

Flygtningenævnets baggrundsmateriale

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Fråga-svar

Burma. Ensamstående kvinna, karenfolket

Fråga

- Hur ser situationen ut för ensamma kvinnor utan manligt nätverk i Myanmar, hur behandlas de i landet?
- Hur ser situationen ut idag för personer från karenfolket?
- Kan personer som lämnat landet illegalt och återvänder till Myanmar riskera fängelsestraff?

Svar

Nedan följer en sammanställning av information kring ensamstående kvinna från karenfolket. Sammanställningen gör inte anspråk på att vara uttömmande. Refererade dokument bör alltid läsas i sitt sammanhang.

Tillgänglig information tyder på att:

- den allmänna synen på kvinnor är konservativ och kvinnor ses som underlägsna män. Kvinnor har enligt lag samma rättigheter som män, men inte i praktiken. Syn på/attityd mot ensamstående kvinnor tycks generellt inte annorlunda/sämre. Ensamstående kvinnor kan dock vara mer utsatta för sexuella övergrepp/våld.
- karenfolket under årtionden har diskriminerats och utsatts för våld, övergrepp etc från Burmas armé. Strider förekommer fortfarande i Karen State trots fredsavtal. Myndighetsskyddet för civilbefolkning/etniska minoriteter är svagt.
- återvändande som illegalt tagit sig ur landet kan riskera fängelsestraff.

Ensamstående kvinnor

Enligt lag har kvinnor samma rättigheter som män, men i praktiken är det tveksamt om lagen beaktas:

USDOS (2015)

By law women enjoy the same legal rights as men, including property and inheritance rights, but it was not clear if the government enforced the law. The law requires equal pay for equal work. Women remained underrepresented in most traditionally male occupations (e.g., mining, forestry, carpentry, masonry, and fishing) and were effectively barred from certain professions.

Article 19 (2015):

The government's claim that women and men have equal opportunities in employment under law (94) is questionable, given that women are still concentrated in the lower ranks and in lower-skilled jobs (95 96), and that women earn less than men for comparative jobs (statistically, men earn \$1,000 while women earn only \$640).(97 98) Much of this disparity is due to the prevalence of traditional beliefs which reinforce attitudes and behaviours that do not favour women (99). These include men being regarded as the main providers, the undervaluing of women's unpaid work and controls on women's freedom of movement.

Myanmar's laws are also questionable. There is, for example, no evidence of the laws which provide women with maternity leave - either the government's Leaves and Holidays Act or the Social Security Act - being implemented.(100) Indeed, the CEDAW Committee found almost no available information about the status of women's employment in Myanmar.(101)

Landesa (2015):

In reality, the land tenure insecurity women face occurs not only during the marriage – where the woman may have less say in the use or sale of the land, or in its passage to herself or to her children through inheritance – but also in many orbits outside of marriage, both for single women and in women-headed households. It is not only married women who are unable to register farmland in their names: single, widowed, divorced or separated women likewise rarely get land use certificates registered under their name.

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While according to the 2015 census, women head 24% of households in Myanmar, 14 initial research suggests only a miniscule percentage of farmland registrations are in the name of unmarried women.

(s. 3)

Global Justice Center (2015):

Society in Burma considers men to be “natural” heads of the family and, as a result, “leaders” of society.⁵⁹ Women, on the other hand, are seen as the standard bearers of traditions and culture, and as nurturers who are subordinate to men.⁶⁰ Religious beliefs, cultural

superstitions, age-old customs and a backlash against colonialism have resulted in a nationalist movement geared toward upholding traditional values in Burma, including patriarchy.
(s. 20)

Cultural mores also consider it inappropriate or risky for women to work closely with men under certain conditions, for example late at night or with little supervision, apparently because in these situations, women are seen to be sexually vulnerable.²³
(s. 95)

I en artikel i The Guardian (2016) om kvinnor på arbetsmarknaden beskrivs situationen för bl a ensamstående kvinnor:

In conservative Myanmar, divorce carries a social stigma for women, leaving them with an extra burden when it comes to raising their children. Especially in big cities, single and divorced mothers from the poorest suburbs swell the ranks of road workers.

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Myanmar's social structure sees women as subservient to men. With more fundamental issues – such as food shortages and health crises – to tackle, gender inequality is unlikely to be a priority for the incoming government, regardless of the sex of its leader.

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Cultural barriers regulate women's lives in Myanmar on issues such as health, birth control or divorce. Stories of women who are not accepted back into their family after a marriage break-up are not unusual, and this makes it easy to find them among those building the country's roads.

Enligt uppgift från Svenska Burmakommittén (2013) har antalet hushåll med ensamstående kvinnor ökat:

...there has been a sharp rise in single-headed female households, with women assuming responsibilities for the welfare of their families and communities.

