

***Support Required of Healthcare Professionals to Prevent Filicide and
Abandonment After Isolated Childbirth
– Consideration of Intentions and Actions That Contradict the Intent to Commit a Crime***

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Abstract

This study reviews data from the trials on filicide and abandonment after isolated delivery intentions and on actions contrary to the intention to commit a crime in order to understand the situation of mothers. The study aimed to consider the support required of healthcare professionals from intentions and actions that contradict with the intent to commit a crime. The legal database was searched from April 1 to June 30, 2022, using the keywords “birth,” “abandonment,” “guilt,” and “judgment date 2012–2021.” Among the trials investigated, four cases were included in a study in which the findings of fact specifically indicated intentions and actions that contradicted the intent of filicide and abandonment after isolated birth. These precedents were examined by compiling information about the newborn’s father, the time of conception and delivery, and the newborn. In some cases, mother’s willingness to take care of their children and hesitation to kill them for a moment by seeing their children were indicated.

The following issues were suggested.

- 1) If healthcare professionals are aware of the pregnancy, they should be continuously involved.
- 2) Healthcare professionals should recognize and support mothers’ feelings in the process of imagining their lives with their children.
- 3) Further information on the feelings of mothers at the time of the crime should be accumulated.
- 4) Regarding the poverty issue that exists in the background, social security should be considered.

Keywords: Abandonment, Childbirth, Criminal Suit, Filicide, Isolated Prevention

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Introduction

Worldwide, the protection of children from abuse has become one of the most important measures (Global Partnership to End Violence Against Children, 2021). In Japan, the Administration for Children and Families was established in 2023. The main focus of this new agency is to provide seamless and comprehensive support for various complex issues that children and families face. Behind these measures is the reality that the number of child abuse arrests has been increasing yearly, which recently reached a record high. In 2021, the number of child abuse arrests increased to 2,174 (National Police Agency, 2021). Arrested cases are handled as criminal cases. An overview of actual child abuse criminal cases reveals that the types of abuse and direct causes of injury vary widely (Hayashi, 2015).

Among them, neonatal homicide differs in terms of its characteristics. In many cases, neonatal homicide was committed by unwed mothers not wanting to give birth. Additionally, there are many cases in which the perpetrator was found to have planned and maliciously committed the crime, such as planning to kill the baby after it was born and even before the birth, which differs from cases of child murder due to maternal abuse (Taguchi, 2007). Among neonatal homicide cases, isolated post-birth murder and abandonment cases are considered to be due to the mother's mental and social problems; thus, preventive measures are being considered (Kariya, 2018; Kitamura, et al, 2019; Kawasaki, 2017). However, the 17th Report on the Results of the Verification of Deaths from child abuse (Ministry of Health, Labor and Welfare, 2021) also reported several similar cases. Many of these cases were considered criminal cases and being reported by the mass media, thereby having a significant social impact. However, many cases reported in this way tend to focus on the circumstances of the arrest and punishment imposed, and there are few opportunities to learn the details of the case, such as what the court actually found to be true. The difficulty in dealing with murder and abandonment cases after isolated childbirth can be understood from the current situation in which similar cases are repeatedly filed. Hence, examining preventive measures with knowledge from multiple perspectives is necessary. It is considered important to take a criminal case from a broader perspective and analyze the case by tracing back to the circumstances and the involvement of various organizations (Committee on the Rights of the Child, Japan Federation of Bar Associations, 2021) (p. 309). This is because criminal procedures provide information about the history of the accused parents, which is revealed only because they are being confronted of their crimes. This is an important source of information about the mothers who had committed murder and abandonment after an isolated birth. Among other things, knowing facts, such as the intention to commit the crime and conflicting intentions and actions, can provide an opportunity to decipher the mother's situation, which cannot be understood solely from the perspective of a selfish and gruesome crime. However, until now, only a few studies have examined this important detail from the perspective of medical personnel involved in childbirth. Therefore, the present study aimed to analyze the mothers' intention to commit a crime and the conflicting intentions and actions revealed in court cases of murder and abandonment after an isolated childbirth.

This study reviews data from the trials on filicide and abandonment after isolated delivery intentions and on actions contrary to the intention to commit a crime in order to understand the situation of mothers. In addition, it aims to address the associated issues to prevent crime from the perspective of healthcare professionals involved in childbirth. The study aimed to consider the support required of healthcare professionals from intentions and actions that contradict with the intent to commit a crime.

