

UNNATURAL DEATHS OF WOMEN AND GIRLS IN SRI LANKA (PREVENTION AND JUSTICE)

The Issue

Sri Lanka, which has a population of 21 million and a life expectancy of 72.0 for men and 78.6 for women, is now considered a middle-income country by the World Bank¹. Although increased income is expected to show a downward trend in violence, physical trauma is still the number one leading cause for hospitalization in the country with the latest hospital mortality rate of 7.1 per 100,000 population^{2,3}. Despite homicide being the most extreme form of violence (though lesser in number compared to suicides and accidents), the Department of Census and Statistics of Sri Lanka do not as a practice publish these incidence rates.

What is an unnatural death?

A death not caused by disease or aging but by external causes such as injury, trauma or poisoning where the manner/circumstance could be homicidal, suicidal or accidental or at times even undetermined. When a death occurs due to violence, there is an immeasurable impact on the members of immediate and extended families and communities whose lives are often changed irrevocably by these tragedies.

- *Global Status Report on Violence Prevention 2014*

Crime Index:

Sri Lanka
131

Regional countries:

Pakistan	India	Bhutan	Bangladesh
67	121	133	137

Source: UN Office on Drugs and Crime's international homicide statistic database, 2013-2015 (Crime Index is based on crime incidence, number of reported cases per million population in a given area during a specific time.)

Globally, more men than women experience unnatural deaths. Yet, it is important to study the contributory causes / etiology of these deaths in the context of gender differences attributed to men and women both in the family and in society.

The investigation of unnatural female deaths is important not only to find out how and why these deaths occur, but also to ensure justice for the victims' families where violence is involved.

It is assumed that ensuring justice will not only hold perpetrators accountable, but also exert a deterrent effect on society, and hence contribute towards the prevention of further violence.

This essentially necessitates an efficient and effective death investigation and court system.

1 The world bank- Overview -Sri Lanka. <http://www.worldbank.org/en/country/srilanka/overview> accessed 26.6.2016

2 Sylvia Walby, Jude Towers, Brian Francis; Is Violent Crime Increasing or Decreasing? a New Methodology to Measure Repeat Attacks Making Visible the Significance of Gender and Domestic Relations, The British Journal of Criminology, Volume 56, Issue 6, 1 November 2016, Pages 1203-1234,

3 Annual Health Statistics of Sri Lanka 2009-2010, Ministry of Health Sri Lanka

However, over the past years, there are numerous occasions when the efficacy of the Sri Lankan Courts has been questioned especially with regard to the delay in law enforcement⁴. According to the annual performance report released by the Ministry of Justice, there have been a total of 725,944 court cases pending in Sri Lankan court system as of December 31, 2016; of which 699,784 have been carried over from previous years (with 3,758 cases in High Courts and 535,644 in Magistrate Courts)⁴. Further calculations revealed that the average time taken to conclude a criminal case spanned from 6½ to 10 years^{5,6}. These factors reiterate the need for necessary policy and judicial changes to address the backlog within the Sri Lankan court system⁷.

Laws and Policies on the Investigation and Judicial Process related to Unnatural Deaths/ Unnatural Female Deaths

1. Code of Criminal Procedure Act No 15 of 1979, Chapter XXX inquests of death.
2. Penal Code of Sri Lanka 1883 and amendments (1993, 1995, 2006)
3. Government Gazette of 23.9.2011 regarding recruitment and qualifications of inquirers into sudden death.
4. Circular 04/2007 and 03/2004 of the Ministry of Justice regarding appointment, payments, disciplinary control of inquirers,

conclusion of inquest, release of dead bodies expeditiously and unnecessary post-mortem examinations.

5. Circular 03/2008 of the Ministry of Justice regarding inquests on maternal deaths, deaths from accidents, suicides, deaths from firearm injuries, and deaths where cause of death is unknown.

About the Study

In December 2015, the UNFPA commissioned a national study on unnatural female deaths in Sri Lanka with the following objectives:

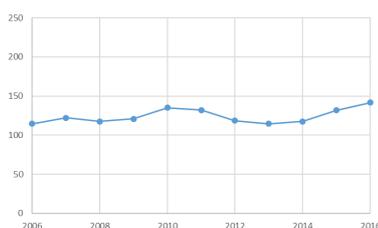
- A) To calculate incidence rates, examine types, injury patterns, and factors associated with unnatural deaths of women and girls in 5 selected provinces in Sri Lanka,
- B) To describe the problems associated with the judicial processes and outcomes relating to unnatural female deaths, and
- C) To provide policy inputs and guidelines to address the problems associated with the investigation and judicial processes relating to unnatural female deaths.

