

Incest Cases Evaluated at Eskisehir Osmangazi University Medical Faculty, Department of Forensic Medicine Between 2015-2019

Eskişehir Osmangazi Üniversitesi Tıp Fakültesi Adli Tıp Ana Bilim Dalına 2015 İle 2019 Yılları Arasında Başvuran Encest Vakalarının Adli Tıbbi Değerlendirilmesi

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Abstract

Incest is traditionally defined as the relationship between family members who are related. In this study, incest cases for which a forensic report was requested from Eskisehir Osmangazi University Faculty of Medicine, Department of Forensic Medicine by the judicial authorities in the 5-year period between 2015-2019 were included in the study. The cases were evaluated in terms of age, gender, education and employment status of the victim-defendant, place of residence, relationship between the victim and the accused, the place where the act took place, pregnancy status, the first application period, and the stage of the act. It was determined that 64 of 661 sexual assault cases reported by Eskisehir Osmangazi University Forensic Department between 2015-2019 were incest. It was determined that 9 (14.1%) of the cases were male and 55 (85.9%) were female. It was determined that 17 victims (26.6%) were under the age of 12. Discussion; In the presented study, the characteristics of incest cases reflected in our Forensic Medicine Department were found to be compatible with the literature. It was thought that more articles on incest should be submitted.

Keywords: Incest, Domestic sexual abuse, Child abuse

Özet

Encest, geleneksel olarak akrabalığı olan aile bireyleri arasındaki ilişki olarak tanımlanmaktadır. Bu çalışmada, 2015-2019 yılları arasındaki 5 yıllık dönemde adli makamlar tarafından Eskişehir Osmangazi Üniversitesi Tıp Fakültesi Adli Tıp Ana Bilim Dalı'ndan adli rapor istenilen encest olgular çalışma kapsamına alınmıştır. Olgular yaş, cinsiyet, mağdur-sanığın eğitim ve iş durumu, ikamet edilen yer, mağdur sanık arasındaki ilişki, eylemin gerçekleştiği yer, hamilelik durumu, ilk başvuru süresi, eylemin aşaması açısından değerlendirilmiştir. 2015-2019 yılları arasında Eskişehir Osmangazi Üniversitesi Adli Ana Bilim Dalı'na rapor düzenlenen 661 cinsel saldırı olgusunun 64'ünün encest olduğu belirlenmiştir. Olguların 9'unun (% 14,1) erkek, 55'inin (% 85,9) kadın olduğu saptanmış olup mağdurların en küçüğünün 8, en büyüğünün 32 yaşında olduğu ve yaş ortalamalarının 15.4±5.1 olduğu belirlenmiştir. 17 mağdurun (% 26,6) ise 12 yaşını doldurmadığı belirlenmiştir. Sunulan çalışmada Adli Tıp Ana Bilim Dalımıza yansıyan encest olgularının özelliklerinin literatürle uyumlu bulunmuştur. Encest ile ilgili daha fazla makale sunulması gerektiği düşünülmüştür.

Anahtar Kelimeler: Encest, Adli tıp, Çocuk cinsel istismar

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1. Introduction

Incest is defined by law as sexual activity between family members and people with close blood relation, who are prohibited from marrying (1). Incest covers the actions of the perpetrator, who has a strong emotional connection to the victim or has an authority over the victim, towards sexual urge (2). In paragraph 3 of Article 102 of the Turkish Penal Code, the crime of sexual assault is defined as a qualified form of the crime "*against a person who has a blood or in-law's relationship, including the third degree, or by a stepfather, stepmother, stepbrother, adopter or adoptee.*"; therefore, in incest cases, aggressor may be a sibling, father, grandfather, stepfather or grandfather, uncle, uncle (mother side), brother-in-law, cousins etc.

In the literature, incest has often been evaluated within the context of child abuse issues. Incest relationships should be seen as a social problem. It can lead to biological, psychological and social ill-effects on the victim, as well as damage to the family structure, which is the smallest unit of society. Although it is a socially important issue but often overlooked, the World Health Organization (WHO) regards this issue as a silently ongoing health emergency (3).

In 2014, the Ministry of Family, Labor and Social Services' Domestic Violence Against Women Survey reported that 8.9% of women in Turkey had been sexually abused before the age of 15. 15% of these women were sexually abused by family members during their childhood (4).

