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Fråga-svar

Uzbekistan. Synen på utomäktenskapliga relationer, situationen för utomäktenskapliga barn och myndighetsskydd

Frågor

Hur ser situationen ut för utomäktenskapliga barn i Uzbekistan?

Vilken möjlighet till myndighetsskydd finns för utomäktenskapliga barn samt mödrar till utomäktenskapliga barn?

Svar

Om synen på utomäktenskapliga sexuella relationer

Förhållandet till religion och traditionella normer varierar stort i Uzbekistan, det varierar dels geografiskt, men även familjer och generationer emellan. Den sovjetiska perioden stärkte kvinnors position i samhället och försvagade religionens ställning hos befolkningen. I samband med självständigheten ägde ett religiöst uppvaknande rum hos delar av befolkningen. Detta har resulterat i kraftiga skillnader i den uzbekiska befolkningens syn på kvinnoroller, sex och samlevnad med mera. I mindre rurala samhällen där islam och traditionella normer spelar en stor betydelse skulle därför en sådan här situation kunna vara mycket problematisk medan det i andra sammanhang inte skulle leda till några allvarigare påföljder. I första hand är det familj och släkt som utgör ett eventuellt problem i ett sådan här situation och inte statliga institutioner.

Så här beskriver Rafis Abazov situationen i boken *Culture and Customs of the Central Asian Republics*:

.../on the streets of Almaty's "Arbet", Bishkek's central Dubovyi Park, or Tashkent's central square young women are not much different from those

in Turkey, Italy, or Spain: they wear the latest Western fashion, chat in two or three foreign languages, and walk freely and go out with their friends or colleagues. But just a few minutes' drive into the narrow streets of suburban areas like Tashkent's *Eski Shakhar*, it is a completely different universe: women wear conservative traditional dress according to strict Islamic norms, and the veil is increasingly prominent, very much as in Afghanistan or Iran. (Abazov, 2007, s. 213)

As in many other developing countries, the extended family in Central Asia has always been considered a cornerstone of society. Yet, family traditions as well as the role of women have been quite different from country to country and have been very much determined by income levels, profession status, and, most important, by the rural/urban divide/.../. Interestingly, the Soviet system, which attempted to introduce new traditions and customs into family life, created a very peculiar "Soviet" concept of family life and ethics. This combined the early-twentieth-century ideals of the Russian conservative urban middle class with some local traditions and customs. Central Asia's local customs and traditions have had a greater influence in the remote areas, even as lifestyles have been more liberal and Westernized in the major metropolitan centers. This development also preserved patterns of social and sexual behavior that were similar to those in many agrarian societies in Europe and the Americas at the time when communal ties were still strong.

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/.../by the 1960s and 1970s, dating became widely acceptable, though frequent changes in dating partners were strongly condemned/.../ The next important change was that women and children received significant legal and social protection in the new environment. It became easier for women to file for divorce or to regulate the number of children in their marriages, although having a child outside wedlock was still considered a scandal. (Abazov, 2007, s. 221-222)

Central Asian societies have undergone substantial changes in all aspects of gender and family life since 1991. /---/ There have emerged huge differences between urban and rural communities, between republics, and between generations. As a result, the Central Asian societies have become fragmented as never before. The most visible transformation can be observed in the major metropolitan centers and can be compared to the social and sexual revolution in the United States and Europe in the 1950s and 1960s. A flood of advertising began bombarding the young generation, promoting the consumer culture, consumer-driven behavior, and very liberal sexual attitudes. (Abazov, 2007, s. 227-228)

Det amerikanska utrikesdepartementet skrev följande om reproduktiva rättigheter år 2016:

Reproductive Rights: Couples and individuals generally have the right to decide freely and responsibly the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so, free from discrimination, coercion, and violence. (US Department of State, 2016, s. 28-29)

Lästips!

