



**A LEGAL AND HUMAN RIGHTS ANALYSIS OF THE PROTECTION OF SOVEREIGNTY
BILL, 2026 AND ITS LIKELY IMPACT ON THE WORK OF ORGANISATIONS WORKING
WITH CRIMINALISED MINORITIES**

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Contents

Contents	2
1. INTRODUCTION	3
2. OVERVIEW OF THE BILL AND ITS LIKELY IMPLICATIONS FOR ORGANISATIONS WORKING WITH CRIMINALISED MINORITIES.....	3
2.1. Part 1 - Preliminary.....	3
2.2. Part II: Protection of Sovereignty	5
2.3. Part III - Registration of Agents of Foreigners.....	10
2.4. Part IV - Regulating Funding of Agents of Foreigners	13
2.5. Part V - General.....	15
2.6. Summary of offences created under the Bill.....	16
2.7 Summary of implications of the Bill on organisations working with marginalised persons	17
3. LEGAL IMPLICATIONS OF THE BILL	18
3.1 Unconstitutionality for amending Articles 1 and 2 of the Constitution by infection	18
3.2 Replication of existing legislation.....	19
3.3 Further narrowing of civic space.....	19
3.4 Excessive powers of the Minister	21
3.5 Interference with contractual freedom.....	21
3.6 Assuming that interests of foreigners do not align with those of Ugandans.....	21
3.7 Redefinition of citizenship rights	22
3.8 The Bill offends the rule of proportionality	22
4. HUMAN RIGHTS IMPLICATIONS OF THE BILL.....	22
4.1 The right to equality and freedom from discrimination.....	22
4.2 The right to privacy	23
4.3 Right to a fair hearing.....	23
4.4 Freedom of speech and expression.....	24
4.5 Freedom of association.....	24
4.6 Civic rights and activities.....	25
4.7 Economic rights	25
5. CONCLUSION	26

1. INTRODUCTION

On Wednesday 15, April 2026, the Protection of Sovereignty Bill, 2026 was tabled before Parliament for the first reading by Gen. David Muhoozi, the Minister of State for Internal Affairs. The Bill is intended, according to its memorandum, to provide for the protection of the sovereignty of the people of Uganda, to provide for the sovereignty of Uganda and to regulate funding and any other assistance of agents of foreigners in Uganda, among others. The memorandum of the Bill further notes that ‘... Uganda has no specific law upholding the sovereignty of the country, which has resulted into continuous interference in the Government’s policies and programmes by foreign countries and agents of foreigners.’ The Bill is therefore meant to cure the challenges of ‘...interference with the development and implementation of Government policies and programmes’ by foreigners and agents of foreigners; the ‘...erosion of the values we hold sacred as a nation’ as a result of foreign aid to civil society organisations implementing parallel programmes which conflict with government programmes, thus giving foreigners ‘...significant influence over Uganda’s political, social and economic landscape;’ and social discord which is resulting from ‘the use of online platforms by foreigners and agents of foreigners to disseminate misinformation.’ The Bill, which first came to the public attention as a proposal approved by the National Resistance Movement Caucus in March 2026, has since been formally gazetted,¹ tabled for the first reading and referred by the Speaker to the Sectoral Committees on Defence and Internal Affairs and Legal and Parliamentary Affairs for scrutiny, with the Defence Committee assigned to take lead.² This analysis presents HRAPF’s position on the Bill, outlining a critical examination of the different provisions in the Bill as well as their likely legal and human rights implications, specifically for organisations working with criminalised minorities in Uganda.

2. OVERVIEW OF THE BILL AND ITS LIKELY IMPLICATIONS FOR ORGANISATIONS WORKING WITH CRIMINALISED MINORITIES

This section provides a clause-by-clause overview of the Bill, and the likely implications of the provisions on organisations working with criminalised minorities.

2.1. Part 1 - Preliminary

This part of the Bill covers the interpretation, application and administration of the proposed Act.

Clause 1: Interpretation

The interpretation section defines the salient terms used in the Bill. Of particular interest are the following terms:

¹ Bills Supplement Not. 5, The Uganda Gazette No. 39, Volume CXIX, dated 13th April, 2026.

² Soft Power News, “Parliament tables Protection of Sovereignty Bill, 2026”, 16 April, 2026, <https://softpower.ug/parliament-tables-protection-of-sovereignty-bill-2026/>, access April 16, 2026.

- a) *Foreigner*, which is defined to include a non-Ugandan citizen, a Ugandan citizen who resides outside Uganda, a foreign government, consulate, high commission, embassy or other diplomatic mission, a corporation, company or NGO or other legal entity registered outside Uganda, an international or multi-national organisation, or *'any person, institution or body that the Minister may by statutory instrument declare to be a foreigner'*. This provision is notable for seeking to designate Ugandan citizens living abroad as 'foreigners.' It also designates as foreigners all companies/businesses that operate in Uganda but are registered abroad, as well as international or multinational organisations or companies regardless of their registration status in Uganda. The Minister of Internal Affairs has the authority to designate, at any time and under undefined conditions, any other person or entity as a foreigner. Non-governmental organisations working with criminalised minorities, which might have been founded by foreigners or employ foreigners can easily be regarded as foreigners, or be designated as such by the Minister as the Minister sees fit if the work the organisation does is seen as promoting *'western values.'* This is specifically concerning for organisations working on LGBTQ+ issues which are already regarded as 'foreign' under the Anti-Homosexuality Act, Cap 117. Being designated a foreigner imposes restrictions on what such persons can do.
- b) *Agent of a foreigner* is defined as any person who acts as an agent, representative, employee or servant, or any person who acts in any other capacity at the order, request, or under the direction or control of a foreigner, or of any person whose activities are directly or indirectly supervised, directed, controlled, financed or subsidised by a foreigner. This includes relatives of Ugandan citizens living abroad who receive remittances from such persons. All persons designated as such will under clauses 14, 15 and 17 of the Bill be required to register themselves as agents of foreigners with the Minister of Internal Affairs, who will then issue them with a certificate that authorises them to operate as agents and these certificates will be subject to renewal after every two years. Being registered as a foreign agent is what gives such persons/entities certain rights to operate within Uganda. For NGOs working on issues of criminalised minorities and obtaining funds from foreign donors, they would clearly need to be registered as agents of foreigners, with the likelihood of not being registered at all being very high, which shall essentially mark the death knell for them.
- c) *Disruptive activities* are defined to include acts that are prejudicial to, or which threaten the security of Uganda; acts of violence or threats of violence, bodily harm and destruction of property; employing, recruiting, engaging, sponsoring or contracting any person to promote the interests of foreigners; engaging or participating in a riot or unlawful demonstration or assembly or disrupting or interfering with the lawful activities, business operations, peace or human rights of any person. Foreigners and agents of foreigners are prohibited in engaging in these.

Clause 2: Application of the Act

Clause 2(1) of the Bill provides that the Act shall apply to an agent of a foreigner, but more specifically those who engage in political activities for or in the interests of a foreigner; collect or disburse money or other things of value in the interests of a foreigner; represent a foreigner before any agency or official of the government of Uganda; recruit or sponsor any person in Uganda to promote the interests of a foreigner; promote the interests of a foreigner against the interests of Ugandans; influence the development of government policy; fund election activities; or who do any other activity declared by the Minister of Internal Affairs by statutory instrument. Under clause 2(3), the Act applies to representatives or agents of an embassy, high commission or consulate subject to the provisions of the Diplomatic Privileges Act Cap 185.

