

FORENSIC MEDICAL EXAMINATION AND INDICATIVE FINDINGS OF SEXUAL VIOLENCE AGAINST WOMEN

A PERÍCIA MÉDICO-LEGAL E OS ACHADOS SUGESTIVOS DE VIOLÊNCIA SEXUAL CONTRA A MULHER

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ABSTRACT

INTRODUCTION: Sexual violence against women is a universal issue that involves physical and psychological harm. Although this violence presents specific characteristics, most cases remain unresolved because victims often remain silent due to several reasons, including fear of the perpetrator and impunity due to insufficient proof. In this context, forensic medical examinations conducted by official state institutions become crucial in aiding the justice system in uncovering the truth and resolving these cases. **OBJECTIVE:** To perform a narrative review of the potential findings in forensic medical examinations that indicate the occurrence of alleged sexual violence against women. **METHODS:** This narrative review focused on forensic sexology and its indicative findings of sexual violence against women. Data were based on 12 studies published in the last ten years indexed in the LILAC, SCIELO, and MEDLINE databases; the search encompassed the following terms: forensic sexology, findings, sexual violence, and women. **RESULTS:** The high incidence of sexual violence against women remains a pressing issue in Brazil, as most women refrain from reporting the incident because they think that they will be discredited by the authorities, feel ashamed, or fear the impunity of the perpetrator. Thus, forensic medical examinations in rape cases are useful for investigating suspects, as the information collected may favor the victim. These tests are conducted at the Institute of Forensic Medicine, and the professionals provide a supportive and cautious approach throughout the medical procedure. **CONCLUSION:** Forensic medical examinations and their findings are valuable in confirming sexual violence against women. Decisive findings in the forensic medical examination (e.g., the collection of biological material for genetic analysis) are crucial. Moreover, a humanized and detailed approach, combined with other indicative findings, supports the report of the examiner and enables the recovery and legal security of the victim.

Keywords: Forensic medical examination. Sexual violence. Woman.

RESUMO

INTRODUÇÃO: A violência sexual contra a mulher possui proporção universal e não configura a violência apenas por meios coercitivos de agressão ao seu corpo: afeta a vítima tanto no aspecto físico quanto no psicológico. Embora esse tipo de violência deixe seus vestígios bem definidos, a maioria dos casos fica sem resolução, pois a vítima, na maioria das vezes, se cala em razão de uma série de motivos, principalmente por temor ao agressor e por sua não responsabilização devido à ausência de provas. Nesse cenário, a perícia realizada em órgão oficial do Estado se torna imperiosa ao auxiliar a justiça na busca pela verdade e na solução desses casos. **OBJETIVO:** Realizar uma revisão narrativa a respeito dos possíveis achados que indicam a ocorrência de uma suposta violência sexual contra a mulher em uma perícia médico-legal. **MÉTODOS:** Foi desenvolvida uma revisão narrativa pautada na análise de 12 artigos publicados nos últimos 10 anos nas bases de dados da biblioteca virtual de saúde LILACS, SCIELO e MEDLINE. Esta revisão versa sobre a perícia sexológica e seus achados indicativos de violência sexual em mulheres pela utilização dos seguintes descritores: perícia sexológica, achados, violência sexual e mulher. **RESULTADOS:** O alto índice de violência sexual contra a mulher é uma questão ainda latente no Brasil, pois a maioria das mulheres insiste em não registrar o ocorrido, seja por receio de que as autoridades não acreditem em sua palavra, vergonha

do fato ou por temerem a impunidade do autor do crime. Assim, a perícia médico-legal em casos de estupro se mostra um instrumento comprobatório essencial para a investigação do suspeito. Com ela, é possível reunir os elementos constitutivos do exame de corpo de delito para serem usados a favor da vítima por uma série de exames específicos realizados no instituto de medicina legal, além de proporcionar acolhimento e ensinar abordagem cautelosa, detalhada e paciente em relação à mulher durante todo o procedimento médico. **CONCLUSÃO:** Em suma, percebe-se que não há outro meio de analisar um fato, supostamente de origem criminal, que não seja a partir da avaliação e valoração de prova pericial. Existem achados decisivos para concluir casos de violência sexual na perícia sexológica; dentre eles, destaca-se a coleta de material biológico para análise e identificação genética do suspeito. Assim, um atendimento humanizado, atencioso e detalhado, somado ao maior número de achados possíveis indicativos de violência sexual na vítima para embasar o laudo realizado pelo Perito Médico Legista, possibilita um resgate moral e a segurança jurídica de que ela necessita após o infortuno.

Palavras-chave: Perícia Médico-legal. Violência sexual. Mulher.

INTRODUCTION

Sexual violence is a public health issue that causes severe biopsychological harm in women.¹ Following physical, moral, and mental damage, victims need clinical and forensic care, as well as legal protection provided by the justice system.^{1,2}

Brazilian legislation defines rape as “coercing someone, through violence or severe threat, to engage in sexual acts or to perform or allow another libidinous act to be performed”.^{3,4} Despite the reformulation of Law No. 12.015 in 2009 to include male victims,⁵ women remain the most affected.

