or her shall be entitled to a copy of the proceedings to which he or she was subject upon payment of a prescribed fee.

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Moreover, under S.73(a)(iii) of the Evidence Act, documents forming the acts or record of the acts of judicial officers are classified as public documents. Under S.75 of the Evidence Act, any person has a right to inspect and obtain certified copies of public documents. This means that every person can obtain any judgment.

### 2.6.3 Procedure for obtaining records

Any person requiring a copy of a judgement approaches a clerk of the court in which the judgement was made and requests for the judgement. The clerk upon obtaining the judgement photocopies the judgement (at the “applicant’s” cost) and hands it over to the “applicant”. In addition, certain judgments are posted on the website of the Ugandan Legal Information Institute.<sup>60</sup>

If the person who wishes to obtain a judgment is physically outside of the country, he or she may ask any person within Uganda to request a judgment at the applicable court.

A copy of a judgment may be obtained as many times as possible as these are public documents. The average wait time is unknown, but this may be done within the same day subject to availability of the court clerk. The only fees payable are the photocopying fees that are subject to the size of the judgement.

### 2.6.4 Practical barriers

The majority of courts in Uganda rely on handwritten notes of the proceedings written down by adjudicating officers. This procedure of writing down the record is not regulated by law and the roles of court officials in managing the record are vague.

### 2.6.5 Support from civil society

As stated in 2.6.3, certain judgments are posted on the website of the Ugandan Legal Information Institute (<http://www.ulii.org/content/about-ulii>).

In addition, the Justices Centres Uganda, a government-backed initiative, provides legal aid to poor, vulnerable and marginalised populations.<sup>61</sup>

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<sup>60.</sup> <https://www.ulii.org/finder-judgements>

<sup>61.</sup> <http://www.justicecentres.go.ug/>



## 3. OTHER DOCUMENTS

This section deals with the application process for a number of other documents, including:

- Medical records
- Baptism certificates
- Educational records
- Criminal records
- Political party membership
- Journalistic accreditation

### 3.1 MEDICAL RECORDS

#### 3.1.1 Obligation to maintain records

The Patients' Charter was published by the Ministry of Health's Department of Quality Assurance in 2009. It is unclear whether the Charter is legally binding as it has not been tested in the courts of law. The Charter's objective is *"to empower health consumers to demand high quality health care, to promote the rights of patients and to improve the quality of life of all Ugandans and finally eradicate poverty nationwide"*.

Paragraph 17 of the Patients' Charter 2009 provides that the Ministry shall "be the legal owner and custodian of the medical records". Paragraph 18 provides that:

- general medical records shall be retained for 25 years or 3 years after the patient's death;
- obstetric records shall be retained 25 years after the birth of a child; and
- psychiatric records shall be retained throughout a patient's lifetime or 3 years after the patient's death.<sup>62</sup>

#### 3.1.2 Right to access records

Paragraph 16 of the Charter provides that patients *"shall be entitled to obtain from the clinician or the medical facility medical information concerning himself/herself, including a copy of his/her medical records"*.<sup>63</sup>

However, section 21 of the Access to Information Act 2005 states that an information officer *"shall refuse access to health records, the disclosure of which would constitute an invasion of personal privacy"*.

<sup>62</sup>. <http://cphl.go.ug/library-resources/policy-documents-and-reports/patients-charter-august-2009>

<sup>63</sup>. <http://cphl.go.ug/library-resources/policy-documents-and-reports/patients-charter-august-2009>

### 3.1.3 Procedure for obtaining records

The procedure for obtaining medical records is dependent on the hospital in question. A general procedure can therefore not be identified.

### 3.1.4 Practical barriers

The precise means through which an individual can obtain medical records is unclear.

It is also understood that each hospital keeps their own patient records and often records are only in paper form. This practice could prove problematic for individuals who are not within travelling distance of the relevant hospital.<sup>64</sup>

### 3.1.5 Support from civil society

The Uganda National Health Consumers Organisation<sup>65</sup> and the Center for Health, Human Rights & Development (“CEHURD”)<sup>66</sup> may be able to assist applicants with their applications. Specifically, CEHURD’s mission is to advance health rights for vulnerable communities through an integrated program of litigation, advocacy and action research. As part of the fulfilment of its mission, CEHURD may help vulnerable persons or persons unable to afford the cost of obtaining records with the process.

## 3.2 BAPTISM CERTIFICATES

### 3.2.1 Obligation to maintain records

Baptism certificates are issued in accordance with the norms of a church. There is no statutory requirement for the possession of a baptism certificate.