About the Data

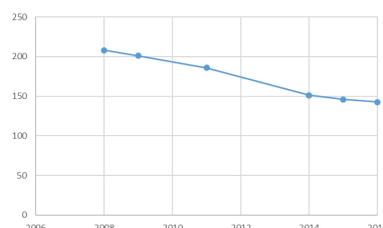
729 unnatural female deaths

were included in the study from five selected provinces. The data were obtained from case files of the Police, the Inquirer into Sudden Deaths and Judicial Medical Officers.

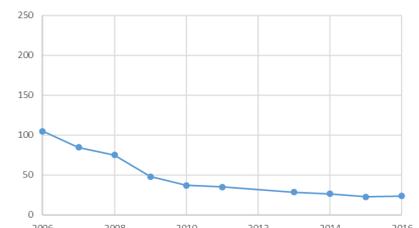
Accident Incidence Rate of Sri Lanka
(Per million population)



Suicide Incidence Rate of Sri Lanka
(Per million population)



Homicide Incidence Rate of Sri Lanka
(Per million population)



Incidence Rates were calculated based on statistics from the Sri Lanka Police and Department of Census and Statistics.

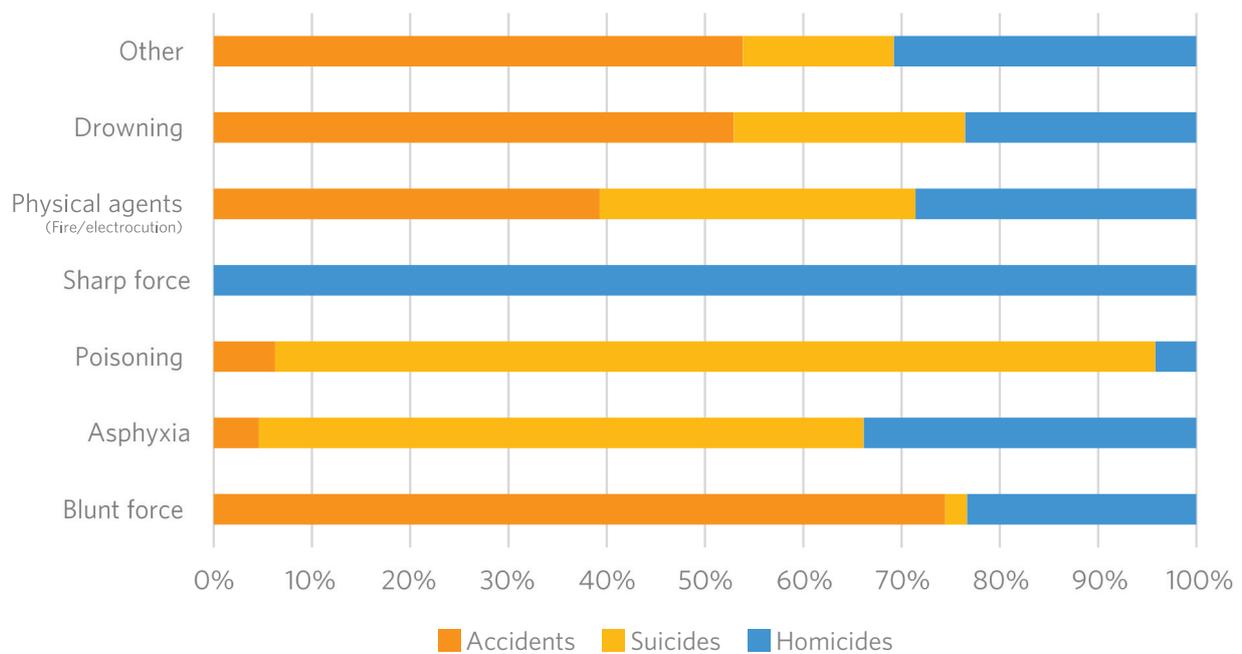
⁴ Report of the Sri Lanka Law's Delays and Legal Culture Committee. Ministry of Justice and Asia Foundation 1985 Yohan Perera, 725,944 cases pending in courts: Ministry of Justice. Daily Mirror 2017-06-09

