

PAPER**JURISPRUDENCE; PSYCHIATRY & BEHAVIORAL SCIENCES**

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Evaluation of the Adjudicated Incest Cases in Turkey: Difficulties in Notification of Incestuous Relationships

ABSTRACT: The aim of this study was to determine the prevalence and evaluation of the adjudicated incest cases in the heavy penal court in a province of western Turkey. The court files of 65 incest cases during a 10-year period between 1999 and 2008 were explored. When compared to those who lived in cities, the cases who lived in rural areas, such as villages or towns, had been exposed to penetration more frequently (94.3% and 70.0%, respectively, $p < 0.01$). For the cases where the victim and perpetrator lived in the same house, the accused were generally members of the nuclear family ($p < 0.001$). When compared to those who had not been exposed to penetration, most of those who had been exposed to it were determined to apply later (after 10 days) to judicial institutions (77.8%, $p < 0.01$). The education and awareness of persons, such as teachers and physicians, who may confront incestuous relationships rather frequently are very important in the protection of children and in their adaptation to society.

KEYWORDS: forensic science, incest, sexual abuse, heavy penal court, Turkey, children

Incest is traditionally defined as any sexual activity that is illegal or socially taboo or between family members who are close relatives and who are forbidden by law to marry, for example, between father and daughter or mother and son. While some authors describe incest as an incestuous relationship within the nuclear family only, most authorities accept it as sexual actions among individuals in a patriarchal family (1–3).

Incest is a complex event that various psychiatric and genetic theories attempt to explain. It is classically based only on a blood bond. Incestuous relationships formed by people who have close relationships in which a bond and trust have formed are well established and have been ignored for years. Therefore, in recent years, instead of a blood bond, parental dominance and power over the victim and absolute dependence on parents for care of the child have become more important (1).

Incest covers a wide range from sexual abuse in which a person's body is violated through sexual behavior with the introduction of any organ or any object into the body in an extreme point. It is a problem that can be seen in all the social classes in developed and undeveloped societies (2–4).

Victims usually cannot explain the event because of guilt, shame, fear, and many other reasons. Even if the family is aware of the event, families in most cases prefer to not disclose the event to keep it confidential (5,6).

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Determining the real prevalence of incest cases is difficult because modern interview techniques cannot be applied to victims and family members do not cooperate owing to the nature of the event. Although survey studies concerning incest are limited to questionnaires, which undermines confidence in epidemiological data, the prevalence of incest cases is reported to vary between 5% and 62% according to culture, the source of the report, and/or geographic location (7,8).

In this study, the aim was to determine the prevalence and evaluation of incest cases in the heavy penal court in the province of Eskisehir, Turkey.

Methods

Background Information on the Heavy Penal Court and the Province of Eskisehir

Turkey is divided into seven regions: the Black Sea region, the Marmara region, the Aegean, the Mediterranean, Central Anatolia (where the study was conducted), and East and Southeast Anatolia. Eskisehir, in the central Anatolia region, is a semirural province situated in the western part of Turkey, with six small districts and a total population of about 705,645. A large proportion live in the central part of the city ($n = 598,945$), with the remaining population living in the rural settlement areas. The city includes two universities and has a cosmopolitan structure. The socioeconomic level of the city is average compared with other cities of the country. There are significant disparities in the socioeconomic characteristics of the quarters of the city.

There is only one heavy penalty court in the city, in which c. 3000 trials of cases are conducted. In Turkey, the trials of cases

that require penalties of over 10 years are heard in the heavy penalty courts, which consist of one head and two members.

Procedures

In this study, all the court files of the 65 incest cases judged in the Eskisehir Heavy Penal Court in the 10-year period during the period 1999–2008 were examined. If the accused was the father, stepfather, brother, grandfather, or uncle, he was evaluated in the context of an incest case. Sexual abuse was accepted as not only penetration but also any sex-related crime, such as child pornography, rape, sexual assault, incest, and stalking. All the files that included sexual abuse were included in the study.

The cases were evaluated in terms of age, gender, victim's and suspect's education, and work status, place of residence, the relationship between the victim and defendants, place where the event occurred, pregnancy status, duration of first admission, the action stage, the court, process, and court decisions. In addition, in our country, as a result of the Turkish Penal Law that entered into force on June 1, 2005, the concept "impairment in physical and mental health" was placed under the qualified state, and thus this impairment was also evaluated in the cases after this date. All the cases on the files had been examined by a forensic expert and a psychiatrist. In other words, physical and genital examination had been performed by a forensic expert and mental examination by a psychiatrist.

