

Flygtningenævnets baggrundsmateriale

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The following information has been obtained by Nicole Scharf, international project coordinator at LGBT Denmark and project leader of LGBT Denmark's project 'Mapping of LGBTI individuals. Groups, networks and organisations in rural Uganda' (2015-2016), which was funded by CISU.

The interview was conducted with George Masette, LC 1 Chairman of Mabanga village, Bungokho sub-county, Mbale district. George Masette has been elected LC 1 Chairman in 1996. Mabanga has not held new elections due to lack of funds and because they have not felt the need to replace the LC 1 Chairman.

George Masette's daughters, Esther Masette Yayeri and Elsie Masette Wokuri, assisted with translation.

I confirm that the information is true to my best understanding.

Copenhagen, 30th October 2016

Place, Date

Signature

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1. The political administrative system in Uganda

The political administrative system in Uganda looks as follows:

- Village (LC 1)
- Parish (LC 2)
- Sub-county (LC 3)
- County (LC 4)
- District (LC 5)

In Uganda, the **family** is the smallest unit. The family head deals with any issues within the family and attempts to resolve them. Issues that cannot be resolved will be referred to the next unit, which is the first political administrative unit.

The **village** is the lowest political unit. A village may consist of up to 70-80 households. Many villages in Uganda consist of members of the same family and/ or clan, which makes a village a very close unit. A village is governed by a local council (LC 1), which is headed by a chairperson (LC 1 Chairperson) and includes other executive committee members. The structure of the LC Committee will be described below. In towns, a village is referred to as a neighbourhood.

The **parish** is the next level. A parish is made up of about 8-10 villages. A parish is governed by a local council (LC 2), headed by a LC 2 Chairperson and a LC 2 Committee.

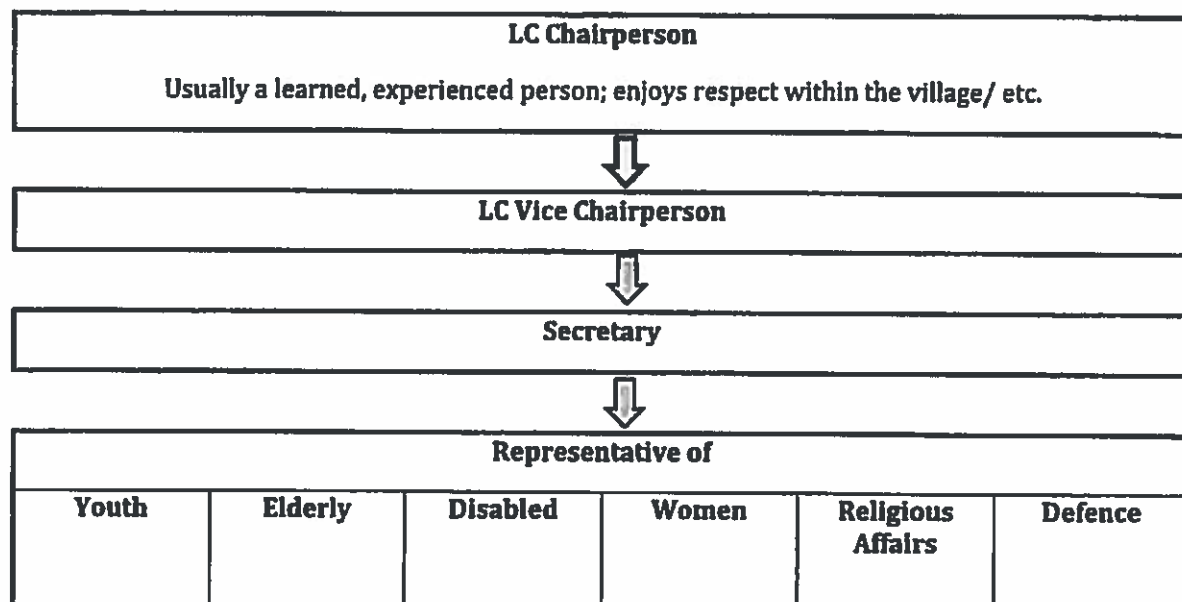
The **sub-county** is the third level of political units in Uganda. A sub-county is comprised of several parishes. A sub-county is governed by a local council (LC 3), headed by a LC 3 Chairperson and a LC 3 Committee. In towns, a sub-county is referred to as a division.

The fourth level of political units is called a **county**. A county is made up of several sub-counties. In major towns, a county is referred to as a municipality. Each county is represented in the national parliament by an elected member (MP). LC 3 members of all the sub-counties constitute the local council (LC 4). They elect an LC 4 Committee among themselves. Due to the continuous creation of districts, not all areas in Uganda have a county, but go directly from sub-county (LC 3) to district (LC 5).