Age distribution according to the circumstance

Age category	Accident		Suicide		Homicide		Unnatural deaths	
	N	%	N	%	N	%	N	%
Less than 25 Years	38	16	100	40	44	18	182	25
25 - 60 Years	109	47	125	50	143	59	377	52
More than 60 Years	87	37	27	10	56	23	170	23
Total	234	100	252	100	243	100	729	100

The majority were between **25-60 years**

Type of Death



The Main Common Causes of Unnatural Female Deaths



- PAS Edirisinghe, IDG Kitulwatte, AAS Sihanada, BAAR Bulathsinhala Justice delayed -Justice denied; a study on time intervals of medico-legal examinations, reporting and giving evidence in cases of alleged child abuse victims. Medico-Legal Journal of Sri Lanka 2011; 1: 20-26.
- Yasantha Kodagoda Criminal Justice System of Sri Lanka: A pragmatic approach to enhancing its efficacy, Joiner Law Journal 2017;8:30-34
- Report of the National Law Conference 2016: Bar Association of Sri Lanka and USAIDS 2017

Unnatural Female Death Incidence Rates for 2016 - Sri Lanka

Homicides:

23.6 per million population per year

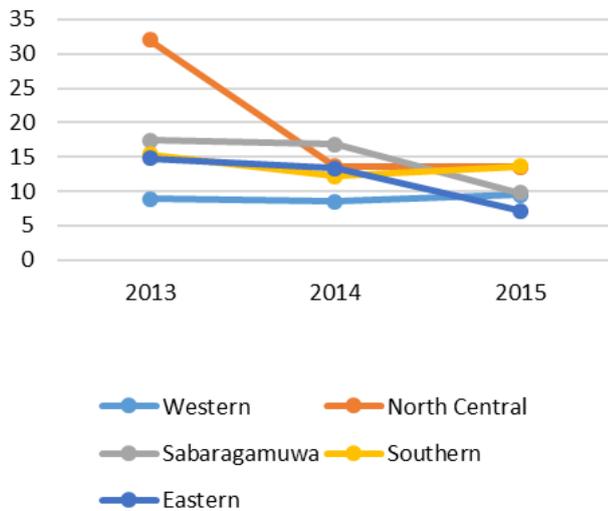
Suicides:

142.6 per million population

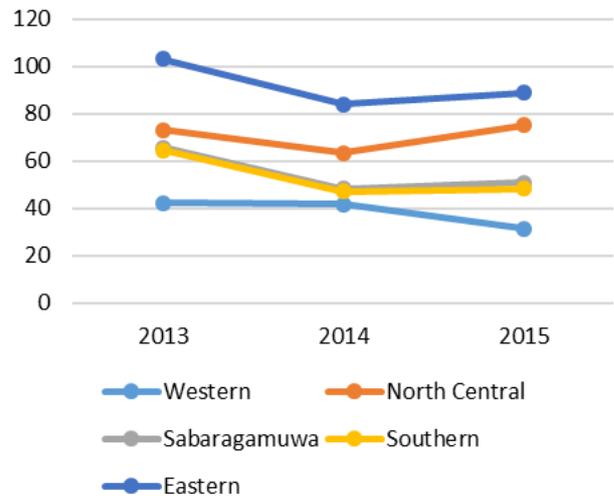
Accidents:

114.8 per million population

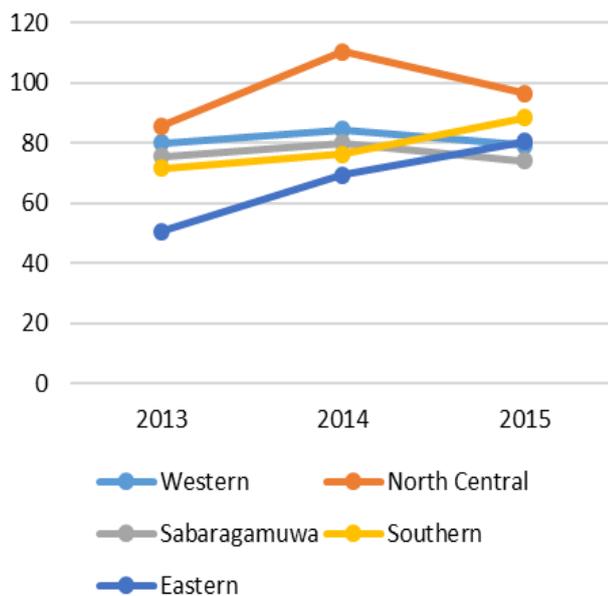
Incidence rate per million population for female homicides in five provinces of Sri Lanka, 2013 - 2015



