



SILENCING DISSENT:

EVOLVING TRENDS IN STIFLING
PEACEFUL PROTESTS IN UGANDA



Silencing Dissent: Evolving Trends in Stifling Peaceful Protests in Uganda

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Chapter Four Uganda is an independent, non-parallel, non-governmental organization, established in 2013, to defend civil liberties and promote human rights for all. We provide bold and innovative legal response through strategic and public interest litigation, legal representation in first-line response cases, legal research, general counsel for civil society organizations, and strategic advocacy. We work with the most vulnerable and underrepresented sections of society.

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1. Introduction

Active citizen participation at all levels of governance is a fundamental principle of democratic governance. Societies are shaped by the voices of individuals and communities, expressed through peaceful assemblies—a right protected by international, regional, and national legal frameworks. Freedom of assembly not only promotes the exchange of ideas and public aspirations but also provides a vital platform to highlight grievances and foster inclusive, peaceful resolution of differences. Conversely, failure to respect and protect this right is often a clear sign of repression.

Uganda's Constitution guarantees the right to assemble and demonstrate peacefully. However, since the colonial era, expressions of dissent—particularly through protests—have frequently been treated by successive governments as criminal acts against the State. As a result, state institutions often view protests challenging government actions as riotous and unpatriotic, responding with aggression and assuming control over which forms of public dissent are acceptable.

Over time, a pattern of legal and regulatory measures has emerged that systematically undermine constitutional rights. Laws such as the Penal Code Act, Police Act, Public Order Management Act, Computer Misuse Act, and Anti-Terrorism Act contain vague and broadly defined offences designed to restrict dissent. Rather than facilitating peaceful assembly, these laws reflect intolerance toward dissenting views, demands for accountability, and active citizen participation—all essential components of a healthy democracy.

This paper examines the right to freedom of peaceful assembly in Uganda, exploring the ongoing contestations surrounding its enjoyment. It analyzes legislative developments, the socio-political context, and judicial interventions shaping this right. Notably, it highlights how laws originally enacted during the pre-independence era to suppress dissent continue to be applied in post-1995 Uganda, despite the promulgation of a new Constitution with robust human rights protections. Where courts have declared such laws unconstitutional, new legislation has often been introduced to further restrict, rather than enhance, the right to freedom of assembly.

Through this analysis, the paper underscores the urgent need to align Uganda's legal framework with democratic principles that respect and promote peaceful citizen participation.

2. The Right to Freedom of Assembly: Legal Foundations and Limitations

The right to freedom of assembly is protected under international, regional, and national human rights laws. Article 20(1) of the Universal Declaration of Human Rights affirms that everyone has the right to peaceful assembly and association. This right is further reinforced by Article 21 of the International Covenant on Civil and Political Rights (ICCPR), Article 11 of the African Charter on Human and Peoples' Rights, and other international human rights instruments.

At the national level, Article 29(1)(d) of the Constitution of the Republic of Uganda guarantees every person the right to assemble and peacefully demonstrate with others.

To assemble means to intentionally gather, either in private or public spaces, for an expressive purpose and for a sustained period. The right to freedom of assembly can be exercised in various forms, including peaceful demonstrations, protests, meetings, processions, rallies, sit-ins, or through digital platforms such as social media.

There is a close and interconnected relationship between the rights to freedom of expression, assembly, and association. For example, freedom of expression is often exercised through peaceful assembly and association, but can also be exercised independently through other channels like online forums. Whether viewed collectively or individually, freedom of assembly is a fundamental human right and a cornerstone of a democratic society.

Unjustified restrictions on the right to assemble suppress alternative viewpoints, restrict civil society activities, and hinder the work of human rights defenders and pro-democracy actors. Such limitations weaken the public sphere and undermine vibrant democracy.

While the right to assemble is fundamental, it is not absolute. The State may impose restrictions under specific circumstances, but such limitations must prioritize protecting the right itself. Any restrictions must be prescribed by law, necessary and proportionate in a democratic society, and justified by legitimate aims such as national security, public safety, public order, public health or morals, or the protection of the rights and freedoms of others.

The presumption should always favor enabling the freedom to assemble rather than restricting it. Restrictions should facilitate the exercise of this right, not impair its core essence, discourage participation, or create a chilling effect on public engagement. This framework ensures that freedom of assembly remains protected while balancing legitimate societal interests.

