

Sri Lanka : la violence sexuelle à l'encontre des garçons tamouls

Recherche rapide de l'analyse-pays de l'OSAR

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1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. L'État offre-t-il protection dans le nord-est aux garçons tamouls victimes de violence sexuelle ?
2. Les auteurs de violence sexuelle sont-ils punis ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Protection de l'État pour les garçons tamouls victimes de violence sexuelle

La violence sexuelle à l'encontre des enfants est très répandue, en particulier dans le nord et dans l'est. Selon les informations fournies le 25 octobre 2016 à l'OSAR par un *contact local expert en matière de protection de l'enfance*, de nombreuses études indiquent que les enfants et les familles au nord et à l'est du pays présentent un dénuement et une vulnérabilité plus importante que dans les autres parties du pays (OSAR, 2016). Diverses sources (*Mannar Women's Development Federation, 2017 ; OSAR, 2016* sur la base d'autres sources) indiquent que la violence sexuelle contre les enfants est répandue dans le nord et dans l'est du Sri Lanka. D'après les renseignements fournis par *Mannar Women's Development Federation (2017)*, des rapports récents font état d'une augmentation du nombre de viols d'enfants. Des entretiens menés dans la région de Vanni en 2016 ont montré que les enfants vivant dans des familles monoparentales sont particulièrement exposés à diverses formes d'abus sexuels, dont le viol (OSAR, 2016).

La violence sexuelle contre les hommes et les garçons pendant les conflits est un phénomène courant et encore d'actualité. L'*All Survivors Project* de mai 2017 indique que les rapports d'ONG internationales ont confirmé les conclusions de l'ONU selon lesquelles la violence sexuelle contre les hommes et les garçons était non seulement courante pendant le conflit, mais qu'elle se poursuit actuellement encore (*All Survivors Project, mai 2017*).

Législation lacunaire pour protéger les hommes victimes de violences sexuelles. Le rapport de mai 2017 de l'*All Survivors Project* souligne que la législation sri-lankaise est lacunaire, ce qui limite la protection des hommes et des garçons touchés par la violence sexuelle. Ainsi, le viol d'un homme n'est pas reconnu par la loi et n'est donc pas interdit. En outre, l'interdiction du viol de mineurs prévue par la loi ne s'applique qu'aux filles de moins de 16 ans et non aux garçons. Par conséquent, en vertu du droit pénal, le viol d'hommes et de garçons ne peut être poursuivi qu'en tant que « violence sexuelle grave ». Considéré par là-même comme un délit moins grave que le viol des femmes, il entraîne des peines moins

lourdes pour les auteurs. En outre, les rapports sexuels entre personnes de même sexe sont considérés comme un crime, ce qui pourrait décourager les hommes de signaler l'agression dont ils ont été victimes et de faire appel aux services de protection.

Stigmatisation et tabou. Le rapport de l'*All Survivors Project* de mai 2017 révèle que la violence sexuelle au Sri Lanka engendre généralement la stigmatisation et la honte. Cela est d'autant plus vrai lorsque ce sont des hommes et des garçons qui en sont victimes. Selon l'*All Survivors Project*, les personnes touchées qui parlent de leur agression souffrent de stigmatisation, d'exclusion et d'une perte de leur statut social, même parmi leurs cercles d'amis les plus proches. Les familles évitent de parler des agressions en raison de leur nature dégradante. La stigmatisation et la criminalisation de l'homosexualité au Sri Lanka joue par ailleurs un rôle : les hommes et les garçons perçus comme homosexuels au Sri Lanka subissent dénigrement et exclusion sociale et sont parfois victimes de violence. Cette stigmatisation a également des implications pour les hommes victimes de violence sexuelle. D'une part, les hommes interprètent leur agression sexuelle comme le signe de leur incapacité à se défendre. D'autre part, leur agression laissant présumer l'homosexualité des victimes, les hommes victimes de violence sexuelle souffrent, selon le *All Survivors Project*, d'exclusion et d'autres abus, et ce même de la part de membres de leur propre communauté. Pour ces raisons, les victimes omettent souvent les détails de leur agression sexuelle dans leur déclaration. En général, la société sri-lankaise peine à reconnaître le problème de la violence sexuelle à l'égard des hommes ainsi que la stigmatisation et les tabous qui y sont associés. La population a également tendance à ignorer ou à ridiculiser les personnes touchées et leurs déclarations. Selon le *All Survivors Project* de mai 2017, le tabou est si grand qu'un psychiatre interrogé a admis avoir conseillé aux parents d'enfants abusés dans les écoles de ne pas signaler leur agression.

Prise de conscience défaillante des autorités, des ONG et des professionnel-le-s de la santé. Selon les informations de l'*All Survivors Project* de mai 2017, il manque une véritable prise de conscience du phénomène de la violence sexuelle à l'égard des hommes et des garçons au Sri Lanka. Cette carence se retrouve non seulement chez les autorités, qui de manière générale rejettent ou minimisent les accusations, mais aussi chez les militant-e-s des droits humains. Les entretiens menés par l'*All Survivors Project* avec des avocat-e-s, des défenseur-e-s des droits humains, des professionnel-le-s de la santé et d'autres personnes ont fait état d'un manque de clarté et de confusions sur ce phénomène chez les personnes interrogées. En outre, les sondé-e-s avaient tendance à lier la violence sexuelle dont les hommes et garçons sont victime à leur homosexualité supposée. Ce manque de discernement signifie, selon cette même source, que même les personnes actives au premier plan pour la défense des droits humains ne sont pas en mesure de documenter et de traiter adéquatement de telles attaques.

Impunité ; rapports faisant état de rejets par la police de Tamouls victimes de violence sexuelle. Selon l'*All Survivors Project* de mai 2017, les enquêtes et poursuites pour violence sexuelle – à l'encontre des hommes comme des femmes – sont rares. Ainsi, on ne connaît aucun cas de violence sexuelle commise à l'encontre d'hommes ou de garçons pendant le conflit armé qui ait fait l'objet de poursuites. De hauts fonctionnaires de police ont déclaré à l'*All Survivors Project* qu'aucun cas de violence sexuelle contre des hommes ou des garçons tamouls n'a fait l'objet d'une enquête ou n'a été jugé devant les tribunaux, la police n'ayant reçu aucun signalement de victimes. Bien que de nombreuses personnes concernées ne si-

gnalent pas leur agression, ces dires contredisent les informations récoltées par les défenseurs-ses des droits humains au Sri Lanka. D'après ces derniers, plusieurs victimes masculines de violence sexuelle ont tenté de signaler leur agression sexuelle. Toutefois, la police aurait refusé de donner suite aux plaintes, voire persuadé les personnes concernées d'abandonner leurs poursuites.