Incidence rate per million population for female suicides in five provinces of Sri Lanka, 2013 - 2015



Incidence rate per million population for female accidents in five provinces of Sri Lanka, 2013 - 2015



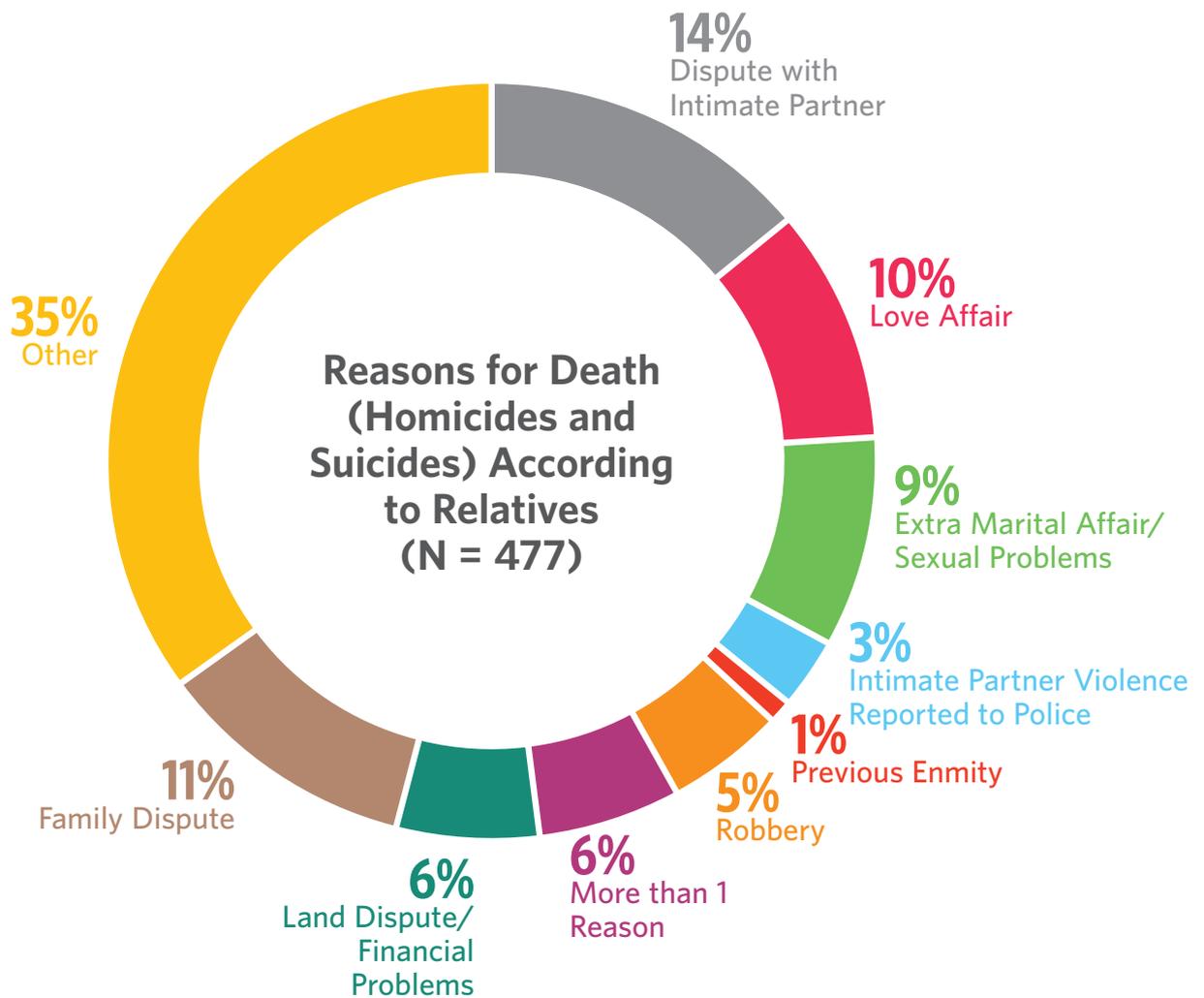
Incidence Rates of Female Unnatural Deaths in Five Provinces

Homicides show a general decline from 2013 to 2015 with a slight rise in Southern and Eastern Provinces in 2016.