Statistical Analysis

The statistical package for social sciences (SPSS) version 15.0 (Chicago, IL) was used to enter and analyze the data on a personal computer. The statistical analysis was carried out using chi-square (χ^2) for categorical variables, with Fisher exact tests used when an expected cell size is less than 5, and percentage values. The measure for statistical significance was established as $p < 0.05$.

Ethical Approval

The permission for the study was obtained by making a petition prior to collecting data. This was achieved by contacting and receiving approval from the Director of the Institution of Eskisehir Courthouse. The director and the head of the heavy penalty court gave written consent for the study. They were assured of the confidentiality of the case files, and it was also stated that the data in the files were unidentifiable in any place, except for the scientific aims.

Results

Of the 751 cases of sexual crimes judged in the Eskisehir Heavy Penal Court between the years 1999 and 2008, 8.7% (65/751) were determined to be cases of incest. Among these, 16.9% of the victims were men, and 83.1% were women. The average age of female victims was greater than that of males (15.3 ± 4.2 years and 8.5 ± 2.7 years, respectively, $p < 0.001$), with the average age of victims being 14.1 ± 4.7 years (range = 4–27 years). There were no female defendants.

According to age group, the gender of victims, penetration, and distribution of living space are given in Table 1. While 100% of male victims were aged 12 years or below, 81.5% of female victims were aged 13 years or over ($p < 0.001$). Three of the female victims (4.6%) were married (not given in the table). Almost three-quarters of the cases who had been exposed to penetration (74.1%)

TABLE 1—Distribution of the victims' gender, penetration status, and living places by age groups.

Victims	Age Groups		
	12 Years and Below <i>n</i> (%)	13 Years and Over <i>n</i> (%)	Total <i>n</i> (%)
Gender, Penetration Status and Living Places	21 (30.8)	44 (69.2)	65 (100.0)
Gender		$p = 0.000$	
Male	11 (100.0)	0 (0.0)	11 (16.9)
Female	10 (18.5)	44 (81.5)	54 (83.1)
Penetration		$p = 0.030$	
Yes	14 (25.9)	40 (74.1)	54 (83.1)
No	7 (63.6)	4 (36.4)	11 (16.9)
Living place		$p = 0.870$	
Urban	10 (33.3)	20 (66.7)	30 (46.2)
Rural	11 (31.4)	24 (68.6)	35 (53.8)

TABLE 2—The distribution of the victims' settlement places by penetration status.

	Victim's Settlement Place		Total <i>n</i> (%)
	Urban <i>n</i> (%)	Rural <i>n</i> (%)	
	30 (46.2)	35 (53.8)	65 (100.0)
Penetration status		$p = 0.009$	
No	9 (30.0)	2 (5.7)	11 (16.9)
Yes	21 (70.0)	33 (94.3)	54 (83.1)

were in the group aged 13 years and over, while the majority of those not exposed to penetration (63.6%) were in the group aged 12 years and below ($p < 0.05$). The majority of those living in urban and rural areas were in the group aged 13 years and over (66.7% and 68.6%, respectively, $p > 0.05$). When the occupations of victims were examined according to their gender distribution, it was determined that three of the victims (4.6%) were children of preschool age, with 39 cases of primary school age and one case of high school age. Forty-three cases (66.2%) were of student or childhood age, and 22 cases were of adult age. One hundred percent of male victims were of preschool age, while 59.3% of female victims (32/54) were preschool age or students, and 40.7% (22/54) were of adult age (not given in the table).

The mean age of the defendants was 35.4 ± 13.5 , and the proportions of those who were single, married, and widowed were 60.0% ($n = 39$), 27.7% ($n = 18$), and 12.3% ($n = 8$), respectively.

When the educational status of the accused was examined, 48 (73.8%) and 17 (26.2%) were determined to be primary school and high school graduates, respectively.

There were no university graduates or illiterate defendants. Of the accused, 18.5% ($n = 12$) were unemployed and 7.7% ($n = 5$) were retired; the remaining 48 cases (73.8%) were farmers ($n = 24$), civil servants ($n = 15$), workers ($n = 4$), and self-employed persons ($n = 5$; data not shown in table).

Thirty of the incest events (46.2%) occurred in the city and 35 (53.8%) in rural places. The cases living in the rural areas had been exposed to penetration more than those living in the city (94.3% and 70.0%, respectively, $p < 0.01$). The distribution of the places where the incident occurred according to the penetration event is shown in Table 2.

Table 3 shows the proximity between the victims and defendants and the distribution according to the venue of the event. It was reported that 23 of the defendants (35.4%) were from the nuclear

TABLE 3—The proximity between the victim and defendants and the distribution according to the venue of the event.