### 3.2.2 Right to access records

The right of an applicant to access baptism certificate records is dependent on the norms of the church in which the baptism certificates are issued.

### 3.2.3 Procedure for obtaining records

This depends on the established procedures of the issuing church, including procedure how to obtain, fees, waiting time, etc. No additional information has been found for when the applicant is physically outside of the jurisdiction.

### 3.2.4 Practical barriers

Baptism records are usually kept in the church in which the individual was baptized. A major barrier is the manner in which records are kept in the church in question. It is possible for some records to go missing where these are not well kept. Further, most records are manually kept and there is a high likelihood that documents could go missing.

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<sup>64</sup>. <http://allafrica.com/stories/201612120489.html>

<sup>65</sup>. <http://unhco.or.ug>

<sup>66</sup>. <http://www.cehurd.org/>

### 3.2.5 Support from civil society

The Refugee Law Project could be asked to assist.<sup>67</sup> In addition, local counsel could be approached to help in individual cases.

## 3.3 EDUCATIONAL RECORDS

### 3.3.1 Obligation to maintain records

The Uganda National Examinations Board (UNEB) is established under the Uganda National Examinations Board Act (Cap 137) and is mandated to conduct primary, secondary and other technical institutions examinations. UNEB therefore maintains educational records such as certificates for primary and secondary education. Different Universities also maintain educational records. In general, result certificates are always provided after completion of education.

### 3.3.2 Right to access records

The practice is that persons may apply for certified copies of their educational records from the issuing institutions such as UNEB, Makerere University and other institutions. One may claim the right to information under Article 41 of the Constitution.

### 3.3.3 Procedure for obtaining records

UNEB states that where an individual has lost or damaged his or her result slips and/or certificates, it can issue on request a letter of verification of results.<sup>68</sup>

To obtain a letter of verification, an individual should submit the following to UNEB in person:

1. a letter from the relevant school / centre of sitting. In practice this letter states that the applicant was a student in the applicable school or did the exams at the centre of sitting and provides further details such as the applicant's index number.
2. a letter from the police. In practice this letter states the details of the applicant, and the circumstances under which the applicant lost or damaged the result slip/ certificates; and
3. a copy of a valid identity card.

The individual will also need to pay the relevant processing fee to UNEB's cashier (as of January 2015, UGX 40,000 for an ordinary letter of verification or UGX 80,000 for a "Hard Card" that serves as a substitute for a certificate). The cashier will issue a receipt to the individual.<sup>69</sup> The average wait time for this procedure is unknown.

Where the applicant is outside the *jurisdiction*, he or she can ask someone else to conduct the process of obtaining a letter of verification. The applicant should send a copy of his or her (i.e., the applicant's) identity document and a letter authorising the other person to conduct the process.<sup>70</sup>

<sup>67</sup> <https://www.refugeelawproject.org/>

<sup>68</sup> <http://uneb.ac.ug/>

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

### 3.3.4 Practical barriers

Applications for letter of verification require identification documents that an applicant may not have to hand.

### 3.3.5 Support from civil society

The Refugee Law Project could be asked to assist.<sup>71</sup> In addition, local counsel could be approached to help in individual cases.

## 3.4 CRIMINAL RECORDS

### 3.4.1 Obligation to maintain records

There is no centralized database for criminal records in Uganda. The system for record keeping is still highly manual and criminal records will generally have to be found at the different police stations. The Interpol maintains a registry of criminal records; however, this unfortunately does not reflect all the records as a result of the highly manual system within the police.

### 3.4.2 Right to access records

The applicant has the right to access its records by applying to Interpol. In addition, one may manually request to access criminal records from the different police stations.

### 3.4.3 Procedure for obtaining records

#### 3.4.3.1 Within the country

From the Canadian Government's website and a criminal records search-focussed website it is understood that individuals can apply for a Certificate of Good Conduct from the Ugandan Police Force.

