

Sexual Assault: Types and Associated Factors

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ABSTRACT

BACKGROUND: Sexual assault is a rising medico-legal issue and also an important social problem. Medico-legally sexual violence can be Penetrative sexual assault, Non penetrative Sexual assault and Sexual harassment. Thorough knowledge about manner and traits of sexual assault is vital for forensic examination. Keeping this in view, the study was taken up with the aim of analysing the circumstances and factors associated with sexual assault.

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. 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.

RESULTS: 82 victims of alleged sexual assault were examined. 80 of them were females and 2 were boys who were less than 12 years. Children and adolescents in the age group of 12-18 years constituted 65.85% of the cases. Penetrative sexual assault (peno-vaginal type) was reported by 62 of the victims (75%). Anal intercourse was alleged in 2.5 % (n=2) of the victims.

CONCLUSION: Peno-vaginal type of sexual assault in the minors less than 18 years is the most common type of sexual assault reported. Health care professionals and others involved in providing care and support in all forms should be thoroughly trained and informed about the current laws. Preventive campaigns and sex education programmes in schools and colleges should be taken up the concerned authorities to create awareness amongst the teenagers.

KEYWORDS: Forensic Medicine; Crime; Sexual assault; Rape.

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INTRODUCTION

Sexual assault is a rising medico-legal issue and also an important social problem affecting both males and females. Cases are rapidly increasing worldwide as well as in India. It is estimated that 13% of women and 3% of men worldwide may be raped at some time in their life.¹ Rape is the fourth most common crime against women in India.^{2,3} According to the 2021 annual report of the National

Crime Records Bureau (NCRB), 31,677 rape cases were registered across the country, or an average of 86 cases daily, a rise from 2020 with 28,046 cases, while in 2019, 32,033 cases were registered.⁴

17.6% of all the women in the US were found to be exposed to sexual assault or attempts of sexual assaults. 54% of these women were found to be 17 years old or younger when exposed to sexual assault.⁵

Medico-legally sexual violence can be Penetrative sexual assault, Non penetrative Sexual assault and Sexual harassment. Thorough knowledge about manner and traits of sexual assault is vital for forensic examination and it would also help us in coming up with measures which can prevent such crimes in the society.

There are few studies which discusses the details and characteristics of sexual assault cases. These are useful to all health care professionals caring for such victims. Keeping this in view, the study was taken up with the aim of analysing the circumstances and factors associated with sexual assault. The different types of sexual assault as classified under the Indian Law including penetrative and non-penetrative were also studied.

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. Cases which were reported and brought as sexual harassment were excluded. Descriptive statistics for qualitative type of data were summarized using frequency and percentage.

RESULTS

Study was conducted from January 2018 and December 2020; 82 victims of alleged sexual assault were examined. 80 of them were females and 2 were boys who were less than 12 years. Children and adolescents in the age group of 12-18 years constituted 65.85% of the cases followed by the age group 18-25 years (14.63%). Majority (91.6%) of the victims were moderately built and only one was having a poor built.

Table 1: Marital status of the victims

Marital Status	Frequency	Percent
Single	76	92.8
Married	3	3.6
Separated	2	2.4
Widow	1	1.2
Total	82	100.0

Legal minimum age limit for a woman to get married in India is 18 years. 22 of the females were more than 18 years of age and 16 of them were unmarried/ single, 3 were married, 2 were separated and 1 was a widow. Remaining 60 were minors who were less than 18 years.

Table 2: Distribution of cases based on Threatening, using force and deception

Assailant threatened Victim		
-	Frequency	Percent
Yes	18	21.7
No	64	78.3
Total	82	100.0
Assailant used physical force		
-	Frequency	Percent
Yes	14	18.1
No	68	81.9
Total	82	100.0
Assailant's use of deception		
-	Frequency	Percent
Yes	11	14.5
No	71	85.5
Total	82	100.0

In 18 cases the assailant had threatened the victims of dire consequences and in 14 cases the assailant had allegedly used physical force to overcome the resistance offered by the victim during the alleged sexual assault. A knife as a weapon was used by the assailant in only one case to threaten the victim. In 11 cases, victims' were deceived by the assailant under the pretext of promise of marriage. In none of the victims, there were demonstrable injuries at the time of examination.

Only one victim was found to be under the influence of alcohol, where in the assailant had offered the alcohol for the victim and then sexually assaulted her when she was intoxicated.