Manque de compétences et d'expertise des autorités, absence de confidentialité et de protection des données, ingérence politique, années de retard dans les enquêtes et les procédures. Le rapport de mai 2017 de l'*All Survivors Project* mentionne que les victimes de violence sexuelle qui cherchent à mettre en œuvre la responsabilité juridique des auteurs de leur agression rencontrent des difficultés supplémentaires liées spécifiquement à la nature des crimes subis. Selon cette même source, il manque à la police et aux tribunaux l'expertise et les compétences nécessaires. Ainsi, la police n'a pas été spécifiquement formée pour identifier les cas de violence sexuelle et mener des enquêtes à ce sujet. Le *US Department of State* (USDOS) indique également que les mécanismes permettant aux enfants de signaler les cas de violence domestique ou de maltraitance sont insuffisants et ne leur offrent pas un environnement protégé. Bien que, en théorie, chaque poste de police devrait disposer d'une officière ou d'un officier de police chargé de signaler les violences faites aux femmes et aux enfants, ce n'est pas le cas partout dans la pratique (USDOS, 2018). Selon le *All Survivors Project*, il manque aux juges, aux magistrat-e-s et aux autres fonctionnaires de justice la compréhension et la sensibilité pour les victimes de violence sexuelle. Il n'existe pas de mesures permettant de garantir la protection des données et la confidentialité des victimes pendant toutes les étapes de la procédure, y compris durant les audiences devant les tribunaux. En outre, il manque également des lignes directrices politiques (« *guidelines in policies* ») afin de garantir une réponse institutionnelle efficace à la violence sexuelle. Par ailleurs, d'après l'*All Survivors Project*, l'influence politique des autorités et des expert-e-s, dans le traitement de ces crimes, est source d'inquiétude. Il y a également un manque de compétences et d'expertise dans d'autres domaines de spécialité liés au traitement de ces crimes : les médecins légistes ne sont pas suffisamment formés pour identifier les hommes victimes de violences sexuelles. Enfin, selon certains rapports, des officières et officiers de police participeraient à l'examen médical des victimes, quand bien même ces examens devraient avoir lieu dans un cadre médical où la confidentialité est garantie. En outre, la compétence forensique des autorités est faible et entraîne des années de retard dans les enquêtes. Selon le rapport de mai 2017 de l'*All Survivors Project*, les analyses ADN menées dans le cadre d'enquêtes sur des crimes sexuels prennent beaucoup de temps au Sri Lanka, les résultats n'étant parfois disponibles que plusieurs années plus tard. Ces retards massifs contribuent à allonger excessivement les procédures.

Mécanismes de protection de l'enfance défaillants, région de Vanni particulièrement touchée. Selon les informations fournies le 25 octobre 2016 à l'OSAR par un *contact local au bénéfice d'une expertise*, la protection de l'enfance au Sri Lanka est encore en phase de développement. La situation spécifique au Sri Lanka est complexe et peut varier d'une région à l'autre. Les autorités sri-lankaises mettent également davantage l'accent sur les sanctions plutôt que d'investir dans des mesures de prévention et de soutien familial. Il n'existe pas de travailleurs-ses sociaux étatiques capables d'évaluer la situation spécifique de manière appropriée et de proposer des solutions aux représentant-e-s des autorités (par exemple, aux juges) qui donneraient la priorité à l'intérêt supérieur de l'enfant et à la famille. Selon les estimations du *contact local au bénéfice d'une expertise*, les mécanismes de protection de l'enfance à Sri Lanka – qui sont certes disponibles dans tous les districts – sont souvent

inférieurs aux standards (« *substandard* »). Les enfants sont donc exposés à des formes graves de violence, d'abus et d'exploitation. D'après les estimations du *contact local au bénéfice d'une expertise*, le domaine de la protection de l'enfance dans les districts de la région de Vanni est particulièrement déficient. Selon cette même source, cette défaillance s'explique par plusieurs facteurs, dont le manque de personnel qualifié, les doublons en matière de mandats des différentes autorités de l'État, les limites de la surveillance et les insuffisances des mécanismes de protection des autorités dans le domaine de la protection de l'enfance. Selon le *Sri Lanka Brief* de septembre 2016, il n'y a pas de mécanismes ou de réseaux dans la région de Vanni qui protègent suffisamment les enfants contre les abus sexuels (OSAR, 2016).

2.1 Violences sexuelles commises par des actrices et acteurs étatiques à l'encontre de garçons tamouls

Selon des indications, les forces de sécurité de l'État continuent de commettre des actes de violence sexuelle contre des Tamoul-e-s adultes et mineur-e-s. Le rapport de juillet 2017 de l'*International Truth & Justice Project Sri Lanka* (ITJP) indique que, en 2016/2017, l'armée et la police du Sri Lanka ont continué, en toute illégalité, d'enlever, de détenir, de torturer et de violer des personnes tamoules (des deux sexes). Les agressions commises par les forces de sécurité sont « systématiques », selon le rapport de l'ITJP. Le rapport de mai 2017 de l'*All Survivors Project* conclut également, sur la base de diverses sources (dont l'ITJP) que les forces de sécurité de l'État continuent de commettre des violences sexuelles à l'encontre de Tamoul-e-s adultes et mineur-e-s après la fin du conflit au Sri Lanka. Enfin, dans son rapport de mars 2017 sur la situation des droits humains au Sri Lanka, USDOS indique qu'aucune statistique n'est tenue sur les abus d'enfants. Toutefois, USDOS souligne que des rapports font état de cas de viol d'enfants de la part de fonctionnaires gouvernementaux (« *government officials* »).

