



# MEDICAL SUPPORT FOR SURVIVORS OF sexual VIOLENCE

**THE EMOTIONAL AND PHYSICAL HEALTH OF THE SURVIVOR IS MOST IMPORTANT AND MUST BE TREATED FIRST.**

**DO A THOROUGH MEDICAL AND FORENSIC EXAMINATION AT FIRST CONTACT AS VALUABLE EVIDENCE IS LOST AFTER REPEATED EXAMINATIONS.**

## INFORMED CONSENT



Consent for medical examination has to be taken from a child above 12 years.

If the child is below 12 years of age, the consent needs to be sought from the parent/guardian. For any invasive procedure, consent of parent/guardian is required.

Document informed refusal if consent is not given, and do not conduct the examination.

## FIRST AID & EMERGENCY MEDICAL TREATMENT



To be provided (Sec 357C, CrPC, CLA Act, POCSO Sec 27 {1})

- Free of Cost
- Irrespective of filing FIR
- By all public and private hospital
- Refusal of medical care for survivors is punishable under law - IPC Sec 166B.

In absence of a female doctor a male doctor can conduct the examination in the presence of a female attendant designated by the hospital, and/or a person whom the survivor trusts.

### Reporting

Information related to a sexual crime is to be documented in the Medico-legal case (MLC) Register of the hospital.

Failure to report a sexual crime to the police is punishable under POCSO Act Section 21 and CrPC 357C.

CrPC - Code of Criminal Procedure  
 CLA Act - Criminal Law Amendment Act  
 IPC - Indian Penal Code  
 FSL - Forensic Science Laboratory  
 MoHFW - Ministry of Health and Family Welfare  
 MTP - Medical Termination of Pregnancy  
 POCSO Act - Protection Of Children from Sexual Offences Act  
 RMP - Registered Medical Practitioner

## INTERVIEW, EXAMINATION & COLLECTION OF EVIDENCE



### Interview

Conduct the interview in the presence of a parent/guardian, in a private space.

Maintain safety and comfort of the survivor, taking into account the survivor's physical and emotional conditions.

Interact with the survivor in a reassuring manner to build rapport.

Obtain complete history from parents/caregiver/accompanying person.

### Examination

Examine survivor in a private space.

Inform the survivor about all medical examination procedure in simple words.

Parent or trusted adult should be present if survivor is below 18 years of age.

Conduct a thorough physical examination, not limited to the site of sexual assault.

### COLLECTION OF EVIDENCE

Samples and swabs to be collected if time lapse since last assault is within 72-96 hours

Based on history of incident, collect swabs of Saliva, Blood stains and Seminal stains on the survivor.

Examine for evidence and stains in areas surrounding the site of assault on the survivor.

Transfer stains from body surfaces onto blotting paper for DNA analysis.

Collect any foreign material from the survivor like mud, grass, loose scalp and pubic hair for forensic analysis.

Collect scrapings using toothpicks from under the nails from both the hands if there was struggle during the assault.

Collect blood and urine samples to test for intoxicants, drugs, pregnancy, blood group & DNA analyses, based on case history.

Take 2 swabs each from vulva, vagina, anus and oral orifices depending on history and time elapsed since assault.

Check for use of lubricants and collect swabs for testing.

- TWO FINGER TEST SHOULD NOT BE DONE
- ABSENCE OF INJURIES DOES NOT RULE OUT SEXUAL ASSAULT
- PROVISIONAL REPORT MUST BE GIVEN WITHIN 24 HOURS
- FINAL REPORT INCORPORATING FSL REPORTS CAN BE GIVEN LATER

**A COPY OF THE MEDICAL REPORT MUST BE GIVEN TO THE CHILD AND FAMILY WITHOUT FAIL**

## PREGNANCIES



When pregnancy is detected, survivor is to be given options of:

- Continuing pregnancy to full term
- Terminating pregnancy

Product of Conception (PoC) to be collected, packed, sealed and handed over to Jurisdictional police for analysis at FSL

### MTP Act, 1971

Termination of pregnancy (abortion) can be carried out by a RMP for pregnancies below 20 weeks.

Opinion of 1 RMP is required if pregnancy does not exceed 12 weeks.

Opinion of at least two RMPs is required for termination of pregnancies which are between 12-20 weeks\*.

Written consent for termination procedure to be given by parent/legal guardian if the survivor is below 18 years of age.

\* If there is risk to the survivor due to continuation of the pregnancy beyond 20 weeks, termination order can be sought through the High Court.

## MEDICAL EXAMINATION



Response to survivors at a medical facility should extend to:

- Treatment of injuries
- Psychological support and reassurance
- Prevention of pregnancy: emergency contraception for post pubertal girls
- Treatment of infections like STDs, infected injuries.
- Post Exposure prophylaxis against HIV/ HBsAg, if required.

## AGE ESTIMATION



With documents - school certificate/ birth certificate.

If doubtful, do an X-ray or dental examination to determine age. (MoHFW Guidelines)