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

28th May 2026

Contents

Contents 2
1. Introduction 3
2. What changed? And how does the Act affect organisations working with criminalised minorities? 3
2.1. Part I - Preliminary 3
2.2. Part II: Protection of Sovereignty 8
2.3. Part III - Registration of Agents of Foreigners 13
2.4. Part IV - Regulating Funding of Agents of Foreigners 16
2.5. Part V - General 19
2.6. Summary of offences created under the Act 20
2.7 Summary of implications of the Bill on organisations working with marginalised persons 21
3. Legal implications of the Act 22
3.1 Replication of existing legislation 22
3.2 Further narrowing of civic space 23
3.3 Assuming that interests of foreigners do not align with those of Ugandans 24
3.4 The Act offends the rule of proportionality 24
3.5 Resurrecting provisions of the law that were declared unconstitutional 24
4. Human rights implications of the Bill 25
4.1 The right to privacy 25
4.2 Right to a fair hearing 25
4.3 Freedom of speech and expression 26
4.4 Freedom of association 26
4.5 Civic rights and activities 27
5. Conclusion 28

1. Introduction

On 17th May 2026, President Yoweri Museveni signed the Protection of Sovereignty Act, 2026 into law. The Bill for the Act was passed by Parliament on 5th May 2026. According to its Long Title, it is '*An Act to provide for the protection of the sovereignty of the people of Uganda; to designate the Department responsible for peace and security in the Ministry responsible for internal affairs as the Department responsible for the implementation of this Act; to provide for the registration and regulation of agents of foreigners; to regulate the funding and any other assistance to agents of foreigners and for related matters.*' The Act was passed after public hearings by the Sectoral Committees on Defence and Internal Affairs and Legal and Parliamentary Affairs. The Committees received views from different stakeholders, majority of whom opposed the Bill, most notably Bank of Uganda, Uganda Law Society, Uganda Bankers Association, civil society, Makerere University Academic Staff Association (MUASA), and even law students. The submissions focused on the wide definition of who is an agent of a foreigner, the heavy punishments and the vagueness of some provisions and implications on fields such as banking, law and the economy. As such at the Second Reading of the Bill, major changes were made. Nevertheless, some earlier and new concerns remain, and this is HRAPF's analysis of the Act focusing on legal and human rights implications, and how it impacts nongovernmental organisations working with criminalised minorities.

2. What changed? And how does the Act affect organisations working with criminalised minorities?

This section provides a provision-by-provision overview of the Act, highlighting the changes that were made to the Protection of Sovereignty Bill, 2026 (the Bill), and the implications of each of the provisions on the work of organisations working with criminalised minorities.

2.1. Part I - Preliminary

Part I contains the definitions section, the extent of application of the Act and its administrative aspects. Section 1 defines a foreigner, agent of a foreigner, prescribes what the department is, what disruptive activities are, the meaning of foreign policy, interests of Ugandans, interests of foreigners, the meaning of government, government policy, Minister, political activities, and supervised institutions. The Bill that was tabled did not have these many definitions. All these definitions will be applied when discussing the provisions where they become relevant. These definitions help to eliminate the earlier vagueness of the Bill which was a major source of criticism from many stakeholders.

Section 1 of the Act provides an interpretation of key terms used in the Act and thus forms the basis for the overall understanding of the Act. The following definitions cut across the whole Act – that of a foreigner and agent of a foreigner. The Act defines a foreigner to include a non-Ugandan citizen, a foreign government, an embassy or other diplomatic mission, a corporation, a company, or NGO or other legal entity incorporated, unincorporated or registered outside Uganda, and an international or multi-national organisation that 'engages, undertakes, supervises, controls, finances or subsidises the activities specified in section 2(2).' It also defines an agent of a foreigner to mean a person who engages in activities defined in section 2(2) as an

agent, representative or employee of a foreigner; on the order, request, supervision or under the direction or control of a foreigner; or while being financed or subsidised by a foreigner.

These definitions are less vague than those in the Bill which proposed to include Ugandan citizens who are outside of the country as foreigners and which also sought to give powers to the Minister to declare any person or entity to be a foreigner or agent of a foreigner. Both definitions now make it clear that not every citizen of a foreign country, or every foreign registered entity is a foreigner – they only become a foreigner when they involve themselves in the activities specified in section 2(2), and similarly one can only be an agent of a foreigner if they engage in the same activities.

For Ugandan organisations working with criminalised minorities, they cannot be declared to be foreigners, however they can qualify as agents of foreigners if they engage in activities under section 2(2).

Section 2: Application of the Act

Section 2 discusses the persons to whom the Act applies. Under section 2(1), the Act only applies to agents of a foreigner. This makes it clear that it does not apply to foreigners, but only to Ugandan citizens who qualify as agents of foreigners. This means that non-Ugandan citizens or companies or organisations do not commit any offence under the Act even when they involve themselves in activities in section 2(2). Only Ugandans regarded as agents of foreigners can commit offences under the Act.