Impunité des auteurs d'agression ; rares enquêtes et condamnations, en particulier dans les cas liés au conflit. Selon ITJP (juillet 2017), les agressions telles que la torture et le viol à l'encontre des femmes et hommes tamouls sont officiellement approuvées (« *systematic and officially sanctioned* ») par les structures de commandement au sein des forces de sécurité. Selon cette même source, le gouvernement du président Sirisena n'a rien fait pour mettre fin à la « culture de l'impunité » et a échoué jusque-là à enquêter sur les accusations passées. Les victimes d'agressions sexuelles et liées au genre obtiennent rarement justice, selon un rapport de juillet 2017 de l'*International Crisis Group* (ICG) sur la situation des femmes dans le nord-est du pays. Ainsi, le rapport de l'ICG souligne que seuls quelques cas font l'objet de poursuites, surtout lorsque les auteurs présumés occupent un poste au sein des forces de sécurité. Le nombre de cas qui se soldent par une condamnation est encore plus faible, selon cette même source (ICG, 28 juillet 2017). Un *contact de Mullaitivu actif dans le domaine des droits humains* a indiqué par courriel le 24 août 2017 à l'OSAR qu'il ne fallait pas s'attendre à ce que les auteurs de violences sexuelles issus des rangs des forces de sécurité fassent l'objet de poursuites et soient condamnés. Le contact ajoute que, récemment, diverses instances judiciaires ont ainsi disculpé des auteurs de crimes issus des forces de sécurité et rendu des décisions défavorables pour les victimes. En attestent les cas Kumara-puram (cf. également l'article du *Ceylon News*, août 2016) et Raviraj (cf. également l'article du *Daily News*, janvier 2017). Comme mentionné plus haut, les enquêtes et poursuites pour

violenxe sexuelle sont rares, que les victimes soient des hommes ou des femmes (*All Survivors Project*, mai 2017). Selon *All Survivors Project* de mai 2017, il n'existe pour l'instant aucun cas connu de violence sexuelle commise à l'encontre d'hommes ou de garçons et liée au conflit entre le gouvernement et les « Tigres tamouls » qui ait fait l'objet de poursuites.

De même, il n'existe presque aucune condamnation pour des viols commis contre des femmes dans le cadre du conflit. Jusqu'à présent, selon l'*All Survivors Project*, la violence sexuelle contre des femmes n'a fait que dans de rares cas l'objet de poursuites et la plupart d'entre eux ont connu une issue insuffisante. Ainsi, seules deux condamnations ont été prononcées dans des cas de violence contre des femmes liés au conflit.

Impunité, forte militarisation au nord et à l'est; culture de la surveillance, intimidations et agressions dissuadant les victimes de signaler les violences sexuelles liées au conflit. Selon le rapport de mai 2017 du *All Survivors Project*, l'effet conjugué de l'impunité, de la forte militarisation – en particulier dans le nord et l'est du pays –, de la culture de la surveillance, des intimidations et agressions ainsi que du risque d'une nouvelle arrestation dissuaderait de nombreuses victimes de violence liée au conflit de poursuivre leurs agresseurs. L'adoption de la loi sur la protection des victimes et des témoins en 2015 et la création de la *Victim and Witness Protection Authority* en janvier 2016 n'ont pas encore eu l'effet escompté. Ainsi, le manque d'indépendance de la *Victim and Witness Protection Authority* se révèle problématique. Cette autorité appartient en effet aux services de police et son personnel est composé d'officières et d'officiers de police, alors même que la police est elle-même responsable de nombreuses violations des droits humains. Les victimes et les témoins ne bénéficient pas encore d'une protection efficace et sont exposées aux intimidations. Selon les indications des personnes interrogées par l'*All Survivors Project*, les victimes de violence sexuelle tentent d'évaluer les risques qu'elles pourraient courir avant de décider de signaler ou non leur agression. Cette même source indique que les personnes en détention en particulier craignent de subir de nouveaux mauvais traitements et ne sont souvent pas prêtes à informer leurs représentants légaux des agressions dont elles sont victimes.

Par crainte des représailles à l'encontre des personnes ayant survécu à leur agression, de leurs familles et des activistes, les cas de violence sexuelle contre les hommes et les garçons sont rarement signalés. Le rapport de mai 2017 de l'*All Survivors Project* souligne que, par crainte, les hommes victimes d'agression sexuelle renoncent souvent non seulement à déposer une plainte à la police ou à entamer une procédure judiciaire, mais également à parler de leur agression aux avocat-e-s, médecins et professionnel-le-s psychosociaux. Dans de nombreux cas, la crainte de conséquences négatives pour eux-mêmes et pour les membres de leur famille les dissuade, selon cette même source, de déposer une plainte. D'après les informations d'un militant des droits humains cité par *All Survivors Project*, la crainte de représailles est la principale raison du faible taux de signalement des cas de violence sexuelle. Il est ainsi permis de douter que, pour signaler leur agression, les personnes victimes de violence sexuelle se tourneront vers l'institution ou le système qui emploie justement les auteurs de leur agression. Le risque de nouvelles agressions, aussi bien pour les victimes que pour leur famille, ainsi que l'investissement nécessaire en temps, en argent et en énergie couplé à la perspective d'un échec probable jouent également un rôle. Selon l'*All Survivors Project*, la crainte de représailles ne concerne pas uniquement les hommes victimes de violence sexuelle.

Selon les estimations, les violences sexuelles perpétrées par des membres des forces de sécurité contre des garçons tamouls restent impunies, même après signalement. Un *activiste local des droits humains* contacté par l'OSAR estime que les chances qu'une plainte à l'encontre de membres des forces de sécurité auteurs d'un viol sur un garçon tamoul obtienne gain de cause sont faibles. Selon cette même source, les condamnations pour de tels crimes sont très rares (renseignements fournis par e-mail par un *activiste local des droits humains* en date du 25 août 2017).

Mesures de rétorsion possibles en cas de plainte déposée contre des membres des forces de sécurité pour violence sexuelle à l'encontre de garçons tamouls. Le 25 août 2017, l'*activiste local des droits humains*, contacté par l'OSAR, a déclaré qu'un garçon tamoul victime de violences sexuelles, ses proches et les activistes le soutenant doivent s'attendre à des mesures de rétorsion et des représailles s'ils engagent une action en justice contre des membres des forces de sécurité. Un autre *contact de Mullaitivu actif dans le domaine des droits humains* a indiqué dans un courriel daté du 24 août 2017 que, sur la base de son expérience, il ne recommanderait pas de signaler un tel cas à la police, la culture de l'impunité étant très répandue et la famille de la victime s'exposant alors au risque de subir des harcèlements de masse. Selon les estimations de ce même contact, un signalement à la *Human Rights Commission of Sri Lanka* comporte lui aussi un certain risque pour la famille.