The Act would apply to a wide range of persons regarded as agents of foreigners, and for organisations working on issues of criminalised minorities including lobbying for legal and policy change in all fields including decriminalisation, and legal challenges, the Act would apply so long as they receive any funding or support from a foreigner for any part of their work, regardless of the fact that they may be doing this work in what they perceive to be the interests of Ugandans.

Clauses 3 & 4: Administration

Clause 3 & 4 mandates the Minister of Internal Affairs to administer this Act, working with the department responsible for peace and security in the Ministry of Internal Affairs.³ At present, that appears to be the Government Security Office (GSO),⁴ which will be charged with reviewing and considering applications for registration of foreigners, developing guidelines for registration of agents of foreigners and recommending persons to be registered or given certificates as agents of foreigners to the minister, inspecting and approving activities of agents of foreigners and any other functions assigned by the Minister, among others. The Minister of Internal Affairs is already in charge of registering and issuing permits to NGOs, under the Non-Governmental Organizations Act Cap 109.

2.2. Part II: Protection of Sovereignty

Part II of the Bill, provides for the protection of the sovereignty of Uganda by prohibiting involvement of any person in activities that promote the interests of foreigners against the interests of Uganda, and emphasises that the development and implementation of Government policies are the mandate of the government and not foreigners or agents of foreigners.

³ Clause 3(2) of the Bill.

⁴ Ministry of Internal Affairs, Government Security Office, [https://mia.go.ug/departments/government-security-office#:~:text=The%20Department%20of%20Government%20Security%20Office%20\(GSO\),under%20the%20Directorate%20of%20Counter%20Terrorism%20Police](https://mia.go.ug/departments/government-security-office#:~:text=The%20Department%20of%20Government%20Security%20Office%20(GSO),under%20the%20Directorate%20of%20Counter%20Terrorism%20Police), accessed April 16, 2026.

Clause 5: Sovereignty of the People

Clause 5(1) reemphasises the sovereignty of the people of Uganda as recognised in Article 1 of the Constitution, while clause 5(2) imposes on every Ugandan the obligation to promote the sovereignty of the people of Uganda. It further mandates that all activities of the Government be conducted in a manner that promotes the interests of Uganda. The terms '*interests of Uganda*' and '*interests of Ugandans*' are left undefined. This term is however similar to that used in section 44(f) of the Non-Governmental Organisations Act Cap 109 which prohibits organisations from engaging in any act which is prejudicial to '*the interests of Uganda and the dignity of the people of Uganda*' which is also not defined. Clause 5(3) and (4) make it a criminal offence for any person to engage in any activity that promotes the interest of a foreigner against the interests of Uganda, and this offence is punishable by a fine of up to Four Billion Uganda Shillings in the case of a legal entity and, in the case of an individual, a fine of up to Two Billion Uganda Shillings or imprisonment of up to 20 years, or both. The fact that the conduct criminalised is vague and undefined makes it so easy for organisations working on issues of criminalised minorities to be regarded as doing something contrary to the interest of Uganda or interests of Ugandans. The Anti-Homosexuality Bill, 2023 made it clear that one of the aims of that Bill which became the Anti-Homosexuality Act, Cap 117 was to protect '*the cherished culture of the people of Uganda, legal, religious, and traditional family values of Ugandans against the acts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda.*'⁵ So this makes it quite obvious that working on issues concerning LGBTQ+ persons would be regarded as being against the interests of Uganda and the interests of Ugandans.

Clause 6: Exercising Government Functions

Clause 6(1) of the Bill provides that the Government shall be responsible for all the functions and services specified in schedule 6 of the Constitution and prohibits any agent of a foreigner from exercising those functions or providing those services without the express authorisation of the government ministry, agency or department whose responsibility that particular function or service is. Schedule 6 of the Constitution lists a total of 29 functions and services that are the responsibility of Government: Arms, ammunition and explosives; Defence, security, maintenance of law and order; Banks, banking, promissory notes, currency and exchange control; Taxation and taxation policy; Citizenship, immigration, emigration, refugees, deportation, extradition, passports and national identity cards; Copyrights, patents and trademarks and all forms of intellectual property, and incorporation and regulation of business organisations; Land, mines, mineral and water resources and the environment; National parks, as may be prescribed by Parliament; Public holidays; National monuments, antiquities, archives and public records, as Parliament may determine; Foreign relations and external trade; Regulation of trade and commerce; Making national plans for the provision of services and coordinating plans made by local governments; National elections; Energy policy; Transport and communications policy;

⁵ Anti-Homosexuality Bill, 2023, Clause 1(c).

National censuses and statistics; Public services of Uganda; The judiciary; National standards; Education policy; National surveys and mapping; Industrial policy; Forest and game reserve policy; National research policy; Control and management of epidemics and disasters; Health policy; Agricultural policy; and any matter incidental to or connected with the functions and services mentioned above.

Clause 6(2) prohibits any persons and agents of foreigners from carrying out these functions except with the approval of the government agency responsible for carrying out those services. Under clause 6(3), the relevant government agency also needs the approval of cabinet before they can authorise a person or agent of a foreigner to provide such services. Clause 6(4) makes it a criminal offence for any person, or an agent of a foreigner, to perform those functions or offer those services without approval, and imposes a penalty of a fine of up to Four Billion Uganda Shillings for legal entities, and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years, or both imprisonment and a fine.

Clause 6(5) specifically excuses individuals and entities with a valid licence to offer said services by the relevant government authority, and clause 6(6) grants power to the Minister of Internal Affairs to prescribe the procedure for obtaining the necessary approval for any person or an agent of a foreigner to provide services that are the responsibility of the Government.

This clause has the impact of restricting severely the work of civil society organisations working with criminalised minorities, most of which are funded by foreign donors and which provide various services and perform various functions that may be considered the responsibility of the Government. This includes such services as health, legal aid and research.

Clauses 7: Development of Government policy

Clause 7 of the Bill pertains to the development of Government policy, specifically emphasising in Clause 7(1) that it is the responsibility of Cabinet to determine, formulate and implement the policy of Government, according to Article 111(2) of the Constitution. Clause 7(2) provides for the authority of relevant government ministries, departments and agencies (MDAs) to develop government policy and submit it to the Cabinet for approval, and to then implement the policies. Clause 7(3) provides that any person or an agent of a foreigner who wishes to influence or propose amendments to the development of a policy can submit their proposals to the relevant MDA for consideration.

Clause 7(4) makes it a criminal offence for any person or an agent of a foreigner to develop a policy without approval from Cabinet, punishable by a fine of up to Four Billion Uganda Shillings for institutions and, for individuals, either a fine of up to Two Billion Uganda Shillings or imprisonment for a period of up to 20 years, or both imprisonment and fine. Finally, Clause 7(5) authorises the Minister of Internal Affairs to prescribe the procedure and requirements for formulating and implementing policies of government.

This clause is essentially intended to prescribe the limits within which individuals can participate in policy development processes, specifically limiting the engagement to a submission of

proposals for reform to the relevant ministry. As such, making draft policies to be used as discussion aids with government agencies would be regarded as a criminal offence, and organisations working on criminalised minorities may not be able to make such policy proposals except by way of submitting memoranda to the responsible MDA.