Section 2(2) provides that:

> *For the avoidance of doubt, this Act applies to an agent of a foreigner who engages in any of the following activities through any means, including the use of digital platforms to –*
>
> *(a) engage in political activities in Uganda to further the interest of a foreigner;*
>
> *(b) solicit, collect, disburse or dispense contributions, loans, money or other things of value for the purpose of financing or sponsoring political activities to further the interest of a foreigner;*
>
> *(c) represent the interest of a foreigner before any agency or official of the Government of Uganda for the purpose of engaging in political activities in Uganda;*
>
> *(d) recruit, contract, engage, enter into a partnership or sponsor any person in Uganda to promote the interest of a foreigner for the purpose of engaging in political activities in Uganda;*
>
> *(e) agree, consent, assume or purport to act as an agent of a foreigner or who is or holds himself or herself out as an agent of a foreigner, to promote the interest of a foreigner against the interest of Ugandans;*
>
> *(f) influence the development of a policy of Government or implement a policy of Government without the approval of Cabinet; or*
>
> *(g) influence the public to oppose a policy of Government.*

This section makes it clear that it only applies when an agent of a foreigner engages in the above activities. The main focus of these activities is on: political activities to further the interests of a

foreigner; developing, influencing, implementing or opposing a policy of government; and promoting the interests of a foreigner against those of Ugandans.

'Political activities' are defined in section 1 to mean,

> *… any activity aimed at influencing the enactment of legislation, the formulation of policy or the decision-making of Government or of the people of Uganda and includes –*
>
> *(a) fundraising, sponsoring, registering, nominating, supporting or campaigning for a candidate in an election;*
>
> *(b) registering, funding and campaigning for a political party in an election;*
>
> *(c) fundraising for, campaigning for, canvassing support for, supporting or opposing, a political party or candidate in an election;*
>
> *(d) any activities aimed at influencing the outcome of an election;*
>
> *(e) any activities aimed at influencing the will and consent of the people of Uganda to determine who shall govern the people and how the people shall be governed; or*
>
> *(f) any activities aimed at influencing, imposing or normalising ideologies which are inconsistent with the Constitution or which conflict with any culture, customs or norms of any of the communities listed in the Third Schedule to the Constitution;*

This definition is largely limited to traditional political activities, which usually do not involve foreigners in section 2(2)(a) to (e). However, section 2(2)(f) is worrying as it refers to activities aimed at '*influencing, imposing or normalising ideologies which are inconsistent with the Constitution, or conflict with any culture, customs or norms of any communities listed in the Third Schedule of the Constitution*' which phrase is largely undefined. The language however is reminiscent of that used in the Anti-Homosexuality Act Cap 117 whose sections 11(2)(c) and 11(2)(e) on promotion of homosexuality criminalise providing '*financial support whether in kind or cash, to facilitate activities that encourage homosexuality or the observance or normalisation of conduct prohibited under this Act*' and operating '*an organisation which promotes or encourages the promotion or the observance or normalisation of conduct prohibited under this Act*,' respectively. Since 'Promotion of homosexuality is already criminalised under the Anti-Homosexuality Act, any activities seen as normalising it may be regarded as political activities. The language on conduct that is against '*any culture, customs or norms of any communities listed in the Third Schedule of the Constitution*' stands in stark contrast to Article 32(2) of the Constitution which prohibits, '*Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group to which clause (1) relates or which undermine their status …*'. The Constitutional Court in *Jjuuko Adrian v Attorney General*,[1] nullified section 15(6)(d) of the Equal Opportunities Commission Act, which was couched in similar language as it stopped the Equal Opportunities Commission from investigating matters regarded as 'immoral and socially harmful', or '*unacceptable*' '*by the majority*' *of the 'cultural and social groupings in Uganda*'. The Constitutional Court found the provision unconstitutional partly because it contradicted Article 32 of the Constitution. As such, in as far as this section concerns women and marginalised groups, it would be unconstitutional. As such

[1] Constitutional Petition No. 1 of 2009.

groups working on issues of equality and non-discrimination for women, and opposing customs and cultures that are against the dignity, welfare or interest of women or any other marginalised group that has been the subject of '*marginalisation based on gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them*' is legitimately protected work under the Constitution and the Equal Opportunities Commission Act Cap 7. On whether work involving LGBTQ+ persons is protected, the Constitutional Court in Fox *Odoi & 21 Others v Attorney General*,[2] upheld the criminalisation of homosexuality and the criminalisation of 'promotion of homosexuality as constitutional. However, it also nullified provisions that threatened the provision of health services without discrimin ation to LGBTQ+ persons. Indeed, sections 2(5) and 3(5) of the Anti-Homosexuality Act expressly provided that the offences of homosexuality and aggravated homosexuality applied to engaging in a sexual act and not just identifying or being identified as a homosexual. As regards legal aid service provision to these groups, Section 14(5) of the Anti-Homosexuality Act expressly excluded Advocates from groups that had reporting obligations under the Act. The entire provision was nullified on grounds that reporting obligations interfered with the right to privacy of LGBTQ+ persons as well as the rights to access health services and freedom of conscience, thought and belief. This indicates that not all work on LGBTQ+ issues is regarded as political work only that work that is seen as largely promoting the 'normalisation' of homosexuality may be regarded as political work. What is clear is that health and legal service provision are not regarded as political work.

The Act also targets work that is aimed at developing, influencing, implementing or opposing a policy of government and promoting the interests of a foreigner against those of Ugandans. These will both be discussed in the appropriate part that makes these offences.

Section 2(3) clearly provides that the Act also applies 'to a representative or agent of an embassy, high commission or consulate subject to the Diplomatic Privileges Act.'

