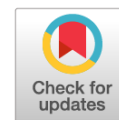


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Исследование случаев предполагаемого сексуального насилия

B.S. Hugar¹, J.S. Hosahally², Y.P. Girish Chandra¹, S. Praveen¹¹ M.S. Ramaiah Medical College, Бангалор, Индия² Dr. Chandramma Dayananda Sagar Institute of Medical Education and Research, Dayananda Sagar University, Harohalli, Канакapura, Даянанда, Индия Карнатака, Индия

АННОТАЦИЯ

Обоснование. О преступлениях, связанных с сексуальным насилием, реже всего сообщается в правоохранительные органы. Такие преступления многогранны, а некоторые детали бывает трудно выявить даже в ходе тщательного расследования.

Цели. Изучить факторы, связанные с сообщением о случаях сексуального насилия и соотнести полученные данные с предполагаемой картиной произошедшего.

Материалы и методы. Исследование проводилось в отделении судебной медицины Медицинского колледжа имени М.С. Рамайя (Бангалор, Индия) с января 2018 года по декабрь 2020 года. Все жертвы предполагаемого сексуального насилия, доставленные в отделение судебной медицины для осмотра, после получения согласия прошли подробное анкетирование. Качественные данные описательной статистики обобщались путём вычисления частотных и процентных показателей.

Результаты. Медицинскому обследованию подверглись 82 человека с предполагаемой историей сексуального насилия, обратившихся за помощью самостоятельно или доставленных в отделение родителями, опекунами или полицией. Потерпевшие были женского пола, за исключением двух несовершеннолетних. Большая часть потерпевших ($n=71$; 86,5%) были моложе 18 лет и по индийскому законодательству считались несовершеннолетними. В большинстве случаев ($n=76$; 92,7%) в полицию обращались либо сами жертвы, либо их родители. В 53,65% случаев о нападениях сообщалось в полицию по истечении трёх дней после предполагаемого сексуального насилия. В 59,75% случаев причины обращения в полицию были связаны с вопросами чести, достоинства и репутации родителей или опекунов. Только в четырёх случаях были получены положительные результаты, свидетельствующие о недавнем половом акте с проникновением, в виде свежих разрывов девственной плевы или наличия сперматозоидов в мазках, взятых при осмотре половых органов.

Заключение. Большинство жертв предполагаемого сексуального насилия были несовершеннолетними. Только 12% из них обратились в правоохранительные органы сразу, без чьих-либо уговоров. Более 50% жертв обратились в больницу не ранее чем через три дня после предполагаемого сексуального насилия. Чаще всего потерпевшие добровольно соглашались на половой акт, однако такое согласие считается недействительным, поскольку по закону девушка до 18 лет не может дать согласие на сексуальный контакт. Большинство совершеннолетних жертв соглашались на половую связь под предлогом вступления в брак. В связи с этим у потерпевших не было обнаружено телесных повреждений, а положительные признаки сексуального насилия были выявлены только в 5% случаев.

Ключевые слова: сексуальное насилие; жертва; описание случая; клиническая судебная медицина; сообщение о насилии.

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Study of Victims of Alleged Sexual Assault

Basappa S. Hugar¹, Jayanth S. Hosahally², Y.P. Girish Chandra¹, Praveen Shivarama¹

¹ M.S. Ramaiah Medical College, Bangalore, India

² Dr. Chandramma Dayananda Sagar Institute of Medical Education and Research, Dayananda Sagar University, Harohalli, Kanakapura, Karnataka, India

ABSTRACT

BACKGROUND: Sexual assault has been a major concern to our society. It is one of the most underreported offences to the law enforcement agencies. Such offences are multi-faceted and certain details of the offence may be hard to be unearthed even after a thorough investigation.

AIMS: To study factors associated with reporting of sexual assault cases and to correlate findings with the alleged history.

MATERIALS AND METHODS: The study was conducted in the Department of Forensic Medicine, M.S. Ramaiah Medical College Bangalore from January 2018 and December 2020. All victims of alleged sexual assault brought for medical examination to the Department of Forensic Medicine were interviewed through a detailed questionnaire after taking consent. Relevant information was sought from the victim and the consent from victims. Descriptive statistics for qualitative type of data were summarized using frequency and percentage.