A **district** is the next political administrative unit. A district comprises several counties and municipalities in the area. A district is led by an elected local council (LC 5), headed by a LC 5 chairperson and a LC 5 Executive Committee. The district has various departments, such as health, education, environment and gender, which are responsible for relevant matters in the whole of the district.



2. Structure of the LC Committee



At the district level (LC 5) several other departments will be added, such as health, education, environment and gender.

3. Election process of LC 1-5:

The LC 1 Chairman and LC 1 Committee is elected by all members above the age of 18 in a village. Usually a LC 1 chairman is elected for 5 years. However, due to lack of funds it may occur that elections do not take place. This is especially the case in villages where the LC 1 Chairman continues to enjoy respect from the village.

The Representative of the Elderly, the Representative of Women and the Representative of the Disabled is only elected by the elderly, female and disabled members of the village respectively. The youth cannot vote and thus the Representative of the Youth is elected by the village community, as are the other members of the Committee.

At the level of LC 3 and LC 5, the same election process as LC 1 applies. However, at LC 2, the elected LC 1 will elect among themselves the LC 2 Chairperson and LC 2 Committee.

4. Handling of cases in the LC 1 Committee

As described above, a village is the first political administrative unit in Uganda. As such, the LC 1 Chairperson and the LC 1 Executive Committee will be the first unit a case will be handled.

The LC 1 Chairperson oversees all residents of the village. The responsibilities of the LC 1 Chairperson include resolving any issues reported to their office. Usually these cases have failed to be resolved by the family head/s or involve more parties or more severe cases.

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Severe cases, such as rape, defilement, assault, attempted murder and murder, will immediately be transferred to the police. The LC 1 Chairperson will write a letter referring these cases. At times the police have already been notified and acted. Cases involving members from different villages will usually be referred to the LC 2, similarly with a letter from the LC 1 Chairperson referring the case to that level.

Minor cases will be handled by the LC 1 Chairperson and LC 1 Committee. These cases may include fights between neighbours, quarrels, neglect of agreements, witchcraft accusations, petty theft and other less severe issues. Cases that the LC 1 Chairperson and LC 1 Committee fails to resolve will be reported to the next level, the LC 2.

A case is usually reported to the LC 1 Chairperson by either the accused, the accuser, both or a third party. The LC 1 Chairperson will listen to the case and ask questions in regards to the background and details of the case. The Chairperson then decides if the case should be referred to the police, the LC 2 or may be handled within the LC 1. At times, the Chairperson may even resolve the case upon report if the accused party shows regret and both parties are willing to reconcile.

If the case is handled within the LC 1, the Chairman will call a meeting with the LC 1 Executive Committee, the accuser, the accused and other important people of the village (elders). Usually the meeting takes place in front of the Chairman's house or a large tree within the village. At the other units, these case hearings may take place in offices, yet few LC 1 have offices. The Chairperson gives the accuser and the accused ample time to bring forth their claims and evidence. The Chairperson will ask questions and lead the discussion to understand the case in detailed. Following the discussion, the Committee and the elders will discuss with the Chairperson to reach a judgement, which is then presented to the accused and accuser.

The main task of the LC 1 Chairperson and LC 1 Committee is to resolve the issues. To do so, they offer advice to both parties. If a person is found guilty, he or she will be asked to sign an agreement, that he or she no longer continues with the behaviour and/ or actions which led to the case. As described above, a village is a close unit often with members of the same family or clan and is thus based on trust. As such, the village trusts that the signed agreement will resolve the issue. Should it not do so, but the accuser continuous with the actions, he or she will be reported to the police, which may lead to severe monetary punishments and/ or prison sentences. Subsequently, all parties are interested in resolving the issues within the LC 1 unit.

The advice given to a guilty person depends on the case. It usually involves good behaviour towards the victim and other members of the village to prevent new cases from being brought forward against that person. The LC 1 Chairperson does not have the authority to banish a guilty person from the village. Advice from the Chairperson or Committee may, however, include to leave a village in cases where the village has risen against the guilty person due to his or her actions. This is often explained with personal security for the guilty party, because mob justice is very common in Uganda, especially at the village level.

Similarly, cases which are very shaming to the accused, he or she may decide to leave voluntarily to prevent being ashamed when they go about their daily life or to prevent mob justice, as mentioned above. Shaming is very dishonourable in a Ugandan context. This appears to be true for all tribes. Public shaming is a form of public stigmatisation, which may result in other members of the village losing respect for the shamed person. He or she may then no longer participate in village life, which may influence their life quality. For instance, many members of villages are common labourers depending on work offered by richer villages, for instance in their garden or homes. A shamed person will not be given these opportunities and their only income will be lost. If a shamed person has a business, such as selling Malwa (local brew) or vegetables, no one will buy goods from him or her. A

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shamed person may not be allowed to join religious communities, which is important for many people in Uganda. Subsequently, people who have been shamed due to the cases, either as accused or victim, may decide to leave the village.