However, there are exceptions to the application of the Act, regardless of the work an entity is engaged in. Section 2(4) provides that:

> *For the avoidance of doubt and notwithstanding this section, this Act shall not apply to monies or funding received from a foreigner by –*
>
> *(a) a supervised institution, a person or an institution regulated by a regulatory body under an Act of Parliament, for the purposes of meeting its regulatory requirements or for the purposes of undertaking its commercial, licensed or permitted activity under an Act of Parliament;*
> *(b) a health or medical facility, for the purposes of performing an activity permitted under the laws of Uganda to be undertaken by a health or medical facility;*

[2] *Fox Odoi-Oywelowo and 21 others v Attorney General and others*, Consolidated Constitutional Petitions Nos. 14, 15, 16 and 85 of 2023.

(c) *an academic or research institution, for purposes of funding research and innovation or any other educational activity permitted under the laws of Uganda to be undertaken by an academic or research institution;*
(d) *a person, for commercial, domestic or family use; or*
(e) *a faith-based organisation, for activities that are connected with the mission of the faith-based organisation.*

Section 2(5) provides that,

> *'Nothing in this Act shall be construed as requiring compliance with this Act for lawful foreign direct investment, portfolio investment, diaspora remittances, export proceeds, trade finance, commercial loans, humanitarian assistance, technical assistance, grants, concessional financing, development assistance, or any other lawful foreign exchange inflow or outflow, and related activities.'*

Sections 2(4)(a) and section 2(5) read together can be interpreted as exempting organisations registered and regulated by the NGO Bureau under the Non-Governmental Organisations Act, entities operating as companies (limited by guarantee or shares, or unlimited) as registered and regulated under the Companies Act and overseen by the Uganda Registration Services Bureau (URSB), as well as organisations receiving grants for development assistance provided they are doing work for which they are licenced.

These exemptions arose from the criticism of the definition of an agent of a foreigner as being too broad and that the Act would inhibit direct foreign investment, as well as remittances from Ugandans in the diaspora.

Sections 3 & 4: Administration

Section 3(1) mandates the Minister of Internal Affairs to administer the Act and give policy guidance on the implementation of the Act. The responsible department in the Ministry of Internal Affairs shall be 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] In implementing the Act, the Department shall consult other agencies of Government, including the Ministry responsible for foreign affairs and the relevant Ministry responsible for developing the Government policy.[5] The Department is 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, carrying out due diligence to determine the suitability of agents of foreigners before registration under this Act; inspect and approve activities of agents of foreigners in Uganda;

[3] Section 3(2).
[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, accessed 23 May 2026.
[5] Section 3(3).

advise the Minister on the making of regulations necessary for the better implementation of the Act; advise revenue, customs, airport, railway and immigration authorities on foreign funding or any other assistance from foreigners to agents of foreigners; and perform any other function as the Minister may assign to the Department.[6] The Department can co-opt other persons in carrying out its functions[7] but such persons shall not be part of the Department.[8] This did not greatly change from what was provided for in the Bill.

2.2. Part II: Protection of Sovereignty

Part II of the Act 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.

Clause 5: Sovereignty of the People

Section 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. Unlike in the Bill, the Act defines interests of Uganda and anchors them squarely in the Constitution and the laws.

Under section 1, 'interests of Uganda' means the '*national interests of Uganda based on the principles of national interest and common good enshrined in the National Objectives and Directive Principles of State Policy as provided for in the Constitution, laws of Uganda and Government policy*.' Section 5(3) and (4) make it a criminal offence for any person to engage in any activity that promotes the interests of a foreigner against the interests of Uganda. Interests of a foreigner have also been defined unlike in the Bill. "Interest of a foreigner" means '*interests of a foreigner that are not aligned with policies and laws developed and adopted by Government*.'[9] The punishment for this offence is now a fine of up to two billion shillings in case of a legal entity and a fine of one billion shillings of imprisonment of up to 10 years for an individual. These punishments have been halved from those proposed in the Bill.

By defining the interests of Uganda to clearly mean those laid down in the National Objectives and Directive Principles of State Policy, the Constitution and the laws, this makes it clear what one cannot do. As regards whether organisations working on issues of marginalisation would be doing so contrary to Uganda's interests, the National Objectives and Directive Principles of State Policy are instructive in this regard. Objective II(iv) provides that /Civic organisations shall retain their autonomy in pursuit of their declared objectives.' This implies that those organisations that

[6] Section 4(1).
[7] Section 4(2).
[8] Section 4(3).
[9] Section 1.

are duly registered can carry on pursuit of their stated objectives. Objective XX provides that 'The State shall take all practical measures to ensure the provision of basic medical services to the population.' Objective XIV(b) provides that '*The State shall endeavour to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits*.' Objective XXIV only protects those cultural and customary values that are '*consistent with fundamental rights and freedoms, human dignity, democracy and with the Constitution*.' These objectives are clearly in line with protection of the human rights and health of marginalised persons, including criminalised minorities. The Constitution itself protects human rights of all persons in Chapter 4 of the Constitution, including freedom from discrimination under Article 21, the right to dignity under Article 24, privacy under Article 27, right to freedom of association, expression and conscience under Article 29, and provision for affirmative action under Article 32 of the Constitution. Article 2(2) of the Constitution makes it clear that any other law or culture that is contrary to the Constitution is null and void to the extent of its inconsistence. As such, criminalisation of the conduct of certain minorities alone would not stand in the way of constitutional protections, and as such organisations can still do the work for which they are registered, even when funded by foreigners., because this work is in the interests of Ugandans as laid down in the Constitution.