Methods

The legal database (TKC Law Library, 2022) was searched from April 1 to June 30, 2022, using the keywords “birth,” “abandonment,” “guilt,” and “judgment date 2012–2021.” Among the trials investigated, four cases were included in a study in which the findings of fact specifically indicated intentions and actions that contradicted the intent of filicide and abandonment after isolated birth. These precedents were examined by compiling information about the newborn’s father, the time of conception and delivery, and the newborn.

However, since it is unclear whether these court cases led to the finalization of judgments (i.e., no appeals and so on), there is a possibility that they include cases in which judgments were later changed. Additionally, this study uses data that were revealed only during the criminal trial process, in which parents face abuse. For this reason, the item of “support system to facilitate post-crime reintegration into society” was added because it is important to retrospectively examine how the support system for reintegration into society after the incident was certified by the trial court.

In Japan, trials are open to the public (Article 82 of the Constitution), and case records are disclosed (Article 91 of the Code of Civil Procedures), so there is no ethical provision for case citation. However, measures were taken to ensure that individuals were not identifiable in this study. The retrieved cases summarized the background of the cases, provided chronologically ordered status maps, and detailed the facts found by the court.

Definition of Terms

In this study, murder and/or abandonment after an isolated birth is defined as a case in which a pregnant mother gives birth alone without consulting anyone, at home or elsewhere without medical care, and then murders and/or abandons her newborn baby.

Results

The subsections below provide an overview of the case law of the four court cases (Table 1).

Information of the newborns’ father

In all cases, the father of the newborn could not be identified.

Circumstances at the time of pregnancy and delivery

Two women were in the 20s (case nos. 1,3) and one was in the early 30s (case no. 4). Three women were first-time mothers (case nos. 1,2,3) and one woman who had given birth multiple times (case no. 4). In one case (case no. 1), the mother was unsure of her pregnancy, but in the other cases, all women had reached the day of delivery without consulting anyone about their pregnancies. All the cases had a parent or other cohabitant. In one of the cases (case number 4), in which the intention to commit the crime of murder and abandonment was indicated from the time of conception, the mother had had a similar experience in the past (case number 4). All of the births took place at home; in one case (case no. 3), the mother’s roommate was at home, and immediately after the birth, she acted impulsively in committing the crime to avoid being noticed. For case 2, the mother went through approximately 11 hours of labor. The duration of labor for the primipara was considered normal for a first-time mother.

Situation of newborns

There was one case (case number 3) with apparently weak respiration, but all cases were confirmed alive.

Support system for social reintegration after the case

There were three cases (case nos. 1, 2, and 3) in which support after reintegration by family, workplace, or rehabilitation support plan was expected.

Intention to commit the crime of murder and abandonment of a newborn child, and conflicting intentions and actions

In two cases, the newborns were intentionally left behind (case nos. 1 and 2), whereas in the two cases, the newborns were suffocated to death by covering their noses and mouths with the mothers' hands (case nos. 3 and 4).