To obtain a Certificate of Good Conduct, Ugandan citizens must provide the following in person to the Directorate of Interpol & International Relations at the Ugandan Police in Kampala:

1. fingerprints (which can be taken at a police station);
2. photocopies of pages 1-5 and 61 of his or her passport
3. two recent, coloured, passport-sized photographs;
4. a handwritten letter of introduction explaining why the certificate is being requested. This letter has to be written while physically present at the Interpol offices; and

the applicable fee of UGX 60,000, which is paid in the Bank after obtaining an assessment form from Interpol. In addition, a fee of UGX 6,000 has to be paid in cash at the Interpol offices.<sup>72</sup>

The average wait time for a Certificate of Good Conduct is 2 weeks.<sup>73</sup>

<sup>71</sup> <https://www.refugeelawproject.org/>

<sup>72</sup> <http://www.cic.gc.ca/english/information/security/police-cert/africa/uganda.asp>

<sup>73</sup> <http://www.criminal-records-search.com/international/uganda.htm>

### 3.4.3.2 Outside of the country

From the Canadian Government's website, it is understood that Ugandan citizens based abroad can obtain a Certificate of Good Conduct by applying to his or her nearest High Commission of Uganda. The applicant must provide:

1. certified original fingerprints, taken at a police station in his or her current place of residence;
2. a certified copy of his or her identity document
3. two recent, coloured, passport-sized photographs;
4. a letter of introduction explaining why the certificate is being requested; and
5. any applicable fees; the specific amount is not known and may differ per location.<sup>74</sup>

The average wait time for applications outside of Uganda is not known.

### 3.4.4 Practical barriers

We understand that applications for Certificates of Good Conduct can be made at an applicant's nearest High Commission. However, a practical barrier may arise in the event that the nearest High Commission is located a large distance away. In addition, applications require identification documents that an applicant may not have to hand.

### 3.4.5 Support from civil society

The Refugee Law Project could be asked to assist.<sup>75</sup> In addition, local counsel could be approached to help in individual cases.

## 3.5 POLITICAL PARTY MEMBERSHIP

### 3.5.1 Obligation to maintain records

Political Parties are formed under the Political Parties and Organisations Act, 2005. Different political parties have different mechanics as to membership. There is no legal requirement for any organisation or entity to maintain information as to political party membership.

### 3.5.2 Right to access records

This is dependent on the mechanics in the different political parties.

### 3.5.3 Procedure for obtaining records

This is governed by the regulations of the different political parties.

### 3.5.4 Practical barriers

Unknown. Dependent on the applicable political party.

<sup>74</sup> <http://www.cic.gc.ca/english/information/security/police-cert/africa/uganda.asp>

<sup>75</sup> <https://www.refugeelawproject.org/>

### 3.5.5 Support from civil society

Unknown. Possibly the Refugee Law Project could be asked to assist.<sup>76</sup> In addition, local counsel could be approached to help in individual cases.

## 3.6 JOURNALISTIC ACCREDITATION

### 3.6.1 Obligation to maintain records

Section 5 of the Press and Journalist Act 1995 provides that a proprietor of a mass media organisation shall, on appointing an editor, register with the Media Council various particulars in relation to the editor.

Section 16 of the Act provides that the National Institute of Journalists of Uganda shall issue certificates of enrolment to its members (journalists).

Section 26 of the Act provides that enrolled journalists shall be entered on the *"register of journalists of Uganda"*.

Section 27 provides that the Media Council shall issue practising certificates to enrolled journalists.

Section 29 provides that no person who is *"an employee of a foreign mass media organisation or working as a freelancer for that mass media shall practise journalism in Uganda unless he or she is in possession of an accreditation card"* issued by the Media Council.

However, save for the register mentioned in section 26, none of these provisions appear to obligate individuals, organisations or authorities to maintain legal documents or records in relation to journalistic accreditation.

### 3.6.2 Right to access records

Section 4 of the Press and Journalist Act 1995 provides that *"a person may have access to official information subject to any law in force relating to national security, secrecy or confidentiality of information"*. The scope of the term *"official information"* is unclear and, against the backdrop of the Act, it may be that it only pertains to information that journalists seek about government activities. However, it may be possible to interpret the term broadly so as to include records (both in relation to journalistic accreditation and generally).

### 3.6.3 Procedure for obtaining records

The accreditation card referred to in section 29 of the Press and Journalist Act 1995 can be obtained either from the Media Council or Media Centre (although the Media Council is the official issuing authority).

