



Forced attempt to procure abortion of wife by the husband and mistress; not only a physical but also psychological trauma

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INTRODUCTION

➔ Since Law is describes as a social science, penal codes should consider the needs, life styles, customs, traditions and educational and cultural level of the society that they originate. Thus legal regulations, crime descriptions and penal codes differs from country to another.

➔ As human being is a bio-psyco-social entity legal regulations should consider the psychological effects of the trauma besides its physical findings.

➔ In Turkish Penal Code; negative psychological effects of the trauma is considered as penal enhancing criminal law article just for sexual assault and child abuse cases. If the forensic report describes psychiatric harm related to the trauma the court severaly penalized the perpetrator.

➔ Psychological effects of the trauma doesn't considered for any kind of physical trauma independent from their reasons in Turkish Penal Code. The court only consider the forensic report which have a basic law depended physical trauma scoring system when give decision.

➔ Forced attempt to procure abortion is a crime that severely penalized by the law in our country just as other international legal regulations. But the additive penalty because of just as in sexual abuse cases is dismissed in forced attempt to procure abortion cases in our penal code.



AIM

➔ We aim to take attention on legal regulations penalize the physical injuries but doesnt consider the psychological effects of all kind of traumas.

CASE

➔ After a pregnant wife was beaten by husband about a month ago, the husband was punished and the wife was given protection decision by court.

➔ After 15 days of suspension from home, the husband and the mistress attempted to procure abortion of the pregnant wife by penetrating a skewer into her vagina and uterus.

➔ The wife could not admit to the legal agencies since she was threatened with death. She was admitted to hospital with the complaint of severe pelvic pain, 2 weeks following the injury. Since the physical examination revealed vaginal and uteral injury and the case was found suspicious, she confessed the story.

➔ The case was informed to local authorities. A legal report was written following examination and several tests and perpetrators were arrested as a result.

➔ The judge asked for any psychiatric results of this physical attack and sent the patient to our forensic department. The patient was consulted to psychiatry clinic and was evaluated accordingly.

➔ The patient was diagnosed as posttraumatic stress disorder related to forced attempt to procure abortion. Additive penalty was inflicted by the court as a result of psychological trauma in addition to forced attempt to procure abortion.

DISCUSSION & CONCLUSION

➔ As human being is a bio-psyco-social entity, all kinds of traumas, especially with sexual content should be evaluated for psychiatric outcomes on the victim in addition to the physical violence.

REFERENCES:

- ➔ Turkish Penal Code. <http://www.ceza-bb.adalet.gov.tr/mevzuat/5237.htm>
- ➔ Guideline for forensic reports according to Turkish Penal Code www.atk.gov.tr/pdf/tckyaralama.pdf
- ➔ The Diagnostic and Statistical Manual of Mental Disorders (5th ed.; DSM-5; American Psychiatric Association [APA], 2013)