	Proximity Between the Victim and Defendants		
	Nuclear Family (father/stepfather/brother)	Patriarchal Family (grandfather/father's brother/ mother's brother/sister's husband)	Total
	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)
	23 (35.4)	42 (64.6)	65 (100.0)
Place where action occurred		<i>p</i> = 0.000	
At home where the defendants and the victims lived together	19 (82.6)	7 (16.7)	26 (40.0)
At places where the defendants and the victims did not live together	4 (17.4)	35 (83.3)	39 (60.0)
Penetration		<i>p</i> = 0.512	
Yes	20 (86.9)	34 (80.9)	54 (83.1)
No	3 (13.1)	8 (19.1)	11 (16.9)

family (father, stepfather, brother), while 42 (64.6%) were older family members (uncle, grandfather).

Twenty-six of the incest events (40%) were realized in the house where the relatives had been living together, and 39 (60%) occurred in places outside the home (field, garden, etc.). The accused were mostly from nuclear families in the events that occurred in the home environment, where they had been living together ($p < 0.001$). Similarly, when compared to victims who lived in large families, the proportion of cases with penetration was higher among those living in nuclear families (80.9% and 86.9%, respectively, $p > 0.05$).

Nine of 54 female victims (13.8%) were moderately or severely mentally retarded and were thus unable to defend themselves in terms of spiritual care. For those cases, the court jury gave more severe punishments. They were settled by social services. None of the cases had informed judicial institutions (attorney generalship, police, gendarmerie) within the same day. It was determined that six cases (9.2%) were admitted to the judicial institutions within the first three days, while 14 cases (821.5) were admitted 4–10 days after the event, 15 cases (23.1%) 10–30 days after the event, 25 cases (38.5%) 1–12 months after the event, and five cases 1 year after the event occurred.

When 54 cases who had been exposed to penetration were examined according to the contact time, 12 cases were admitted within the first 10 days, and in all these cases during genital examination, it was determined that there were acute findings, such as fresh tears in the hymen, ecchymosis in the anus, fresh bleeding, and fissures (not given in the table). Most of those who had not been exposed to penetration (72.7%) had made an earlier application (10 days or less after the event), whereas most of those who had been exposed to penetration (77.8%) had made a later application (10 days or more after the event).

Many of the cases who had been exposed to penetration had made a later application compared to those who had made an earlier application (77.8% and 22.2%, respectively, $p < 0.01$). The distribution of the duration of first admission by penetration status is given in Table 4.

Forty of 54 female cases that had been exposed to penetration experienced vaginal penetration (74.1%). Ten of those cases had become pregnant as a result of the events (10/40, 25%). In other words, 10 of 65 cases (15.4%) had become pregnant as a result of the events. In all these 10 cases, incestuous relations had emerged as a result of pregnancy, and it was understood that those cases had not attended any institutions to complain. However, this only emerged as a result of interrogation.

The defendant was the uncle (father's or mother's brother) in four of the cases where pregnancy occurred, the father in three

TABLE 4—Distribution of the duration of first admission.

	Penetration Status		Total <i>n</i> (%)
	No <i>n</i> (%)	Yes <i>n</i> (%)	
	11 (16.9)	54 (83.1)	65 (100.0)
The duration of first admission		<i>p</i> = 0.002	
10 days and before	8 (72.7)	12 (22.2)	20 (30.8)
After 10 days	3 (27.3)	42 (77.8)	45 (69.2)

cases, the brother in two cases, and the grandfather in one. Five of the pregnant victims were found to be moderately or severely mentally retarded. The defendant was identified by DNA analysis in all the cases that were determined as pregnant. It was determined that the events were first disclosed to their mothers by the victims in 51 of 65 cases (78.5%); in 14 cases, events were disclosed to persons other than the mothers.

However, only 10 of these 51 cases (19.6%) were found to have applied to the judicial authorities within the first 10 days after the events. The mothers had complained in only five of the remaining 41 cases (12.2%), and the other victims had complained by themselves, or other persons, such as relatives or neighbors, had informed the judicial authorities.

The defendant was the uncle (father's or mother's brother) in only seven of the cases who were denounced to the judicial authorities by the mothers within the first 10 days ($n = 10$) and the brother-in-law in three cases. Penetration had occurred in five of the cases and had not occurred in five cases. It was determined that the defendant were uncles (father's or mother's brother) in 12 of the 14 cases who had not disclosed the events to their mothers for the first time and were stepfathers in two cases.