3. Evolving Trends in Stifling Freedom of Peaceful Assembly

Uganda has a troubling history of enacting laws that restrict the expression of dissent, particularly through peaceful protests. Several statutes—including the Penal Code Act, Police Act, Public Order Management Act (POMA), Computer Misuse Act, and the Roads Act—contain repressive and broadly defined offences designed to suppress dissenting voices.

3.1. The Police Act, Cap. 324

For several years before 2005, the police and prosecutors frequently and arbitrarily arrested and charged peaceful protestors under Section 32 of the Police Act. This provision granted the police broad authority to regulate assemblies and processions, including the power to prohibit, stop, or disperse peaceful gatherings if the police had ‘reasonable grounds’ to believe that the gathering might lead to a breach of the peace.

In *Muwanga Kivumbi v Attorney General*,¹ the Constitutional Court unanimously declared Section 32(2) of the Police Act unconstitutional. Justice C.K Byamugisha held:

“The right to peaceful protest is not absolute. The police have a wide range of powers to control and restrict the actions of protestors. These powers should not be exercised by the police in an unaccountable and discriminatory manner... The government has a duty to maintain proper channels and structures to ensure that legitimate protests, whether political or otherwise, can find voice. Maintaining the freedom to assemble and express dissent remains a powerful indicator of the democratic political health of a country. I, therefore, find that powers given to the Inspector General of Police to prohibit the convening of an assembly or procession are an unjustified limitation on the enjoyment of fundamental rights.”

On his part, Justice Mpagi-Bahigeine held:

“This court has on many occasions stated that the right of assembly is the aggregate of the individual liberty of the person and individual liberty of speech. The liberty to have personal opinions and the liberty to express them is one of the purposes of the right to assemble, which right or freedom constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and therefore each individual’s self-fulfillment.”

¹ *Muwanga Kirumbi v Attorney General*, Constitutional Appeal No. 06 of 2011.

https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://media.ulii.org/media/judgment/104320/source_file/muwanga-kivumbi-v-attorney-general-2017-ugsc-4-14-february-2017.doc&ved=2ahUKEwiLn4b19YyOAxXAQ_EDHa08H6kQFnoECBcQAQ&usg=AOvVaw1tYG3ZyUyLYrmXMW5V9t-x

3.2. The Public Order Management Act, Cap. 326

The Public Order Management Act, Cap. 326 (POMA) was enacted in 2013 in the aftermath of significant political unrest in Uganda, including the *Buganda riots*² of 2009 and the 2011 *Walk to Work* protests.³ These protests, led by the local pressure group Activists for Change (A4C), were organized to challenge rising food and fuel prices, corruption, and the misappropriation of public funds by government officials.

During the legislative process, the Executive and Parliament reintroduced the powers of the police to prohibit, stop, and disperse peaceful assemblies where there are 'reasonable grounds' that such meetings would result in a breach of peace. Since its enactment in 2013, the police and the director of prosecutions regularly enforced the law to crack down on peaceful assemblies for over a decade.

On March 26, 2020, in a 4-1 decision, the Constitutional Court annulled Section 8 of the POMA in *Human Rights Network Uganda & 4 Ors v Attorney General*.⁴ In the lead judgment, Hon. Justice Barishaki ruled that the provisions of Section 8 of the POMA do not pass the test set out under Article 43(2)(c) of the Constitution, which requires that any limitation of rights and freedoms must be acceptable and demonstrably justifiable in a free and democratic society. Concerning police powers in regulating assemblies, the Court held:

"The police have absolutely no authority to stop the holding of public gatherings on grounds of alleged possible breach of peace if such gatherings are allowed to proceed. The police's duty is to regulate the holding of public gatherings and to ensure there is no breach of peace... The attention of the police must be directed at the individuals causing the breach of peace".

Justice Barishaki expressed concern with the actions of the Executive and the Legislature to reintroduce similar unconstitutional provisions that had been annulled in the *Muwanga Kivumbi* case.

"It is a pity that their explanations in nullifying Section 32 (2) of the Police Act were contemptuously ignored by Parliament and the Executive... It, therefore, defies logic as to why Parliament would rush to pass an Act of Parliament (POMA) containing provisions that are pari materia (same) with those that were declared unconstitutional."

² For more about the riots: <https://www.hrw.org/news/2010/09/10/uganda-investigate-2009-kampala-riot-killings>

³ For more about the protests: <https://www.hrw.org/news/2016/04/22/uganda-5-years-no-justice-walk-work-killings>

⁴ *Human Rights Network Uganda & 4 Others v Attorney General*, Constitutional petition No. 56 of 2013.