3 Sources

All Survivors Project, 16 mai 2017:

«In Sri Lanka, a wholly inadequate legal framework also limits protection available to men and boys and undermines efforts to hold perpetrators to account. Sri Lankan law does not recognise and therefore does not proscribe male rape. Similarly, the prohibition of statutory rape applies only to girls (under the age of 16 years) and not to boys. Added to this is widespread discrimination, also enshrined in law, against homosexuals and the criminalisation of consensual same-sex sexual acts, which may further discourage male survivors from reporting or accessing services for fear that they may be accused of homosexual activity and themselves be prosecuted. [...]

Given how commonplace conflict-related sexual violence against men and boys appears to have been, there remains disturbingly little recognition of the phenomenon in Sri Lanka. This applies not only to the authorities who have typically denied or sought to play down allegations, but also among those working with or on behalf of survivors of human rights violations. Interviews conducted in Sri Lanka by All Survivors Project with lawyers, human rights defenders, medical professionals and others reveal significant confusion around the issue and a tendency to conflate sexual violence against men and boys with homosexuality. This lack of understanding means that even these frontline human rights defenders are ill-equipped to document or otherwise respond to the problem. This confusion is, however, rooted in much broader societal understandings and attitudes. Despite evidence suggesting that sexual abuse of boys is common in the context of sex tourism, schools, care homes, religious establishments and other similar settings in Sri Lanka, and that male-on-male sexual violence outside such settings is also not uncommon, there is unwillingness to acknowledge the problem or the enormous shame and stigma associated with it, and

a tendency to ignore or ridicule complainants. Such is the taboo associated with it that one psychiatrist interviewed for this study admitted to advising families of children who have been sexually abused in schools not to report it. [...]

Similar dangers exist in Sri Lanka where outdated laws make misclassification of sexual violence against men and boys inevitable and contribute to a situation where there is effectively structural impunity for perpetrators. [...]

While the full extent of sexual violence against men and boys described above (and possibly other practices) is not known, recent INGO reports reinforce the UN's conclusion that sexual violence against men and boys was not only commonplace during the war, but that it did not stop when the fighting ended. Rather, recent reports indicate that it continues today. The London-based organisation Freedom from Torture, which provides treatment and rehabilitation to torture survivors and which has worked with survivors from Sri Lanka for decades, has reported an "exceptionally high volume of referrals for Sri Lankans" in recent years. In a 2015 report for which it reviewed the cases of 148 Sri Lankan torture survivors (125 men and 23 women), it found widespread evidence of "sexual torture". Although the prevalence was particularly high among women (22 of the 23 reviewed cases), two-thirds of men also reported some sort of sexual violence (83 of 125 men), and nearly one-third of men reported being raped (38 men or 30 per cent of all male cases). All the reported violations were alleged to have been committed by members of the military, police or intelligence services and all took place in the context of detention since May 2009. Post-conflict cases of torture have also been documented by The International Truth and Justice Project (ITJP) relating to 225 individuals (170 men and 55 women) interviewed by them, the vast majority of whom are Tamil. According to ITJP, most of the men and boys had suffered sexual violence ranging from the slamming of testicles in drawers to repeated anal gang rape by members of the Sri Lankan security forces. UN experts have likewise found that torture and other ill-treatment, including of a sexual nature, still occur in Sri Lanka, particularly in the early stages of arrest and interrogation by the police and security forces. These findings are reinforced in the report of the National Human Rights Commission of Sri Lanka to the UN Committee against Torture in October 2016 which referred to the cases of 13 persons arrested since April 2016 under the administrative detention regime established under the Prevention of Terrorism Act (PTA). The 13 persons all complained of torture or other ill-treatment of which the methods described include forms of sexual violence, including among other things, forced nudity, squeezing of genitals and insertion of pins into the genitals. [...]

A lack of legal protection for men and boys from sexual violence informs the types of social attitudes described above, but also contributes to an environment in which violations can take place and perpetrators cannot be held to account. In Sri Lankan law, the possibility of rape of men is not recognised. Men are defined only as perpetrators of rape under Article 363 of the Penal Code, under which "a man is said to commit rape who has sexual intercourse with a woman under any of the following descriptions...". Similarly, the prohibition of statutory rape applies only to girls (under the age of 16 years) and not to boys. Other provisions under the Penal Code mischaracterise or define sexual violence in such a way that they do not reflect the lived experience of survivors, are inconsistent with the more inclusive, gender-neutral definitions under international law, or are otherwise inadequate for prosecuting sexual violence against men and boys. For example, forms of sexual violence that do not constitute rape are prohibited under Section

365B of the Penal Code relating to “grave sexual abuse” which is defined as any act “committed by any persons, who for sexual gratification... by the use of his genitals or any other part of the human body or any instrument on any orifice or part of the body of any other person...” without consent or under force, threat or intimidation. Rape of men (and other forms of sexual violence) could be prosecuted under this provision. However, it offers an inadequate recourse, not only because it carries a lesser sentence than rape under Article 363, thereby effectively treating the rape of males as a lesser crime than the rape of females, but also because to prosecute rape as “grave sexual violence” mischaracterises and diminishes the nature of the crime. In addition to the Penal Code’s definition of “rape” being exclusively applied to women, it is also otherwise unduly narrow and inconsistent with international standards. Other examples of outdated laws includes provisions relating to “emasculatation” which is proscribed under the Penal Code as a form of grievous hurt. 60 The use of “emasculatation” reinforces regressive ideas about what comprises masculine identity and notions that masculine and/or feminine identities are reducible to anatomy alone. In addition, other provisions under the Penal Code may deter male survivors from seeking justice. Sections 365 and 365A criminalise certain homosexual acts, categorising them as “unnatural offences”. These provisions have been used to persecute members of the LGBTI community and serve to reinforce discriminatory gender stereotypes. Constitutional protection is also lacking for survivors of sexual violence (male and female). Sri Lanka’s Constitution, while prohibiting torture, does not explicitly reference rape or sexual violence. Remedy for victims of sexual violence can therefore only be sought under Article 11, which prohibits torture and other cruel, inhuman or degrading treatment or punishment. As such the sexual nature and specific harms resulting from the act are not recognised and cannot be addressed. Moreover, although sexual violence often has consequences for the victims’ physical and mental health that are distinct from non-sexual forms of torture, remedies under Article 11 do not include specific services to address the sexual element of these forms of torture. Although a few fundamental rights applications have been filed under Article 11 by female survivors of conflict-related sexual violence, outcomes have generally been unsatisfactory. In the meantime, time limits on filing Fundamental Rights cases (generally within one month of the violation having occurred), the financial costs involved (including in compensating complainants) and other challenges act as an effective obstacle to pursuing justice via this route.