RESULTS: 82 victims those who had come to or brought by the parents or guardian or police with alleged history of sexual assault were subjected for medical examination. All of them were females except two juveniles. Majority of the victims (n=71, 86.5%) were less than 18 years of age and were considered as juvenile / minors under Indian law. Either the victims or their parents reported to the police in most of the cases (n=76, 92.7%). In 53.65% of the cases the alleged assaults were reported to the police after three days of alleged recent sexual assault. The purpose of reporting to the police was because of honour or pride of the parents / guardian in 59.75% of the cases. It was observed that only in four cases there were positive findings of recent penetrative sexual assault in the form of fresh hymeneal tears or presence of spermatozoa in the swabs taken during genital examination.

CONCLUSION: Majority of the victims of alleged sexual assault were minors. Only 12% of them reported to the law enforcement directly without anybody persuading. More than 50% of victims presented to the hospital after 3 days of the alleged sexual assault. In most of minor victims the sexual intercourse was consented, but it was invalid since the girl below 18 years cannot consent for sexual intercourse. Majority of adult victims had consented for sexual intercourse on promise of marriage. In view of these, no physical injuries were seen on victims and positive evidence of sexual assault was detected only in 5% of cases.

Keywords: sexual assault; victim; case history; clinical forensic medicine; abuse reporting.

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对被指控性暴力的受害者进行的研究

Basappa S. Hugar¹, Jayanth S. Hosahally², Y.P. Girish Chandra¹, Praveen Shivarama¹¹ M.S. Ramaiah Medical College, Bangalore, India² Dr. Chandramma Dayananda Sagar Institute of Medical Education and Research, Dayananda Sagar University, Harohalli, Kanakapura, Karnataka, India

简评

绪论。性攻击一直是一个我们社会关注的热点问题。它是向执法部门报告的最暗藏细节的犯罪之一。这类犯罪是多方面的，即使经过彻底调查，也很难发现犯罪的某些细节。

该研究的目的是研究与性攻击案件报告有关的因素，并将研究结果与被指控的历史对比起来。

材料和方法。该研究是于2018年1月至2020年12月在班加罗尔M. S. Ramaiah医科学院法医系进行的。在征得同意后，通过一份详细的调查问卷对所有被带到法医系进行体检的被指控性暴力的受害者进行了访谈。受害者被要求提供相关信息，并征得他们的同意。使用频率和百分比总结了定性类型数据的描述性统计。

结果。82名受害者接受了医学检查，他们是自己来或由父母、监护人或警察带来的，并以前受到被指控的性侵犯。除两名受害者外，他们都是女性。大多数受害者（N=71，86.5%）的年龄不到18岁，根据印度法律他们被认为是未成年人。在大多数案件中，受害者或其父母都向警方报案（N=76，92.7%）。在53.65%的被指控攻击案件中，被指控的近期性攻击是发生3天后向警方报告的。在59.75%的案件中，向警方报告的原因是维护父母/监护人的荣誉或骄傲。根据观察，只有4起案件中发现近期插入性攻击的积极证据，表现为近期的处女膜破损或在生殖器检查时的涂片中出现的精子。

结论。大多数被指控性暴力的受害者是未成年人。其中只有12%的人在没有人劝说的情况下直接向执法部门报告。超过50%的受害者在被指控的性侵犯发生3天后到医院就诊。大多数未成年受害者同意发生性关系，但这是无效的，因为18岁以下的女孩不能同意发生性关系。大多数成年受害者都是在承诺结婚的情况下同意发生性关系的。有鉴于此，在受害者身上没有看到任何身体伤害，只有5%的案件中发现性侵犯的积极证据。

关键词：性攻击；受害者；病历；临床法医学；虐待报告。

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INTRODUCTION

Generally sexual assault includes all cases involving unwanted sexual contact occurring between the victim and assailant. Sexual assault is one of the most underreported offences to the law enforcement agencies. Such offences are multi-faceted and certain details of the offence may be hard to be unearthed even after a thorough investigation [1] A review of previous studies only adds on to the existing elementary findings.