The Institute of Forensic Medicine (IML) in Brazil is the official institution responsible for providing forensic medical reports in rape cases to aid investigations.⁶ These reports are crucial for judicial decisions, as cases that lack material evidence lead to suspect release.⁶ The role of the public health in preventing sexual violence has grown over time, providing better support to victims in hospitals⁶, guiding them to report incidents to the police, and ensuring they undergo a forensic medical examination at the IML.

Given the relevant role of forensic medical examinations in judicial decisions on sexual crimes, this study evaluates common findings that indicate sexual violence against women, such as DNA collection from the perpetrator.⁵ Additionally, victims should be referred to a multidisciplinary healthcare team (e.g., gynecologists, nurses, psychologists, social workers, and psychiatrists) for comprehensive care, including preventive measures of emergency contraception and sexually transmitted diseases. These measures will promote physical, psychological, and social recovery in the short- and long-term,

including assistance with pregnancy resulting from rape, as recommended by the Ministry of Health.^{1,2}

This narrative review compiles elements observed during forensic medical examinations for sexual crimes, ensuring the rights of the victims, and encouraging women to report to reduce the rate of unreported cases across Brazil.

The importance of this review relies on using its findings to mitigate the physical and mental effects of sexual violence. It also underscores the need for forensic examinations to prevent greater psychological vulnerability.

METHODS

This narrative review was based on studies published between 2010 and 2020 on SCIELO, PubMed, and LILACS databases. The search employed the following descriptors: forensic sexology, findings, violence, and women.

The included studies were in English, Portuguese, or Spanish. Selection criteria focused on themes related to sexual violence against women, forensic medical examinations, indicative findings of sexual assault, and current legislation. Additionally, books by renowned authors and the Ministry of Health manual were used to support the theoretical content and deepen the analysis of the topic.

RESULTS AND DISCUSSION

According to the included studies, only 8% to 10% of victims reported sexual crimes to the police and underwent the forensic medical examination at the IML in Brazil; this percentage was reduced to 5% among high school adolescents.^{7,8} These findings highlight significant underreporting of sexual crimes

by the victims.

Sexological expertise: conducting forensic medical examination on the victim.

According to the guidelines of the Ministry of Health on preventing and treating the consequences of sexual violence against women and adolescents, victims must be informed about the procedures conducted by the forensic medical examiner. Their decision to undergo the examination must be respected, and the environment should be as supportive as possible.^{1,2} Professional confidentiality must be maintained, and victims should receive priority and humanized care upon their arrival for the examination.^{1,3}

A thorough history of the incident should be collected. This process requires caution, patience, and courtesy, as recalling the assault can be traumatic for the victim.^{1,3} After the examination, the victim must be referred to a multidisciplinary team for follow-up care.^{3,9}

Searching for Indicative Findings of Sexual Violence

During the examination, the forensic examiner must observe signs to support the forensic report.¹ Key indicators of sexual violence include examining for external genital injuries, pubic hair combings, biological samples (semen on the skin), and body marks indicating suction or bite marks on breasts and lips.^{4,6}

A thorough gynecological examination is essential to identify signs of sexual intercourse. The examiner should detail the characteristics of the hymen, particularly the hymenal rim, noting any notches or ruptures.^{6,4} Hymenal rupture is characterized by complete depth from the hymenal rim to the vaginal wall, irregular edges, asymmetry, and recent hemorrhagic infiltration.¹³

The anus should also be examined to identify rupture, suffusion, tearing of anorectal and perineal walls, bruising, anal dilation, and hemorrhage. Blood and saliva swabs from the perpetrator should be collected for DNA testing^{5,6}; the latter should be collected using sterile saline.⁶

Biological evidence of forensic interest can be found in many assault cases and is crucial in those sexual ones.^{12,13,15} Moreover, studies observed that human DNA collection is useful for suspect identification, and it is the most effective procedure for

legal evidence. For optimal results, this collection should occur within 72 hours of the sexual assault.⁵

Examination in Cases of Compliant Hymen or Women with Sexual History

In cases involving a compliant hymen or women with a sexual history, it is crucial to confirm potential pregnancy and the presence of sperm in the vaginal cavity.^{6,7,10}

Studies showed that the presence of acid phosphatase or glycoprotein p30 originating from prostatic fluid, along with the examination for deep venereal contamination, can be decisive in confirming sexual assault.^{8,10}

FINAL CONSIDERATIONS

Forensic medical examinations and their findings are valuable in confirming sexual violence against women.

Forensic sexology in rape cases is a sensitive and serious theme. Women are emotionally and psychologically vulnerable after the incident and should receive ideal support in specific facilities for the examination.^{1,2,8}

Thus, forensic procedures must be prudent and cautious in affirming or denying indicative findings of sexual assault.^{8,9,15}

In severe assault cases, forensic medical examinations are crucial for providing judicial authorities with a clear understanding of the injuries and harm of the victim. They also play a vital role in supporting the victim from arrival at the competent institution to referral to a multidisciplinary team for necessary physical, emotional, and psychological recovery.

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