Lack of reporting

The absence of laws that adequately recognise and protect against male rape and other forms of sexual violence presents a fundamental obstacle to reporting the crime. But this is compounded by other factors such as fear, stigma, lack of confidence in the justice system and absence of services and support for survivors. Reporting is hampered in turn by lack of awareness and understanding of the issue, even among lawyers, human rights defenders and others who work on behalf of victims of human rights violations in Sri Lanka and would typically be the among the first to document, respond to and provide support to survivors. Interviewees told All Survivors Project that survivors are generally unwilling to report cases of sexual violence, and of the few that do inform lawyers of specific incidents, a smaller fraction still are willing to lodge formal complaints or pursue legal processes. [...] Lack of awareness, expertise and capacity In interviews conducted with lawyers, human rights advocates and medical and psychosocial practitioners, the lack of awareness on the issue of sexual violence against men was evident. Many were uncertain of what would

constitute sexual violence against men and boys and showed an unexpected degree of confusion about the issue. A lawyer who was asked to explain his understanding of sexual violence against men responded: “ I can’t explain... we can’t give a correct explanation about men. ” Other interviewees listed cases and types of violations in order to ascertain if they constituted sexual violence or not, as they were not aware of what was meant by sexual violence against men. While this sort of confusion is symptomatic of broader societal attitudes, it is also revealing of some of the challenges involved in documenting and reporting cases of sexual violence against men and boys. Human rights defenders and lawyers in Sri Lanka (as is the case elsewhere) commonly lack the experience and skills needed to identify the signs. Some interviewees also expressed their hesitation in directly questioning survivors about whether they had been sexually abused, expressing reluctance to pressure victims to relate experiences of such a sensitive and distressing nature. While showing sensitivity towards victims during questioning is critical, it can be problematic if incidents of sexual violence against men and boys remain undocumented and victims do not receive the support that they need. Several interviewees conflated male sexual violence with homosexuality or cited laws proscribing homosexual acts, reflecting both a lack of awareness of the definition of rape and other forms of sexual abuse but also misconceptions about the nature and prevalence of sexual violence against men. In the words of one senior human rights activist, “ in order for a male officer to rape a male inmate, he would need to have homosexual tendencies, wouldn’t he? ” In reality, perpetrators of same-sex sexual victimisation often maintain a heterosexual identity. Moreover, consensual same-sex sexual activity is irrelevant to concerns about sexual violence. Consent should be the focus, rather than the sexual orientation of either the perpetrator or victim. A preoccupation with homosexuality, often informed by homophobic attitudes, contributes to the confusion surrounding the issue.

Fear of reprisal and lack of protection for victims

Individual victims fear not just the filing of police complaints and cases in court but also talking about the abuse to lawyers, doctors, psychosocial workers or others. Fear of repercussions both to themselves and to family members therefore remains a significant barrier to reporting in Sri Lanka. According to one Colombo-based human rights activist: “ I think that the low reportage of sexual violence can be mainly attributed to a real fear of reprisal... Also, why would anyone want to lodge a complaint with the same institution/system perpetrators are part of? Why put yourself at risk of further torture to themselves or their family, spend time, money and energy when you know you’re not going to get justice? ” The fear of reprisals is not unique to male victims of sexual violence; a combination of impunity, heavy militarisation particularly in the North and East of the country, a culture of surveillance, intimidation and harassment and the risk of re-arrest deters many victims of conflict-related violations from pursuing justice. According to one interviewee, there are instances where survivors have been explicitly warned by officials not to lodge formal complaints or have been deterred from doing so. A long-pending law on victim and witness protection (the Victim and Witness Protection Act No. 4), was adopted in 2015 and a Victim and Witness Protection Authority (the Authority) appointed in January 2016. However, multiple concerns have been raised including the lack of independence of the Authority, which is located within the police and to which police officials are appointed despite the culpability of the police for many human rights violations. In the meantime, protection remains ineffectual and concerns continue to be raised that victims and witnesses continue to be intimidated. According to interviewees, victims of sexual violence calculate the risks they face and accordingly decide whether

to report or not. For those in custody there is the risk of being subjected to further ill-treatment or prolonged detention, and those that have been released fear re-arrest and persecution. One lawyer noted that detainees in particular are often unwilling to relate their experiences to their legal representatives: “ When we go and meet them they don’t talk. It is only later. In TID and Boosa detention centres mainly most people don’t come with these things. Later when going regularly they will talk about torture, they are afraid we will file issues. ” In other cases, male survivors of sexual violence fear their experiences becoming public and the risk that they will lose control of their “story” and that their experiences will be used by others for political or other ends without consulting them. Silence is therefore a coping mechanism for survivors in response to fear and to try to “normalise” their lives in the militarised and repressive post-war context.

Stigma and shame

Fear of retaliation is compounded by the shame and stigma associated with sexual violence generally and with sexual violence against men and boys in particular. One lawyer working with detainees explained that “ victims of sexual abuse or violence find it very difficult to return to and face their communities, if they come out and speak about their experiences .” The same point was reinforced by a Catholic priest working with detainees who told All Survivors Project that: “ Male survivors who share their experiences, experience stigma, ostracism, and a loss of social standing even among their closest and most sympathetic friends, and are re-victimised and further traumatised as a result of opening up about their experience and attempting to seek justice. ” For former fighters, reporting may be especially difficult. As one interviewee noted: “ It’s the shame factor, it’s emasculating. If you are a Tamil from the North and from LTTE, it is doubly worse, it is the worst. What you said could happen to women [being raped] and they could escape by joining the LTTE, it’s happening to you .” Social expectations and masculinity norms in Sri Lankan society, in which men are seen as protectors and providers (as well as perpetrators), informs decisions by survivors about whether to report or not. Family members may also be similarly constrained. One human rights activist recalled two cases where it was evident that male relatives had been subjected to sexual violence, but where family members had avoided talking about it directly: “ They would say ‘ terrible things ’ happened. Not wanting to get into detail because of the degrading nature of it .” An additional factor contributing to under-reporting is the inter-related but distinct issue of stigmatisation and criminalisation of homosexuality. The fact that men and boys perceived to be gay or who are effeminate are subjected to vilification, social ostracism and in some cases violence has specific implications for male survivors. For them to admit to having been forced to carry out a sexual act with another man may be perceived as an admission not only of their inability to protect themselves but also as an expression of their own sexual desires. Rather than being treated as victim of crime, survivors also risk being subjected to abuse and ostracism, including by members of their own community. Thus, victims may choose to omit details of sexual violence in their narratives and testimonies. [...]