Clause 8: Implementation of Government Policy

Clause 8 of the Bill provides that policies approved by Cabinet will be implemented by the relevant MDA, which shall have to report to cabinet on the progress of implementing said policy on a regular basis (sub clauses 1 and 2).

Clause 8(3) forbids any person or agent of a foreigner from implementing, hindering, frustrating or disrupting the implementation of a government policy, and clause 8(4) prohibits any person or agent of a foreigner from carrying out activities related to implementing a government policy without the specific approval of the relevant Government MDA, which approval is subject to the approval of the entire Cabinet (sub clause 5), with a written undertaking between the MDA and the authorised party (sub clause 6).

This clause effectively limits the work of NGOs working with criminalised minorities which seek to supplement on the services provided by Government through providing social services like health, legal aid, and human rights monitoring and protection. All such entities shall be required to seek specific permissions from the relevant MDA to provide such services, and the requests will then have to be approved by the entire cabinet before the relevant ministry can issue an MOU to the entity seeking to run the health centre. This will greatly complicate the procedure of securing permissions to provide some of these services and will therefore frustrate and limit service delivery to marginalised and underserved populations that have traditionally relied on services provided by NGOs and CBOs.

Clause 9: Foreign Policy

Clause 9(1) of the Bill provides that Uganda's foreign policy shall be based on promoting the national interests of Uganda, non-alignment with any major power blocs, peaceful coexistence and amicable dispute resolution, respect for international law and opposition to all forms of domination, racism, sectarianism and other forms of oppression and exploitation. This is essentially a restatement of Objective XVIII of the National Objectives and Directive Principles of State Policy. Clause 9(2) requires that Uganda shall actively participate in international and regional organisations that stand for peace and for the well-being and progress of humanity, while clause 9(3) requires government ministries, departments and agencies to promote regional and Pan-African cultural, economic and political cooperation and integration. Clause 9(4) prohibits the promotion of any foreign policy that is not in alignment with these principles. This clause may have no direct implications for organisations working with criminalised minorities.

Clause 10: Prohibition of promotion of foreign policy of another country

This clause prohibits organising meetings or engaging in any activities aimed at promoting any foreign policy that has not been adopted by Cabinet as a government policy. Engaging in such activities is an offence punishable by a fine of up to Four Billion Uganda Shillings for institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine. This clause may have direct implications for organisations working with criminalised minorities if their work on advocacy and legal reform is perceived as promotion of the foreign policy of another country, particularly western countries.

Clause 11: Prohibition of interference with electoral processes

Clause 11 of the Bill specifically prohibits any agents of foreigners from ‘influencing’ the will of voters during electoral processes, an offence that is punishable by a fine of up to Four Billion Uganda Shillings for Institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine. Clause 11(4) only excludes persons who have been nominated for elections.

This clause is a source of concern as the clause does not clearly define what would amount to ‘influencing the will’ of a voter within the context of the Act. In contrast, for instance, the Parliamentary Elections Act is clear on what amounts to influencing the will of a voter and outlawed specific activities such as bribery in section 87; making false statements about a candidate in order to influence the election of their opponent in section 92; undue influence through the use of violence, duress and threats of violence in section 99; and canvassing for votes, sloganeering, chanting and dancing, distributing leaflets or fliers, having a matching band or music, selling intoxicating substances or attempting to influence voters in any other way within 200m of a polling station on polling day in section 100.

This Bill however does not define ‘influencing the will’ thus potentially bringing activities such as voter education and public debates among individuals who may not be candidates in the election under the ambit of this provision. This is work that can be done by an organisation working with criminalised minorities and it could easily be regarded as influencing the will of voters.

Clause 12: Prohibition of interfering with operations of Government

This clause provides that any person or an agent of a foreigner is prohibited from engaging in any activities or holding any meetings that interfere with the operations of Government, an offence that is punishable by a fine of up to Four Billion Uganda Shillings for Institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine.

This clause raises a similar issue as the previous one because it does not sufficiently define what amounts to interfering with the operations of government. The scope of this offence is such that it can easily be stretched to cover any form of dissent as interference. For instance, a press

conference to discuss and criticise recent mass evictions of informal business in makeshift structures all over the country could be considered interference, as could a meeting at which individuals critique the state of maternal health, or the state of public hospitals. The exhibitions over the last few years in which various government MDAs have been criticised and held to account for different excesses, including the exhibition about corruption in parliament, as well as the exhibitions on the state of public facilities like schools and hospitals, could also easily be considered a criminal offence under this clause. It is important to note that this offence, applies to all individuals in Uganda, not just those designated as agents of foreigners.

Clause 13: Prohibition of economic Sabotage

This clause prohibits any person from publishing information or participating in any activity that weakens or damages the economic system or the viability of the country, causing economic disruption, insecurity or instability. This offence is punishable by a fine of up to Four Billion Uganda Shillings for Institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine.

This provision constitutes a direct threat to investigative journalism and whistleblowing regarding corruption or economic mismanagement, as well as any other public communications about issues within Uganda that might cause concern to foreign investors and tourists. For instance, the issuance of reports about the state of human rights that show instances of homophobia, enforced disappearances, civilian torture, arbitrary detentions and other gross human rights violations can easily be presumed to constitute an offence as they might discourage foreign direct investment and tourism.

The provision can also be used to cover the offences of malicious information under Section 26C of the recently nullified Computer Misuse (Amendment) Act;⁶ the offence of unsolicited information under section 26B and the offence of misuse of social media under section 26D of the same Act.

2.3. Part III - Registration of Agents of Foreigners

Clause 14: Registration of Agents of Foreigners

This clause makes it mandatory for any person, which includes institutions to register with the Government Security Office and get a certificate issued by the Minister before they can act as an agent of a foreigner.⁷ Therefore, any person who acts as an agent, representative, employee or servant, or any person who acts in any other capacity at the order, request, or under the direction

⁶ Alternative Digitalk Limited and others v Attorney General, (Consolidated Constitutional Petitions No. 34, 37 & 42 of 2022.

⁷ Clause 14(1).

or control of a foreigner, or of any person whose activities are directly or indirectly supervised, directed, controlled, financed or subsidised by a foreigner must first be registered.

A person who acts as an agent of a foreigner without this certificate commits an offence that is punishable by a fine of up to One Billion Uganda Shillings or imprisonment for 10 years, or both such imprisonment and fine.⁸ The implication of this on organisations working with criminalised minorities that receive foreign funding is that they must register as foreign agents as soon as the Act comes into force. However, the registration is not guaranteed and may in fact not be effected by government, rendering them unable to operate. A recent example is the denial of registration to Sexual Minorities Uganda as a company limited by guarantee and the subsequent halting of its activities by the NGO Bureau on the basis of non-registration.⁹ The case challenging the initial denial of registration has been pending through the judicial system since 2012 with no positive results.¹⁰

Clause 15: Application for registration as an agent of a foreigner

This clause provides that any person who seeks to act as an agent of a foreigner must apply to the Minister of Internal affairs and submit their identification details, their principle business address, any other addresses for business both within and outside Uganda and their residential addresses (all of them, if they have more than one); a complete list of all employees with a statement on the work that each employee does, for an institution; the name and address of the foreigner for whom the applicant will be acting; the extent to which the foreigner controls, directs or funds the work of the agent; copies of written agreements and a statement on the terms of any oral agreements between the agent and the foreigner; a comprehensive statement about the activities the agent is to do on behalf of the foreigner; the nature and amount of contributions coming to the agent from the foreigner; a detailed statement of every other activity which the applicant is doing for themselves or for any other person who is not a foreigner and any other information as the Minister may prescribe by Regulations.

