

Sexual Assault Cases in Turkey, 1991 - 1995

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CİNSEL SUÇLAR PROFİLİ

Özet

Cinsel suçların Türkiye'deki profili ile olayı aydınlatmak için temel unsurlardan olan tıbbi raporların etkinliğini belirlemek amacıyla 1991 yılı ile 1995 yılının ilk 8 ayı arasındaki süreyi kapsayan 4 yıl 8 aylık dönemde Adli Tıp Kurumu 2. İhtisas Kurulunda incelemeleri yapılan ve anal ve vajinal yoldan ırza geçme, ırza geçmeye teşebbüs ve ırz ve namusa tasaddiden oluşan cinsel suç olguları retrospektif olarak, olay türü, yaş dağılımı, olay tarihi ile muayene arasında geçen süre, yerel sağlık kuruluşlarınca verilen raporlar ile 2. İhtisas Kurulunun raporu arasındaki uyum, yapılan tetkikler ve bölgesel dağılım açısından değerlendirildi. Cinsel suç maruz kalanların büyük çoğunluğunu çocukların (0-18 yaş) oluşturduğu, mağdur çocuk oranının fiili livatada % 92,3'e, vajinal yoldan ırza geçme olgularında % 78,3'te olduğu, fiili livata sanıklarının % 56,5 oranında 13-18 yaş grubunda buldukları, erişkin sanık oranının % 39,3 olduğu, fiili livata olgularında sanık ile mağdurun arasında yaş farkının % 38,2 olguda 10 yaş ve üstü, % 24,4 olguda 7-10 yaş arası olduğu, olaydan sonra ilk muayenenin % 70,2 olguda aynı gün veya ertesi gün yapıldığı, fiili livata mağdurların arasında K/E oranının 1/4, cinsel suç genelinde ise yaklaşık olarak eşit olduğu, yerel sağlık kuruluşları ile ATK II. İhtisas Kurulu'nun raporları arasındaki uyum incelendiğinde fiili livata olgularında % 60 oranında, vajinal yoldan ırza geçme olgularında % 59 oranında uyumsuzluk olduğu belirlenmiştir. Saptanan bulguların ışığında multidisipliner bir yaklaşım gerektiren cinsel suçlarda tıbbi raporlarının daha sağlıklı ve yeterli olması için yapılması gereken hususlar tartışılmıştır.

Summary

A survey has been made to assess the profile of sexual assault cases including both vaginal and anal rapes in Turkey in a period of nearly 5 years till the end of 1995. The results show that the ratio of child victims (0-18 years) is significantly high (88 %). Male/Female ratio is nearly equal. In anal rapes, the majority of the assailants are in the age group of 13-18 years (56.5 %). In 70 % of cases, the first medical examination is performed within the same or the next day. The first medical reports given by the general practitioners are compared with the second reports given by the Sexual Crimes Committee of the Council of Forensic Medicine. In 60 % of the cases, inconsistencies were present between the reports.

So, in order to enhance the quality and effectiveness of the medical reports about rape, the results were discussed and as a step on this way, a new section "Section of Sexual Assaults" which is the first and the only one in Turkey, is organized at the Institute of Forensic Sciences, University, of Istanbul as a model for multidisciplinary approach to the investigation of sexual assault cases.

INTRODUCTION

Rape is the fastest growing crime of violence (1-3). Since 1977, the rate of forcible rape has increased by 21 %, which is the largest increase of all violent crimes (4). In 1990, the U.S. Department of Justice, Bureau of Justice Statistics reported 130.000 forcible rapes; and the National Women's Study estimated 683.000 cases of forcible rape(5) . In Turkey, the Ministry of Justice Statistics reported 9237 trials about sexual assault including rape and indigent assault which represent 2.1 % of all trials in 1994.

Unfortunately, less than 50 % of rapes are reported and some estimates are as low as 5-10 % (6-7). Many reasons explain the low frequency of rape reports as "the court appearances that historically prosecute the women as the defendant rather than the victim", "embarrassment and humiliation felt by the victim", "fear of publicity", "not to trust hospitals and law enforcement agencies", "being the rapist as a known person to the victim", "fear of rapist to be unpunished by the court" (8-10).

The medical report which is one of the main elements to clarify the sexual assault case should be effective. In order to realize this effectiveness in a good standard, we aimed to determine the profile of the sexual assault cases that were examined by the general practitioner physicians and then reevaluated by the Sexual Crimes Committee of Council of Forensic Medicine where the cases are examined by forensic medicine specialists.

MATERIALS and METHOD

From 1991 through 1995, 1826 sexual assault cases first examined by non-forensic specialist doctors in any part of Turkey and then asked for reevaluation by the committee including both vaginal and anal rapes (forceful anal penetration without consent is also accepted as rape by the Turkish courts) were retrospectively reviewed from the data base of the Institution of Forensic Medicine, Istanbul. As all data was not available in a part of cases, some data was remained unknown.