Clause 6: Exercising Government Functions

Section 6(1) of the Act provides that the Government shall be responsible for all the functions and services specified in the Sixth Schedule of the Constitution in line with Article 189 of the Constitution. The Sixth Schedule 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; 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.

Section 6(2) 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. Under section 6(3), the relevant

government agency also needs the approval of cabinet before they can authorise an 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 Two Billion Uganda Shillings for legal entities, and, for individuals, a fine of up to one Billion Uganda Shillings or imprisonment for up to 100 years, or both imprisonment and a fine. The punishments have also been halved from those proposed in the Bill.

Section 6(5) specifically excuses foreign agents who have been granted a valid licences to offer said services by a government licencing or regulatory body, and section 6(6) grants power to the Minister of Internal Affairs to make and adopt guidelines 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 provision remained largely unchanged from Clause 6 in the Bill, except for the reduction of punishments.

As such, organisations working on provision of such services need to get permission from the relevant MDAs. Legal services are however not included within this provision, and these can therefore be done without the need for registration.

Clauses 7: Development of Government policy

Section 7 of the Act pertains to the development of Government policy, specifically emphasising in section 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. Section 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. Section 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.

Section 7(4) makes it a criminal offence for an agent of a foreigner to knowingly develop or implement a government policy without approval from Cabinet, punishable by a fine of up to Two Billion Uganda Shillings for institutions and for individuals, either a fine of up to one Billion Uganda Shillings or imprisonment for a period of up to 10 years, or both imprisonment and fine. Finally, section 7(5) authorises the Minister of Internal Affairs to prescribe the procedure and requirements for formulating and implementing policies of government.

The differences between this section and clause 7 of the Bill is that the application of the Act is now limited to only agents of foreigners and the punishments have been halved.

NGOs working on issues involving criminalised minorities may not develop policy except through submitting their views to the relevant MDA.

Clause 8: Implementation of Government Policy

Section 8(1) of the Act provides that, '*A Government department or agency responsible for the implementation of a Government policy shall report to Cabinet on the progress of the implementation of the Government policy in accordance with regulations made by the Minister.*' Section 8(2) provides that '*An agent of a foreigner shall not hinder, frustrate or disrupt the implementation of a Government policy.*' Section 8(3) provides that '*An agent of foreigner shall not carry out activities related to the implementation of Government policy, unless the agent of a foreigner has received the approval of the relevant Government Ministry, department or agency to carry out such activities.*' Where an MDA issues an approval to an agent of a foreigner to carry out activities specified in subsection (3), the MDA shall enter an undertaking with the agent of a foreigner providing for the manner in which the activities shall be performed.[10] This section does not however apply to an agent of a foreigner granted a licence, permit or other authorisation from a Government licensing or regulatory body to carry out activities referred to.[11] The Minister is given powers to develop regulations prescribing the procedure for implementing the policy of the Government.[12] This provision was changed from the one in the Bill, but not in very material respects, as the essence remains the same.

This section raises some concerns as '*interfering, hindering, frustrating or disrupting*' the implementation of government programs could easily be interpreted to apply to demands for accountability. Organisations involved in implementing government policies particularly those in health need to get specific memoranda of understanding with Ministries in order to fully comply with this section (section 8(4)).

Section 9: Foreign Policy of Uganda

Section 9(1) of the Act provides that Uganda's foreign policy shall be based on promoting the national interests of Uganda, respect for international law, peaceful coexistence and non-alignment, settlement of international disputes by peaceful means, and opposition to all forms of domination, racism, sectarianism, and other forms of oppression and exploitation. Uganda section 9(2), Uganda shall actively participate in international and regional organisations that stand for peace and for the well-being and progress of humanity, while section 9(3) requires government ministries, departments and agencies to promote regional and Pan-African cultural, economic and political cooperation and integration. Section 9(4) prohibits an agent of a foreigner from promoting any foreign policy that is not in alignment with the principles under section 9(1). Foreign policy is defined as meaning 'a policy developed by a foreigner.'[13]

NGOs working with criminalised minorities may be affected by this provision as they may not advocate for adoption of policies that have worked elsewhere, unless they align with Uganda's foreign policy objectives. However, since most international and regional human rights standards

[10] Section 8(4).
[11] Section 8(5).
[12] Section 8(6).
[13] Section 1.

including on criminalised minorities are in line with Uganda's own policies as Uganda itself has signed on to them, this may not apply to these.

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

Under section 10(1), '*an agent of a foreigner shall not engage in any disruptive activity or solicit, receive or obtain any assistance from a foreigner to sponsor or organise a meeting or any function with the aim of promoting foreign policy in Uganda that has not been adopted by Cabinet as Government policy*.' Doing so is an offence punishable by a fine of up to Two Billion Uganda Shillings for institutions and, for individuals, a fine of up to One Billion Uganda Shillings or imprisonment for up to 10 years or both such imprisonment and fine. The Minister may, in consultation with Cabinet, by regulations, prescribe the procedure for adopting foreign policy.[14]

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 that may have policies different from Uganda's own.

