

Rape: Crime Hidden under Social Stigma

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Abstract: Nurses and health care professionals frequently experience ethical and moral dilemmas on their work place; however, the challenge for them to take efficient decisions to resolve the dilemma. In order to resolve culturally sensitive issues, and dilemmas, nurses need to have sufficient knowledge, and experience in their assign field. Patricia Crisham has suggested a systemic way to resolve the ethical dilemmas through MORAL model, these five steps model provides assistance to the nurses to analyze, explore and resolve the ethical dilemmas in a better way. MORAL Model begins with massaging the scenario; followed by outline the opinions, review the criteria, affirm position and, ACT and lastly look back the complete process. This paper presents culturally sensitive ethical dilemma in clinical nursing, and its resolution through MORAL model. This culturally sensitive dilemma not only provides awareness to nurses but stakeholders to bring change in society.

Keyword: Rape, ethical dilemmas, advocacy, confidentiality, Health Care professionals

1. Introduction

Nurse experience numerous ethical dilemmas and issues in day by day experiences. These dilemmas perplex them, that what are the best measures should be taken in that situation to help patients (Allana, 2012). However, appropriate decision making could be achieved through applying appropriate steps of problem solving approach under the guidance of ethical principle. Crisham (1985) has suggested a systemic way to resolve the ethical dilemmas through MORAL model; therefore this five steps model provides assistance to the nurses to analyze, explore and resolve the ethical dilemmas in a better way. This paper presents an ethical dilemma in clinical nursing. writer will apply all the steps of MORAL model, for example massage the scenario (M), outline the arguments (O), review the criteria (R), affirm position and ACT(A), and look back (L).

2. Scenario

Two months back an eighteen years old girl falls from tree while working in the field; she had pelvic and bilateral leg fractures. She was from remote area where gender disparities are very common. While performing her psychomotor skills she revealed that, she came here only for treatment as in her town these facilities are not available. This treatment period is very extensive; therefore she is living in this city since two month with her mother and two brothers. Furthermore, she shared that one day when she was alone at home, her fiancé came from village to visit her, and took an advantage, and raped her. She felt helpless, cried for help but nobody was there to save her. She did not share this incidence with anybody, because of shame and social stigma; where women always blamed either they are guilty are not. She kept it secret since two months, but now she has recognized the pregnancy signs are positive. She was afraid that if her brothers will know it they will kill her in the name of honor killing.

3. Massage the Scenario

While massaging the scenario, a helpless victim with the silent voice raising her arm for help was identified. Ethically she has autonomy to take stand for her problem, but the

cultural pressure, and fear of social stigma make her to hide the problem. She has hope that, her problem will be solved by the nurse. Other person found in this scenario is nurse in the dilemma. She had many questions in her mind regarding taking best action in this situation. For example, should I discuss it with my supervisor or her mother? Should I leave this situation as it is? If I tell somebody then I am breaking the confidentiality, it is deny my professional attributes, and what if her brother will know it they will kill her in the name of honor killing, as it is social stigma? Answer of all above questions were that it the moral and professional obligation to help the patient. In this ethical dilemma principle of confidentiality versus advocacy for patient's beneficence are in conflict.

4. Outlining Option

Reference of above dilemma nurse that maintaining confidentiality or providing beneficences to the patient, there are two positions which are identified. Position A states that breaking the confidentiality is against the nursing profession; however, Position B states that as health care provider is prime duty for a nurse to advocate her patient's right and provide maximum benefit.

5. Review the Criteria

5.1 Position A

5.1.1 Confidentiality

The word confidentiality is defined as keeping secret of somebody, who make trust on you. The person who shares his or her confidentiality who make trust on other that it will not be shared with someone; ultimately it became responsibility for listener to assure the confidentiality. Especially in health care profession where, patient share their feelings, issue, and secret, with this confidence that nurse will keep it secret, however if nurse is not maintaining confidentiality it break the patient's trust. "Confidentiality requires that one maintain the privacy of another, when the nurse learns private information about patient that nurse must keep that information confidential" (Burkhardt & Nathaniel, 2008, p.68). Nursing code of ethics also put emphasis on to maintain the confidentiality of patient's

information. Maintaining confidentiality shows the gesture of respect towards the patients, which increase the nurse patient relationship. (Burkhardt & Nathaniel, 2008). Breaking confidentiality in above case may cause harm to the patient, as it was not evident that it was rape or sex with mutual consensus; however, It will become difficult to person to prove it. According to Pakistan Hudood Ordinance (1979) “at least four adult male witness, about whom the court is satisfied they are truthful person and abstain from major sins (khabir), give evidence as eye-witnesses of the act of penetration necessary to the offence”. Above situation she was alone nobody was there to witness, so it could be misunderstood by the brothers, and they may kill her in the name of honor killing. According to Aurat foundation (2011) in Pakistan from 2008 to 2011 total reported case of honor killing are 2341. It is evident in the report that every year many innocent women die in the name of honor killing. In above situation how much will it be safe to disclose this issue with the family?