<https://chapterfouruganda.org/sites/default/files/downloads/POMA-Judgment.pdf>

In his judgment, Justice Kakuru raised concerns with the selective application of the vague laws to target members of political opposition and other members of society considered by the police as undesirable elements of society.

"The police, however, have not stopped any assemblies, processions or gatherings that are sanctioned by government or the Ruling Party. In this regard, therefore, I find that the effect of this law (POMA) is to stifle political dissent."

The Attorney General has since filed an appeal in the Supreme Court in *Attorney General v Human Rights Network Uganda & 4 Ors*,⁵ to contest the decision of the Constitutional Court. The hearing of the appeal has been completed, and judgment will be issued on notice.

3.3. Public Health (Control of COVID-19) Rules

In the wake of the Covid-19 pandemic in 2020, the government of Uganda enacted several Statutory Instruments under the Public Health (Control of COVID-19) Rules and other informal directives to control the spread of the disease.

The Statutory Instruments placed Uganda under a de facto state of emergency, with the president declaring several rules that had a significant effect on civic space, human rights, and the rule of law. The emergency rules were mostly general and failed to take into account the unique contexts of vulnerable groups such as prisoners, women, people with disabilities, informal workers, factory workers, among others.

On March 18, 2020, before Uganda recorded the first case of the virus, the Minister of Health invoked her regulatory powers under the Public Health Act to issue Orders and Rules recognizing the pandemic and combating it in Uganda. The Public Health (Notification of COVID-19) Order, 2020 was subsequently issued, declaring Covid-19 a notifiable disease to which the provisions of the prevention and suppression of infectious diseases under the Public Health Act apply. This paved the way for the minister and the president to make rules and orders for control of the spread of the disease, including issuing rules for mandatory quarantine and isolation of infected or suspected infected persons, restrictions on public gatherings, closure of schools and other institutions of learning, closure of bars and cinemas, suspension of prayers in churches and

⁵ Constitutional Appeal No. 011 of 2024

mosques, suspension of public concerts, public meetings, sports events, and restrictions of gathering during funerals.⁶

State security agencies established an interagency Joint Task Force (JTF) under the command of the National Security Council to enforce the emergency rules. Officers of the Local Defence Unit (LDU) and other units within the Uganda Peoples' Defence Forces (UPDF) increasingly took over policing roles, leading to a spike in cases of extrajudicial killings,⁷ arbitrary arrests, selective violent dispersal of opposition public meetings, and torture and other forms of cruel and degrading treatment of suspects.⁸

The Covid-19 Rules provided the Executive with a new legal framework composed of restrictive and overly broad provisions to control freedom of peaceful assembly. This provided an alternative to Section 8 of the POMA, which had been annulled by the Constitutional Court in the same month of March 2020.

3.4. Stifling Peaceful Protests Online

The right to peaceful assembly extends to online spaces, encompassing protests conducted through digital technologies such as Facebook, X (formerly Twitter), WhatsApp, and other digital platforms used to share information, organise communities, mobilize groups, and advocate for common causes. Hashtags are often used to create movements online and amplify voices on specific issues by making it easy to discover, follow, and participate in the protest. Other tools of online protests include digital petitions to organise, collect signatures, and advocate for change.

In the wake of these digital developments and increased engagement online, the government has enacted several laws and policies to regulate and control expression online. For example, in July 2018, the Excise Duty Act was amended to impose a daily tax on the use of “over the top” (OTT) mobile applications and services. This law defined OTT services as the transmission or receipt of voice or messages over the Internet. OTT was levied on the use of more than sixty websites and social media platforms. In a letter to the Finance Minister Matia Kasaija, ordering the Minister to impose the tax, President Museveni wrote:

⁶ CEP, “Coronavirus disease (Covid-19): Gendered impacts of the pandemic in Uganda and proposed interventions for PWDs, women, youth, and other vulnerable groups,” <https://cepa.or.ug/wp-content/uploads/2020/06/COVID-Policy-Brief-UPDATED.pdf>

⁷ BBC, “Uganda – where security forces may be more deadly than coronavirus,” <https://www.bbc.com/news/world-africa-53450850>

⁸ SpringerOpen, “The effects of the Covid-19 pandemic on violations of the right to integrity of the person,” <https://jhumanitarianaction.springeropen.com/articles/10.1186/s41018-023-00148-z>