Sexual assault has been a major concern to our society. Laws have been amended and awareness among the public has been created to prevent such incidents. As per Sec 375 IPC a person is said to commit "penetrative sexual assault" if:

- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
- (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
- (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

However such cases continue to happen and they are under reported too considering the social stigma. [2] There is paucity of literature regarding details of reporting and referring of such cases to hospital and the law enforcement agencies and also examination findings of victims of sexual assault. Hence present study was carried out to know the ways and means of reporting of sexual assault cases and to correlate findings with the alleged history.

AIMS OF THE STUDY

1. To study characteristics of the victims of sexual assault and factors associated with reporting of sexual assault cases.
2. To correlate and interpret local genital examination findings with the information provided by the victim or the referring authority.

MATERIALS AND METHODS

The present prospective cross sectional study was conducted in the Department of Forensic Medicine, M. S. Ramaiah Medical College Bangalore from January 2018 and December 2020. The approval was taken from the institutional ethics committee. All victims of alleged sexual assault brought for medical examination to the Department of Forensic Medicine were interviewed through a detailed

questionnaire after taking consent. The age of the victims was considered based on the documents supporting their claim like school certificate, Voter ID, Aadhar card, driving license etc. in correlation with the dental and physical examination. Only the minor victims were subjected for radiological examination apart from dental and physical examination to confirm the age. Relevant information was sought from the victim and the consent/assent from victims. Descriptive statistics for qualitative type of data were summarized using frequency and percentage.

RESULTS

During the study period from January 2018 and December 2020, 82 victims those who had come to or brought by the parents or guardian or police with alleged history of sexual assault were subjected for medical examination. All of them were females except two victims. These two victims were less than 12 years of age. Majority of the victims (N=71, 86.5 %) were less than 18 years of age and were considered as juvenile/ minors under Indian law. (Table No 1)

Either the victims or their parents reported to the police in most of the cases (N=76, 92.7 %). In 6 cases, neither the victim nor the parents reported to the police. (Table No 2) These victims came to hospital through a non government organization (NGOs) and subsequently the jurisdictional police were intimidated by the hospital authorities. All victims were subjected for examination either by the Forensic Medicine expert (in presence of a female attendant) in adult victims or by a female resident doctor in cases of minor victims. They were accompanied by their parents or NGO representative. A formal requisition from the police was received to examine all victims. All the 10 victims who reported to the police by

Table 1. Distribution of cases based on age

Age	Frequency	Percent
< 12 years	7	8.3
12–18 yrs	54	64.3
18–25 years	12	14.3
> 25 years	10	11.9
Total	83	98.8

Table 2. Distribution of cases based on source of referral

Guide side	Frequency	Percent
Non Govt. Org.	6	7.3
Family	55	67.1
Family & Self	11	13.4
Self	10	12.2
Total	82	100.0

Table 3. Distribution of cases based on Time of reporting

Time between assault and reporting to police	Frequency	Percent
< 6 hr.	11	13.35
6–24 hr.	18	22
1–3 days	9	14
> 3 days	44	53.65
Total	82	100.0

Table 4. Distribution of cases based on appearance of the victim

Appearance of victim at examination	Frequency	Percent
Normal	74	90.25
Worried- depressed	8	9.75
Total	82	100.0

themselves were majors. None of the minor victims reported to police by themselves alone.

In majority (N=44, 53.65 %) of the cases the alleged assaults were reported to the police after 3 days of alleged recent sexual assault. (Table 3)

In most of the cases (N=74, 90.25 %) the victim appeared normal. Only in 9.75 % (N=8) of cases the victim appeared sad, depressed or worried. (Table No 4)

In majority (N=49, 59.75%) of the cases the purpose of reporting to the police was because of honour or pride of the parents/guardian. In 16 cases (19.51%) the victim wanted the assailant to be punished either for cheating (in cases where the assailant refused to marry after the intercourse) either because of difference in caste or the status of the families. In 14 cases (17.07%) the victim still wanted to marry the assailant in cases where the assailant had sexual intercourse upon promise of marriage or had promised her of marriage after the alleged sexual assault. Two cases were reported for the monetary gain and one case was reported for taking political mileage over the assailant. (Table No 5)