5.2 Position B

5.2.1 Advocacy of the patient

Advocacy for patient is an essential responsibility of nursing profession. It is also very important while doing advocacy of patient nurse should be equipped with ethical, social, and political knowledge (Kohnke, 1982) Has introduced a Sphere model of nursing advocacy (SNA); this model describe and illustrate that nurse can advocate on behalf of the patient, especially when there is vulnerable population. According SNA model, client is consistently surrounded with environment by a thin layer of circle of nursing advocacy, that encourage a Client to self-advocate if the client is emotional and physically able or advocate by nurse if the patient is unable to advocate himself or herself. In above scenario the client was in the situation where she couldn't take decision by herself. She was not able to justify herself. She wants help from healthcare provider to resolve her problem, so it is a responsibility of a health care provider to advocate for patients right. It is also a moral obligation of nurses to respect client's autonomy, and recognize patient's need and advocate for vulnerable client when they are not able to speak for themselves (Gadow, 1989). In above scenario where the patient was not able to take the decision for herself, so it is responsibility of a nurse to take stand behalf of her.

5.2.2 Kantianism theory

Every human being in this world owed certain duties for society; however it is a moral obligation of a person to fulfill the duty with authentically. “This requires that we should act as members of a community of equal and autonomous individual, and that each member treat all others as moral being” (Burkhardt & Nathaniel, 2008, p. 40). Duties should be performed in a way that should not give harm to others. “Duty is described as, that action to which someone is bound. All duties are either duties of right, that is, duties for external lawgiving is possible, or duties of virtue, for which external lawgiving is not possible” (Kant, 1948, as cited in Bernstein, Brown, 2004, p. 170). In above scenario her fiancé has not fulfilled his moral duty properly and he made this crime, besides that he left the patient alone to tolerate those consequences, which even was not done by her. Nurse also

has professional accountability to remove harm and save the patient's life, because Kant also put emphasis on imperfect duties such as provide benefit to others, and remove harm.

5.2.3 Affirm the position & ACT

Position A is well supported with confidentiality and position B is again well supported with advocacy and Kantianism, however, to see the respect of patient's right nurse advocacy and Kantianism have more control. As a health care provider it is prime duty of nurse to provide maximum benefit to patient, by applying the principle of beneficence, as nurse while advocating on behalf of patient nurse is already providing beneficence to the patient. “The nurse takes appropriate actions to safeguard individuals, families and communities when their care is endangered by a coworker or any other person” (International Code of Nursing, 2006, cited in Burkhardt & Nathaniel, 2008, p. 62). Moreover the principle of beneficence also focuses that to prevent a person from evil harm, through best learned professional skills. However, confidentiality could be break if nurse identify patient who is vulnerable to be harm from outside. “The harm principle can be applied when the nurse or other professional recognizes that maintaining confidentiality will result in preventable harm to innocence.” (Burkhardt & Nathaniel, 2008, p. 70).

In above scenario patient was vulnerable to be harmed from cultural stigma, so confidentiality could be break for patient benefit. To find the better solution nurse used collaborative approach. She discussed this issue with supervisor, and senior gynecologist, so the expert advice could be applied. She made team, supervisor, gynecologist, and patient's primary surgeon. This case was also shared to patient's mother by team to take the permission for further action. Initially mother was shocked and in denial phase, but then understood severity of the problem.

The team was concerned that since it is only first term of pregnancy, and as patient is already facing health issues, she has to go further orthopedic surgeries, moreover she was taking some medications for her treatment which cause side effects on fetus. Therefore, Induced abortion will be the best option in this situation. Moreover as the pregnancy will progress physical changes will be more prominent then it will be more dangerous for the patient health, as well as danger for her murder will be increased. 1990 revised Pakistan legal law for abortion stated that abortion is depending on the developmental stages of fetus. Islamic scholars believe that fetus's organs are formed by the fourth month (120 days) of pregnancy before formation of organ, abortions are allowed to save the women's life or in order to provide necessary treatment (Azmat, Bilgrami, Shaikh, Mustafa & Hameed, 2011) Patient was sent for the abortion, in one of the safe institute. I have not found any national law in relation to rape and abortion. Counseling sessions were also arranged for the mother and patient to take out their feeling; especially for patient to vent out her physiological pain and fear, which was hidden in her soul.

5.2.4 Look Back

Looking back the scenario, I realized that I have fulfilled my professional duty as a nurse. The psychological damages

occurred with patient and mother will take time to heal. The pain of insult, helplessness, holding emotion, and fear to be killed will take time to vanish. But, I am still concern about her future, that how much she is safe, because she is still vulnerable of that act.

6. Recommendations

Dilemmas in the health care profession always leave some messages, and guidelines for future learning. This dilemma left a message for society to remove old taboos, and stigma from community, and give respect gender equality. Moreover law makers should relook those laws which require amendment such as hudood ordinance, and the law for raped victim abortion. Islamic scholars can give their valuable suggestion to improve the law in the country. Role of police is also very important, when victim report their cases they should deal them with dignity. Role of media is also very important that they should raise awareness regarding those custom which giving harm to the human being. Health care providers should deal those patents respect, and without discrimination.

7. Conclusion

In conclusion, health care provider deal different health care dilemmas on daily work experience. These dilemmas require critical thinking from health care providers to solve it. above dilemma possible solutions were taken out by using Moral Model. Five steps of model help the writer to analyses, explore and find best option in the scenario. However, the possible solutions were implemented on patient. Above scenario requires attention from stakeholders, law and society to bring change in system.

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