Section 11: Prohibition of interference with electoral processes

Section 11(1) provides that in accordance with Article 1(3) of the Constitution, the people of Uganda shall express their will and consent on who shall govern them and how they shall be governed, through regular, free and fair elections of their representatives or through referenda. Under section 11(2), the will and consent of the people shall '*not be subject to any influence from an agent of a foreigner*.' As such, if an agent of a foreigner engages in such activities, they commit an offence that is punishable by a fine of up to Two Billion Uganda Shillings for institutions and, for individuals, a fine of up to one Billion Uganda Shillings or imprisonment for up to 10 years or both such imprisonment and fine. Section 11(4) only excludes agents of foreigners who have been nominated for elections and is canvassing for votes in accordance with the laws.

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 Act 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

[14] Section 10(3).

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. As such organisations need to keep clear of such clearly political work.

Section 12: Prohibition of interfering with operations of Government

Section 12(1) prohibits an agent of a foreigner from engaging in any activities or soliciting or obtaining or receiving any assistance from a foreigner to sponsor or organise a meeting or any function with the aim of interfering with the operations of Government. This is an offence that attracts a fine of up to Two Billion Uganda Shillings for institutions and, for individuals, a fine of up to One Billion Uganda Shillings or imprisonment for up to 10 years or both such imprisonment and fine.[15] Section 12(3) clarifies that '*an agent of a foreigner interferes with operations of Government if the agent of a foreigner knowingly obstructs, impairs, hinders or prevents a public officer or any other person occupying a public office from performing his or her functions*.' This clears the defect with the Provision in the Bill which did not define what amounted to interfering with the operations of government.

This section is broad enough that even peaceful demonstrations that disturb traffic, for instance, and thus inconvenience a public official might easily be considered criminal, and punishable by up to 10 years' imprisonment.

Section 13: Prohibition of economic Sabotage

This section prohibits any person from publishing false information or participating in any disruptive act or activity that weakens, undermines 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 Two Billion Uganda Shillings for institutions and, for individuals, a fine of up to one Billion Uganda Shillings or imprisonment for up to 10 years or both such imprisonment and fine.

If not nullified, this provision puts investigative journalism at risk as well as freedom of speech and expression of organisations working on issues of criminalised minorities.

2.3. Part III - Registration of Agents of Foreigners

This Part of the Act provides for the requirement to register agents of foreigners.

Section 14: Registration of Agents of Foreigners

Section 14(1) makes it clear that a person shall not act as an agent of a foreigner unless they are registered by the Department and issued with a certificate of registration by the Minister. This implies that undertaking the activities referred to in section 2(2) will require one to first register as an agent of a foreigner. Doing the activities in section 2(2) without registering as a foreign agent

[15] Section 12(2).

makes one liable to a fine of one billion shillings or imprisonment for 10 years or both.[16] What changed in the provision is that the section applies not to all persons but to only agents of foreigners and the punishment reduced.

The implication of this on organisations working with criminalised minorities who may be engaged in activities that are regarded as political activities and receive foreign funding must apply to register as foreign agents. However, the actual registration is not guaranteed and may in fact not be effected by government, rendering them unable to operate basing on the nature of their work.

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

Section 15(1) provides that any person who seeks to act as an agent of a foreigner must apply to the Minister of Internal Affairs in accordance with regulations made by the Minister. Under section 15(2), the application shall include the details of the applicant, including identification details, their principle business address, any other addresses for business both within and outside Uganda and their residential addresses; 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 nature and method of performance of the activities the agent is to do on behalf of the foreigner including a detailed statement of any such activity that is a political activity; discussion of the nature and amount of contributions that the agent has received from each foreigner within the preceding sixty days either as compensation or disbursement or otherwise and the form and time of each payment and from whom; a detailed statement of every other activity which the applicant is doing for themselves or for any other person who is not a foreigner, including a detailed statement of any such activity which is a political activity, and any other information as the Minister may prescribe by Regulations. The Minister is given powers to prescribe the procedure and requirement for the application for a certificate of registration as an agent of a foreigner.[17]

This procedure largely remained the same as that provided for in the Bill with the exception of emphasising political activities.

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.

Section 16: Consideration of an application for registration

[16] Section 14(2).
[17] Section 15(3).

Under section 16(1), once one lodges an application for registration as an agent of a foreigner, the Minister shall forward it to the department responsible for peace and security in order for it to conduct inquiries into the suitability of the application and the applicant. The Department shall have 14 days within which to ascertain the suitability of the application and to make a recommendation to the Minister.[18] The Department in determining whether or not to approve the registration is required to consider whether the applicant has been convicted of an offence and sentenced to a term of imprisonment without the option of paying a fine; and for companies whether a director has been convicted of an offence that renders them incapable of being appointed a director; whether the applicant is not insolvent or bankrupt; whether the applicant has adequate facilities for handling the work of the foreigner; and any other matter as the department may consider reasonable.[19] The Department in undertaking the inquiry may require any person, department or agency of Government to furnish information to the Department regarding the suitability of the applicant for registration under the Act.[20] They are also required to consult with the local authorities of the place where the applicant seeks to undertake the activities as an agent of a foreigner, to ascertain the suitability of the proposed site or premises.[21] The head of the Department may, by written notice, require an applicant for registration to furnish to the Department additional information to enable the Department make a decision on the application.[22] Finally, the Department shall, in considering an application under this section, comply with the rules of natural justice.[23] These powers have in a way changed from those that were provided for in the Bill, particularly on the issue of inquiring into the mental and physical health of the applicant.