Table 3: Distribution of cases based on Time of Sexual Assault

Time	Frequency	Percent
0000 h to 0600 h	3	3.65
0600 h to 1200 h	11	13.41
1200 h to 1800 h	35	42.68
1800 h to 0000 h	33	40.26
Total	82	100.0

About 83% of the incidents took place between 12 noon to 12 midnight.

Table 4: Distribution of cases based on No. of times of sexual assault

No. of Times of sexual assault	Frequency	Percent
Once	11	13.4
Twice	2	2.4
More than twice	69	84.2
Total	82	100.0

Majority of the victims (n=69, 84.2%) alleged that they were sexually assaulted by the same assailant on multiple times (>2 times) and it was only once with 11 victims (13.4%).

Table 5: Distribution of the cases based on the Type of alleged Sexual Assault.

Type of alleged sexual assault	Frequency	Percent
Penetrative sexual assault- Vaginal	62	75.6
Penetrative sexual assault- Anal	2	2.5
Non penetrative sexual assault	18	21.9
Total	82	100.0

Penetrative sexual assault (peno-vaginal type) was reported by 62 of the victims (75%) followed by the non-penetrative sexual assault (21.9%, n=18). Anal intercourse was alleged in 2.5% (n=2) of the victims. Both of them were children (a girl and a boy).

60 cases were minors and are classified as children under Indian Law and cases were booked under POCSO Act. Out of which 44 of them reported alleged vaginal intercourse, 2 reported anal intercourse and it was non penetrative sexual assault in 14 cases. 22 cases were above 18 years and cases of sexual assault were booked under Indian Law Sec 375 IPC. 18 of the 22 adults reported vaginal sexual assault and the remaining 4 were of non-penetrative type.

DISCUSSION

M.S. Ramaiah Medical College & Hospital received requisition for examination of 82 victims of alleged sexual assault between January 2018 and December 2020. All the cases were examined after obtaining an informed written consent from the victims and assent of parents in cases of minor victims.

In the present study, 97.5% were females except for 2 boys who were less than 12 years. 73% (60) of them were minors under Indian law. In a similar study done in Taiwan, a total of 114 sexual assault cases were analyzed, 93.9% of them were females and 6.1% were male victims. About 63.6% of the victims were younger than 19 years.⁶ Compared to our study, male victims were slightly higher whereas percentage of victims who are teenagers and children is almost same. In another study done in the United States, 54% of the victims were found to be 17 years old or younger when exposed to sexual assault.⁵ Out of 324 sexual assault victims included in a study in Turkey, 268 (82.7%) were females and 56 (17.3%) were males; male victims were quite large compared to our study.⁷ Possibility of under reporting of male victims in India could be one of the reasons. 91.6% of the victims were moderately built and only was poorly built for age. There was no correlation between built of the victims and sexually assault in our study.

All 60 minors of the 82 cases were college or school going students and out of 22 of the adult females only 3 were married, 16 of them were unmarried, 2 were separated and 1 was a widow. In a study by Karanfil R *et al* in Turkey, students and adolescents constituted 55% of the cases compared to 73% (60 minors) in our study.⁷ This category of people is more vulnerable to sexual assault followed by unmarried or single women (19.5%).

Victims were under threat of violence in 22% of the cases. Assailants had used physical force to subdue the victims in 17% of the cases. A weapon was used as a threat only in one incident by the assailant. Hwa Hsiao-Lin *et al* in their study reported that 12% of the patients were threatened with weapons, including a knife (seven cases), and rope (three cases). Seven patients (6.1%, 7 in 114) told physicians that they were drugged by the offenders.⁶ Whereas in our study only one victim was found to be under the influence of alcohol, where in the assailant had offered the alcohol for the victim and then sexually assaulted her when she was intoxicated.

In 13% of the cases, victims and assailants were romantically involved with each other and the assailants had promised marriage during their relationship. Under this false pretence victims were deceived into sexual intercourse. Though these were incidents of consensual sexual intercourse, consent here becomes invalid as it was taken under deceit; and as per Indian Law these incidents amount to sexual assault.