At times, a case may be resolved by the LC 1 Chairperson and Committee, yet the community may not be satisfied and make use of mob justice. To prevent incidents like this a guilty person may leave voluntarily or may be advised by the LC 1 to leave for safety reasons.

The LC 1 Chairperson is elected by the villagers from among the respected, educated people, who has vast experience and a good judgement. It is a person, who can be trusted, and who will not be biased. Nevertheless, the role of the LC 1 Chairperson and LC 1 Committee does not include an education and/or course in handling the cases. The Committee, which is comprised of different interest, will ensure that each case is considered from different aspects. Nevertheless, it is the judgement of the LC 1 Committee and LC 1 Chairperson which will decide the case presented to them. As such, similar cases may have different outcomes. This may be especially relevant in cases, which are based on accusations, rather than evidence, such as LGBT cases.

5. Handling LGBT cases in the LC 1

LGBT cases will be handled like other cases. If the case involves defilement, rape, assault, attempted murder or murder, it will be referred to the police immediately. Otherwise, the case is handled by the LC 1 Chairperson and Committee in a sitting described above.

Often LGBT cases are mere accusations. It is seldom that there is any evidence, unless the victim reports the case. If a victim reports the case, the case is referred to the police.

LGBT accusations have a shaming effect on the accused person. Most Ugandans do not condone homosexuality and transsexuality and therefore will not accept it. Accusations, whether true or false, will always remain in the back of the heads of the members of the village. Regardless of the judgement from the LC 1, the accused may be stigmatised by other villagers. The LC 1 Chairperson may take it upon themselves to chastise the villagers, if they find that the stigmatisation is not justified. However, the rejection of homosexuality can also be found within the LC 1-5 system, because the Ugandan Penal Code criminalises and most religions do not accept homosexuality.

LGBT accusations may result in the accused person being in danger of mob justice, especially if the accusations include the danger of corrupting the children in the village, or shaming, which leads to exclusion from village life. The LC 1 Chairperson may in such cases advise the accused to relocate for safety reasons, but also to restore order within the village. This is, however, advice and not a punishment. A person may choose to follow the advice or not.

6. Moving villages

Any person can freely move to another village in Uganda. However, there are some procedures one should observe:

- **Leaving a village** requires the resident to contact the LC 1 Chairperson to officially leave the village. The resident will then receive a letter of introduction from the LC 1 Chairperson, which will describe the person as a resident in the village. An LC 1 Chairperson has the right to refuse

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to write a letter of introduction for a resident, if there is a good reason for it, such as non-compliance with agreements made based on the judgement in any cases against the person.

- **The letter of introduction** is a statement from the LC 1 Chairperson describing the person's behaviour in the village. The letter may comment on the person's involvement in village events, contributions to joint ventures (for instance funerals, weddings, building/ repairing village buildings, etc), cases filed against him and the outcome of the cases, including if the person complied with the agreements made.
- **Settling into a new village** requires the applicant to contact the LC 1 Chairperson of that village, who will request the letter of introduction from the previous LC 1 Chairperson. Based on the letter, the LC 1 Chairperson can deny an applicant the right to settle in the village.
- A person, who chooses to settle in a village **without the LC 1 Chairperson's approval** will not enjoy the services an LC 1 Chairperson usually provides for its residents. For instance, if the person needs any confirmation that they reside in that village¹, the LC 1 Chairperson may deny that they are a resident. Similarly, if any other resident of that villages files a case against that person with the LC 1 Chairperson, the LC 1 Chairperson may report the case higher up in the system instead of attempting to resolve it at village level.
- If, for any reason, a person is **not able to get an introductory letter** from their previous LC 1 Chairperson, the village chairperson of the village they wish to settle in has the authority to accept another person of authority to introduce the applicant. While some are quite strict and demand the introductory letter from the LC 1 Chairperson, others are willing to accept other sources often accompanied with a small appreciation.
- Generally, LC 1 Chairpersons are **suspicious of anyone who is not able to present an introductory letter** from the LC 1 Chairperson of the former village.

It should be noted, that the information above refers mainly to the village level. The LC system also applies to the towns and cities, yet there may be differences, which have not been investigated at this point.

¹ This is often needed for banks, but may also be needed elsewhere, such as employers or Insurance companies.