(s. 12)

Även uppgifter i en lite äldre studie av stiftelsen/NGO:n FES (2009) tyder på stort antal hushåll med ensamstående kvinnor:

j) Existing information regionally shows that up to a quarter of households in Myanmar are headed by females. The overwhelming majority of these (95%) lack an adult male presence in the household. Household headed by women are less likely to own land than are those headed by men.⁸⁴

(s. 13)

Enligt uppgifter (2014) från amerikanska Social Security Administration finns möjligheter till änkepension (SSA, s. 67)

Situationen för etniska minoriteter, karenfolket

Etniska minoriteter

Situationen för etniska minoriteter, ffa kvinnor, är fortsatt svår i Burma:

...the Committee has identified groups that are “more vulnerable to multiple forms of discrimination with respect to education, health, social and political participation and employment,” including women with disabilities, women belonging to ethnic or minority groups, rural women and migrant women.³

(Global Justice Center, 2015, s. 100)

Organisationen ND-Burmas årliga MR-rapport (2016) visar på fortsatta MR-brott och myndigheternas oförmåga att skydda medborgarna:

ND-Burma’s findings demonstrate that, despite progress in reaching ceasefire agreements with some Ethnic Armed Organizations (EAOs); the government has made little progress protecting the human rights of its citizens.

(s. 3)

Over the period of January-December 2015, ND-Burma documented 84 human rights violations, mostly at the hands of military.

(s. 7)

I USDOS MR-rapport (2015) rapporteras att rörelsefriheten, ffa för etniska minoriteter och internflyktingar, inom landet är begränsad av flera skäl:

The government restricted the ability of IDPs and stateless persons to move. While freedom of movement was primarily related to a person's possession of identification documents, authorities applied race, ethnicity, religion, and place of origin as factors in enforcing these regulations. Residents of ethnic-minority states reported that the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs and stateless persons.

Enligt FES-studien (2009) är kvinnor från etniska minoriteter mest utsatta för MR-övergrepp:

h) Women of the ethnic minorities (including Muslim women in Northern Rakhine State) continue to be the most vulnerable to human rights abuses and discrimination at the hand of SPDC. In ethnic minority regions, healthcare and education are severely under funded and underdeveloped, and ethnic minority women are subject to forced relocation, labor and pottering in war zones and conflict affected areas as well be exposed to physical and psychological rape and sexual abuses.⁷⁹ Furthermore, the traditional cultures of most of Burma’s ethnic groups are patriarchal. Common sayings paint women as stupid, disposable, naturally given to servitude, and entirely secondary to men in their importance.⁸⁰

(s. 13)

Karenfolket

Karenfolket har under lång tid varit diskriminerat och utsatt för övergrepp av Burmas armé; många lever som internflyktingar i läger i bl a Thailand, andra i djungeln i Burma:

Freedom House (2016):

Some of the country's worst human rights abuses, commonly committed by government troops, are against ethnic minorities, especially the Kachin, Shan, Chin, Karen, and Rohingya. /---/ The government's failure to protect victims, conduct investigations, and punish perpetrators is well documented.

Den ideella frivilligorganisationen Burma Link rapporterar (2014-10-27) om diskriminering och övergrepp mot kvinnor av etniskt ursprung:

Discriminatory practices against women and ethnic nationalities in Burma have historically been widespread. Government troops are known to use rape against ethnic nationality women as part of a campaign of Burmanisation through forced pregnancy. Ethnic nationalities are discriminated against in all spheres of society, and educational, health and social services have been largely destroyed in the ethnic states. Many have argued that the actions of the Burmese army in Karen, Karenni, Shan, Mon, Chin and Arakan states count as genocide (see e.g. La Guardia, June, 2005; Rogers, 2004).

Burma Link beskriver vidare (2014-10-17) om övergrepp mot Karenfolket som tvingat dem på flykt:

Many Karen-populated areas have been subject to insurgency and often brutal government counter-insurgency operations since 1949. Humanitarian impacts on civilian populations have been immense. Tens of thousands of Karen villagers have been forcibly relocated from their homes and scores have fled into Thailand. Of all Burma's ethnic nationalities, the Karen are arguably among those who have seen the most severe reversal in their fortunes since independence.

The Karen have suffered of extrajudicial executions, forced labour, forced relocation and confiscation of land, human minesweeping and the burning of villages, rape and other forms of sexual violence, as well as open discrimination by state authorities (see e.g. Centre for Peace and Conflict Studies, 2010; Davis, Gittleman, Sollom, Richards, & Beyrer, 2012; KWO, 2004).