Incest cases are thought to be higher than reported numbers (5,6). The true prevalence of incest cases is quite difficult to determine. Family members may not cooperate in unfolding incest, which causes the incest-related data to be limited.

Children who are victims of incest experience many physical and mental disorders in both short and long term. These include indifference or over-sensitivity to sexual issues, a decline in school achievement, losing interest in education, feeling of insecurity, sleep problems,

communication disorders, suicidal tendencies and dissociative disorders (7-10).

In this study, incest cases reflected in the Department of Forensic Medicine of Eskişehir Osmangazi University Faculty of Medicine were evaluated. It is aimed to share and discuss the forensic medical characteristics of the cases with the literature.

2. Materials and Methods

Incest cases out of sexual assault cases evaluated between 2015 and 2019 in the Department of Forensic Medicine at Eskişehir Osmangazi University Faculty of Medicine were included in the study. The cases in which the defendants were father, stepfather, brother, grandfather, uncle, brother-in-law were evaluated as part of incest. Sexual assault is considered all sexually explicit behaviors in which the body immunity of the victims is sexually violated, as defined in the applicable law.

The study was carried out by retrospective examination of the files in the Department of Forensic Medicine at Eskişehir Osmangazi University Faculty of Medicine. The cases were evaluated in terms of age, gender, stage of incident, victim-defendant's education and work status, place of residence, relationship between the victim and defendant, where the incident took place, pregnancy status, initial application period.

The data were analyzed through the SPSS Package statistics program. $P < 0.05$ is considered statistically significant.

The study was carried out with the approval of Eskişehir Osmangazi University Non-Interventional Clinical Research Ethics Committee decision dated 17.12.2019 and numbered 25.

3. Findings

Between 2015 and 2019, 64 (9.7%) of the 661 cases of sexual assault evaluated by Eskişehir Osmangazi University Department of Forensic Science were found to be incest cases. It was determined that 9 (14.1%) of

the cases were male and 55 (85.9%) were female. The youngest of the victims was found to be 8 years old meanwhile the oldest was 32 years old, and their average age was 15.4 ± 5.1 . It was determined that 17 victims (26.6%) did not reach the age of 12 at the time of incident. The average age of female victims was 15.9 ± 4.8 and the average age of male victims was 9.2 ± 3.1 . It was determined that 44 (68.8%) of the victims were not over

the age of 15. It was determined that 8 (88.9%) of the male victims and 9 (16.4%) of the female victims were under the age of 12 (Table 1). There was a significant difference between the age group and the gender. It was determined that 88.9% of male victims were younger than 12 years old. Same rate was determined as 16.4% in female cases ($P < 0.0001$).

Table 1. Distribution of victims' ages by their gender

Gender	Below 12 years old		Over 12 years old		Total	
	n	%	n	%	n	%
Male	8	88,9	1	11,1	9	100,0
Female	9	16,4	46	83,6	55	100,0
Total	17	26,6	47	73,4	64	100,0

Fisher's Exact Test $P < 0,0001$

It was determined that 25 (39.1%) of the cases lived in the village or town, while 39 (60.9%) lived in the urban area.

In 44 (68.8%) of cases, it was understood that the action took in the form of penetration. It was determined that 20 cases (31.2%) contained physical contact without penetration. Penetration findings were detected in 38 (69.1%) of the female cases. Isolated vaginal penetration was detected in 32 of the female cases, isolated anal penetration in 2 and vaginal and anal

penetration findings were detected in 4. Anal penetration findings were detected in 6 of the male cases. There was no significant difference between penetration status and gender and place of life (Table 2). Physical violence was found in 3 cases (4.7%).

A significant relationship was found between penetration status and age group. While the penetration presence was 17.6% ($n=3$) in victims under the age of 12, penetration was determined in 87.2% ($n=41$) of victims over 12 years of age (Table 2, $P < 0.0001$).

Table 2. Distribution of penetration status by gender, age group, place of residence and application period

	Penetration		No Penetration		Total	
	n	%	n	%	n	%
Gender						
Male	6	66,7	3	33,3	9	100,0
Female	38	69,1	17	30,9	55	100,0
$\chi^2=0,021$						
$P>0,05$						
Age Group						
Below 12 years old	3	17,6	14	82,4	17	100,0
Above 12 years old	41	87,2	6	12,8	47	100,0
$\chi^2=28,138$						
$P<0,0001$						
Place of Residence						
Rural	19	76,0	6	24,0	25	100,0

Urban	25	64,1	14	35,9	39	100,0
$\chi^2=1,004$	$P>0,05$					
Initial application period						
0-10 days	6	26,1	17	73,9	23	100,0
After 10 days	38	92,7	3	7,3	41	100,0
$\chi^2=30,416$	$P<0,0001$					

It was determined that 4 (6.3%) of the victims were in their preschool childhood, 40 were students (62.5%), 38 were primary and 2 were high school students (62.5%), and 2 female cases (3.1%) were employed. Two of the female victims were married, and in other cases the victims were found to be single.