L.A. Fryszer *et al.* observed extra genital injuries in 61.4% (522/815) of patients.⁸ Karanfil R *et al* observed 22.5% had injuries located in parts of the body other than the genital region.⁷ Quite differing from our study where there were no physical injuries in any of the case examined. Victims were intimidated and subdued before sexually assaulting them; and in many instances (13%) victims and assailants were romantically involved. This could be the reason for no physical injuries in our study.

Majority (83%) of the sexual assaults occurred between 12 noon to 12 midnight almost equally distributed in the afternoon and evening. In contrast to a study done in Germany by L.A. Fryszer *et al.* where it was observed that 60% of the sexual assaults took place between 000h to 0759 h.⁸ In an Indian study nearly two-thirds (188, 60.3%) of the cases occurred during daytime (from 7 a.m. to 7 p.m.).⁹ It could be due to certain practises in Indian families restricting the movements of their children late in the nights especially minors who live with their parents.

In 69 cases (84%), victims were sexually assaulted by the same assailant on multiple occasions (>2). Karanfil R *et al* reports a similar observation where 82.7% of the victims were exposed to assaults by only one assailant.⁷ In an observation by Rossman *et al*, 43.2% of the victims had previous history of sexual assaults.¹⁰ Tolu LB, Gudu W. found that 85.3% of the victims were sexually assaulted once.¹¹ In the present study, most of the assailants were known to the victims either closely or by acquaintance. Hence in 84% of the cases there was sexual assault on many occasions by the same perpetrator. Victims might have been willing to have a sexual relationship initially, but later complained about it directly or through their parents. Complaints to the police were made when the victims were minor as per law and when there was breach of promise of marriage by the assailant. All such cases were registered as sexual assault as consent to sexual intercourse becomes invalid when it was obtained under deception or when obtained from a minor who is less than 18 years of age.

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) applies to minor victims who are less than 18 years of age. As per this Indian act a person is said to committed "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.¹²

Under the Indian Law, 73% of the victims were children and cases were booked under POCSO Act. It was penetrative type in 76.6% of them and it was non penetrative sexual assault in the remaining 23.4%. Adult victims constituted 27% and 82% of them reported vaginal sexual assault and in the remaining 18% it was of non-penetrative type.

Overall in 78.1% (n=64) of the cases, penetrative sexual assault was reported followed by the non-penetrative sexual assault in 21.9% (n=18). In 62 of the 64 victims' peno-vaginal penetration was involved. It was anal intercourse in the remaining 2 victims. Both of them were minors aged less than 18 years (one male and one female). There was no oral or digital penetration observed in our study.

Similar to our study, LA Fryszer *et al* observed penile penetration vaginally, orally or anally in more than 75% of the cases (510/674).⁸ In contrast, in a two year study on 478 sexual assault victims by McCall-Hosenfeld *et al* in the US, 99% of the cases reported penetration.¹³ Grossin C *et al* observed that 87.7% of the victims reported penetrative type when examined within 72 hours of sexual assault. Vaginal, oral and anal penetration was involved in 55%, 23% and 13% of the cases examined within 72 hours of sexual assault respectively. There was no penetration involved in 8% of the cases. Anal penetration was seen in 50% of male victims.¹⁴ This finding is similar to our study where one of the only two male victims had reported penetrative anal intercourse. Ingemann-Hansen *et al* have observed penetrative sexual assault in 59% of the cases.¹⁵ Various studies have reported different frequency of penetration in sexual assault cases ranging from 59% to 99%. Age of the victim, validity of consent for sexual intercourse and relationship between

victim and accused are some of the influencing factors which determine penetration.

CONCLUSION

Peno-vaginal type of sexual assault in the minors less than 18 years is the most common type of sexual assault reported. 84.2% of the victims were sexually assaulted multiple times on multiple occasions, because most assailants are known to the victims. Though consensual, consent of the victim is invalid under Indian Law. In non-consensual cases and adults, victims were under threat and deception and also were physically forced to submit. Health care professionals and others involved in providing care and support in all forms should be thoroughly

trained and informed about the current laws. One should be aware that there should not be any delay in examining, providing treatment. Failure to collect forensic evidence and to report to law enforcing authorities is an offence. Preventive campaigns and sex education programmes in schools and colleges should be taken up the concerned authorities to create awareness amongst the teenagers. It must be brought to cognizance that even consented sexual intercourse with a minor is a crime and involves prosecution.

Conflict of Interest: Nil

Source of Funding: Nil

Ethical issues: Nil

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