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Only about 25% of the Karen population live within the borders of the present Karen State, while the majority live scattered through Rangoon, Irrawaddy and Tenasserim Regions, eastern Bago Region and the Mon State (South, 2011). While most of these communities identify themselves as Karen, for the majority of them the struggle for day-to-day survival is the main priority, and issues of political affiliation are often secondary considerations.

Internflyktingar (IDP:s)

Kvinnoorganisationen KWO rapporterar om situationen för internflyktingar bland Karenfolket (odaterad):

Karen Refugees and Internally Displaced Persons (IDP's)
Karen people fleeing conflict and systematic human rights violations at the hands of the Burmese military regime have left their homes for the safety of Thailand for over 35 years. Today, more than 120,000 Karen refugees and asylum seekers live in refugee camps in Thailand. Refugees have no freedom to leave the camps. Inside the camps, people face overcrowding, widespread unemployment, a restricted diet, limited health care services, and lack opportunities for study and development. They live in fear of repatriation to Burma while the political climate is still insecure, and of attacks from the Burmese army and affiliated groups.

Another 200,000 people in Karen areas inside Burma have become internally displaced, hiding in the jungle in fear of the Burmese army. These IDPs struggle to survive, unable to work safely on their farms or go into the local villages, they are cut off from their daily livelihoods and lack basic services including education and health care.

Enligt en artikel (feb 2015) på webbplatsen Karen News pågår samtal mellan Karen National Union (KNU) och Burmas regering om återvändande för vissa flyktingar från Karenfolket:

Saw Steve, chairperson of the Committee for Internally Displaced Karen People spoke to Karen News about the media reports that said that "the government and the Karen National Union have jointly set up a new town project to create job opportunities and resettlement in Myanmar for refugees currently living in Thailand. The new town is built on 750 acres of land located near Malwakhee Village. The project is named Laykaykaw Town and contains industries for job creation. Also, the new town project contains governmental offices, schools, hospital, playground, market, swimming pool, and electricity.

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"Resettlement of displaced people is related to the current peace process and the KNU authority has discussed with the relevant Burma government authorities.

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Saw Steve stressed that, "Lay Kay Kaw is intended for the resettlement of the Palu villagers who were displaced many decades ago. However, the site is not limited only to the Palu villagers, if the area has more capacity for settlement, then other displaced people can come and settle. But the first priority is the Palu villagers."

USDOS noterar i sin MR-rapport (2015) att några internflyktingar återvänt, trots sporadiska strider i bl a Karen State:

Despite the resumption of sporadic armed clashes in Mon and Karen states, the UNHCR noted some IDP returns in the southeast as the overall situation stabilized.

Konfliktsituationen är emellertid fortsatt instabil i bl a Karen State, se avsnitt om fredsprocess nedan.

Fredsprocess

I oktober 2015 skrevs ett nytt avtal om eldupphör mellan regeringen och Karen National Union (KNU) m.fl. (BBC News, 2015-10-15). I februari 2016 bröt emellertid strider åter ut mellan Burmas armé och KNU i norra delen av Karen State (Karen News, 2016-03-01).

En rapport från UN Human Rights Council (2016) beskriver aktuell situation:

51. On 15 October 2015, a Nationwide Ceasefire Agreement (NCA) was signed between the Government and eight armed groups. This followed the signature since 2011 of bilateral ceasefire agreements with 14 ethnic armed groups. However, violent clashes continue in parts of Myanmar, including Kachin and Shan States, as well as Chin, Rakhine and Karen States.

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52. Civilians bear the brunt of the ongoing fighting. The Special Rapporteur is concerned by reports of serious human rights violations committed by all parties to the conflict. Attacks against civilian populations, extrajudicial killings and torture (including of those with suspected links to specific armed groups), inhumane and degrading treatment, abductions of men, women and children (including for forced labour and for use as possible human shields), as well as looting, property confiscation and destruction, have been reported. Allegations of forced recruitment, child and underage recruitment (in order to maintain troop strength) also persist, notably on the part of ethnic armed groups. Fighting between the parties, with reports of indiscriminate firing and shelling in villages, have resulted in civilian casualties and injuries. Additionally, as noted above, reports of sexual and gender-based violence, including domestic violence in conflict-affected areas, are widespread. There are also reports of trafficking of women and girls, as well as of early and forced marriage, particularly in Shan State.

(s. 11-12)

Illegal utresa

Uppgifter i en rapport från UK Home Office (2015) tyder på att illegal utresa från Burma kan medföra fängelsestraff (s. 6-7, 29).

I en landöversikt från Post-Deportation Monitoring Network (2015) över risker som återvändande illegala emigranter kan utsättas för i hemländerna konstateras för Burmas del att: "the researchers were not able to find conclusive information." (s. 3)

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.

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