Table 1. Cases of filicide and abandonment after an isolated childbirth

	Judgment	Information on newborns' fathers	Information during pregnancy and childbirth		Intentions and actions that contradict the intent to commit a crime
	Judge's sentence		Newborn information	Information during pregnancy	
	Criminal record				Information during childbirth
No. 1	<p>November 27, 2020 Nagano District Court</p> <p>3 years in prison (suspended for 5 years)</p> <p>Left unattended after childbirth and died (late 20s)</p>	<p>Unknown</p> <p>None noted</p>	<p>The criminal was not certain that she was pregnant until after the birth.</p> <p>She did not want those around her to know that she had given birth to a child whose father could not be identified.</p>	<p>Toilet at home (lives with his mother)</p> <p>She gave birth unexpectedly.</p> <p>About an hour after the birth, she left him in a room with the heater off and went out.</p>	<p>She immediately took the child from the toilet, put him on the bed and covered him with a blanket. She took other steps to prevent his immediate death.</p> <p>Her mother, who lives with her, made it clear that she intends to continue to help her and live with her.</p>
No. 2	<p>July 22, 2020 Otsu District Court</p> <p>3 years in prison (suspended for 4 years)</p> <p>Left unattended after childbirth and died (age unknown)</p>	<p>She had sexual relations with several men she met on a dating site and suspected she was pregnant because she had not had her period since then.</p> <p>She thought her newborn was having difficulty breathing, so she picked up her cell phone and was about to call an ambulance, but she decided to leave the baby alone because she did not want anyone to know her situation and she wanted the baby to die.</p>	<p>The criminal was convinced she was pregnant when she felt fetal movements. She was ashamed that she was pregnant with a child whose father could not be identified, and she was afraid that her father, who lived with her, would find out and reprimand her; thus, she could not talk to anyone about it.</p> <p>Hoping for a miscarriage or stillbirth, she dared to continue her physically demanding job. The people around her did not even notice that she was pregnant.</p>	<p>Room at home (lives with his father)</p> <p>After working as scheduled, she went home and delivered the baby in her room (approximately 11 hours of labor and delivery).</p> <p>Approximately 20 minutes after the delivery, she started communicating with a man she met on a dating site.</p>	<p>She noted that her newborn was breathing but with weak hand movements.</p> <p>When she checked on her baby the second time, she felt sorry for her, cut the umbilical cord, wiped her whole body with a bath towel, wrapped her in a towel, and picked her up.</p> <p>However, she still wanted the baby to die, so she searched for "infant abandonment" and "stillbirth" on her cell phone.</p> <p>She did not intend to abandon the baby before its birth.</p> <p>She lost her mother early to illness and had no one to talk to. The people around her was unaware of her pregnancy .</p> <p>Her father is taking actions to improve his relationship with her by also facing the case.</p> <p>The relatives have created an environment in which he can consult with them and promised to provide future supervision and support for his rehabilitation.</p> <p>Her supervisor rehired her and expressed willingness to assist with her rehabilitation.</p>

	Judgment	Information on newborns' fathers	Information during pregnancy and childbirth		Intentions and actions that contradict the intent to commit a crime
	Judge's sentence		Information during pregnancy	Place of delivery	
	Criminal record	Newborn information			Information during childbirth
No. 3	Oct 21, 2019 Tokyo District Court 3 years in prison (suspended for 5 years) Murder, abandonment (Early 20s)	Unknown None noted	It was an unwanted pregnancy and the criminal never discussed it with anyone.	Toilet at home (roommate is at home) She covered the newborn's nose and mouth with her hands and suffocated him to death because she did not want her roommates to know about it. She placed the newborn in a plastic bag and abandoned him in a closet in her home.	While contemplating the murder, she was researching facilities where mothers and children could live together. After giving birth, she hesitated to commit the crime at one point. She grew up in an abusive environment. The people around her were not kind to her. When she ran away from home to escape the abuse, she was taken back to her parents' home by the police. A support plan has been created and a supportive environment has been established for her rehabilitation.
No. 4	January 15, 2016 Matsuyama District Court 7 years in prison Murder, abandonment (early 30s)	After her divorce, she engaged in unprotected prostitution to support her family. She gave birth and placed the dead body in her shed several times, but continued to prostitute without contraception. None noted	She did not even consider abortion, let alone murdering her newborn.	Bathroom at home (lives with father, brother, and son) She covered the newborn's nose and mouth and suffocated it. She wrapped the baby in a nylon bag and abandoned him in a closet in her home.	She had committed similar crimes several times in the 7 years prior to the present crime. When she saw the newborn baby, she hesitated for a moment before killing him, but the judge found that her intent to kill was strong. None noted

Contrarily, in two cases (case nos. 2 and 3), the pregnant mother indicated her intention to support the child. In one case (case no. 1), the mother took steps to prevent the child from dying immediately. Finally, in one case (case no. 4), upon seeing the child, the mother hesitated for a moment before killing him.

Discussion

In Japan, according to the criminal statistics (National Police Agency, 2020), there were 17 cases of infanticide. Although there has been a downward trend since the 143 cases in 1980 (Ministry of Justice, 2012), the number of cases still reached >12 in the recent years, and similar cases have been occurring repeatedly. Many mothers in these cases were first-time