None of the cases were reported on the same day. It was determined that 6 cases (9.4%) were reported to the judicial authorities (prosecutor's office, police, gendarmerie) within the first 3 days, 17 cases (26.6%) were reported within 4 to 10 days, 10 cases (15.6%) were reported between 10th and 30th days, 27 cases (42.2%) were reported between 1-12 months and 4 cases (6.3%) were reported 1 year after the incident. In 27 (42.2%) of the cases, it was determined that the incident occurred more than once. It was determined that there were signs of penetration in all of these 27 cases. Of the 27 cases with repeated attacks in their history, it

was determined that from the first attack, 3 (11.1%) reported between 10-30 days, 20 (74.1%) between 1-12 months, and 4 (14.8%) more than a year after the incident.

It was determined that 17 of the 23 patients who reported within the first 10 days did not have penetration findings. It was determined that most of the cases (85%, n=17/20) without penetration reported earlier (10 days or earlier). However, it was determined that 86.4% (n=38/44) of the patients with penetration evidences reported later (10 days and later) (Table 2, P<0.0001).

When the proximity between the victim and the accused is evaluated, in 16 (25%) of cases, the defendant was a father, stepfather in 14 cases (21.9%), grandfather in 10 cases (15.6%), brother in 9 cases (14.1%), uncle in 8 cases (12.5%) and uncle (mother side) in 7 cases (10.9%) (Chart 1).

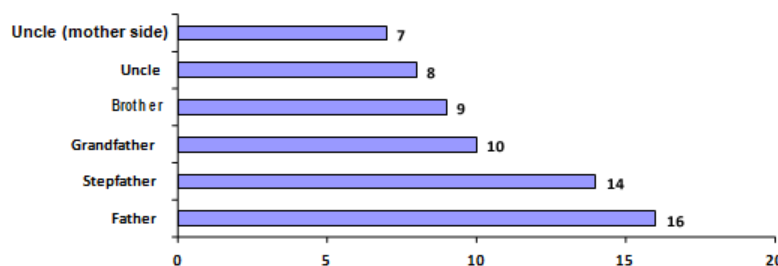


Chart 1. Distribution according to the proximity between victim and defendant

It is understood that 7 women became pregnant as a result of incest. In all 7 cases, it is determined that incest was revealed due to pregnancy. It has been observed that they did not make any official complaints until they became pregnant. In the cases in which victims became pregnant, it was determined

that the fathers were defendant in 3 cases, brothers in 2 cases, uncle in 1 case and uncle (mother side) in 1 case were the defendants. In all cases where pregnancy was detected, it was determined that the defendant was revealed by DNA analysis.

All of the defendants were found to be male, the youngest was 17 years old, the oldest was 67 years old and their average age was 32.6 ± 13.5 , 33 (51.6%) were single, 21 (32.8%) were married and 10 (15.6%) were found to be widows.

When the educational status of the defendants is examined; It was determined that 50 (78.1%) were primary and 14 (21.9%) were high school graduates. There was no illiterate, college-educated defendants. 11 (17.2%) were unemployed, 6 were retired (9.4%), the remaining 47 (73.4%) all had occupations as farmers (n=19), civil servants (n=13), workers (n=8) and self-employed (n=7).

A total of 23 cases (35.9%) were found to be incapable of defending themselves in terms of physically and mentally, including 17 cases due to being underage and due to mental retardation in 4 cases.

4. Discussion

The actual frequency of incest is very difficult to determine. In this literature, incest cases, which were reflected to the unit where the study was conducted, were presented rather than the frequency of occurrence in the society (5,6). Zonguldak Bulent Ecevit University Faculty of Medicine, Department of Forensic Medicine reported that 39 incest cases were evaluated between 2010 and 2014 (11).