- Abazov, Rafis, *Culture and Customs of the Central Asian Republics*, 2007, kap. 1, 2, 8.
- Kamp, Marianne, *The New Woman in Uzbekistan - Islam, modernity, and unveiling under communism*, 2006.

Om könsrelaterat våld och myndighetsskydd

Det finns omfattande rapportering om de övergrepp uzbekiska myndigheter har utsatt civilbefolkningen för. Däremot finns för Lifos inte särskilt mycket information tillgänglig gällande myndigheternas förmåga att skydda enskilda individer.

Bertelsmann Foundation skriver följande i en rapport från 2016:

Although guaranteed by the constitution, civil rights are heavily restricted and poorly observed by law enforcement agencies or the judiciary. Although there are not much reliable data on discrimination on the basis of gender, sexual orientation or ethnicity, traditionally cases of such discrimination are not widespread in the sphere of public relations and political system. However, political rights are seriously restricted.

There are some formal institutions whose mandate is to protect human rights, for instance, the Office of Ombudsmen on Human Rights and the Committee on Democratic Institutions, NGOs and Citizens' Self-Governing Bodies in the parliament's Legislative Chamber, as well as the National Center on Human Rights and one officially registered human rights NGO Ezgulik. In reality, they mostly fail to protect human and civil rights. (Bertelsmann Foundation, 2016, s. 10)

Kanadas "Immigration and Refugee Board" skrev 2014 b.l.a. följande om myndighetsskydd i Uzbekistan:

Article 18 of the Constitution of Uzbekistan states that

[a]ll citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status. (Uzbekistan 1992, Art. 18)

However, according to the Associate Professor,

[t]he law in the books in Uzbekistan is practically meaningless; the law is applied selectively-largely when it is convenient for the elite.

There are high levels of corruption in Uzbekistan. If a victim of a crime goes to the police, he or she may not be protected because of the police corruption (7 May 2014)

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[e]thnic Uzbeks may have informal connections via their personal networks to the police and therefore enjoy some protection, whereas ethnic Russians lack such robust personal networks to the police force and therefore would be extremely unlikely to be protected by the police. (7 May 2014)

Korruptionen är omfattande i Uzbekistan. Transparency Internationals rankar Uzbekistan på plats 156 på en lista där plats 176 utgör den mest korrupta staten. Det är lätt att köpa sig till olika tjänster i landet och statstjänstemän är enligt norska Landinfo lätta att muta. (Norge. Landinfo, 2017, s. 2)

Amerikanska utrikesdepartementet (2016):

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women in particular from making complaints against abusive partners, and officials rarely removed abusers from their homes or took them into custody. Society considered the physical abuse of women to be a personal rather than criminal matter. Human rights contacts, however, reported greater willingness by local police and officials to address reports of domestic violence, including in Jizzakh Province and in the traditionally conservative Fergana Valley. Family members or elders usually handled such cases, and they rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse.

There were no government-run shelters or hotlines for victims of domestic abuse, and few NGOs focused on domestic violence. (s. 28)

Equal Rights Trust (2016):

Uzbekistani law does not adequately protect women from acts of gender-based violence. Marital rape is not specifically sanctioned under the Criminal Code, nor has the State adopted domestic violence legislation. (s. 181)

Despite Uzbekistan's international obligations, legislation, policies and prevention and enforcement mechanisms on domestic violence are inadequate and ineffective. Several UN Treaty bodies have expressed concern regarding domestic violence in Uzbekistan, noting, *inter alia*, the prevalence of domestic and sexual violence, the "limited use protection orders", underreporting, a lack of shelters, and the dismissive attitude of law enforcement to complaints. (s. 191)

Utrikesdepartementet (2017):

Våld i hemmet och kvinnomisshandel är vanligt förekommande, och inkluderar fysisk, sexuell, psykologisk, ekonomisk och känslomässig misshandel. Lagstiftning förbjuder misshandel men omfattar inte våld i hemmet. Ett lagförslag mot våld i hemmet existerar men det är oklart när det avses antas av parlamentet. Våld i hemmet anses generellt som en familjeangelägenhet snarare än som ett brott. Våldtäkt är straffbart i lag, men inte våldtäkt inom äktenskapet.