"I am not going to propose a tax on Internet use for educational, research or reference purposes . . . these must remain free. However, olugambo [gossip] on social media (opinions, prejudices, insults, friendly chats) and advertisements by Google and I do not know who else must pay tax because we need resources to cope with the consequences of their lugambo [gossip.]".⁹

At the time, Internet access in Uganda had increased rapidly with over 22% of Ugandans having access to the Internet.¹⁰ This was not the first time that President Museveni had taken aim at "gossip" on social media. During the 2016 general elections, the government blocked access to social media platforms to stop people from "telling lies".¹¹

The OTT was imposed at a time when social media was increasingly being used by young people and opposition political groups to mobilize and organise around causes of interest. Citizens were creating hashtags to mobilize and coordinate offline peaceful protests. In July 2021, the OTT was repealed and replaced with 12% tax on data packages in yet another grip on freedom of expression.¹²

Uganda further has laws that facilitate legal reprisal action against individuals who are accused of breaching the law in the course of their digital activism and online protests. The Computer Misuse Act¹³ was enacted in 2011 to make provision for the prevention of abuse or misuse of information systems, among others. Under Section 25, the law provided for the offence of 'offensive communication', which criminalized communication that 'disturbs or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate communication.'

The section became the preferred tool of prosecutorial abuse of the freedom of expression, digital and media rights. Most suspects are detained for several days and held indefinitely on police bond as a means of punishment. For example, in 2017, Dr. Stella Nyanzi, a well-known Ugandan academic and activist, was severely harassed by State security agents, interrogated by the Directorate of Criminal Investigations and Crime Intelligence, subjected to a home raid by armed individuals, and eventually arrested on April 7, 2017, for leading an online campaign to criticize the First Lady, Janet Museveni, for failing to fulfil an election promise to provide free sanitary pads for schoolgirls. In one of her posts on Facebook in the online protest, she referred to President Museveni as 'a pair of buttocks'.

⁹ Daily Monitor, Yasiin Mugerwa & Tom Malaba, Museveni Slaps Taxes on Social Media Users, (Apr. 1, 2018),

¹⁰ Freedom House, Freedom on the Net 2017: Uganda, <https://freedomhouse.org/report/freedom-net/2017/uganda> [<https://perma.cc/KQ5Q-4U3M>].

¹¹ For more information about Internet shutdowns and how they curtailed coverage of elections in Uganda," <https://acme-ug.org/2021/01/18/how-internet-shutdown-curtailed-media-coverage-of-elections-in-uganda/>

¹² CIPESA, "Uganda abandons social media tax but slaps new levy on Internet data," <https://cipesa.org/2021/07/uganda-abandons-social-media-tax-but-slaps-new-levy-on-internet-data/>

¹³ Cap. 96 under the Revised Laws of Uganda

On January 10, 2023, in the case of *Andrew Karamagi & Robert Shaka v Attorney General*,¹⁴ the Constitutional Court struck out Section 25 of the Computer Misuse Act for violating the constitutionally guaranteed freedom of expression. In his lead judgment, Justice Kakuru held:

“I find that the words used under Section 25 are vague, overly broad and ambiguous. What constitutes an offence is ‘unpredictable’ and gives the law enforcement the discretion to pick and choose what qualifies as offensive. It gives the law enforcement unfettered discretion to punish unpopular or critical protected expression.”

In an effort to broaden the law on regulating and controlling online protests, the Parliament of Uganda amended the Computer Misuse Act in 2022.¹⁵ The president assented to the amendment on October 14, 2022. This introduces criminal sanctions for using electronic communication to criminalise sharing and writing of information through a computer that may potentially ridicule, degrade, or demean another person, group, tribe, an ethnicity, a religion or gender; prohibits sharing the information of information that promotes hate speech or false information, and sharing of unsolicited information.

In recent years, social media platforms like TikTok have gained significant popularity in Uganda, particularly among young people who use them to express their views and engage in online protests. In response, the government has intensified surveillance of these platforms, leading to a marked increase in arrests and prosecutions related to online expression. Over the past few months, at least seven TikTok users have been arrested and charged under the Computer Misuse Act for allegedly posting videos critical of the president and his family. Some of these individuals have pleaded guilty and received sentences of up to six years' imprisonment. These developments have sparked widespread debate and concern regarding freedom of expression, the right to protest online, and the regulation of social media in Uganda.¹⁶

The arrest and conviction of TikTokers in Uganda highlight the complex issues surrounding social media regulation and online protests. As social media continues to play a significant role in Ugandan society, it is essential to strike a balance between regulating online content and protecting the freedom to participate in peaceful protests online.