#### Media Council

When applying for an accreditation card at the Media Council, an applicant must provide the following:

1. a letter from his or her employer to the Secretary Media Council stating the purpose of the applicant's visit (i.e., to apply for an accreditation card);
2. a passport-sized photograph (which can be sent electronically<sup>77</sup>);

<sup>76</sup> <https://www.refugeelawproject.org/>

<sup>77</sup> The email addresses provided for general contact are [secretary@mediacouncil.ug](mailto:secretary@mediacouncil.ug) and [mpiusug@yahoo.com](mailto:mpiusug@yahoo.com)

3. a completed Form G; and
4. on approval by the Secretary Media Council, a fee of US\$ 175 (for an accreditation card valid for 30 days) or US\$ 225 (for an accreditation card valid for up to 1 year (but more than 30 days)), with payment to be made either at the Media Council offices in Kampala (in an emergency):

Media Council  
 Postel Building, Kampala  
 Clement Hill Road, 6<sup>th</sup> Floor – Room 7 and 14

or via wire transfer:

Account: Media Council  
 Barclays Bank (Uganda) Ltd.  
 Plot No. 16  
 Kampala Rd.

Account No. 1419662  
 SWIFT code: BARCUGKX

The above is reflected on the Media Council's website, on which Form G can also be found.<sup>78</sup>

#### Media Centre

When applying for an accreditation card at the Media Centre, an applicant must provide the following to [accreditation@mediacentre.go.ug](mailto:accreditation@mediacentre.go.ug), [emma@mediacentre.go.ug](mailto:emma@mediacentre.go.ug) and [ewemare@yahoo.com](mailto:ewemare@yahoo.com):

1. a letter from his or her employer to the Executive Director Uganda Media Centre stating the purpose of the applicant's visit (i.e., to apply for an accreditation card);
2. 2 passport-sized photographs;
3. a scanned copy of the applicant's passport;
4. a completed Form G; and
5. on approval by the Secretary, a fee of US\$ 175 (for an accreditation card valid for 30 days) or US\$ 225 (for an accreditation card valid for up to 6 months (but more than 30 days)).

The above is reflected on the Media Centre's website, on which Form G can also be found.<sup>79</sup>

#### Other forms of journalistic accreditation

We have not found any information on how to access the register of editors, certificates of enrolment, the register of journalists or practising certificates.

<sup>78</sup> <http://mediacouncil.ug/press-accreditation/>

<sup>79</sup> <https://mediacentre.go.ug/services/press-accreditation>

### 3.6.4 Practical barriers

It is doubtful that the above stated methods for obtaining an accreditation card apply for the purpose of getting proof that an individual previously held an accreditation card. The process seems to be targeted mainly at foreign journalists (and Ugandan journalists working for foreign companies) who want to report from Uganda going forward.

It is unclear whether the Media Council (which can issue accreditation cards of longer validity) accepts applicants via post or electronically.

Applications require identification documents that an applicant may not have to hand. For example, Form G asks applicants to provide their passport number and place of issue.

The cost of an application (US\$ 175 or 225) could be prohibitive for potential applicants.

### 3.6.5 Support from civil society

There are a number of civil society organisations that focus on journalists, including the Uganda Journalists Union<sup>80</sup>, the Uganda Journalists' Resource Centre<sup>81</sup> and the Human Rights Network for Journalists – Uganda<sup>82</sup>.

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<sup>80</sup>. <https://www.ifj.org/media-centre/news/detail/article/uganda-uganda-journalists-union.html>

<sup>81</sup>. <http://ugandajournalistsresourcecentre.com/>

<sup>82</sup>. <https://hrnjuganda.org/>



## 4. ADDITIONAL INFORMATION

- **The Access to Information Act 2005** contains provisions in relation to Ugandan's right to access information generally. In particular, **section 5(1)** states that every citizen "*has a right of access to information and records in the possession of the State or any public body, except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person*". The Act also sets out various types of information that shall not be accessible to the public (e.g., cabinet minutes, commercial information, confidential information, information that could negatively impact a person's safety or security, or law enforcement or legal proceedings).
- **Section 5(2)** states that "*information and records to which a person is entitled to have access under this Act shall be accurate and up-to-date so far as is practicable*".
- **Section 8** states that an information officer shall, once in every two years, "*publish a description of (a) the categories of records of the public body that are automatically available without a person having to request access under this Act, including the categories available (i) for inspection under a written law other than this Act; (ii) for purchase or copying from the public body; and (iii) from the public body free of charge; and (b) how to obtain access to those records*". No examples of such publication are known.
- **Section 11** sets out that there shall be a prescribed form of request for access to a record or information. **Section 12** provides that information officers shall render reasonable assistance, free of charge, as is necessary to enable individuals to make a request under section 11. **Section 20** sets out how a person may access information where his or her request has been granted.
- **The Access to Information Regulations 2011** provides further detail in relation to the prescribed form (including the prescribed form itself). Notably, requests can be made electronically. A fee for accessing information and/or copies of information may be imposed.