It is important to note that, in the application process, the person seeking to be registered as an agent of a foreigner is required to provide an unreasonable amount of personal information, much of which actually has no connection to the foreigner or the work they plan to do with or for the foreigner. The final part of this provision, sub clause 2(g), makes this worse by authorising the Minister to expand this list of required information at will by issuing Regulations.

For NGOs that are already subject to extensive licensing requirements under the NGO Act, the Companies Act, and the Data Protection and Privacy Act, this adds another layer of licensing requirements that complicates the process further. This is because, for NGOs, the requirements for registration include divulging details of the contract of every member of staff at the

⁸ Clause 14(2).

⁹ This was done via letter dated 3rd August 2022, from the National Bureau for Non-Governmental Organisations (NGO Bureau).

¹⁰ It is now at the Supreme Court level, and still unheard. *Frank Mugisha & 2 Others v Attorney General and Uganda Registration Services Bureau*, Civil Appeal No. 12 of 2024.

organisations, and their job descriptions as well, in order to fulfil the requirement of providing information on the work each person does, in addition to all the other requirements (and any others that the Minister may, at his absolute discretion, impose). In addition, every employee of a foreign funded NGO can easily be considered an agent of a foreigner because they are employed and directed by an agent of a foreigner, and thus required to complete their own individual registration. Also, even though designated as foreign agents by definition, in reality many NGOs would not be controlled by any one donor, but rather receive funding from multiple donors which is different from control, and they also receive it from time to time and from different donors as opportunities arise. This implies that once one registers as an agent for one foreign donor, they may not be allowed to get funds from any other unless they also registered them. This is cumbersome.

Clause 16: Consideration of an application for registration

This clause provides that, once one lodges an application for registration as an agent of a foreigner, the application is to be referred to the department responsible for peace and security for consideration. The Department in determining whether or not to approve the registration is required to consider the physical and mental health of the applicant, if the applicant is an individual, or the physical and mental health of all the directors of a company, where the applicant is a company. In addition, the department is also required to look at the criminal record of the applicant, the solvency status of the applicant and whether the applicant has adequate facilities to carry out the work of the foreigner.¹¹ The inquiries by the department can stretch to cover the local area leadership in the places where the applicant lives/ operates their business,¹² and they may also require any other information that they wish from the applicant for purposes of determining the application. For organisations working with criminalised minorities, this adds more burdens to already burdened institutions operating under multiple regulatory bodies, as well as undue interference into the running of organisations by the state.

Clauses 17–20: Issuance, renewal and revocation of certificate of registration

Clause 17 of the Bill provides that the Minister of Internal Affairs can grant a certificate of registration to a foreign agent for a period of 2 years if the department recommends it. Clause 18 provides that the Minister can decline to grant the certificate if he/she is satisfied that the applicant is not a 'fit and proper' person to be registered as an agent of the foreigner. There is no objective standard for making this determination that is established under the Bill.

A person who is aggrieved by the decision of the Minister to deny a certificate of registration can apply to a competent court for redress, although the specific court to which the matter can be referred and the modalities for referring the matter to court are not defined under the Act.

¹¹ Clause 16(2).

¹² Clause 16(4).

Clause 19 of the Bill provides that renewal of the certificate of registration (every two years) is subject to proof that the applicant complied with all the conditions of the previous certificate. The application for renewal must be made at least 3 months before the expiry of the existing certificate.

Clause 20 provides that a certificate of registration may be suspended or revoked if it is established that the applicant provided false or misleading information; if the applicant fails to comply with the terms and conditions of their certificate; if the agent is found to no longer be a fit and proper person to hold the certificate; if the certificate holder or its principal officers commit an offence under the Act; if the holder becomes insolvent; if the holder engages in any disruptive activities or if the holder is found to be engaged in activities that pose a threat to national security and the surrounding community.

This clause gives the Minister wide discretion to revoke a certificate of registration at any point before the expiry of the two-year period.

2.4. Part IV - Regulating Funding of Agents of Foreigners

This part of the Bill seeks to regulate the funding of agents of foreigners by requiring declaration of income of agents of foreigners and establishing a funding ceiling for funds from outside Uganda to agents of foreigners.

Clause 21: Declaration of sources of funding

Clause 21 of the Bill requires any agent of a foreigner or any other person receiving any funding from a foreigner to submit a declaration of the source of funds to the Minister. Any person who makes a false or misleading declaration under this clause commits an offence and is liable to a fine not exceeding one million four hundred and forty four thousand shillings or imprisonment for a term not exceeding 5 years, or both.

Clause 22: Funding Restrictions

This clause prohibits any person or agent of a foreigner from receiving, directly or indirectly, in money or other thing of value, any support that amounts to more than Four Hundred Million Uganda Shillings in the same 12-month period without written approval from the Minister. A person who receives funding in violation of this clause commits an offence punishable by a fine of up to Four Billion Uganda Shillings for Institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine,¹³ in addition to forfeiting all money and all in-kind support received in contravention of this clause to the state.¹⁴

This gives the Minister direct financial 'veto power' over the operations of any NGO or civil society group, and the funding ceiling of Four Hundred Million is likely to cripple the operations of larger national NGOs, most of whose operational budgets far exceed this limit.

¹³ Clause 22(2) of the Bill.

¹⁴ Clause 22(3) of the Bill.

Clause 23: Obtaining money to engage in disruptive activities

This clause makes it a criminal offence in sub clause 1(a) for a person to obtain any funding or support from an organisation or foreign government that has demonstrated an intention to overthrow the government of Uganda, and also makes it a criminal offence to receive money to participate in disruptive activities, or to employ any person to participate in disruptive activities.¹⁵ The penalty for both these offences is a fine not exceeding Two billion Uganda Shillings or imprisonment for a term not exceeding 20 years or both such imprisonment and fine, and if the offence is committed by an organisation/ company, any director or the executive head of the entity shall be deemed to have committed the offence.¹⁶ In addition to this penalty, all money thus received shall be forfeited to the state.¹⁷

Given the vague and broad definition of disruptive activities, this clause has the potential to stifle further the work of CSOs and human rights activists generally, particularly those who are engaged in the civil and political rights spaces. Also, it is not clear which countries have expressed interest in overthrowing the government of Uganda, and so one may not know that they are dealing with such a country.

Clause 24: Foreign funding to government institutions

Clause 24(1) provides that all funding from a foreigner or an agent of a foreigner to government agencies shall be treated as public funds and dealt with as such under the Public Finance Management Act, while Clause 24(2) provides that the Minister of Internal Affairs can, in consultation with the Ministers of Finance and Foreign Affairs, exempt any funding or other support received from a foreigner or an agent of a foreigner from the provision in sub clause 1 if they are convinced that the money is not meant for engaging in disruptive activities. This does not directly apply to organisations working with criminalised minorities but may apply when that NGO is in a partnership with a government institution, which is a common mode of operation.

