



COMMUNIQUE FROM HUMAN RIGHTS DEFENDERS NETWORK AND DIGITAL SECURITY TRAINERS ON COMMUNICATION AUTHORITY OF KENYA DIRECTIVES REQUIRING FRESH REGISTRATIONS OF SIM CARDS.

Preamble

WE, human rights defenders and digital security practitioners from civil society networks across Kenya.

REAFFIRMING the importance of the universal declaration of human rights and the international covenants on human rights as a basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the united nation system, as well as those at the regional level.

REAFFIRMING the importance of the observance of the purpose and principles of the charter of united nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world.

RECOGNISING the standards set out by ARTICLE 17 of the international covenant on civil and political rights which outlaws arbitrary or unlawful interference with privacy.

CONSIDERING the constitutional obligation of the state to establish mechanisms for data protection and safeguarding private information including promotion universal respect for, and observance of human rights and freedoms.

TAKING NOTE of the urgency and timing of this new unreasonable directive just four months before the high stakes general elections. It is not lost on us that the person heading the communications authority of Kenya was once a major player in the electoral management body.



HEREBY Note the following:

1. THAT the Kenyan law (Legal notice 163 the Kenya information and communication act) requires that every mobile subscriber must register their sim card upon purchase. they have to register with the service provider.
2. THAT there was no public participation in the decision to re-register a sim card. Public participation is enshrined in the Kenya constitution 2010. Article 10(2)(a) of the THAT the Constitution specifically states that the national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.
3. THAT the government of Kenya through the communication of the Authority of Kenya, in its new directive, is compelling Kenyans to undertake fresh sim-card registration by directing that all persons submit to have their photographs taken and retained. 5. The constitution of Kenya guarantees the right to privacy as a fundamental right. To give this under Article 31(c) and (d), the [Data Protection Act, 2019](#) ('the Act') was enacted and came into effect on 25 November 2019.
4. THAT sim-card re-registration is not contemplated anywhere in law.
5. THAT majority of Kenyans registered their sim cards at the point of purchase. Therefore, it is puzzling why they are required to submit new personal data or risk deregistration/hefty fines.
6. THAT we should not normalize forced collections of personal data.
7. THAT without data protection safeguards in place, we as digital security practitioners are worried that our faces and personal data risk being shared with third parties.
8. THAT we need secure systems that guarantee the protection of privacy rights as envisaged by Article 31 of the constitution of Kenya.
9. THAT it is unlawful and a serious threat to our privacy rights against intrusive data harvesting.



Participating Organizations

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2. Edward Alieth – Election Coordinator, Defenders Coalition
3. Cecilia Mwendu – Digital Security Expert,
4. Vincent Tanui – Digital Security Trainer, CEDGG
5. Mary Kiio – Digital Security Trainer
6. Anita Mbanda – WKLF, Digital Security management
7. Zipporah Njoki – Stretchers Youth Organization
8. Francis Kagiri – Q-Initiative
9. Mariam Mubarak – Digital Security Trainer
10. Samuel Gathanga – SJWG