RESULTS

In 83 cases there was both vaginal and anal rape history. So, the cases were divided into two as vaginal rape, 705 cases (37 %) and anal rape, 1204 cases (63 %). 78 % of anal rape cases and 50 % of sexual assault (both anal and vaginal) cases were males, mainly boys. In anal rape cases, the youngest victim was a 2 year old boy and the oldest one was a 63 year old man. In vaginal rape cases the youngest victim was a one year old girl and the oldest victim was a 75 year old woman. Seminal fluid analysis was performed only in 22 cases which consist 1.2 % of all. It was also seen that no other analysis was performed based on evidence collection. Medical reports of the initial

physical examinations performed by the local hospitals were 60 % inconsistent with to reevaluation reports of the Institut of Forensic Medicine.

Table 1a shows age distribution of the sexual assault victims, and table 2 shows time interval in days between the offence and the examination.

Table 1. Age distribution of victims in vaginal rape , anal rape and both.

Age in years	Anal rape cases (n)	%	Vaginal rape cases (n)	%	Total Anal+Vaginal	%
3 and down	33	2.8	6	0.9	39	2
4-6	194	16.1	12	1.8	206	10.8
7-9	283	23.5	27	3.8	310	16.2
10-12	220	18.2	43	6.0	263	13.8
13-15	219	18.2	164	23.3	383	20.1
16-18	114	9.5	137	19.4	251	13.2
19 and up	89	7.4	108	15.3	197	10.3
Unknown	52	4.3	208	29.5	260	13.6
Total	1204	100	705	100	1909	100

Table 2. The offence / examination interval in days (only anal rape cases whose data were available).

Day	No. of cases	%	Excluding the unknown cases (n=1001) %
The same day	490	40.7	49.0
1	212	17.6	21.2
2	59	4.9	5.9
3	38	3.2	3.8
4	21	1.7	2.1
5	16	1.3	1.5
6 and up	165	13.7	16.5
Unknown	203	16.9	-
Total	1204	100	100

DISCUSSION

Contrary to medical literature which shows that 10-20 % of the sexual assault victims are males (11-15), this study showed a much higher percentage of males as 50 %.

Only a small percentage of the victims were adults (12 %). Compared with the other studies reporting that 19 to 50 % of the victims were children(16-20), our findings are alerting and disturbing by 88 % in 0-18 age group and 50 % in 0-12 age group.

The majority of the sexual assault cases were anal rape cases (63 %). This study does not show the whole profile because, by the courts, anal rape cases and sexual assaults towards children are asked for reevaluation more than vaginal rape cases and sexual assaults towards adults. Yet, this percentage is still considerably high.

Pleasantly, most of the cases (70 %) were examined within the same or the next day. Only 15,5 % of the cases were examined 6 days or more after the offence. Although it is a great problem for the disappearance of physical signs and transferred biological material, this percentage is better than the studies complaining of more than 50 % of cases delaying more than 10 days (14).

As modern legal systems require evidence collection, testing for seminal fluid in only 1,2 % of cases seems as a great deficiency in rape investigation.

High inconsistency (60 %) between the reports shows that medical examinations made by the physicians other than legal medicine specialists are insufficient. The lack of training and experience about rape examination are the main reasons.

As a conclusion, this study shows that rape investigation in Turkey has problems both in physical examination (because of the great inconsistency among the medical reports) and evidence collection - evaluation.

PROPOSALS

Sexual assaults need multidisciplinary approach; so it is our responsibility as forensic scientists to augment the effectiveness of medical reports in rape cases. As a step on this way, a new section "Section of Sexual Assaults" (SSA) which is the first and only one in Turkey, has been organized at the Institute of Legal Medicine and Forensic Sciences, University, of Istanbul as a model for the multidisciplinary approach to sexual assault investigation. A specialist doctor of legal medicine, a nurse, a doctor of law, a pedagogue, and a psychologist constitute the permanent staff of the section. Furthermore, required professionals in accordance with the case such as a forensic odontologist or a pediatrician are invited for consultation. At SSA, by the assistance of the pedagogue or psychologist and nurse, physical evaluation of the case is performed with the written consent of the victim or the assailant in comfortably designed rooms. All data about medical history and the assault, physical findings and specimen collection are recorded and documented by using standard forms. Medical treatment and prophylaxis of sexually transmitted diseases and pregnancy is a routine procedure in every consenting case. Evaluation of biological material for identification (including DNA analysis) is performed at the Center of Forensic Hemogenetics of the Institute which works appropriate to ASTM and IAFH/EDNAP guidelines. Laboratories of forensic microbiology, cytology and physics are also available at the Institute. Legal, pedagogic and psychological guidances are also given to patients and for treatment of rape

trauma syndrome, patients are referred to a psychological trauma center. Our goal to found such a section is to constitute an ideal model for rape investigation and also organize multidisciplinary education programs towards related professions. We believe that increasing the number of such sections on rape investigation country-wide will have a considerable effect on the problem of sexual assault.

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