Clause 25: Reporting of foreign funding

Under this clause, a supervised institution, being any institution registered and authorised to facilitate cross-border movement of funds, such as a commercial bank, telecom company with mobile money services of a money transfer service, is required to withhold all monies received by agents of foreigners until they furnish proof of the certificate of registration as an agent of a foreigner, as well as a full declaration of the source of the funds. The institution shall also be required to submit monthly reports to the office of the Minister about the transactions involving agents of foreigners. Should the supervised institution fail to comply with this requirement, the institution itself shall be required to pay directly to the department a penalty of Four Billion Uganda Shillings. This requirement will make money belonging to organisations working with

¹⁵ Clause 23(1)(b) of the Bill.

¹⁶ Clause 23(3) of the Bill.

¹⁷ Clause 23(2) of the Bill.

criminalised minorities to be held by banks and other institutions since registration itself may be a big problem.

Clause 26: Submission of returns

This clause mandates an agent of a foreigner to submit returns detailing the amount of money received and the purpose for which the money was used to the Minister, failing which the agent shall be deemed to have committed an offence punishable by a fine of up to Four Billion Uganda Shillings for Institutions and, for individuals, a fine of up to Two Billion Uganda Shillings or imprisonment for up to 20 years or both such imprisonment and fine. This is also direct interference with the work of organisations and likely to greatly impact organisations and the finance institutions in fear of the imposed fine in clause 26 will always act to protect themselves to the detriment of organisations.

2.5. Part V - General

The final part of the Bill contains general provisions for the proper enforcement of the law.

Clause 27: Assistance to Minister

This clause requires all government MDAs to render all necessary assistance to the Minister of Internal Affairs and the department to ensure that the purposes of the Act are achieved.

Clause 28: Inspection

This clause provides for the authority of the Minister to inspect at any reasonable time the premises of an agent of a foreigner, and to request for any information as may appear to them necessary for purposes of giving full effect to the provisions of the law. Any person who denies an inspector appointed by the Minister entry or access to any property, books of accounts, records, returns, documents or information, or who presents false or fabricated documents, or refuses or fails to comply with any order of the inspector commits an offence punishable by a fine of up to Forty Million Uganda Shillings or imprisonment of up to 7 years or both. This interferes in the privacy and operations of organisations working with criminalised minorities.

Clause 29: Regulations

This clause provides for the power of the Minister of Internal Affairs to make regulations for purposes of putting into full effect the provisions of the Act, and sub clause 2 provides for the Minister's power to institute a penalty for violating any provision of the regulations, with the maximum penalty set at a fine of Forty Million Uganda Shillings or imprisonment for 7 years, or both.

Clause 30: Minister's power to amend schedule

This clause provides for the power of the minister to amend the Schedule to the Act through a statutory instrument and with the approval of cabinet. The Schedule provides for the value of a

currency point, and thus this amendment power would directly affect maximum possible penalties for the different offences under the Bill.

2.6. Summary of offences created under the Bill

The Bill creates a number of offences with rather harsh penalties as summarised below:

Offence	Clause	Penalty (For Organisations)	Penalty (For Individuals)
Offering services for which the Government is responsible without approval	6	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Developing a policy without approval of cabinet	7	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Engaging in an activity with the aim of promoting a foreign policy not approved by Cabinet	10	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Influencing the will of a voter in election processes	11	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Interfering with operations of Government	12	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Weakening or damaging the economic system or viability of the country	13	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Acting as an agent of a foreigner without registration	14	UGX 1,000,000,000 or imprisonment for 10 years or both for the Directors	UGX 1,000,000,000 or imprisonment for 10 years or both
Directly or indirectly obtaining funds from a foreigner without written approval of the Minister	22	UGX 4,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Engaging in disruptive activities	23	UGX 2,000,000,000 or 20-years imprisonment or both for Directors	UGX 2,000,000,000 or 20-years imprisonment or both
Denying an inspector access to property, records or books of account without lawful excuse	28	UGX 40,000,000 or 7-years imprisonment or both for the Directors	UGX 40,000,000 or 7-years imprisonment or both
Presenting an Inspector with false information or a fabricated document			

Refuses or fails to comply with any order or direction of the inspector.			
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2.7 Summary of implications of the Bill on organisations working with marginalised persons

HRAPF's work centres marginalised communities, particularly the structurally excluded criminalised minorities, and we therefore take a special interest in how this law will affect the communities that HRAPF serves, should it be adopted by Parliament and assented to by the President. By emphasising sovereignty of the people and the interest of Uganda as the overarching spirit in this Bill, the Bill immediately raises questions about the treatment of criminalised minorities especially those who are generally dismissed as foreign agents or people funded by foreigners to import negative and foreign cultural values into Uganda. Despite a 2016 pronouncement by the Constitutional Court of Uganda that the state cannot legislate to create a class of social misfits who are deemed unworthy of protection,¹⁸ the trend of deliberately targeting minorities through negative legislation has not died down as exemplified by the enactment of the Anti-Homosexuality Act, Cap 117. Such enactments tend to further entrench and institutionalise the marginalisation of these communities, and thus must bear special scrutiny in that regard. This section therefore examines the potential impact of the Bill on marginalised persons in particular:

a) Disruption of Essential Service Delivery

Many non-governmental organisations (NGOs) provide critical services such as health, education, legal aid, economic empowerment, safety and security management and social development through community outreach activities, drop in centres, established legal aid clinics and various other models of services. These are usually provided to supplement the often inadequate and at times completely exclusionary efforts of the Government, and often, the services offered by NGOs provide government MDAs with the necessary pathways through which they can reach out to communities that would be otherwise closed off and unreachable. This Bill threatens to dismantle this system by shutting down the NGOs and CSOs on which it heavily relies, which will result in increased poverty, disease burden (particularly HIV and TB), lack of access to opportunities and to justice institutions and eventually increased violence and human rights violations against marginalised and criminalised communities such as sex workers, people who use and/or inject drugs (PWUIDs), sexual and gender minorities, etc.

b) Further Shrinking the Civic Space for Participation and Advocacy

By centralising policy-making and requiring Cabinet approval for external participation in government programs, the Bill further restricts the already stretched ability of marginalised groups to have a voice in issues of governance that directly affect their welfare. In addition, the Bill makes it almost impossible for NGOs supporting the marginalised communities to keep

¹⁸ *Adrian Jjuuko v Attorney General*, Constitutional Petition No. 7 of 2009.

operating as in most cases, they are likely to simply be branded as agents of foreigners that are promoting interests of foreigners (like the promotion of homosexuality in section 11 of the AHA). This Bill, if passed into law, will add an extra layer of constraint against the free participation of criminalised and marginalised communities in the affairs of government and in policy development processes.

c) Majority v Minority Interests

As stipulated under Clause 5, the Bill introduces ‘interests of Uganda’ as an aspect of sovereignty of the people guaranteed under Article 1 of the Constitution, and the phrase, having not been specifically defined, retains a very fluid interpretation that will nonetheless most likely be skewed in favour of the majority views, an approach that the Constitutional Court was quick to uphold and support in recent decisions.¹⁹ While there can be no uniform standard on what the interests of more than 50 million Ugandans might be, it is a safe bet that communities that are already criminalised and marginalised will not have their interests protected as Ugandans, and will therefore suffer further marginalisation.