The trials of 22 of the total of 65 cases (33.8%) were still continuing during the study; of the remaining 43 cases, three (0.7%) had been decreed within 1 year, 30 (69.8%) within 1–2 years, and 10 (29.5%) within 2–3 years. After the trials were decreed, the penalties given to the defendants were as follows: 15 defendants (34.9%) were acquitted, 10 (23.3%) were sentenced to between 2 and 10 years, and 18 (41.8%) were sentenced to more than 10 years. When the files of 15 defendants who were acquitted were examined, 10 defendants had been acquitted because of insufficient evidence, and five victims had abandoned their complaints (not given in the table).

In addition, 29 incest cases evaluated in the scope of the Turkish Penal Code, which entered into force in June 2005, were evaluated in terms of bodily and mental health. It was determined that mental health was disturbed in 25 of 29 cases, and there was no

deterioration in four cases. The defendants were uncles (father's or mother's brother) in all of the defendants whose mental and physical health were not deteriorated (not given in table).

Discussion

Similar to our study, although incest cases are seen in families from all socioeconomic levels, it has been reported that they are seen more in families from lower socioeconomic levels based on child protection services registrations (8–10).

In this study, the mean age of male victims was 8.5 ± 2.7 , that of female victims was 15.3 ± 4.2 , and that of all patients was 14.1 ± 4.7 . Similarly, in a study, where the victims of sexual assault cases were evaluated, it was found that 51.7% of the cases were between 11 and 15 years of age (10). In parallel, in a study of 418 cases by Grossin et al. (11), the average age of victims of sexual crimes was determined as 15.9 years.

In studies related to sexual offenses, it was reported that men experienced sexual acts more compared to women (11–13). Similarly, in the present study, there was no male victim over 12 years of age.

In most societies, because of the influence of social taboos, it is quite difficult to uncover incest events. Traumatic lesions in the genital area, the presence of venereal diseases, unplanned pregnancies, and outward behaviors incompatible with the victim's age and development may give clues to the event (14–16). In this study, 10 (15.4%) of the cases had become pregnant as a result of the action. In all of the cases, incestuous relationships were understood after the pregnancy. The defendants were identified by DNA analysis in all the cases that pregnancy was identified.

The studies conducted were limited to questionnaires. This undermines the confidence in epidemiological data. However, the prevalence of incestuous relationships in the general population is reported to be 4% (6). In addition, the reported incidence of incestuous abuse varies widely depending on the source of the report. Badgley (7) quoted figures ranging from 9 to 45.8%. Articles dealing with the medical evaluation of victims quote figures ranging from 26 to 31.5% (17,18). A report from a sexual abuse hotline gives a figure of 62%, of which 39% of abusers were fathers, and 23% were stepfathers (19). Some researchers indicated that about one-third to one-half of women in the U.S.A. (5–8%) had been exposed to sexual abuse, 16% of whom had been exposed to incest before the age of 18 (8).

In the U.S.A., in the 1990s, it was estimated that 100,000 to one million cases of incest occurred annually, of which, only about 10% were reported. It was reported that the incest rate in the U.S.A. was 2.1/1000 for women and 0.1/1000 for men (20).

Although some research estimates that less than 2% of the general population experiences sexual abuse, other studies estimate that incest is experienced by 10–20% of children in the general population (21,22). In a study in Denmark, a quarter of the 384 women participating had been subjected to violence in connection with the sexual abuse (23).

In a survey of 1871 university students in Istanbul, it was reported that 13.4% of the students had been previously exposed to sexual assault, and 1.8% had been exposed to an incestuous relationship (24). In a study of 150 cases who were admitted to the psychiatric clinic where abuse in childhood was researched, it was reported that 33 of the cases (22%) were victims of incest (25).

An important part of the ongoing research conducted on incestuous relationships is related to questionnaire studies, case presentations, and incest cases. In the present study, in terms of giving insight into the frequency of incest, the rate of incest for the sexual

offense cases reported during a 10-year period to the Heavy Penalty Court in the province of Eskisehir that has two universities and is in the third order in terms of the socioeconomic level in Turkey, which has a population of 71.5 million, was determined to be 8.7% ($n = 65$).

Taking into consideration that Turkey's national population is 71.5 million, the number of incest cases entering the legal processes in courts is found to be around 642 per year. However, this rate has only been reported and reflected in the court. Similarly, it has been reported that only 10% of incest cases are detected (6).

In our study, physical evidence was found in only three patients (4.6%) in the cases where general physical examination was conducted. In genital examination, of 54 cases, 12 (22.2%) who reported the event in the first 10 days had been exposed to penetration.

Because the findings of physical examinations, which are important in the identification of sexual abuse, are not generally determined, their diagnostic value is limited.

