

December 18, 2023

Dr Martin Ongol
Acting Executive Secretary
Uganda National Council for Science and Technology
Kampala, Uganda

Dear Dr Ongol:

We, the undersigned, are researchers from around the world. We are writing to you regarding the October 27 Directive you released, "[Guidance on Research Governance in Relation to the Anti-Homosexuality Act, 2023](#)" (Ref: RESETHICS/03).

As you know, the Anti-Homosexuality Act, 2023 ("the Act") goes far beyond Uganda's existing colonial laws that criminalize sex acts between consenting adults of the same-sex.^[1] The Act criminalizes the identities and behavior of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people. Uganda's constitution guarantees fundamental rights to all of its people and this law violates those guarantees. Furthermore, Uganda is a signatory to multiple international human rights agreements that this law violates.

Penalties in the Act include:

- a life sentence for same-sex acts between consenting adults,
- 10 years in prison for "attempted homosexuality;"
- the death penalty for "aggravated homosexuality;"
- 20 years in prison for "promotion of homosexuality;" and
- A duty to report," such that If any person "knows or has reasonable suspicion" that a person has committed or intends to commit any offense under the Act they have an obligation to report that person to the police, under threat of a criminal penalty or a fine.^[2]

The Directive states that the "duty to report" any person who has committed or intends to commit any offense under the Act affirmatively applies to researchers and research participants.

In the context of research in human subjects meant to advance science, we as researchers are bound to internationally agreed upon obligations to uphold the rights of study participants to life, health, dignity, integrity, self-determination, privacy, and confidentiality. These obligations also state that "no national or international ethical, legal or regulatory requirement should reduce or eliminate any of the protections for research subjects set forth in this Declaration."^[3] In particular, these international standards obligate us to uphold the rights of vulnerable persons, including LGBTI people.^[4]

We are shocked by the UNCST Directive, which violates these globally accepted obligations. The UNCST Directive affirms that researchers and participants in research are not shielded from the provisions of the Act. The UNCST Directive obligates researchers who know or who have reasonable suspicion that a person has committed or intends to commit any offense under the Act to report that person to the police, under threat of criminal or financial penalty.

This Directive means we cannot uphold our moral commitment to the rights of our study participants to life, health, dignity, integrity, self-determination, privacy, and confidentiality.

We are asking you to immediately withdraw this Directive, if not, we will be forced to reassess our current research in Uganda and our future research plans.

Sincerely,

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[1] [Penal Code Act, Clause 145](#)

[2] [The Anti-Homosexuality Act, 2023](#)

[3] [WMA Declaration of Helsinki – Ethical Principles for Medical Research Involving Human Subjects](#)

[4] [2016 International ethical guidelines for health-related research involving humans - CIOMS](#), p 57