In a study conducted in Hatay, it was reported that 737 cases of sexual assault were evaluated in the Department of Forensic Medicine at Mustafa Kemal University Faculty of Medicine between 2013 and 2016, and 57 (7.7%) of these cases were found out to be incest cases (6). Our study found that 64 (9.7%) of the 661 cases of sexual assault were incest.

In the study presented, it was determined that 73.8% of the defendants were primary school graduates, none of them were college educated, 18.5% (n=12) of the defendants were unemployed, 36.9% (n=24) were farmers and 7.7% (n=5) were self-employed.

Similar to our study, although incest cases are seen in families from all socio-economic levels; It has been reported that it is more common in families from low socio-economic backgrounds in the reports made to child protection services.

In this study, the average age of male victims was 8.5 ± 2.7 , while those of female victims were 15.3 ± 4.2 and all cases were 14.1 ± 4.7 . Similarly, in a study evaluating victims of sexual assault in our country, 51.7% of the cases were between the ages of 11 and 15 (14). Again, a study of 418 cases by Grossin and his colleagues found that the average age of victims of sexual crime was 15.9 years (15). Studies of sexual offences reported that men were mostly subjected to sexual acts at an early age (15,16,17).

Only 3 (4.7%) of the cases in our study had physical findings in general physical examination. Since physical examination findings, which are important in the discovery of sexual abuse, are often undetectable, their diagnostic value is limited. Events can be carried out with different types of sexual behaviors and these actions may not cause a traumatic finding (18,19). Physical findings are more infrequent, especially in incest cases (20).

If the time between the incident and the initial examination is prolonged, it becomes difficult to obtain medical evidence to help clarify the incident. In a study of 275 cases, it was reported that only 1.8% of victims of sexual crime were examined on the same day (20). In another study that evaluated 418 cases of sexual assault, it was reported that 39% of the cases were reported to have been investigated within the first 3 days. In the same study, it was determined that 51% of the cases who reported in the first 3 days and 8% of the victims who reported later were attacked by people they did not know at all (15). In the study presented, it was determined that none of the cases were reported on the same day. It was determined that 6 cases (9.4%) were reported to the judicial authorities (prosecutor's office, police, gendarmerie) within the first 3 days, 17 cases (26.6%) were reported within 4 to

10 days, 10 cases (15.6%) were reported between 10th and 30th days, 27 cases (42.2%) were reported between 1-12 months and 4 cases (6.3%) were reported 1 year after the incident.

In the literature on sexual assault, it has been reported that victims who are generally attacked by people they know have reported to the judiciary later (21,22). It was determined that especially in cases with penetration, the report was made later (23). This situation is attributed to the fact that the concept of virginity is still very important in our country and therefore the victims are afraid after the incident and have difficulty in telling about the incident. In the present study, in accordance with the literature, it was determined that there were no signs of penetration in 17 of 23 cases reported within the first 10 days. It was determined that most of the cases without penetration (85%, n=17/20) reported earlier (10 days and earlier). However, it was determined that 86.4% (n=38/44) of the cases with signs of penetration reported later (10 days and later).

The detection of incest is often coincidental. It may occur as a result of noticing abnormal behaviors in the child, taking the child to the doctor due to a physical injury or genital infection, and unexpected pregnancy (24,25).

In the study, it was understood that 7 women became pregnant as a result of incest. In all 7 cases, it was determined that incest was revealed due to pregnancy. It has been observed that they did not make any complaints until they became pregnant. In the cases in which victims became pregnant, it was determined that the fathers were defendant in 3 cases, brothers in 2 cases, uncle in 1 case and uncle (mother side) in 1 case were the defendants. In all cases where pregnancy was detected, it was determined that the defendant was revealed by DNA analysis.

The findings of our study were found to be consistent with the incest-related literature. The investigation process, which includes the detection of incest and the forensic medical evaluation, is quite challenging. Cross-sectional studies and case reports related to incest will contribute to the understanding of the subject and raise awareness. However, it is thought that multicenter and different disciplines should work together in order to fully understand incest and develop solutions. As with all cases of sexual crime reflected in the forensic units, it is important to provide a multidisciplinary working environment with the relevant branches in the forensic reporting process.

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Ethics

Ethics Committee Approval: The study was approved by Eskişehir Osmangazi University Noninterventional Clinical Research Ethical Committee (Number: 25, Date: 17.12.2019).

Informed Consent: The authors declared that it was not considered necessary to get consent from the patients because the study was a retrospective data analysis.

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