Suicides show a decline from 2013 to 2015 except in North Central Province.

Accidents show a rise in Southern, Eastern and North Central Provinces while the rate has been almost static in Western and Sabaragamuwa Provinces.

Incidence Rates were calculated with the data from Sri Lanka Police and Department of Census and Statistics, Sri Lanka.



More than one third of female deaths was due to issues related to intimate partner violence. In 36% of homicides alleged perpetrator was the legal husband/lover/ex-lover while in 21% a blood relative. 8% (n=20) of the deceased women had reported IPV to law enforcement agencies at least once while (3%) (n=6) had reported more than 3 times. while or the, i.e. violence committed within the family/ with known persons.

Death Investigation (Police and Forensics)

Police and preliminary forensic investigations of unnatural female deaths were concluded within 24 hours in more than 80% of the cases.

A majority of interviewees were comparatively more satisfied with police and forensic investigation than the judicial outcome. (However, there have been areas of concerns relating to communication and impartiality).



Judicial Process

Out of 243 homicides studied, 115 (47%) had proceeded to Attorney General's Department (AGD) after conclusion of non-summary proceedings. An analysis of time intervals revealed that only 29% out of the 115, had reached the AGD within six months of the incident while another 15% reached the AGD by one year.

Filing an indictment is a duty of the AGD. An analysis of the time process at the AGD revealed only 5 cases (10%) were concluded within one year while rest took more than 1 year to complete the indictment.

Trials had commenced in the High Court in 27 cases. Analysis of time intervals revealed that the trial had commenced within one year only in 2 cases. The trials of 12 (44%) cases had commenced within 1-3 years whereas in rest of the 13 (48%) cases, the trial began more than 3 years after the incident. However, conclusions of trials were seen only in 6 cases. One case had been concluded within a year, another three took 1-3 years, while the remaining two terminated in 3-6 years.

Progression of the cases commenced in 2013 up to August 2017

Case at present	Frequency	Percentage
Magisterial inquiry	19	27
File at Attorney General Dept.	26	37
High Courts	21	30
Case closed/ Concluded	4	6
Total	70	100.0

Judicial processes on homicides of 2013

At the end of 3 years only 30% of the cases have reached the High Court.



Family Interviews: Selected Quotations

“The case is not yet concluded. Still court hearings are going on. I am not going to courts regularly. I am fed up now. I do not have any specific expectation of the legal outcome. I have lost trust in people. His family has migrated from here. If God is there he will be punished in a proper way (crying)”

The mother of a victim of homicide from Mandoor, Eastern Province whose son-in law had allegedly killed her daughter and 8 months old child 3 years ago.

“It's been five years now but still they haven't given any punishment to the perpetrator. I come to the police every month. They have been saying the file is at the Attorney Generals Department”

The father of a victim from North Central province whose 12 year old daughter and wife were murdered in a robbery 5 years ago.

“He is bailed out. We went to the Magistrate Courts for several sessions. Now it has been more than two years. He is free. The police is telling us that the case file has been sent to the Attorney General. He should be hanged. Imprisonment is not enough for these kinds of people. These cases should not be delayed and should be concluded as soon as possible and the offenders should be punished. It will reduce these kinds of offences.”

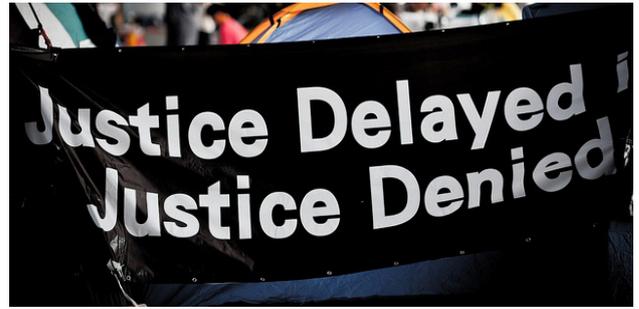
The brother of a victim from Kuruvita whose sister and nephew were set on fire and killed allegedly by the husband of the deceased 3 years ago.

