

Forensic Psychiatric Survey in Female Rape Victims



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Abstract

In Forensic Psychiatry, the evaluation of victims is complex and requires an interdisciplinary approach. In the Institute of Legal Medicine, it is the women who have suffered rape, the victims who are most frequently evaluated. That is why a retrospective study was carried out with the aim of illustrating the forensic psychiatric expertise performed with each of them, as well as the main results obtained.

All the psychiatric expertise tests performed on rape victims evaluated in the Mental Perception Department of Havana from January 2016 to December 2018 were reviewed. Excluded were minors under 18 years of age and foreigners, so the sample was left conformed by 39 cases.

Among those evaluated, the ages between 18 and 29 years old, single and divorced, as well as students, predominated. The previous pathology that was found most frequently was the Mental Deficit. When performing the psychiatric examination, the symptoms that were detected mostly were anxiety and shame, fear and sadness. Post-traumatic stress disorder, a mental illness that is considered serious, was found in 46.2% of those evaluated.

Keywords: Forensic psychiatry; Legal Medicine; Rape; Victim; Forensic psychiatric survey, Post-traumatic stress disorder

Abbreviations: PTSD: Post Traumatic Stress Disorder; BSA: Brief Scale for Anxiety; BDI: Beck Depression Inventory

Introduction

Medical assessment in Cuba in criminal proceedings is regulated by articles 200, 205, 211, 332 and 334 and instructed by article 210 of the Criminal Procedure Act, by article 20 of the current Penal Code and by Ministerial Resolution No. 100 of 2008, which provides that expert opinion may be available where, in order to know or assess any matter of importance in the case, scientific, technical artistic or practical knowledge is required; as well as providing for the establishment of a medical commission for forensic psychiatric expert training of subjects linked to judicial proceedings; it further approves and puts into force the methodology for the operation of the provincial commissions for forensic psychiatric practice in the national health system [1]. The most important point of contact between Psychiatry and the law is the survey which attempts to clarify through a set of tests the mental state of a given subject by providing concrete scientific elements to the court on psychic phenomena investigating their personality [2,3].

In this context, the victim's assessment is extremely complex, although much less treated in the literature than the figure of the accused. Direct victims of crime are persons who, individually or collectively, have suffered damage, financial loss or substantial impairment of their fundamental rights, as a result of actions or omissions that violate the criminal law in force in the Member States; indirect victims are family members or natural persons in charge of the direct victim who have an immediate relationship with the victim and potential natural persons whose physical integrity or rights are at risk of providing assistance to the victim either for preventing or stop the violation of rights or the commission of a crime [4,5].

With several expert tasks to be fulfilled in the victim, the interdisciplinary approach is indispensable in all of them. In the case of sexual offences, this integration is of particular interest as the sum of the results of biological, toxicological, genital and physical examination, psychological evaluation, psychometric and psychiatric examination studies is the ideal route for answers to judicial

questions concerning the psyche of victims at the time of criminal interest [3].

In the practice carried out at the Institute of Legal Medicine, are women who have suffered rape, victims most often are evaluated. That is why the main objective of this research is to illustrate the forensic psychiatric examination is done with each of them, as well as the main results.

Material and Methods

A review study was carried out, in which all the department of psychiatric expertise carried out to women victims of rape evaluated in the Department of Mental Expertise in Havana from January 2016 to December 2018 were reviewed. The under-18s and foreigners were excluded, so the sample was made up of 39 cases.

In all, the examination procedures, the personal history of the victims, sociodemographic characteristics, the main symptoms and signs detected, as well as the outcome of the evaluation were studied.

Table 1: Distribution of victims according to sociodemographic characteristics.

Sociodemographic characteristics		#	%
Age	18-29	20	51.3
	30-49	11	28.2
	50-64	7	17.9
	≥ 65	1	2.56
Civil status	Single	16	41
	Married / Stable Unión	9	23.1
	Divorcee	12	30.8
	Widow	2	5.13
Occupation	Student	14	35.9
	Worker	9	23.1
	House wife	6	15.4
	Retired	2	5.13
	Dependent	8	20.5

Table 2: Distribution of victims according to previous pathologies.

Previous Pathologies	#	%
Light Mental Deficit	5	12.8
Moderate Mental Deficit	8	20.5
Severe Mental Deficit	4	10.3
Epilepsy	2	5.13
Schizophrenia	3	7.69
Attention deficit hyperactivity disorder	1	2.56
Histrionic personality disorder	2	5.13

The importance of specifying personal medical history is related to the presence of psychiatric disorders that compromise the mental capacity of the victim, which would place them in a vulnerable situation and / or helplessness. Among the victims

The institution’s management and scientific council were requested for authorization and data that could compromise the anonymity of the victims were excluded.