Kvinnor som är offer för våld i hemmet går sällan till polisen på grund av kulturella normer och bristande juridisk hjälp. Civilsamhällesrepresentanter menar att Uzbekistan även saknar en terminologi för att benämna och därmed bemöta dessa företeelser. Det finns uppgifter om självmord och försök till självmord bland offer för våld i hemmet. WHO rapporterade om 1 551 självmord år 2011, och uppgav att åtminstone 25 procent av dem var

kvinnor. Enligt uppgift finns inte skyddsboenden för utsatta kvinnor i Uzbekistan. Generellt är statistik i genderfrågor bristfällig. (s. 11-12)

Om situationen för utomäktenskapliga barn

Det finns mycket lite information om den här gruppen. Lifos bedömning är att ett utomäktenskapligt barn generellt sett inte bär samma stigmatiserande stämpel som i djupt religiösa grannsamhällen så som Afghanistan. Men som tidigare nämnt varierar synen på utomäktenskapliga relationer kraftigt inom landet. Det finns barnhem och ett system med fosterfamiljer i landet där både föräldralösa barn och barn till föräldrar med knappa ekonomiska resurser växer upp.

UN Economic and Social Council (ECOSOC) (2015):

According to official data, there are about 24,672 children in residential institutions, 62 per cent of them boys. A 2014 study on children in institutions showed that only 14 per cent were orphans, while more than half were placed in residential care due to socioeconomic difficulties faced by their families. The bottlenecks contributing to institutionalization are mainly related to a lack of a comprehensive combination of services that meets the needs of vulnerable children and families. The study also showed gender inequalities, including domestic violence, as driving factors. (s. 4)

United Nations Children's Fund (UNICEF) (2015):

UNICEF Uzbekistan achieved significant results in modelling gatekeeping systems in selected regions: 141 children were prevented from institutionalization; 149 children were reintegrated into biological families or placed in alternative care (out of which 92 children were under three years old). (s. 1)

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

Tryckta källor

Abazov, Rafis, *Culture and Customs of the Central Asian Republics*, 2007.

Elektroniska källor

Equal Rights Trust, *After the Padishah: Addressing Discrimination and Inequality in Uzbekistan*, 2016-12-01,
<https://lifosintern.migrationsverket.se/dokument?documentSummaryId=38752> (Hämtad 2018-03-21).

Kanada. Immigration and Refugee Board, *Responses to Information Requests. UZB104867.E*, 2014-05-16, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455321&pls=1> (Hämtad 2018-03-21).

Norge. Landinfo, *Uzbekistan: Om muligheten til å «kjøpe seg fri» og muligheten til å forlate landet ved religiøs anklage*, 2017-03-23,
<https://lifosintern.migrationsverket.se/dokument?documentSummaryId=39372> (Hämtad 2018-03-21).

UN Economic and Social Council (ECOSOC), *Country programme document: Uzbekistan*, 2015-08-10, E/ICEF/2015/P/L.20,
<http://www.refworld.org/docid/573c1c544.html> (Hämtad 2018-03-21).

US Department of State, *Country Report on Human Rights Practices 2016 - Uzbekistan*, 2017-03-03,
<https://lifosintern.migrationsverket.se/dokument?documentSummaryId=39371> (Hämtad 2018-03-21).

United Nations Children's Fund (UNICEF), *UNICEF Annual Report 2015. Uzbekistan*,
https://www.unicef.org/about/annualreport/files/Uzbekistan_2015_COAR.pdf (Hämtad 2018-03-21).

Utrikesdepartementet, *Mänskliga rättigheter, demokrati och rättsstatens principer i Uzbekistan 2015-2016*, 2017-04-26,
<https://lifosintern.migrationsverket.se/dokument?documentSummaryId=39392> (Hämtad 2018-03-21).