3. LEGAL IMPLICATIONS OF THE BILL

As highlighted at the beginning, the Bill creates a highly restrictive environment for civil society organisations and severe funding restrictions. The Bill, if passed into law, will have the following human rights implications, particularly for persons operating under organisations working with criminalised minorities:

3.1 Unconstitutionality for amending Articles 1 and 2 of the Constitution by infection

The Bill is prima facie unconstitutional as it contradicts the Constitution. Article 1 of the Constitution provides for sovereignty. Article 1(1) provides that ‘*All power belongs to the people who shall exercise their sovereignty in accordance with this Constitution.*’ Article 1(4) provides that ‘*The people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda.*’ Therefore, any question on sovereignty ought to be dealt with as provided for under Article 1. Article 2 provides that the Constitution is the supreme law of the land and any other law that is inconsistent with the Constitution shall be null and void to the extent of its inconsistency. Article 260 of the Constitution requires any amendments to Article 1 of the Constitution to be by an Act of Parliament passed by a two thirds majority of all members of Parliament and approved by the people in a referendum. The Act has the implication of amending the constitution by infection as it takes away the power to determine their sovereignty from the people. The Supreme Court of Uganda nullified the Constitution (Amendment) Act No. 13 of 2002 for its failure to follow the procedure laid down in Chapter 18 of the Constitution and for amending Articles 1 and 2 by

¹⁹ See for instance, *Fox Odoi-Oyvelowo and 21 others v Attorney General and others*, Consolidated Constitutional Petitions Nos. 14, 15, 16 and 85 of 2023.

infection, even when they were not mentioned in the said amendment.²⁰ The Bill actually is clearly based on article 1 and by extending what sovereignty requires, it is in effect amending the said provision of the Constitution.

3.2 Replication of existing legislation

The law replicates existing law, and therefore is redundant, and likely to cause confusion in the position of the law. Some of the laws replicated by the Act are: The Anti-Money Laundering Act, Cap. 118 on suspicious cross-border transactions and reporting, confiscation of property etc; The Anti-Terrorism Act, Cap. 130 on terrorism financing and related offences; The Companies Act, Cap 106 on registration and disclosure; The Computer Misuse Act, Cap. 96 on online conduct, including offensive communications and false information); The Income Tax Act, Cap. 338 reporting of foreign-source income; The Non-Governmental Organisations Act, Cap 109 on registration, regulation and reporting by NGOs, including international and foreign-funded NGOs; The Partnerships Act, Cap 110 on registration and disclosure; The Penal Code Act, Cap. 128 for offences such as treason, sedition where applicable, conspiracy, incitement to violence, criminal libel and related offences; The Political Parties and Organisations Act, Cap. 178 on regulation of political parties, including funding; and The Public Finance Management Act, Cap. 171 on treatment of public funds, including foreign aid to Government; as well as the Trustees Incorporation Act, Cap. 271 on registration and disclosure.

3.3 Further narrowing of civic space

Civil society in Uganda is already faced with multiple laws informing their registration and operations, with each of the different regimes having their own set of usually extensive compliance requirements. These include the NGO Act Cap 109, Anti-Money Laundering Act Cap 109, Companies Act Cap 106 and the regulations thereunder, and the Data Protection and Privacy Act, Cap 97, and for organisations working with LGBTIQ+ persons, the Anti-Homosexuality, Cap 117. These laws already narrow the specific space for NGOs to operate and so the Protection of Sovereignty Bill, if passed into law, is set to add to this regime with further restrictions on civic space, some of which include:²¹

- *Restrictions on entry into the operating space* through the onerous requirements for registration as agents of foreigners;
- *Limitation on the right of CSOs to operate free from unwarranted state interference*, which will be the natural result of the extensive requirements for application for registration under clause 15, the power to grant, deny or revoke a registration certificate at will under clauses

²⁰ *Paul K. Ssemogerere and Others v Attorney-General* (Constitutional Appeal No.1 of 2002) [2004] UGSC 54 (29 January 2004).

²¹ Human Security Collective et al, Illustrative list of overregulation of non-profit organisations, July 2015, at https://fatfplatform.org/assets/PDFs/Catalogue-of-government-overregulation-July-2015_final-.pdf, accessed April 17, 2026.

17 to 20, and the unlimited power of the Minister to inspect premises of an agent of a foreigner under Clause 28;

- *The severe reporting requirements* in Clause 26 (buttressed by the fact that the Minister and the department have the discretionary power to demand for any other information or reports at any time, without needing to prove any suspicious behaviour;
- *The broad definition of the Minister's authority under the Bill*, which even extends to amending parts of the law itself, thus constituting an unduly unrestricted and unregulated discretion to interfere at will with the operations of organisations termed agents of foreigners
- *Limitations on the ability to seek and secure resources*, codified in Clause 22 which restricts foreign funding to only 400,000,000/- a year; clause 21 which requires a declaration of all foreign funding and the intended purpose; and Clause 25 which requires institutions facilitating cross-border transfers of money to not handover such resources to the intended recipients without proof of registration as an agent of a foreigner and to regularly report to the Minister on all foreign funding received; etc.
- *Limitations on activities that NPOs can engage in*: The Bill proposes to restrict the work of CSOs in various fields designated as the responsibility of government in clause 6 of the Bill, despite the fact for years, government efforts in the majority of these fields has been woefully inadequate and has therefore been routinely supported by CSOs and foreign funding partners. The Bill also seeks to restrict engagement of CSOs in activities broadly defined as 'disruptive' according to Clause 1 and 23 of the Bill, as well as the widely defined prohibitions on promotion of the foreign policy of another country in clause 10; interfering with electoral processes in clause 11; interfering with operations of government in clause 12; and prohibition of economic sabotage in clause 13.
- *Unnecessary requirements for disclosure*: Clause 15 requires disclosure of a great deal of personal information about the directors and staff of any entity wishing to register as an agent of a foreigner; 21 requires declarations as to source of funding and clauses 25 and 26 require extensive disclosures as to all foreign funding received in Uganda. The multiple declaration tiers not only risk leaking of financial data but also create multiple financial regulation for NGOs, thus contributing to overregulation.
- *Constrained engagement with foreign stakeholders*: As part of the global community, Uganda is influenced by global priorities and agenda in many ways, such as through the UN Sustainable Development Goals (SDGs), which largely inform government and non-government work and policies; declarations such as the Yogyakarta Principles on application of international law to protection of LGBTQ+ rights, etc. However, the Bill prohibits promotion of foreign policies in Uganda, or indeed of any policy not adopted and approved by Cabinet, which means that such guiding global policies, agendas and principles cannot be referenced in the work of CSOs, a rather unrealistic demand since it is these policies that shape our socio-economic status and inform the bulk of the work that NGOs do.
- *Broad discretion to seize assets of NGOs*: The Bill provides in clauses 22(3) and 23(3) for the forfeiture of funds received by NGOs above the threshold of 400,000,000/= without the authorisation of the Minister and of all funds received for 'disruptive' activities, thus

giving the Minister broad discretion to seize on behalf of the government the assets of NGOs.