“The police told us that there is no need to be present for all the court hearings regularly. But as we are not satisfied with the case progression at the Magistrate Courts, we are going for every court hearing”

“When the suspect was submitted to Angoda Hospital he gave a clear account of what has happened. The doctor gave the report as he is not a psychiatric patient. Even with that report the judge still considers him as a psychiatric patient because he imitates his sister’s behavior in the courts who is a known psychiatric patient.”

The mother and father from Kaththankudi, whose 8 year old daughter was raped and murdered 3 years ago.

The judicial process in homicidal female deaths showed considerable delays at each step. Many have lost faith in the judicial process due to its delays.



Recommendations

The population structure and statistics on unnatural death should be considered in expansion of judicial services. These expansions should be monitored and revised on regular basis.

1. PREVENTION BY ADDRESSING UNDERLYING ETIOLOGIES

One out of three homicidal and suicidal deaths is a result of **disharmony in relationships**.

Redress mechanisms, counseling and befriending services/ support, protection and legal aid and how to reach such services should be available at times of need.

Road traffic accidents amount to the highest number of unnatural deaths in females. Therefore, ensuring road safety is the way forward to prevent such death.

- **Empower Women:**

Enhance financial independence and strengthen capacity of women to make decisions for themselves and their families.

- **Promote Life-Skills through school based programmes):**

Improve knowledge, skills and attitudes on human rights, sexual and reproductive health and relationship education, gender based/ domestic violence and family disputes resolution.

- **Strengthen Support for Women in Need:**

Facilitate gender sensitive counseling, promote befriending services and welfare officers (e.g. child protection officers), facilitate gender sensitive law-enforcement system in dealing with violence against women, enhance psycho-social support in bereavement

- **Improve Road Safety:**

Promote education on road rules, maintain strict traffic regulations.

2. IMPROVE THE QUALITY OF DEATH INVESTIGATION SYSTEMS

Main stakeholders of death investigation system include **Investigating officials appointed by the Ministry of Justice, Police, Forensic Medicine Experts and Forensic Scientists.**

Coordination between all stakeholders should exist while maintaining strict impartiality.

Gender sensitive and ethical conduct should be maintained throughout the death investigation.

- **Capacity Building:**

Increase human resources, provide quality training and regular Continuous Professional Development (CPD) activities, improve infrastructure (autopsy labs, forensic histopathology, toxicology, DNA & serology) establish special police unit for crime investigation, use modern information system in report writing, record keeping, and producing to courts (establish e-record system).

- **Quality Assurance:**

Establish guidelines and institutional standard operational procedures for the investigation of unnatural deaths, promote accreditation of laboratories, establish deadlines for report submission, establish annual/ regular audits, feedback from the public.

3. EFFICIENT COURT SYSTEM TO ADMINISTER JUSTICE

A modern court system is essential to deal with the **increasing number of new cases** and to **clear the backlog.** Capacity building should be at all levels, i.e. non-summary, Attorney General Department as well as High Courts.

Ethical conduct should be maintained throughout the judicial process by all judicial officers (jurist, prosecutors, and defense) including not being influenced by political or any other pressure.

- **Capacity Building:**

Increase human resources, provide quality training and regular CPD activities, improve infrastructure such as new court rooms, mobile courts, use modern information system to improve record keeping, methodical management of the court houses and para judicial services, increase managerial skills of judicial officers.

- **Quality Assurance:**

Establish guidelines and institutional standard operational procedures for hearing cases on unnatural deaths, establish deadlines to conclude a case, regular audits, feedback from the public.

- **Law Reforms and Timely Implementation:**

Criminal Procedure Code, Evidence Ordinance, Judicature Act, Witness-Victim Protection Act are the main procedural laws that deals with unnatural deaths. Some areas of these acts need revision especially to assure the quality and timely implementation.