¹⁴ *Andrew Karamagi & Robert Shaka v Attorney General*, Constitutional Petition No. 5 of 2016, <https://chapterfouruganda.org/sites/default/files/downloads/Andrew-Karamagi-and-Robert-Shaka-v-AG--Constitutional-Petition-No-5-of-2016-Judgment.pdf>

¹⁵ Computer Misuse (Amendment) Act, 2022: <https://chapterfouruganda.org/sites/default/files/downloads/The-Computer-Misuse-%28Amendment%29-Act-2022.pdf>

¹⁶ BBC, “Ugandan TikTokers held for insulting first family,” <https://www.bbc.com/news/articles/cx2ylzx71550>

3.5. The Penal Code Act, Cap. 128

After the annulment of Section 8 of the POMA and intensified advocacy against police powers to prohibit, stop, and disperse peaceful assemblies, the Executive has evolved in its methods of cracking down on peaceful assemblies.

Over the past couple of years, there has been a sharp rise in the use of offences established under the Penal Code Act to target organisers and participants of peaceful protests. The emerging preferred sections of prosecutorial abuse of the freedom of peaceful assembly include the offence of common nuisance, unlawful society, incitement to violence, and disturbing religious assemblies.

During the July 2024 anti-corruption protests, these offences were weaponised to target peaceful protestors in arbitrary arrests and prosecution.¹⁷ The most commonly used offence is 'common nuisance', with over 150 young people being charged with the offence, for allegedly participating in the anti-corruption protests.¹⁸ The particulars of the offence on most charge sheets accuse the protestors of "spreading or holding placards and banners on the said road, thereby causing inconvenience to the public in exercise of their common rights of usage thereof."

The enforcement of these offences has sparked significant debate regarding their compatibility with human rights law, which firmly protects the freedoms of peaceful assembly, expression, and association. Under the principle of legality, the vague and imprecise wording of these offences raises serious concerns about whether they are clearly and adequately defined. Regarding the principle of necessity, the frequent use of these offences to target peaceful protestors calls into question whether such measures are truly necessary in a democratic society to maintain public order.

Finally, there are substantial doubts about whether these offences comply with the principle of proportionality, which requires that any restrictions on rights be appropriate and not excessive in relation to their intended purpose.

¹⁷ Daily Monitor, "Uganda arrests more than 100 for anti-graft protests in Kampala, police say," <https://www.monitor.co.ug/uganda/news/national/uganda-arrests-more-than-100-for-anti-graft-protests-in-kampala-police-say-4704060>

¹⁸ NTV Uganda, "Over 50 protestors charged with being a common nuisance," <https://www.ntv.co.ug/ug/news/national/over-50-protestors-charged-with-being-a-common-nuisance--4700484>

3.6. The Roads Act, Cap. 346

During most peaceful protests, demonstrators gather along public roads to begin processions and voice their concerns. This practice has led to many peaceful protesters being charged with “nuisance on roads” under the Roads Act. In recent months, more than 15 protesters have faced such charges. The charge sheets commonly allege that the protesters either “caused noise pollution” by speaking out their protest message or “obstructed the road in a manner that inconvenienced traffic.”

4. Conclusion

In conclusion, the right to assemble and demonstrate is a fundamental freedom vital to the healthy functioning of any society. In Uganda, however, this right has often been mischaracterized as merely a platform for anti-government expression. This perception is evident in the nature of laws proposed by the Executive and enacted by the Parliament, and the police’s harsh and restrictive responses to assemblies that question or challenge government actions. Protesters frequently face oppressive laws, violence, and criminal charges. Even when courts have struck down provisions that infringe on this right or reaffirmed the constitutional guarantee to assemble peacefully, organizers and participants continue to be targeted with harassment and legal action.

This pattern results in selective enforcement and a disregard for the rule of law, undermining the essential role citizens play in governance.

Peaceful assemblies that question government policies should be recognized as vital contributions to the democratic process, where citizens’ voices inform public debate and decision-making. Urgent reforms and changes in policing culture are needed to protect the right to assemble, thereby safeguarding Uganda’s democratic values and strengthening inclusive governance.



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