3.4 Excessive powers of the Minister

The law gives the Minister of Internal Affairs a lot of powers to determine who is a foreign agent or what information needs to be submitted, and the Bill also proposes that the Minister of Internal Affairs be given the authority to amend by statutory instrument and with approval of Cabinet the schedule to the Act in order to enhance or otherwise vary the value of a currency point. Clause 29 also proposes giving the minister unilateral powers to create new offences and penalties for them (which would include prison terms for up to 7 years), without recourse to the people's elected representatives, in direct violation of Article 1 of the Constitution, which the Bill professes itself so eager to protect and give effect to.

3.5 Interference with contractual freedom

Contractual freedom is one of the hallmarks of the law of contract. This Bill seeks to regulate all engagements between Ugandans and foreigners, and any Ugandan engaging with and being paid by a foreigner or doing work on behalf of a foreigner stands to be designated an agent of a foreigner. This would also naturally cover the contractual services of lawyers, audit firms, surveyors, medical workers, tourism and travel companies, hotels and other hospitality business, etc. and all other services provided to or by a foreigner. Whereas ordinarily, individuals should be able to determine of their own free will who they wish to engage with/ do business with as provided for in the Contracts Act, this freedom cannot be guaranteed as, under Clause 18 of the Bill, the Minister gets to decide if a Ugandan is a fit and proper person to be registered as an agent of a foreigner (and therefore a fit and proper person to contract with), and clause 20 provides that even after a registration certificate has been issued, it can be revoked at the discretion of the Minister, in which case the foreigner would have to find someone else with whom to contract, despite their stated wishes to contract with the first agent.

3.6 Assuming that interests of foreigners do not align with those of Ugandans

The Bill seeks overall to protect the interests and sovereignty of Uganda and prevent the promotion of foreign interests over the interests of Uganda, and indeed the promotion of foreign interests at all. The Bill thus appears to presume that in all interactions between Ugandans and foreigners, the foreigners' interests are paramount, a gross misstatement of the factual relations between Ugandans and both foreign agencies and foreign individuals. For instance, while many CSOs may be heavily funded by foreigners, it is also true that the CSOs initiate concepts/ proposals for funding based on what they as organisations wish to do, or what their beneficiaries require. Thus, while the work may be funded by a foreigner, it is in service of interests of Ugandans, and usually in a field in which the state has invested relatively little, such as in legal aid, especially for marginalised and criminalised minorities.

3.7 Redefinition of citizenship rights

While the Bill does not outrightly strip Ugandans living in the diaspora of their citizenship, it does classify them as foreigners under Clause 1 and by virtue of this description, their interests as stated throughout the Bill become the interests of foreigners, and are thus subject to the interests of Uganda (and of Ugandans actually living in Uganda). This creates a dangerous legal lacuna that could be exploited to violate property and other rights of Ugandans in the diaspora under the guise of protecting the interests of Ugandans actually living in Uganda. This would run counter to the text and spirit of Chapter 3 of the Constitution on citizenship, and would effectively disenfranchise the over 2 million Ugandans living and working in the diaspora,²² despite their hefty contribution to the country's GDP.²³

3.8 The Bill offends the rule of proportionality

Throughout the Bill, offences are created, nearly all of which carry the ridiculously heavy penalty of a fine of Four Billion Uganda Shillings for registered entities and, in the case of individuals, a fine of Two Billion Uganda Shillings or imprisonment for a term not exceeding 20 years or both such imprisonment and fine. These penalties are often out of proportion to the alleged offences, many of which are improperly defined, and yet the fines are so hefty that they would essentially amount to instant liquidation and bankruptcy for the majority of individuals and institutions within Uganda.

4. HUMAN RIGHTS IMPLICATIONS OF THE BILL

The Bill, if passed into law, will have far-reaching consequences on several rights protected under the Constitution of the Republic of Uganda, as discussed below:

4.1 The right to equality and freedom from discrimination

Article 21 of the Constitution provides for the equality of all persons before and under the law, thus underpinning the equal right of all Ugandans and of all persons within Uganda's territory to enjoy all the rights enshrined in the Constitution without distinction. In attempting to designate a fairly substantive part of the Uganda population as foreigners and codifying protection of the interests of Ugandans and of Uganda against these so called foreigners, the Bill seeks to segregate among Ugandans in Uganda and Ugandans living abroad, or even traveling briefly, thus subjecting their rights and interests generally to the rights and interests of their peers living within Uganda's territorial boundaries. There can be no justification for this distinction, and no legal basis for it either. Article 21(2) and (3) prohibit discrimination on the basis of personal characteristics, such as, *inter alia*, 'political opinion.'²⁴ Preventing Ugandans abroad from

²² Permanent Mission of Uganda to the UN, Diaspora services, <https://oldsite.geneva.mofa.go.ug/diaspora/diaspora-services>, accessed April 17, 2026.

²³ See The Daily Monitor, Uganda's diaspora remittances hit 6.5 trillion, Wednesday December 3, 2025, <https://www.monitor.co.ug/uganda/news/national/uganda-s-diaspora-remittances-hit-shs6-5-trillion-5285076>, accessed April 17, 2026. This accounts for about 2.6% of the country's GDP.

²⁴ See *Uganda Association of Women Lawyers & 5 Others v Attorney General*, Constitutional Petition No. 2 of 2003; [2004] UGCC 1).

expressing their political opinions through prohibitions on 'influencing the will of Ugandans would be discriminatory against this category of Ugandans, based on political opinion.

4.2 The right to privacy

This right is protected under Article 27 of the Constitution but has been disregarded and is set to be completely watered by the provisions of clause 15 of the Bill, which require anyone applying for a certificate as an agent of a foreigner to disclose a great deal of personal information and even information about other people they may be working with who are not foreigners as part of the application. This clause also empowers the Minister and the Department to demand for even more information, which information is not specified, for as long as they believe that they need that information – without the need to show cause why the information may be needed for purposes of processing the application. This greatly offends the principle of minimality in data collection and unnecessarily exposes the personal data of millions of Ugandans to potential breaches, thus violating the privacy of Ugandans. In addition, clause 28 which authorises the Minister to conduct searches in the private and business premises of all individuals and institutions classified as foreign agents at will most likely occasion further breaches of privacy through unnecessary, unwarranted and poorly regulated interference with the privacy of people's homes, correspondence and business information.

4.3 Right to a fair hearing

Article 28(12) entrenches the principle of legality, which requires criminal offences to be clearly defined. Many of the provisions of the Bill are couched in vague, ill-defined terms such as 'protection of the sovereignty of Ugandans'; promotion of the interests of Uganda, or of foreigners; disruptive activities, national interest and security, etc. These terms are then incorporated into offences such as engaging in disruptive activities in clause 23 of the Bill, which carry significantly heavy penalties without a clear understanding of what the criminalised conduct might be. This offends the rule of requiring absolute clarity, particularly in legislation creating criminal offences, by virtue of which Parliament is expected to not pass any laws creating criminal offences where the prohibited conduct is not immediately apparent and obvious to the average reasonable person.²⁵ In *Francis Tumwesige Atenyi v Attorney General*,²⁶ the Constitutional Court struck down sections 168(1)(c) and 168(1)(d) of the Penal Code Act Cap 120 which are part of the offence of being rogue and vagabond for being vague. Egonda Ntende JCC stated that,

It is a constitutional imperative that a criminal offence is defined and what this means is that it must be specifically defined that it should be clear to all what its elements are. The said elements or ingredients should not be ambiguous or vague or too broad as to defy specific definition.²⁷

²⁵ Article 28(12) of the Constitution; See also *Salvatori Abuki v Attorney General*, Constitutional Appeal No.1 of 1998.