Result

In the 39 cases reviewed, the expert opinion included: accountability of the victim’s personal history (including information provided by the care physicians in which they received mental health care), personal interview, interview with relatives (in those with prior psychiatric pathology), psychiatric examination, psychological evaluation (the selection of instruments was carried out according to the psychopathological elements detected in the interview; the most used being the Davidson Trauma Scale, Machover Test, BSA and BDI), medical-legal analysis and conclusions.

Among those evaluated, the ages between 18 and 29 predominated (51.3%), single women (41%) divorced (30.8%), as well as students (35.9%) [Table 1].

assessed, the most commonly found previous pathology was the Mental Deficit (43.6%) [Table 2].

During the psychiatric examination, the symptoms most detected were anxiety and shame (56.4%), as well as fear and sadness (51.3%) [Table 3].

After carrying out the survey, it was determined that 38.5% of the victims did not have any psychiatric pathology of post-crime installation. It should be noted that in these cases, these were victims who had previous diagnoses of severe and moderate mental retardation, as well as Schizophrenia; in which no affective trace was found after the crime and some even had no recollection of the occurrence of the crime. Post-Traumatic Stress Disorder, a serious mental illness, was found in 46.2% of those evaluated. [Table 4].

Table 3: Distribution of victims according to symptoms detected in the psychiatric examination.

Symptoms	#	%
Anxiety	22	56.4
Culpability	9	23.1
Distractibility	8	20.5
Hypervigilance	16	41
Insomnia	16	41
Suicidal ideation	7	17.9
Nightmares	17	43.6
Sadness	20	51.3
Remembrances	18	46.2
Shame	22	56.4
Fear	20	51.3

Table 4: Distribution of victims according to diagnosis of psychiatric pathologies of post-rape installation.

Diagnosis	#	%
No psychiatric pathology	15	38.5
Adaptative anxiety-depressive disorder	4	10.3
Panic Disorder	2	5.13
Posttraumatic Stress Disorder	18	46.2

Discussion

While the allegations of rape in Cuba do not compare with those reported by other Latin American countries, it is a global phenomenon from which the Caribbean island does not escape. At the beginning of the 21st century there was sufficient data to indicate that: '(...) up to 6 out of 10 women in the world experience physical or sexual violence throughout their lives, and between 10% and 27% of women reported being sexually abused, including girls or adults [6].

It is no wonder that it is younger women who most often suffer sexual outrage; result in which our study coincides with the literature consulted [7-9].

The existence of previous pathologies that compromise the mental capacity of the victim, is related to the fact that this condition places them in a position of helplessness such that, in most cases it is not necessary that the abuser use extreme forms of coercion to perpetrate the deed. In this regard, Oxman N [10]. has referred to the inability to resist or oppose the violation is subject to the condition by the taxpayer of physical or mental, temporary or permanent impairments that limit themselves in an absolute way the possibilities of coping with sexual assault. The authors believe that not only should take into account the ability to object, but also the ability to recognize aggression.

The presence among the victims of Post-Traumatic Stress Disorder (PTSD) was an expected result, taking into account the clinical findings in the psychiatric examination and the high prevalence of this condition in the population studied. Ventura

Velázquez RE [11] notes that more than 50% of women who have been victims of rape can develop this type of disorder.

It is important to note that the emergence of this pathology is not only due to the traumatic event alone, but also to vulnerability, genetics, environmental factors and sociocultural level [12]. Although, PTSD has still been categorized as a psychological disorder since 1980, in recent years research has attempted to understand the origins of the disorder at the biomolecular level [13-15].

Due to the marked impact on the quality of life that this entity represents, it is considered a serious mental illness, which has an impact on the sanctioning framework of the aggressor.

Therefore, an early and successful therapeutic approach is indispensable. By impact on emotional life, if PTSD is not properly treated may evolve into permanent deterioration in individual and social functioning [16,17].

Various approaches to psychotherapy, such as the one based on exposure seem effective in treating PTSD, in addition to the pharmacotherapy, which should consider concomitant tables many times such as depression, addictions, chronic pain and generalized anxiety. The sertraline and paroxetine are two drugs approved in the United States for PTSD, as they were associated with fewer symptoms, but at 70 to 80% there are no complete answers. The pharmacotherapy combination with psychotherapy was linked to better results, possibly by stimulating extinction of traumatic memories and the prevention of fear incubation [18].

Several authors argue that prolonged exposure and training of stress inoculation are highly effective techniques for treating symptoms [19-21]. Others consider that if the intervention is almost immediate, after the significantly reduce the risks of chronicity post-traumatic [11,22]. Caro Haces and collaborators [23] propose psychotherapy with integrative approach as the most effective method in the treatment of PTSD.

In the field of forensic psychiatry, it is of extraordinary value that the successful determination of PTSD, because of the legal repercussions that can have rigged. Regardless of the diagnosis, it is important to recognize that sexual assault is an event that causes in most victims a series of alterations and consequences that seriously compromise mental health [24].

Conclusion

The forensic psychiatric evaluation of women victims of rape allows to determine vulnerability factors, as well as the presence of psychological sequelae, which can have legal repercussions [25].

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