UNNATURAL DEATHS OF WOMEN AND GIRLS IN SRI LANKA (PREVENTION AND JUSTICE) - ANNEX

Violent Female Deaths (Homicides and Suicides) the Depth of the Issue

The World Health Organization (WHO) defines violence as the intentional use of physical force or power, threatened or actual, against oneself or another person or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.¹ When deaths occur due to violence, there is an immeasurable impact on the members of immediate and extended families and communities whose lives are often changed irrevocably by these tragedies.^{2 3}

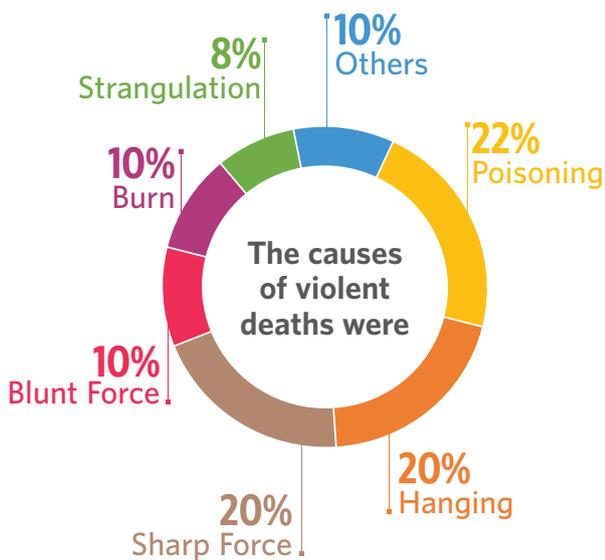
Sri Lanka is a multi-religious, multicultural country with a rich civilization that underwent a terrorist war for 30 years and is currently in a post conflict resolution phase. The effect of war on a country and its people is immeasurable. During the 30 years of terrorist war, Northern and Eastern provinces were directly affected while other provinces had its indirect effects. The effect of terrorism on persons' psyche is unknown. There is increasing evidence that the psychological responses to terrorism exert significant effects on mental and physical health and the society.^{4 5}

Analysis of 243 homicides and 252 suicides from five provinces revealed that the majority (64%) of the victims were between 20-60 years. Children and adolescents accounted for 19% (96) while elderly (>60 years) were 17%. Victims who were either married or living together with a partner comprised of 56% of the sample.



Source: World Report on Violence and Health, 2002

- 1 Global status report on violence prevention 2014 http://www.who.int/violence_injury_prevention/violence/status_report/2014/en/
- 2 Krug E, Dahlberg L, Mercy J, Zwi A, Lozano R. World report on violence and health. Geneva: World Health Organization; 2002. http://apps.who.int/iris/bitstream/10665/42495/1/9241545615_eng.pdf
- 3 Injuries and violence: the facts, WHO 2010 http://apps.who.int/iris/bitstream/10665/44288/1/9789241599375_eng.pdf
- 4 Rachel Yehuda, Steven E Hyman. The Impact of Terrorism on Brain, and Behavior: What We Know and What We Need to Know. *Neuropsychopharmacology* (2005) 30, 1773-1780
- 5 Fremont WP. Childhood reactions to terrorism-induced trauma: a review of the past 10 years. *J Am Acad Child Adolesc Psychiatry*. 2004 Apr;43(4):381-92.



Understanding the Depth and Breadth of Family and Intimate Partner Violence

Extracts from Family Interviews

“My father is a hot tempered person who gets angry very easily. So I do not know whether the killing was a planned one or a result of sudden anger.

My Mother was discharged from hospital recently. She needed time to recover, but he wanted her to go with him. My mother suffered a lot. I have seen my mother being beaten by my father since childhood. He used whatever he could get his hands on to beat her. She had fractured arms and legs several years ago.

My mother had to go to the hospital this time because my father inserted a wooden pole into her vagina and she was badly hurt.”

Daughter of a victim from Panamure, Sabaragamuwa where her mother was killed by her father

“She was having an affair with another man. I have advised her to stop this relationship. Finally she was caught red-handed by my son. This was the reason for the incident.”

Mother-in-law of a victim from Anuradhpura, where her son killed his wife

“Earlier my parents lived peacefully. I do not know why my father killed my mother. An astrologer said that someone had probably casted a curse on us.”