mothers, and their backgrounds, such as not being able to identify the father, were consistent with those reported in previous studies (Taguchi, 2007). They also did not discuss their pregnancies with anyone. Contrarily, despite the fact that there are many cases with cohabitants, there are no precedents in which the pregnancy was suspected by others were noted. It is believed that there are some facts that were not disclosed in the written judgment, as these cases cannot be considered as “unnoticed” by others. However, some mothers who kill their newborns make a conscious decision to conceal their pregnancy by minimizing social contact, wearing loose clothing, and avoiding contact with family, friends, and medical personnel who may have noticed the pregnancy (Razali, et al, 2019). It is presumed that they will behave in this manner, especially if they have the intention to commit the crime of murder or abandonment from the time of conception. Moreover, in some cases, such as in case no. 4), the murder or abandonment was repeated without any contact with the medical institution, as the first case was not discovered. Therefore, it is important for those around these women to be aware of such cases and stay involved to prevent their occurrence. In one case, the child's life was in danger (case no. 2). Birth facilities include hospitals, clinics, and midwifery centers. In Japan, such medical facilities account for 99.9% of all births. On the other hand, unassisted childbirth have become a social problem, forcing medical institutions to conduct high-risk deliveries and so on. It is desirable to have contact with medical institutions prior to delivery whenever possible. However, to save the lives of the mother and child, it is also necessary to provide information through a request for emergency care after delivery.

Mothers involved in neonatal homicide are often described as “insane” or “evil” by the general public and media, but later, they may feel feelings of guilt or remorse (Noonan, 2022). According to our investigation, the prison sentences in this case study ranged from 3 to 7 years, and many of the cases were expected to receive support after reintegration into society. The results suggest that these mothers need psychological support after the case, not only to “serve out the sentence.” In some cases in which the will to support the child was shown, the defendant showed a “process of imagining life with the child,” which conflicted with the will to commit the crime, such as investigating facilities where the mother and child could live together while thinking of killing the child. Rubin (1984) states that women acquire motherhood by imagining what it would be like to be a mother. In fact, the court did not make any concrete preparations for the child’s birth, but rather, she escaped from the reality of the situation. However, it may be important to note that such feelings were developing and link them to support. Contrarily, in a previous report, a juvenile who committed an infanticide and entered a juvenile classification home felt that her pregnancy was “shameful” and strongly feared that she would be severely reprimanded, disappoint her parents, or be abandoned if she confided her pregnancy (Kondo, 2008); such a similar case (case no. 2) occurred in one of our cases. The mother in this case stated that she felt ashamed that she was pregnant with a child whose father could not be identified, and that she could not talk to anyone about it for the fear that her father, who lived with her, would find out and reprimand her.

A “clandestine birth” is a case in which a pregnant woman, for some reason or another, wishes to give birth but revealing her identity to only a few people at the medical institution, and the medical institution accepts the request.

In Japan, the Ministry of Health, Labor, and Welfare and the Ministry of Justice prepared the first guidelines for confidential births in 2022 (<https://www.mhlw.go.jp/content/000995585.pdf>). This measure is being considered in

response to the issues raised regarding the right to know one's origins, family registers, and on. However, it seems important to understand the mother's wishes behind her desire not to be known, and to ensure that the safety of the mother's and child's lives is fulfilled. Regarding the motives for committing infanticide (National Police Agency, 2020), few mothers are suspected of having mental disorders, which are commonly due to worries about child rearing. Based on the abovementioned data, we believe that if medical personnel could notice the mothers who are imagining life with their children and provide them with some support, the incidents of infanticide could be avoided.

Moreover, in case no. 4, the mother hesitated for a moment to kill the child upon seeing him, indicating that the mother's emotions at the time of the crime were “conflicting feelings of desire and rejection of the child” and she could not ask for help (Vellut, et al, 2012). Although it was impossible to determine from the written judgment why the mother hesitated for a moment to kill her child upon seeing him or her, further data accumulation is needed. In other countries, the low socioeconomic status of mothers who commit infanticide is considered an issue, and it is necessary to examine this issue from the perspective of social security systems as well.

Study Limitations

The main limitation of this study is that the cases included are only those listed in the legal database (TKC Law Library, 2022), and we were unable to ascertain the entirety of the trials of the homicide and abandonment cases after the isolated births. As mentioned previously, it is conceivable that later changes in court decisions and so on may have altered the facts. However, we believe that this study is significant, as we were able to present a new perspective on case prevention based on the facts revealed in the course of the criminal proceedings in the isolated post-homicide and abandonment cases.

Conclusion

This study examined the issues needed to prevent crime from murder and abandonment trials after isolated births. The following issues were suggested.

- 1) If healthcare professionals are aware of the pregnancy, they should be continuously involved.
- 2) Healthcare professionals should recognize and support mothers' feelings in the process of imagining their lives with their children.
- 3) Further information on the feelings of mothers at the time of the crime should be accumulated.
- 4) Social security should be considered when poverty issue exists in the background.

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