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

Under section 17, the Minister of Internal Affairs has 14 days from the date of the recommendation from the Department to consider the recommendation and if satisfied, grant a certificate of registration to a foreign agent for a period of 2 years subject to conditions that the Minister may consider necessary.

Under section 18, the Minister may refuse to issue a certificate, and when this happens, the Minister is supposed to inform the applicant within 14 days from the date of making the decision, in writing, with reasons for the refusal. 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.

[18] Section 16(2).
[19] Section 16(3).
[20] Section 16(4).
[21] Section 16(5).
[22] Section 16(6).
[23] Section 16(7).

Under Section 19(1), a certificate of registration is renewable upon the holder of the certificate of registration showing evidence that the terms and conditions of the expired certificate of registration have been complied with. The application must be made at least 3 months before the expiry of the existing certificate.[24] The Minister must make a decision within 14 days of receipt of the application.[25] The new addition is that the minister must comply with the rules of natural justice when considering the application.[26]

Section 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. The Minister may, by regulations, prescribe additional grounds for suspension or revocation of a certificate of registration and the procedure for suspending or revoking a certificate of registration.[27]The Minister is required to follow the principles of natural justice.[28]

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 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 their absolute discretion, impose). 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 source unless they also registered them. This is cumbersome.

2.4. Part IV - Regulating Funding of Agents of Foreigners

This part of the Act regulates the funding of agents of foreigners by requiring declaration of income of agents of foreigners.

Section 21: Declaration of sources of funding

Section 21(1) provides that subject to the Anti-Money Laundering Act, an agent of a foreigner shall submit a declaration of the source of funds to the Minister. Making a false or misleading declaration under this section commits an offence and is liable to a fine not exceeding one million

[24] Section 19(2).
[25] Section 19(3).
[26] Section 19(4).
[27] Section 20(4).
[28] Section 20(3).

four hundred and forty-four thousand shillings or imprisonment for a term not exceeding 5 years, or both. This did not change from before.

Section 22: Restrictions on funding from foreigners

Section 21(1) of the Act prohibits agents of foreigners from directly or indirectly obtaining or receiving any financial support, donation, loan or other assistance from a foreigner, whether in cash or in kind, in excess of four hundred million shillings a year without declaring the funds to the Minister. This does not matter whether one is registered or not. Failing to declare is a criminal offence punishable by a fine of up to two billion shillings for institutions and a fine of one billion shillings for individuals or two years imprisonment.[29] Section 21(3) provides that regardless of any other punishment imposed by the court, any money or other assistance obtained by an agent of a foreigner contrary to this section shall be forfeited to the State by order of the court which convicts the agent of a foreigner for contravention of this section. The Minister is empowered to make regulations for the procedure and requirements of the declaration.

This section differs from the provisions of the Bill as it introduces a reporting obligation rather than a funding cap. One can get more than four hundred million a year provided they declare it to the Minister. It is also no longer an offence to solicit or obtain the money, it is an offence not to declare it. This frees up organisations working with criminalised minorities to access funds, and only declare them if they are meant for activities under section 2(2). If they are not meant for that however, there is no need to declare them.

Section 23: Obtaining funds to engage in disruptive activities

Section 23(1) criminalises the actions of an agent of a foreigner who obtains, solicits, receives, demands, requests or accepts directly or indirectly, funds, financial support or other assistance from a foreign government, institution, body or person which or who has demonstrated an intention to overthrow the established Government of Uganda or to endanger the security of Uganda; and to participate or recruit any person to participate in disruptive activities.

Under section 1, disruptive activities are defined to include,

> *(a) any act or conduct that is prejudicial to or threatens the security of Uganda;*
> *(b) any act or conduct threatening violence against any person;*
> *(c) threatening to cause bodily harm, whether to a person to whom the threat is made, or to any other person;*
> *(d) threatening destruction of property;*
> *(e) engaging or participating in a riot or unlawful demonstration or assembly; or*
> *(f) disrupting or interfering with the lawful activities, business operations, peace or human rights of any person;*

[29] Section 22(2).

The penalty for both these offences is a fine not exceeding one billion Uganda Shillings or imprisonment for a term not exceeding 10 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.[30] In addition to this penalty, all money thus received shall be forfeited to the state.[31]

There are a few concerns with this provision, first the wide and broad definition of security of Uganda, which is undefined, and then' disruptive activities' particularly in (d) which may apply to peaceful and lawful demonstrations or protests, or any action that is seen as a disruption of peace, business operations or human rights of any person. This is too broad, and anyone is likely to fall victim. It is also not clear which countries or entities have expressed interest in overthrowing the government of Uganda, and so an organisation may not know that they are dealing with such a country/entity. This would require a lot of caution on the side of organisations.

Section 24: Foreign funding to government institutions

Section 24 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. The exemption that the Minister could make under Clause 24(2) of the Bill was removed. Now, this applies to all funding.

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.

Section 25: Reporting of foreign funding

Under this provision, a supervised institution is required to hold all monies received by agents of foreigners until they furnish proof of the source of funds and submit proof of declaration of funds.[32] A supervised institution means a person licensed under an Act of Parliament to facilitate the cross-border transfer of money.[33] This includes banks and forex bureaus. The supervised institution shall also be required to submit monthly reports to the office of the Minister about any funds transferred to an agent of a foreigner through the supervised institution.[34] Should the supervised institution fail to comply with this requirement, the institution itself shall be liable to a fine of Four Billion Uganda Shillings.[35] This did not change from the provision in the Bill, even with respect to the penalty.