Access to justice is particularly challenging for survivors of sexual violence, male or female, who must not only contend with the lack of political will, institutional failures and other obstacles encountered by all victims of human rights violations in Sri Lanka, but also with the stigma, shame, misunderstanding and misrepresentation of the crimes to which they have been subjected. Consequently investigations into, let alone prosecu-

tions of sexual violence are rare. The government previously reported that 39 investigations had been initiated into acts of rape and sexual violence allegedly committed by the security forces during the war, but in January 2017 the UN Committee against Torture criticised the Sri Lankan government for failing to provide updated information on the progress of these investigations. Prosecutions have taken place in only a handful of cases involving sexual violence, all of them against women, and most judicial outcomes have been inadequate. To date, there have been just two convictions in cases of war-related rape of women, including one case in which four soldiers were found guilty and sentenced to 25 years in prison in October 2015 of sexually assaulting two Tamil women in Visuvamadu in 2010. The case was in many ways a landmark, brought under the Torture Act (No. 22 of 1994) the rapes were recognised as torture in the indictment and judgment, although the sexual nature of the offence and the specific harms relating to it were not acknowledged. There is no known case in which conflict-related sexual violence against men and boys has been prosecuted in Sri Lanka. Senior police officers speaking under conditions of anonymity maintained that no cases of sexual violence against male Tamils have been investigated or brought before the courts because no complaints have been received by the police. However, although many survivors do not report for the reasons set out above, this contradicts the experience of human rights defenders in Sri Lanka who are aware of attempts by male victims of sexual violence to report crimes, but where the police have either refused to record the complaint or have dissuaded victims from pursuing it. There is, however, also the additional possibility that cases involving sexual violence against men and boys have been prosecuted under the Torture Act, but that when submissions are made to the courts details of the sexual violence are omitted either because victims do not wish for it to be included or because their legal representatives do not recognise it as a distinct issue. As one interviewee noted: "Torture, I assume, would include any form of sexual abuse. It's part of torture. It's not defined separately... Sexual organs are used as ways of extracting information and so on... It's not separated [from torture]. That's why it's not reported [as a separate issue]." However, in reality few cases have ever been prosecuted under the Torture Act and, given the numerous and well-documented obstacles to justice for conflict-related crimes in Sri Lanka, the prospects of success in obtaining redress under that (or indeed under any other legislation) by male survivors of sexual violence are currently low.⁸⁶ However, victims of sexual violence face additional challenges to securing justice that relate to the specific nature of the crimes against them. These include a lack of expertise and capacity in the police and judiciary. Information gathered by All Survivors Project indicates that there is no specific training available to help the police to identify and investigate sexual violence. Judges, magistrates and other judicial officials also lack understanding of and sensitivity towards victims of sexual violence, and procedures to ensure the privacy and confidentiality of victims at all stages, including during court hearings, are lacking. There are additionally no guidelines in policies to ensure effective institutional responses to sexual violence. Capacity and expertise in other specialist areas is also lacking and concerns about political interference persist. Judicial Medical Officers (JMOs), whose role it is to examine individuals alleging physical injury or harm resulting from their treatment in detention, receive no training on the identification of sexual violence against men and boys who do not specifically report that it has occurred. Physical examinations take place with consent, but stigma and shame may prevent victims from reporting injuries, particularly to the genitals, and may cause them to withhold consent. Moreover, although guidelines require that examinations take place in a private setting, there are reports of police officers being present during medical examinations.

Forensic capacity is also low and this has caused delays of up to several years in investigations. Regular forensic analysis of samples collected by the police is the responsibility of the Government Analyst Department (GA), but concerns exist about the way in which evidence is collected by the police and delays by the GA in reporting on its findings. DNA testing is outsourced to a private facility which has also been criticised for the length of time taken to produce reports in cases involving sexual crimes. According to one lawyer interviewed for this study, she was compelled to lodge a complaint to the Magistrate over the three-year delay in obtaining a forensic report in a regular criminal case relating to the rape of a foreign national. Such delays contribute to inordinately lengthy trial processes in Sri Lanka, which create additional uncertainty and distress for victims.» Source: All Survivors Project: Legacies and Lessons; Sexual violence against men and boys in Sri Lanka and Bosnia, 16 mai 2017, p. 3, 6, 7, 14, 17-21, 23-24; <https://allsurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>.

Ceylon News, 4 août 2016:

«Recent acquittal of six military officials indicted in the massacre of 26 Tamil civilians at Kumarapuram in the eastern port city of Trincomalee in 1996 has further intensified the call for an international war crimes probe, the victims and the main opposition TNA said. These army officers were accused of massacring 26 unarmed Tamil civilians of Kumarapuram in Kiliveddi in Trincomalee using automatic assault rifles on February 11, 1996. The victims included six women, five men and 13 children. Thirty-nine villagers were also injured in the horrific incident. The initial hearings were held in Muttur Courts and the eye witnesses identified eight army personnel who were then serving at the Dehiwatte camp in Trincomalee. Citing the war situation, the case was later transferred to Anuradhapura High Court where proceedings commenced after 20 years. Two accused have already died. The remaining accused were indicted by the Attorney General on 101 separate charges. The accused were suspended from the Army subsequently. The final hearing continued for a month after it was taken up for hearing after 20 years and the Jury consisting of six Sinhalese members returned to the unanimous verdict of not finding them guilty. All six Army Corporals were acquitted of all charges by Anuradhapura High Court Judge Manjula Thilakarathne last Wednesday (July 27). Disappointed Commenting on the issues, Northern Provincial Councillor of the Tamil National Alliance (TNA), M.K Sivajilingam said that the acquittal has badly disappointed the Tamil people, who have fighting for justice in many such cases. “The Anuradhapura High Court Judge has delivered this judgement despite the victims identifying the perpetrators. This clearly shows that justice can be expected in a local judicial mechanism,” he told reporters in Jaffna on Wednesday. “This has further intensified the call by the Tamil people for international investigation for war crimes and genocide of Tamils”. (...) “On Feb 11, 1999 the Kumarapuram village was brutally massacred by the Sri Lankan army. I lost seven members in my family. My mother a pregnant when she was killed. Our people gave witness on June 27 (this year) before the Anuradharapura Magistrate. Nevertheless, the justice is denied to us,” a young mother said. She said children and women were raped and killed during this massacre. “They have acquitted all the accused on July 27. How can this happen? What is the reason for the acquittal? We need to know them under this ‘good governance’. We need justice,” she said. Another middle-aged mother named Kathapodi Piraparani from Kiliveddi, Kumarapuram said: “On Feb 11, 1999 they shot and killed my mother after forcibly entering into our house. I personally identified the culprit. We attended all the court sittings. Under this ‘good governance’ we strongly