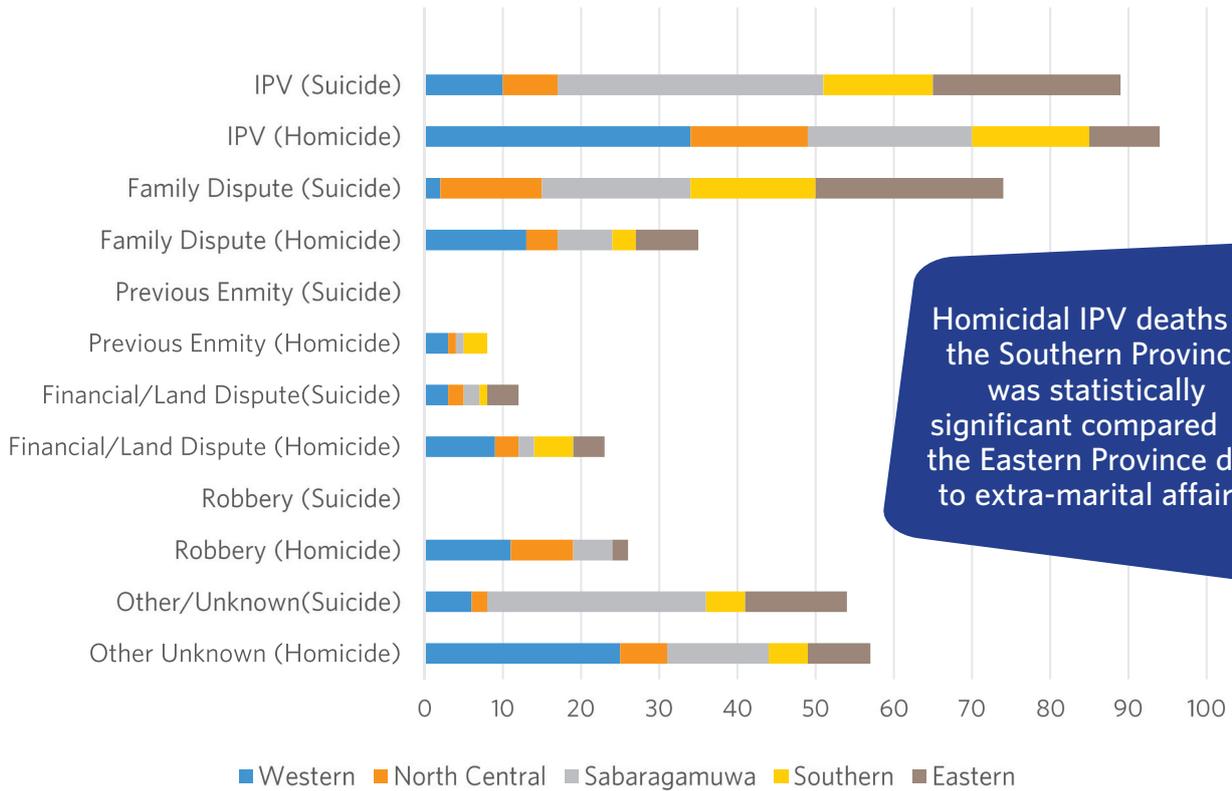
Daughter of a victim from Sooriyawawa, Hambanthota where her mother was killed by her father

Effect of her death to the family and the loved ones

“After her death I was all alone in my home and I sent my daughter to my parents’ house. I felt as if I could not live in this house anymore. I had prepared the transfer letter too. Her death was a major setback in my life. This house would have been built better than this if she was here.”

Husband of a woman from Southern Province who had committed suicide 4 years ago.

Underlying reasons for violent deaths (Suicides and Homicides)



Homicidal IPV deaths in the Southern Province was statistically significant compared to the Eastern Province due to extra-marital affairs.

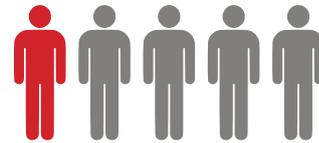
39% of homicides and 35% of suicides were due to IPV. 14% of Homicides and 29% of suicides were due to family disputes.



3 out of every 5 deaths

the underlying reason was the inability to solve relationship issues/disputes.

IPV homicides ranged from **escalated violence to sudden provocation**. IPV related to extra marital affairs are justified by the members' of the family. Thus, family members reactions to IPV ranges from strong **disapproval to justification**.



1 out of every 5

IPV homicidal deaths, the husband/cohabitant committed suicide after killing the woman

One out of every three homicidal deaths due to family disputes involved killing of the mother-in-law while matricide accounted to another 1/3. Infanticides accounted to 10% of homicides.

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