[30] Section 23(3).
[31] Section 23(2).
[32] Section 24(1).
[33] Section 1.
[34] Section 25(2).
[35] Section 25(3).

This requirement will make money belonging to organisations working with criminalised minorities to be held by banks and other institutions as they scramble to avoid the huge penalty.

Section 26: Submission of returns

This section 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,[36] failing which the agent shall be deemed to have committed an offence punishable by a fine of up to Two Billion Uganda Shillings for institutions and, for individuals, a fine of up to One Billion Uganda Shillings or imprisonment for up to 10 years or both such imprisonment and fine.[37] This changed with respect to the punishment.

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 will always have to find what to report monthly and so may hold the funds unnecessarily.

2.5. Part V - General

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

Section 27: Assistance to Minister

This provision 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.

Section 28: Inspection

A person appointed by the Minister may upon obtaining of a court order 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.[38] 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 provision has more protections including a court order.

Section 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. The addition is that the Regulations made under this section must be laid before Parliament

[36] Section 26(1).
[37] Section 26(2).
[38] Section 28(1).

for information.[39] The laying before Parliament is an addition from the Bill. It also adds another layer of protection. However, the Regulations may introduce more onerous requirements.

Section 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 Act.

2.6. Summary of offences created under the Act

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

Offence	**Section**	**Penalty (For Organisations)**	**Penalty (For Individuals)**
Offering services for which the Government is responsible without approval	6(4)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Developing a policy without approval of cabinet	7(4)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Engaging in an activity with the aim of promoting a foreign policy not approved by Cabinet	10(2)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Influencing the will of a voter in election processes	11(3)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Interfering with operations of Government	12(2)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Weakening or damaging the economic system or viability of the country	13(a) and (b)	UGX 2,000,000,000	UGX 2,000,000,000 or up to 20 years imprisonment or both
Acting as an agent of a foreigner without registration	14(2)	UGX 1,000,000,000	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(2)	UGX 2,000,000,000	UGX 1,000,000,000 or up to 10 years imprisonment or both
Engaging in disruptive activities	23	UGX 2,000,000,000 or 20 years	UGX 1,000,000,000 or 10 years imprisonment or both

[39] Section 29(3).

Denying an inspector access to property, records or books of account without lawful excuse Presenting an Inspector with false information or a fabricated document Refuses or fails to comply with any order or direction of the inspector	28	UGX 40,000,000 or 7 years imprisonment or both for the Directors	UGX 40,000,000 or 7 years imprisonment or both

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. By emphasising sovereignty of the people and the interest of Uganda as the overarching spirit in this Act, the Act 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,[40] 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 Act on marginalised persons in particular:

a) *Outlawing of advocacy work on issues that may be regarded as political*: Engaging in advocacy work for SRHR may easily be seen as being political work due to the provision on '*ideologies that conflict with any culture, customs or norms of any of the communities listed in the third schedule of the Constitution.*' Despite the clear legal position that such work is not unconstitutional, it can easily be classified as work that is 'political' especially those working with sexual and gender minorities, particularly when read in concert with the Anti-Homosexuality Act, the NGO Act (special obligations of NGOs), and the recent judgment of the Court of Appeal in the case of *Jacqueline Kasha Nabagesera and 3 Others v Attorney General and Rev. Fr. Simon Lokodo.*[41] Therefore organisations have the impossible option of dropping advocacy work or having to register as a foreign agent. This further shrinks an already restricted space for NGO operations, imposing further compliance requirements and demanding increased self-censorship among NGOs to avoid being perceived as promoting the interests of foreigners, acting against the interests of

[40] *Adrian Jjuuko v Attorney General*, Constitutional Petition No. 7 of 2009.
[41] *Frank Mugisha, Dennis Wamala, & Ssenfuka Joanita Warry v Uganda Registration Services Bureau*, Civil Appeal No. 223 of 2018.

Ugandans, promoting ideologies that are in conflict with the cultures of the indigenous tribes of Uganda, etc.

b) *More registration and reporting burdens if one is to do advocacy work:* Organisations whose work includes advocacy are required to register as agents of foreigners become subject to over-regulation and a more intricate and complex compliance regime, in addition to the compliance requirements under the NGO Act (through a different department in the same Ministry), the Companies Act (URSB), Data Protection and Privacy Act (under NIRA's NITA), the tax regime (with all the laws thereunder), etc. The law imposes extra financial reporting obligations to the Minister of Internal Affairs, and are required to notify the Minister if they receive funds beyond 400m, as well as filing periodic returns with the Ministry.

c) *Reduced funding:* The Act easily scares donors from funding the work of organisations working on criminalised minorities due to the fear of their funds being confiscated and causing leaders of organisations to get arrested or organisations to be fined. When this is added to the funding cuts introduced by the Trump Administration on SRHR work, as well as the restrictions in the Anti-Homosexuality Act, organisations working with criminalised minorities may completely run out of financial support.

3. Legal implications of the Act

Although better than the position that existed before in the Bill, the Act still raise some serious legal concerns, particularly for persons operating under organisations working with criminalised minorities:

3.1 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.