expected positive judgement, but it was proven otherwise". "The accused have been released. Where is the justice for the victims? I am alone without my father and mother. Will the good governance address our grievances," Piraparani asked in despair.» Source: Ceylon News, Kumarapuram judgement intensifies call for intl. war crime probe, 4 août 2016: www.ceylonnews.com/2016/08/kumarapuram-judgement-intensifies-call-for-intl-war-crime-probe-video/.

Daily News, 23 janvier 2017:

«The appeal filed by Raviraj's wife challenging the Colombo High Court's judgement to release the five accused, including three Navy intelligence officers, in the Raviraj murder case was dismissed by the Court of Appeal on January 19. [...] On December 23, 2016, three Navy intelligence officers and two others, accused in the Raviraj murder, were acquitted and released from the case after they were found not guilty by jury trial. The verdict which was delivered by High Court Judge Manilal Waidyatilleke, as per the unanimous decision reached by the jury, following a month long trial. The jury's decision was that the accused cannot be convicted based on the evidence in the case. .» Source: Daily News, Raviraj murder case: aggrieved party requests court to re-list appeal, 23 janvier 2017: www.dailynews.lk/2017/01/23/law-order/105448/raviraj-murder-case-aggrieved-party-requests-court-re-list-appeal.

ICG, 28 juillet 2017:

«Justice for sexual and gender crimes is rare: few cases are prosecuted, especially if the alleged perpetrator is in the security services, and even fewer end with convictions. Court procedures are long and not gender sensitive; delays, the adversarial approach of lawyers and social stigma all combine to re-traumatise many victims and discourage others from seeking justice.» Source: International Crisis Group (ICG), Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War, 28 juillet 2017, p. 10-11: <https://d2071andvip0wj.cloudfront.net/289-sri-lankas-conflict-affected-women-dealing-with-the-legacy-of-war.pdf>.

International Truth and Justice Project, juillet 2017:

«This report establishes that in 2016/17 both the military and police in Sri Lanka continue to abduct, unlawfully detain, torture and rape Tamils. The violations remain systematic and officially sanctioned by command structures within the security forces. (...)

All the 2016 and 2017 cases involved individuals who were abducted in vans, all of them bar three in white vans. Of the 33 cases involving torture in 2015, 20 were abducted in white vans and 9 in vans of other colours and one in another sort of vehicle. The security forces follow a standard modus operandi during the abduction, checking the victim's name and asking for their identity card, blindfolding and tying their hands and in some cases gagging the victim if they make a lot of noise. The abductors are a team of men dressed in plain clothes. (...)

The UN Investigation into Sri Lanka described the modus operandi of "white van" abductions and established that "incidents of sexual violence were not isolated acts but part of a deliberate policy to inflict torture" by the security forces. Nothing has been done by

the new Government to break this culture of impunity, even when a torture site first identified by the ITJP was corroborated by a visiting WGEID team. After two and a half years in office, **the Government's failure to investigate past allegations** makes it complicit in the continuation of the violations.

There has also been no attempt to vet public officials despite the commitment in UNHRC Resolution 30/1 to do this. Instead, the Government has rewarded alleged torturers and officials allegedly implicated in war crimes. As the ITJP's reports show, alleged perpetrators have been sent abroad as diplomats and members of delegations to UN committees.

The ITJP evidence base is built on hundreds of detailed witness statements, through which the ITJP has now identified several alleged perpetrators (direct and in positions of command responsibility) and torture sites, but there is still regrettably no credible witness protection mechanism for witnesses and victims inside or outside the country to testify, be it to a truth commission or court. The evidence base has been amplified by insider witnesses who confirm the modus operandi and methodology as well as identity of many of the torturers.

The Government has excused its failure to investigate until now saying it is waiting for the special court to be set up. However, it is now clear the Prime Minister and President have no intention of establishing a hybrid court as the Foreign Minister originally promised in Geneva in September 2015. **The President has reassured the security forces in person and in public that not one of them will be charged with human rights violations, which reinforces the culture of impunity.** The UN High Commissioner for Human Rights has made it clear another domestic mechanism will not have the trust of victims after so many have failed to deliver justice. Furthermore, the limitations in the current criminal justice system render it incapable at this point of delivering justice for serious crimes.» Source: International Truth and Justice Project, Unstopped, juillet 2017: p. 5, 18, 77: www.itjpsl.com/assets/ITJP_unstopped_report_final.pdf.

Mannar Women's Development Federation, décembre 2017:

«Sexual abuse of children is on the rise. In the North and East it is high. [...] Recent reports have indicated that child rape is on the rise.» Quelle: Mannar Women's Development Federation (Autor), veröffentlicht von CRC – UN Committee on the Rights of the Child: Report of the Mannar Women's Development Federation for the Examination of the Fifth and Sixth Combined Periodic Report of Sri Lanka, 77th Session of the Committee on the Rights of the Child, décembre 2017, p. 5: www.ecoi.net/en/file/local/1422816/1930_1516880867_int-crc-ngo-lka-29835-e.pdf.

