



Role of forensic medicine in evaluating non-fatal physical violence against women by their husbands in Jordan



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ABSTRACT

Objective: Intimate partner violence against women is a major health problem in most nations, but to date, there has been little awareness of the extent or seriousness of this issue in Jordan. Forensic medical practitioners play a significant role in diagnosing, evaluating and reporting these cases. The Jordanian judicial system is dependent on forensic reports. This study aims to assess the role of forensic medicine in evaluating the physical injuries sustained by women who are abused by their husbands.

Method: A retrospective review of 158 forensic reports of Jordanian women alleging assault by their husbands and who were seen at Jordan University Hospital over the period 2010–2015.

Results: Of the 158 women who presented, 87 had multiple injuries. The majority of injuries were soft tissue injuries, but others included fractures, tympanic membrane perforation, burns and neck contusions. Twelve women were pregnant at the time of the assessment. The period of incapacity caused by these injuries (an important factor for the Jordanian judicial system) was between 1 and 14 days.

Conclusion: Intimate partner violence can present with a range of injuries from relatively minor to potentially disabling or life threatening. Forensic medicine has a role in documenting and evaluating these injuries and advising the judicial system in these cases. These are all key elements in increasing the awareness of the nature and extent of this behavior and its impact on women (and men) and the wider society.

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1. Introduction

A large proportion of women in Jordan have experienced intimate partner violence at some point during their marriage; thought to be in the order of 31.2% who have been subjected to physical violence.¹ Information regarding the incidence of wife abuse is limited particularly in developing countries like Jordan, due to the dominant culture that interprets violence against women as a personal matter,² rather than a criminal matter. However, hurting or harming the individuals is not accepted in Islam.² Intimate partner violence (IPV) is a major detrimental factor to women's health, welfare, social, and financial standing; and its

most extreme form may result in the death of the woman.³

The Jordanian Ministry of Justice is currently providing a focus to cases of family violence, such that cases of family conflict are assigned to a special section of the court.⁴ In 2008 a law on family protection was promulgated, which was intended to regulate the handling of domestic abuse cases by medical workers and law enforcement bodies.⁵

While there are some studies of intimate partner violence in Jordan, (and in neighbouring countries). Those studies largely focus on issues such as social, demographic, health and other aspects, but there are few that explore the medico-legal consequences of beating wives. It is the only form of intimate partner violence in Jordan due to the cultural and religious norms which prevent other forms of intimate relationship between a man and a woman. The few studies which focused on the forensic issues mainly addressed sustained injuries.⁶

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Recently, IPV has become a more recognized public health issue in Jordan due to the openness of the Jordanian community and a more liberal view of the role of women in society. Moreover, family protection law placed that it is a mandate for any health service provider to report any incident of domestic violence have been encountered to the responsible authority,⁷ in addition different governmental organizations have played a role in increasing public awareness of these issues.⁸ Forensic medical practitioners have also contributed to national awareness raising initiatives.²

Evaluating the seriousness of physical injuries in beaten wives is one of the critical roles of forensic medicine in Jordan. Forensic medicine has much to contribute to fill the gaps between the health service that victims need and the collection and documentation of forensic evidence if wishing to pursue their case for criminal or civil justice.⁹

One essential element of forensic reports for physical violence cases is the estimation of the temporary period of incapacity (inability of the person to perform daily tasks due to the injury, or harm) which in turn will largely depend on the severity of the injury and its impact on the individual's health.