3.2 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 Act adds to this regime with further restrictions on civic space, some of which include:[42]

- *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 is 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 sections 17 to 20, and the unlimited power of the Minister to inspect premises of an agent of a foreigner under section 28;
- *The heavy reporting requirements* in section 26, buttressed by the fact that the Minister can demand for any other information under Regulations;
- *Limitations on the ability to seek and secure resources* provided they are seen as being meant for political activities, or promoting the interests of foreigners.
- *Limitations on activities that CSOs can engage in*: The Act restricts the work of CSOs in various fields designated as the responsibility of government in section 6, despite the fact that 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 Act restricts engagement of CSOs in activities broadly defined as 'disruptive' according to sections 1 and 23 of the Act, as well as the widely defined prohibitions on promotion of the foreign policy of another country in section 10; interfering with electoral processes in section 11; interfering with operations of government in section 12; and prohibition of economic sabotage in section 13.
- *Unnecessary requirements for disclosure*: Section 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; section 21 requires declarations as to source of funding and section 25 and section 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

[42] 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.

application of international law to protection of LGBTQ+ rights, etc. However, the Act prohibits promotion of foreign policies in Uganda, or indeed of any policy not in line with those adopted by Uganda, which means that such guiding global policies, agendas and principles may not 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 Act provides for the forfeiture of funds above the threshold of 400,000,000/= that are not declared.

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

The Act 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 Act 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.

3.4 The Act offends the rule of proportionality

Although the offences were halved, they are still very heavy. Throughout the Act, offences are created, nearly all of which carry the ridiculously heavy penalty of a fine of Two Billion Uganda Shillings for registered entities and, in the case of individuals, a fine of One Billion Uganda Shillings or imprisonment for a term not exceeding 10 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.

3.5 Resurrecting provisions of the law that were declared unconstitutional

In *Charles Onyango Obbo & Anor v Attorney General* the offence of publishing false news was declared not to be a criminal offence for being contrary to freedom of expression.[43] This has been resurrected in section 13 of the Act. Similarly, the related offences of malicious information under Section 26C of the recently nullified Computer Misuse Act; the offence of unsolicited information

[43] [1997] UGCC 7

under section 26B and the offence of misuse of social media under section 26D of the same Act have also been nullified.[44] This makes the new provision to also stand on shaky grounds.

4. Human rights implications of the Bill

The Act has far-reaching consequences on several rights protected under the Constitution of the Republic of Uganda, as discussed below:

4.1 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 section 15 of the Act, 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 section also empowers the Minister to through regulations demand for even more information. 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, section 28 which authorises the Minister to conduct searches in the private and business premises of all individuals and institutions classified as foreign agents and this 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. The inclusion of a court order does not make this less of a threat.

4.2 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 Act still remain vague when defined, for example disruptive activities, and national security, etc. These terms are incorporated into offences such as engaging in disruptive activities in section 23, 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.[45] In *Francis Tumwesige Atenyi v Attorney General*,[46] 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,

[44] *Alternative Digitalk Limited and others v Attorney General*, (Consolidated Constitutional Petitions No. 34, 37 & 42 of 2022.
[45] Article 28(12) of the Constitution; See also *Salvatori Abuki v Attorney General*, Constitutional Appeal No.1 of 1998.
[46] Constitutional Petition No. 36 of 2018.

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.[47]

4.3 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,*[48] 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'.

In that case the offence of false news was nullified and yet section 13 revives it.

Section 2 provides that the Act applies 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 sections 8 and 12, which prohibit interference with implementation of government programs, section 9(2), which prohibits the promotion of a foreign policy that is not Uganda's foreign policy; section 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'. Section 10 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.

4.4 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, the Act severely targets civil society organisations and human rights defenders 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

[47] Above, Para 39.
[48] Constitutional Appeal No. 2 of 2000 [2004] UGSC 1.

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',[49] as well as the 'Resolution on the situation of HRDs in Africa' by the African Commission on Human and Peoples Rights.[50] Rather than expanding protections as required by Article 29 of Uganda's own Constitution, article 22(1) of the International Covenant on Civil and Political Rights (ICCPR) and article 10(1) of the African Charter on Human and Peoples Rights (ACHPR), the Act further shrinks the space for expression, association and assembly. Section 23 read with the part of section 1 that defines disruptive activities under paragraph (e) effectively makes a lot of work by NGOs to be regarded as disruptive, therefore violating freedom of association.

4.5 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 '*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 Act regards 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,[51] 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.[52] The Act will have a detrimental effect on civic rights and civic activities, as well as the rights of Ugandans to engage in peaceful protects 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 section23(1)(b) of the Act.

[49] A/HRC/RES/58/23, adopted on April 4, 2025.
[50] ACHPR/RES.376 (LX) 2017.
[51] Section 5(3) and (4); section. 23
[52] Section 7.

5. Conclusion

The Protection of Sovereignty Act was clearly structured with the absolute intent of stifling political dissent and civil society activity, particularly for those who are actively involved in political processes, including election monitoring, civic education and campaigns for public accountability, as well as those engaged in work that is seen as 'promotion of homosexuality' and other such practices. The law's overall impact for organisations working with criminalised minorities will be to greatly stifle the operating space for civil society as there will necessarily be an increased level of self-censorship to avoid triggering repercussions under some of the broader and more vaguely defined provisions in the law. Organisations working with criminalised minorities will have an added layer of restriction and control under this Act, which operates in concert with the NGO Act and the Anti-Homosexuality Act to create a restrictive operational environment. Nevertheless, the law will not be entirely prohibitive of the work of such NGOs but rather overly regulatory.