OSAR, 18 décembre 2016:

«Gewalt gegen Kinder verbreitet – auch im Vanni-Gebiet. Laut verschiedenen Quellen ist Gewalt gegen Kinder in Sri Lanka weiterhin ein Problem. Nach Angaben von UNICEF Sri Lanka aus dem Jahr 2014 werden in Sri Lanka pro Jahr rund 1500 Fälle von Gewalt gegen Kinder gemeldet. Allerdings fehlten weiterhin genaue Daten über das Ausmass.

Nach am 25. Oktober 2016 gemachten Angaben einer lokalen Kontaktperson mit Expertenwissen im **Bereich Kinderschutz weisen viele Studien darauf hin, dass Kinder und Familien**

im Norden und Osten des Landes stärkeren Entbehrungen und Verletzlichkeiten ausgesetzt sind als in anderen Landesteilen. Auch Mullaitivu liege innerhalb dieser stärker betroffenen Regionen. Diese gehören zu den von Armut am stärksten betroffenen und vom zurückliegenden Konflikt am meisten beeinträchtigten Distrikten. **Einem Beitrag von Sri Lanka Brief vom September 2016 gemäss zeigten kürzlich durchgeführte Interviews im Vanni-Gebiet auf, dass Kinder in Ein-Eltern-Haushalten besonders oft verschiedenen Formen von sexuellem Missbrauch inklusive Vergewaltigung ausgesetzt sind.**

Ungenügende Umsetzung von Gesetzen zum Kinderschutz, Straflosigkeit, ungenügende Schutzmöglichkeiten im ganzen Land. USDOS erwähnte im April 2016 Berichte von NGOs, wonach die Gesetze zum Schutz vor Kindesmissbrauch zwar nicht ungenügend seien, jedoch diese kaum umgesetzt würden. Nach Angaben der «National Child Protection Authority» (NCPA) sei die Situation viel schlimmer, als sie von der Polizei dargestellt werde. Zudem sei eine der grössten Schwierigkeiten die Kultur der Straflosigkeit in Sri Lanka, welche durch langwierige Verzögerungen bei der Bearbeitung von Fällen von Kindesmisshandlungen noch verstärkt werden.

Nach den am 25. Oktober 2016 gemachten Angaben einer lokalen Kontaktperson mit Expertenwissen befinde sich der Bereich Kinderschutz in Sri Lanka weiterhin in der Entwicklungsphase. Die spezifische Situation in Sri Lanka sei komplex und könne je nach Region variieren. Die sri-lankischen Behörden fokussieren zudem mehr auf die Bestrafung, statt in präventive und die Familien unterstützende Massnahmen zu investieren. Es gibt keine staatlichen Sozialarbeitenden, welche die spezifische Situation angemessen einschätzen können und den Behörden (zum Beispiel Richtern) Lösungen vorschlagen, die dem Kindeswohl und der Familie Priorität geben. **Nach Einschätzung der Kontaktperson sind vorhandene Mechanismen zum Kinderschutz in Sri Lanka – obwohl in jedem Distrikt vorhanden – oft unterdurchschnittlich («substandard»).** Kinder sind ernsthaften Formen von Gewalt, Missbrauch und Ausbeutung ausgesetzt. Wie weiter oben erwähnt, sind Unterstützungsdienste für Missbrauchsoffer nach Angaben von UNICEF sehr fragmentiert und die Standards unterscheiden sich.

Massnahmen zum Kinderschutz im Vanni-Gebiet besonders mangelhaft. Nach Einschätzung der lokalen Kontaktperson mit Expertenwissen ist der **Bereich Kinderschutz in den Distrikten im Vanni-Gebiet besonders mangelhaft.** Gründe dafür sind gemäss der Kontaktperson: **der Mangel an qualifiziertem Personal, die überlappenden Mandate von staatlichen Behörden, limitierte Aufsicht und ungenügende behördliche Schutzmechanismen im Bereich des Kinderschutzes.** Laut Sri Lanka Brief vom September 2016 existieren im Vanni-Gebiet keine Mechanismen oder Netzwerke, welche Kinder vor sexuellem Missbrauch genügend schützen.» Source: Organisation suisse d'aide aux réfugiés (OSAR), Situation im Vanni-Gebiet, 18 décembre 2016, p. 16-18: www.fluechtlingshilfe.ch/assets/herkunftslander/asien-pazifik/sri-lanka/161218-lka-vanni.pdf.

USDOS, 20 avril 2018:

«Child Abuse: Most child abuse complaints received by the National Child Protection Authority related to violence inflicted on children, and the rest of the complaints addressed related issues such as cruelty to children, deprivation of a child's right to education, sexual abuse, and child labor. Teachers, school principals, and religious instructors reportedly sexually abused children. In a number of child rape cases, government officials

were the suspected perpetrators. Civil society organizations working on children's issues asserted children had insufficient mechanisms to report domestic violence or abuse safely. Although police stations are supposed to have an officer dedicated to handling abuse complaints from women and children, the government did not consistently implement this practice nationwide. [...]

Sexual Exploitation of Children: *The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography, but authorities did not always enforce the law. The minimum age of consensual sex was 16.»* Source: US Department of State (USDOS), Country Report on Human Rights Practices 2017 - Sri Lanka, 20 avril 2018: www.state.gov/j/drl/rls/hrrpt/2017/sca/277293.htm.

USDOS, 3 mars 2017:

«Child Abuse: Although there are no available government or NGO statistics on child abuse, there were reports of sexual abuse of children by teachers, school principals, and religious instructors, as well as a number of child rape cases in which government officials were the suspected perpetrators. Civil society organizations working on children's issues asserted there were insufficient mechanisms for children to report domestic violence or abuse safely. Although police stations are supposed to have an officer dedicated to handling abuse complaints from women and children, this was not consistently implemented throughout the country. During the reporting period, the government cooperated with UNICEF to run a social media campaign highlighting online safety and violence against women and children.» Source: United States Department of State, 2016 Country Reports on Human Rights Practices - Sri Lanka, 3 mars 2017: www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265548.

L'Organisation suisse d'aide aux réfugiés (OSAR) est l'association faîtière nationale des organisations suisses d'aide aux réfugiés. Neutre sur le plan politique et confessionnel, elle s'engage pour que la Suisse respecte ses engagements en matière de protection contre les persécutions conformément à la Convention de Genève relative au statut des réfugiés. Les activités de l'OSAR sont financées par des mandats de la Confédération et par des dons de particuliers, de fondations, de communes et de cantons.

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