It was observed that only in 4 cases there were positive findings of recent penetrative sexual assault in the form of fresh hymeneal tears or presence of spermatozoa in the

Table 5. Distribution of cases based on the intention behind reporting to police/law enforcement

Intent of victim to report to police	Frequency	Percent
Marry assailant	14	17.07
Punish assailant	16	19.51
Honour/ pride	49	59.75
Monetary gain	2	2.43
Political pressure	1	1.22
Total	82	100.0

Table 6. Distribution of cases based on local genital findings of the victim

Genital examination Findings for recent intercourse	Frequency	Percent
Positive(Fresh hymeneal tears/Spermatozoa/pregnancy)	4	4.88
Negative(Intact hymen/no other injuries/spermatozoa)	78	95.12
Total	82	100

swabs taken during genital examination. (Table No 6) This is because of delay in reporting to the police there by leading to delayed examination, hence the most of the recent evidences would have been lost. In 6 cases of recent alleged sexual assault the assailant had used condom, thus spermatozoa could not be detected.

DISCUSSION

A total of 82 victims of alleged sexual assault received are at M.S. Ramaiah Medical College & Hospital between January 2018 and December 2020. All the cases were examined for evidence of sexual assault after having received a formal requisition from the police and obtaining an informed written consent from the victims and assent of parents in cases of minor victims.

Section 375 of Indian Penal code defines Sexual Assault as introduction by a man of his penis/ part of his body/ any object into the vagina or anus or urethra of a woman or child. It is considered as sexual assault even if there is no complete penetration or ejaculation.

In the present study, 97.5 % were females except for 2 boys who were less than 12 years. 86.5 % of them were minors under Indian law. In a similar study in Delhi, 97.4 % of the victims were females. More than one-third of the victims (37.2%) were minors. [3] The percentage of male victims was low at approximately 5% of all victims in a study by Hiddink-Til. [4]

92.6% of them were referred to the Dept. of Forensic Medicine by the police and the remaining 6 cases were directly brought by a NGO to the hospital emergency and police were intimated later by the Emergency Medicine Physician. In only 12 % of the cases, victims voluntarily gave statement to the police regarding the sexual assault incident. In the rest of the cases, it was the parents or the relatives who approached the police. In a study at Netherlands, the percentage of self-referrers increased from 10% to 30% in recent years. [4]

Only one was coerced to consume alcohol and assaulted later. There was no other drug/ intoxicating agent detected in the victims. Hiddink-Til observed the decrease of use of psychotropic drugs among victims from 24% to 11%. [4] Use of alcohol or intoxicating agent was too low compared to other studies as majority of the victims in our study were minors.

53.65 % of them presented to the hospital after 3 days. In the current study there are a high percentage of minors who might not report until the parents notice the condition. In others, the delay could be attributed to fear of embarrassment or social stigma. In 17 % of the cases, victims were in relationship with the assailant and were courting and having consensual sexual intercourse on the pretext of getting married. Subsequently there was breach of promise of marriage which forced the victim to approach legal authorities. Consent obtained for sexual intercourse based on a false promise to marry is invalid under Indian Law and the accused would not be excused from the charges of sexual assault. Tolu LB reports an average duration of the presentation to the hospital as 98 hours. [5] In a study by Rathi A, majority of cases (64.3%) studied had been reported late; only 35.7% of cases were reported within 24 hours of the crime. One-fourth of the cases were reported after a year of crime. [3]

On examination 8 of them appeared to be in trauma, worried and depressed while remaining 74 of them were appeared normal during examination. However all victims were offered Psychiatric evaluation and counselling. In 59.75 % of the cases, intention behind reporting to the police was issues concerning honour and pride of the parents or the relatives of the victims. However few victims (19.51 %) had the intention of getting the assailant punished and some of them (17.07%) in deed wanted to get into marital relationship with the assailant.