According to the Jordanian Penal Code articles 333–334 & 344,¹⁰ the period of incapacity is divided into three categories:

- Period of incapacity that doesn't exceed 10 days (part 2 of article 334).
- Period of incapacity that doesn't exceed 20 days (part 1 of article 334).
- Period of incapacity that exceeds 20 days (article 333 and part 1 of article 334).¹⁰

The final judicial judgment depends greatly on this period, and the penalty increases with the increase in the period of temporary incapacity as follows:

- If the period does not exceed 10 days, legal action can only be taken based on a written or oral complaint by the victim, in such a case the complainant has the right to drop the complaint as long as no final judgment is issued.
- If the period of temporary incapacity is more than 10 days but less than 20, then the perpetrator shall be punished by imprisonment for a period not to exceed one year.
- If the period estimated is more than 20 days, then the assailant shall be punished by imprisonment from three months to three years.¹⁰

Due to its importance to the judicial system in Jordan, the period of temporary incapacity is estimated by forensic physicians in Jordan depending on many factors including:

- The severity of injuries documented in the preliminary report written by the treating physician in the emergency department just after or at the time of the assault.
- The nature of the primary and the follow-up medical management.
- The period of hospitalization if needed.
- The nature of injuries at the time of forensic medical assessment.
- The type of work or lifestyle of the victim.
- The dependency for the victim on that particular injured part of the body.

These factors apply to all victims of assault crimes including our group of study; wives assaulted by their husbands. Similar legislation applies in countries such as Syria,¹¹ and the French Republic.¹²

In Jordan forensic medicine has two roles, the first is an assessment of deceased persons, and the other role is examining the living victims of assault, some of whom are women who have been physically abused by their husbands. The main role of forensic physicians in these cases is describing the injuries and their possible mechanism, estimating the temporary period of incapacity for the victim and clarifying this to the judicial system in a medico-legal report.

In clinical practice, there is much misuse and confusion among health professionals of common forensic terms such as bruising and ecchymosis and differences between lacerations and cuts.¹³ This exhibits the importance of forensic medicine reports in cases of IPV; using proper forensic terms to describe injuries and providing opinions on the circumstances in which the injuries may have been sustained. There is limited literature talking about a role of forensic medicine in cases of wife abuse as a form of intimate partner violence.

The aim of this study is to contribute to a better understanding of the role of forensic medicine in the evaluation of physical injuries which are sustained by women allegedly abused by their male partners and in the collection of evidence in such cases.

2. Materials and methods

A total of 234 forensic medical reports were reviewed for a six year period (2010–2015). The reports were prepared by the Forensic Department of Jordan University Hospital, which provides forensic services to people living in the north of Amman; a population of about 1 million inhabitants, the majority are Muslims. These reports were specifically about women who alleged they had been physically assaulted by a male family member. Out of the original number, 158 forensic reports (67.5%) concerned Jordanian women who reported physical assaults from their husbands; the religious and cultural norms dictate that husbands are the only accepted form of intimate partners in Jordan. In the remainder of the cases (32%), the alleged assault was perpetrated by another male family member; a father or a brother.

This study is confined to cases of physical assault on women allegedly committed by their husbands and who were referred to the forensic department following a judicial request from the court or the police. The purpose of the referral was to document the injuries sustained and provide an opinion on the possible mechanism and the estimation of the period of temporary or permanent incapacity, an original signed copy of the forensic report is sent to the court file, and a copy is saved in forensic department archives.

The following data in both reports (the preliminary report and the forensic report) was retrieved, including the age, the place of residence, and type of injuries. Also the anatomical distribution of injuries, their severity, and medical management, in addition to the possible mechanism of the injury, the weapon involved and the period of incapacity – temporary or permanent. These reports did not mention the religion of the victim or the socioeconomic status. Moreover, no information was given from the judicial authorities about drug problems the victim or the assailant might have, and no other data about the assailant could be retrieved.

If the victim wishes to sue the offender, then a judicial request from the court or the police is given to the victim with a copy of the preliminary medico-legal report to contact the forensic department. This request usually asks the forensic medical practitioner to reexamine the victim and provide the court with a medical opinion about the injuries sustained, and their severity represented by the period temporary incapacity or permanent disability. Moreover, clarifying the possible tool and mechanism. A forensic medico-legal report is generated following the consent of the subject. Forensic physicians depend on the primary medical treatment, the

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