Events can include different types of sexual behavior, and these actions may not cause a traumatic finding (26,27); especially in cases of incest, physical findings are encountered less frequently (27).

In cases of sexual crimes, it is important to perform the first examination within a short time of the event. If the time that passes between the event and the first examination is prolonged, obtaining the medical evidence that will help to illuminate the event becomes difficult. In a study where 275 cases were evaluated, it was reported that only 1.8% of victims of sexual crimes had been examined on the same day (28). In another study, where 418 sexual assault cases were evaluated, it was reported that 39% of cases were disclosed within the first 3 days. In the same study, it was indicated that 51% of cases who reported the event within the first 3 days, and 8% of cases who did so later had been attacked by unknown persons (11). In the present study, none of the cases had been reported on the same day. It was found that six cases (9.2%) were disclosed within the first 3 days, 14 cases (21.5%) between 4 and 10 days, 15 cases (23.1%) between 10 and 30 days, 25 cases (38.5%) between 1 month and 1 year, and five cases 1 year after the event. In general, it was reported that the victims who were attacked by their acquaintances had applied to the courts later (29,30). Especially in cases with penetration, it was identified that the notice had been made. This situation may be explained by the fact that the concept of virginity in our country is still very important, and therefore, the victims are afraid of reporting the event after the incident.

In cases of incest for which physical and biologic evidence is rather difficult to obtain, psychiatric examination is of great importance (6). Because of the social and familial pressures that victims experience after the event or connected to the event, degradation of their mental health is likely. In our country, the Turkish Penal Code that entered into force on June 1, 2005 states that degradation of the physical or mental health of an adult or child as a result of the event is a qualification, which increases the punishment (31). In this context, our work, which was conducted after June 1, 2005, assessed that deterioration in mental health occurred in 25 of 29 cases. In all the cases whose physical and mental health was determined to have not deteriorated, the defendants were found to be uncles (father's or mother's brother).

Being aware of incest is often incidental. Incest may be discovered as a result of the child's abnormal behaviors, taking the child to the doctor because of physical injury, or genital infections and unexpected pregnancy (32).

Even when mothers are aware of the incestuous events to which their children have been exposed, it has been reported in a survey implemented in elementary schools in the Quebec city region, North America, that only 3% moved the child away from the house, divorced by taking custody of the children, or complained about the event to the judicial authorities (10,33). It has been reported that mothers vacillated between their children and other family members, did not know what to do, did not want to accept the event, could not protect their children because of similar personal, familial, or environmental factors, experienced posttraumatic stress disorder themselves following the event, and tried to protect their children without being heard or reflecting in the judiciary, especially when the victim's brother was accused of incestuous events (14).

It has been determined that 51 victims (78.5%) told the event to their mother first, but that only 10 of 51 cases (19.6%) applied to the judicial authorities within the first 10 days.

In seven of the cases who were reported to the judicial authorities within the first 10 days, it was identified that the defendant was the victim's uncle (father's or mother's brother); in three events, the defendant was the brother-in-law; penetration took place in five events, and did not take place in five events. In 12 of 14 events where the victims did not initially disclose the event to their mothers, the defendants were found to be uncles (mother's or father's brother), and in two events, the defendants were stepfathers.

In the events where the defendants were persons from the nuclear family, such as fathers, stepfathers, or brothers, it was understood that mothers were in favor of the family and that they were prone to hide the events.

Conclusion

Although the study presented gives an opinion on the frequency of incest, the proportion of victims whose cases were adjudicated in the courts constituted a small portion of all incest cases.

As incest is usually diagnosed late or determined by chance, the findings are usually obtained at a late stage for the detection of evidence by physical examination, and thus its diagnostic importance is limited. Therefore, often the only tangible evidence is the clinical picture defined as a result of psychiatric examination. As a portion of the cases were thought to be mentally retarded to moderate and severe levels, it can easily be seen that it is very difficult to reach the diagnosis. To prevent this type of abuse, these mentally retarded persons should be protected by the state, municipality, social health services agency, or specialized agencies, and the families should be kept under control, as families have a big responsibility to take care of their mentally retarded children. Parents' workshops have a positive outcome on knowledge of incest or abuse. These interventions could aid in prevention of incest cases or in better protection of victims.

Increasing awareness about incest and training groups, such as in particular, medical personnel, teachers, social workers, and hostel staff, who very frequently come across cases of abuse or incestuous relationships, are important processes in the protection of children and their acceptance by society. In addition, sexual assault evaluation units should be set up for both rapid gynecological examination and collection of evidence of incest. Early applications can be achieved by these protective measures.

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