75 (91%) victims reported peno-vaginal penetration, 2 minor boys were made to touch assailants' penis. Scherer S observed 123 of 184 victims reported penile penetration; of which 66 % had penetrated vagina only. [6]

No injuries were observed over the victim's body in our study. However, Scherer S observed lesions in 145 (79%) victims. Of these, 59 had body lesions only, 28 had genito-anal lesions only, whereas 58 had both body and genito-anal lesions. [6]

Recent signs of sexual intercourse like evidence of spermatozoa and fresh hymen tears were seen only in 3 of the cases and one was 10 weeks pregnant at the time of examination. This suggest that in majority of the cases intercourse was either consensual or they were reported late. Minimal physical force was used as there were no physical injuries in majority of the cases. Force may not be required and intercourse will be consensual if there is a promise of marriage; breach of promise of marriage is the

most important reason for reporting to the law enforcement authorities. Consensual sexual intercourse with minors (86.5 % of the victims) was still considered as sexual assault as consent was invalid. In contrast Tolu LB reported that 93.0% had one or more physical examination findings at presentation, the commonest being genital injury in 72%, vaginal bleeding in 30.5%, and genital discharge in 30%. [5]

High vaginal swabs were taken in all cases and evidence of spermatozoa was seen in only 3 of the 82 cases. Sexually transmitted diseases were not detected in any of the cases. 34% of the survivors had a genital/anal swab taken for the demonstration of sperm cells by Tolu LB. [5] Among those evidence of sperm cells was reported in 39.2% of the cases and signs of genital infection in three of the cases. Delay in presentation to the hospitals, use of condoms by the assailants, change of clothes and douching by the victims can all result in very low positivity rate for detection of spermatozoa.

CONCLUSION

Majority of the victims of alleged sexual assault were minors. Only 12 % of them reported to the law enforcement directly without anybody persuading. More than 50% of victims presented to the hospital after 3 days of the alleged sexual assault. In most of minor victims the sexual intercourse was consented, but it was invalid since the girl below 18 years cannot consent for sexual intercourse. Majority of adult victims had consented for sexual intercourse on promise of marriage. In view of these, no physical injuries were seen on victims and positive evidence of sexual assault was detected only in 5% of cases.

ADDITIONAL INFORMATION

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REFERENCES

- Davidson J, Perrone P, Haro F, Yanagida E, Choi-Misailidis SJ. *Sexual Assault Victims in Honolulu: A Statistical Profile*. Honolulu: NCJRS, 2004.
- Snyder HN. *Sexual Assault of Young Children as Reported to Law Enforcement*, NCJ 182990, 2000.
- Rathi A, Naagar S, Kumar V, Lal P, Goel SK. Sexual assault and associated factors among the cases reported in a tertiary care hospital of Delhi. *Natl Med J India*. 2019;32(6):344–346. doi: 10.4103/0970-258X.303620
- Hiddink-Til A, Teunissen TAM, Lagro-Janssen ALM. Trends in victim, incident and care characteristics of a Dutch

sexual assault center. *J Forensic Leg Med.* 2021;81:102183. doi: 10.1016/j.jflm.2021.102183

5. Tolu LB, Gudu W. Sexual assault cases at a tertiary referral hospital in urban Ethiopia: One-year retrospective review. *PLoS One.* 2020;15(12):e0243377. doi: 10.1371/journal.pone.0243377

6. Scherer S, Hansen SH, Lynnerup N. Discrepancy between information reported by the victims of sexual assaults and clinical forensic findings. *Dan Med J.* 2014;61(9):A4899.

AUTHORS' INFO

* **Jayanth S. Hosahally**, MBBS, MD (Forensic Medicine), Associate Professor; address: Harohalli Kanakapura Ramanagara Dist, 562112 Karnataka, India; ORCID: <https://orcid.org/0000-0001-5209-1133>; e-mail: veejay02@gmail.com

Basappa S. Hugar, MBBS, MD (Forensic Medicine), Professor, ORCID: <https://orcid.org/0000-0002-4470-0549>; e-mail: bshugar2007@gmail.com

Y.P. Girish Chandra, MBBS, MD (Forensic Medicine), Professor & HOD; ORCID: <https://orcid.org/0000-0002-5446-8114>; e-mail: girishchandra14@gmail.com

Shivarama Praveen, MBBS, MD (Forensic Medicine), Professor; ORCID: <https://orcid.org/0000-0002-4335-0671>; e-mail: praveenreddy.doc@gmail.com

* Corresponding author