²⁶ Constitutional Petition No. 36 of 2018.

²⁷ Above, Para 39.

4.4 Freedom of speech and expression

The right to freedom of expression is protected under article 29(1)(a) of the Constitution. In *Charles Onyango-Obbo & Another v The Attorney General*,²⁸ Mulenga JSC addressed the scope of the freedom under article 29(1)(a) of the Constitution as follows –

...[I]t is evident that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories, such as correct opinions, sound ideas or truthful information ... [A] person's expression or statement is not precluded from constitutional protection simply because it is thought by another or others to be false, erroneous, controversial or unpleasant. Everyone is free to express his or her views. Indeed, the protection is most relevant and required where a person's views are opposed or objected to by society or any part thereof, as 'false' or 'wrong'.

Clause 2 of the Bill provides that the resultant law will also apply to those individuals who use digital platforms to engage in political activities in the interest of a foreigner, or to collect or solicit for money from foreigners, among other restrictions. This is reiterated in clauses 8 and 12, which prohibit interference with implementation of government programs, clause 9(2), which prohibits the promotion of a foreign policy that is not Uganda's foreign policy; clause 11, which prohibits interference with electoral processes and clause 13, which prohibits sharing information that might damage Uganda's economy or make the country 'less viable'. Clause 10 of the Bill also prohibits the promotion of the foreign policy of another country, which could extend to simply holding conversations about said foreign policies. All these offences are vaguely defined yet heavily punished, and would have the effect of muzzling people using digital platforms for advocacy and even simple engagement with online communities as they will constantly have to watch their messaging to avoid offending the totally unascertainable provisions of this law.

4.5 Freedom of association

Article 29(1)(e) of the Constitution protects the right to freedom of association, which includes operating civil society organisations. As already discussed above, this Bill severely targets civil society organisations and human rights defenders for extinction through over-regulation, strangling the financing of NGOs and threatening the very existence of NGOs by creating vaguely defined offences punishable by fines so huge that any organisation forced to pay such fine would immediately have to wind up. These restrictions will make it impossible for human rights defenders and indeed any other persons to freely associate and work together. This also violates the spirit of UN Resolution 58/23 on **'Human rights defenders and new and emerging technologies: Protecting human rights defenders, including women human rights defenders, in the digital age'**,²⁹ as well as the **'Resolution on the situation of HRDs in Africa'** by the African Commission on Human and Peoples Rights.³⁰ Rather than expanding protections as required by

²⁸ Constitutional Appeal No. 2 of 2000 [2004] UGSC 1.

²⁹ A/HRC/RES/58/23, adopted on April 4, 2025.

³⁰ ACHPR/RES.376 (LX) 2017.

Article 29 of Uganda's own Constitution, the ICCPR and ACHPR and the above mentioned declarations, the Bill in fact seeks to further shrink the space for expression, association and assembly. Clause 23 read with the part of clause 1 that defines disruptive activities under paragraph (e) effectively makes any foreign-funded NGO or HRD a criminal under this Bill, assuming that they have employees with whom they work, and thus exposes them to the hefty penalties in terms of both fines and prison time.

4.6 Civic rights and activities

Article 38 of the Constitution of Uganda provides as follows:

- (1) Every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law.
- (2) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations.

These rights are not qualified with such phrases as *'with the permission of the Minister'*, or *'for as long as they continue to reside in Uganda'*, or *'unless they are funded by a foreigner in this effort.'* All that matters is that the Ugandan in question feels the need to engage and influence a government policy, law or practice, and yet the Protection of Sovereignty Bill would seem to suggest that any Ugandan living in the diaspora is a foreigner who must not impose foreign interests on Uganda's policy making processes and therefore not try to influence them;³¹ that every Ugandan who receives any support whatsoever from a foreigner in the effort of lobbying for policy change or the development of a specific policy commits a heinous offence,³² and that any Ugandan who wishes to engage in policy debates can only do so with the permission of, and through, the Ministry responsible for said policy.³³ The Bill will therefore have a detrimental effect on civic rights and civic activities, as well as the rights of Ugandans to engage in peaceful protests to try and influence the policies of government because, when read together with various provisions of the Public Order Management Act and construed in light of recent experience in the enforcement of that Act, all civic actions in protest of state actions or demands for accountability or even engaging in opposition politics will be considered unlawful demonstrations and will therefore be illegal as disruptive activities under clause 1 paragraph (f) on the definition of disruptive activities and clause 23(1)(b) of the Bill.

4.7 Economic rights

Article 40 of the Constitution of the Republic of Uganda provides for the economic rights of Ugandans, specifically the right to practise his or her profession and to carry on any lawful occupation, trade or business, and the right to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests, among others. By designating as foreign agents subject to onerous regulatory requirements any individuals or entities engaging in any way whatsoever with foreigners, the Bill will unduly restrict the rights

³¹ Clause 1; clause 5(3) and (4);

³² Clause 5(3) and (4); clause 23

³³ Clause 7.

of various professionals, service providers and contractors who have clients abroad/ outside Uganda's territorial boundaries from effectively practicing their professions, trades or business without interference. In fact, many of them might easily fall victim under clause 23 by being accused of engaging in disruptive activities by 'employing recruiting, engaging, sponsoring, or contracting any person to promote the interests of foreigners' as defined in clause 1 of the Bill. Clause 1 in the description of disruptive activities at paragraph (g) also includes 'disrupting or interfering with the lawful activities, business operations, peace or human rights of any person', an act or series of acts that would be criminalised and heavily penalised under clause 23. Unfortunately, this phrase can be easily stretched to cover industrial actions such as sit down strikes, boycotts, etc. which are the right of every labourer as protected under Article 40(3) of the Constitution.

5. CONCLUSION

The Protection of Sovereignty Bill appears, on the face of it, to be innocuous and indeed well meaning. However, a more careful look at the various clauses in the proposed law, makes it immediately apparent that the Bill is simply set to join the growing arsenal of legislative weapons that the state wields to suppress dissent, stifle public discourse, avoid accountability for state excesses and human rights violations and altogether dodge accountability in regional and international mechanisms that seek to monitor the human rights situation in Uganda under treaties that Uganda is a party to. It is urgent that all individuals in Uganda, all corporations and business entities, all human rights defenders by whatever designation they may be called, all civil society organisations and all Ugandans in the diaspora come together to soundly reject this Bill, as it has far reaching implications on the lives, rights, businesses and livelihoods of all Ugandans. The Bill will specifically have far reaching implications on organisations working with criminalised minorities and further narrow the already narrowed civic space.

6. RECOMMENDATIONS

HRAPF's overall recommendation is that the Bill be completely abandoned at this stage as the best way to safeguard the ever-diminishing freedoms of Ugandans. In the event that this cannot be done, already existing laws should be amended to cover what the Bill seeks to cover.