



Medicine, the Law & You

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PROVING SEXUAL ASSAULT:

To many, the absence of any injuries during sexual assaults impacts negatively on the investigation, prosecution and adjudication of such cases.

The term sexual assault refers to any form of a non-consensual sexual activity and includes rape. Sexual assault is sometimes referred to as sexual violence. These terms give the impression that force must be used during the commission of the offence and, therefore, the victim must sustain some kind of injury. To many, the absence of any injuries during sexual assaults impacts negatively on the investigation, prosecution and adjudication of such cases.

In truth, the finding of injuries when examining victims of sexual assault is an exception rather than a rule. The misconception that injuries must occur in every sexual assault has ruined many cases. Injury following sexual assault carries undue influence in obtaining convictions as demonstrated by a number of studies. One study carried out in Britain in 1977 concluded that the court in the United Kingdom rely upon medical evidence, especially genital injury, to

Injuries got during sexual offences



prove sexual assault. However, many medical studies reveal that only a minority of victims suffer physical injuries, and minor at that. To detect these injuries, the examinations are best carried out within 72 hours as these injuries heal quite fast.

Sex by design is not meant to be traumatic except in conditions where the victim violently resists or is young or during first encounters or when there is sexual organ disproportion or use of violence.

The common wounds

Most injuries sustained during sexual assault are technically known as wounds. A wound, in medical language, is damage to a tissue following a physical force. The most common types of wounds seen in victims of sexual assault are lacerations, bruises and abrasions.

Lacerations are tears on the body and are caused by a blunt object, of which a male organ is. Lacerations occur at the opening of tight orifices

and are, therefore, seen at the opening of the female genitalia in penetrative sex. Some lacerations are obvious such as of the hymen in virgins and the young and elderly. Some of the lacerations may be subtle, especially in the sexually active age group. And a medical examiner must know where to look.

Bruises are types of wounds that occur when there is bleeding under the superficial layer of the body. They occur when the small blood

vessels beneath the surface break and blood, therefore, diffuses into the surrounding tissue. This injury occurs as a result of blunt force trauma and may be found together with lacerations. Bruising may be found in the genital regions, especially in children or when there is a forceful attempt to penetrate. The bruised tissue may also be swollen due to the body's reaction to such injury. Technically, this is known as an acute inflammatory reaction. The blood that has escaped into the surrounding tissue is also responsible for the swelling and some medical examiners may also refer to such swellings as hematomas.

Abrasions are superficial injuries on the body and are the result of frictional force. There are various types of abrasions, which include scratches and grazes. Scratches are rarely found in the genitalia in cases of sexual assault. Graze abrasions are, however, common in the walls of the vaginal tract, especially following vigorous sexual intercourse but heal very fast. They occur as a result of the rubbing action of the penis.

Other injuries

Victims of sexual assault may also sustain injuries on other parts of the body and these are called the extra-genital injuries. These injuries are useful in demonstrating lack of consent. The type of injuries will depend on the nature of weapons used. In some of the most horrific cases of sexual assault, the victims have been stabbed, tied up or indiscriminately beaten. The injuries in such cases include stab wounds and cuts in addition to lacerations, bruises and abrasions.

It is important to record the exact type of injury sustained and photograph too. The position of the injury, its measurements and how old the injury is should also be recorded.

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