

RESEARCH ARTICLE/ARAŞTIRMA MAKALESİ

Forensic medicine dimension of gang rape cases against adolescents

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Abstract

Aim: Gang rape incidents are rarer than other forms of sexual abuse, and there is little research focusing on adolescent victims. The aim of this study is to describe the common characteristics of gang rape cases against adolescents and the forensic medical evaluation process.

Method: News and medical literature published in the internet media were searched. Google search engine and Google Scholar were used as browser. Key words were “gang rape”, “young”, “child”, “adolescent”, “gang rape”, “young”, “child” and “adolescent”. After the search, descriptive news and literature samples on gang rape incidents against adolescent individuals were selected.

Results: This study examined the gang rape incidents against adolescents, which were covered in the media. There were no time limitation. In the news and literature review, the sociodemographic characteristics of the victims and the descriptive features of the event were determined. Alcohol use was common. Psychological symptoms and consequences requiring continued health care, were evident.

Conclusion: A systematic forensic examination and reporting including a psychological evaluation of the victim should be done. In order to prevent this type of sexual violence against adolescents, it is very important to be informed about gang rape.

Keywords: Adolescent, Gang Rape, Forensic Medicine

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1. INTRODUCTION AND OBJECTIVE

Sexual offenses are an important public health problem affecting individuals of different age groups. Looking at the distribution of crime types in our country, it is seen that approximately 3% of all crimes are sexual assault crimes.

Although gang rape is less common than other forms of sexual abuse, it is a serious type of sexual assault with significant risks in terms of its consequences (Edinburgh et al., 2014). It is reported that 5-27% of adolescents are exposed to sexual abuse/assault and the largest victim group in this population is 15-17 year old adolescents (Finkelhor et al., 2014).

Collective sexual violence against adolescents is an under-researched issue. This problem has not been defined and characterized. There is very little research focusing on adolescent victims in gang rape cases. This information is necessary for the development of policies and practices to protect adolescents from sexual violence.

The aim of this study is to describe the common features of gang rape cases against adolescents and the forensic medical evaluation process.

1.1. Definitions and Characteristics

Such cases of sexual assault are referred as multiple perpetrators and multiple assaults during a single incident, multiple perpetrator rape and sometimes gang rape (Edinburgh et al., 2014). Multiple perpetrator rape (MPR) has been defined as any sexual assault involving two or more perpetrators (Horvath and Kelly, 2009). The first subtype documented internationally was "gang rape" (Bijleveld and Hendriks 2003 as cited in Horvath and Kelly, 2009). The distinction between groups and gangs is that: i) a "group" is defined as "a temporary community of individuals consisting of at least two people, with no predetermined ranking or power structure"; ii) a "gang" is defined as "a group of individuals acting together on the basis of a specific agreement, shared identity and norms" (Bijleveld and Hendriks 2003 as cited in Horvath and Kelly, 2009). Regardless of the terminology used, findings on the main characteristics of crime are quite variable. The most common group size is

two to four people; vaginal rape is prominent in group crimes; group members mostly know each other and most victims know their attackers (Horvath and Kelly, 2009). Bamford et al. reported that victims and assailants were more likely to not know each other (OR = 4.29), and vaginal (OR = 4.56) and oral rape (OR = 4.27) occurred more frequently (Bamford et al., 2016). Sexual violence in gang, is one of the most common situations associated with multiple perpetrator sexual (MPS) offending in the United Kingdom. Being a gang member is thought to significantly increase the level of violence perpetrated (Bamford et al., 2016). Most MPS offenders are in their early twenties; the rate of 'duo rape' is 49.8%; 35% of offenders have a previous conviction and 11% have a previous conviction for a sexual offense; offenders are more likely to approach victims outdoors but the offense itself occurs indoors (Bamford et al., 2016). Research suggests that the motivations of individuals who attack alone differ from those who attack in groups (Ward et al., 2006). In studies, it was reported that adolescents who experienced gang rape were more likely to be attacked by a stranger, to experience penile-oral penetration and to report substance use during the attack (Raj et al., 2022).

It was reported that more violence was used, more sexual acts were performed, and vaginal penetration was more common in gang rape incidents. Studies on sexual assaults with multiple perpetrators show that such acts increase the likelihood of long-term health problems. A significant relationship between alcohol and sexual assault has been reported in the literature (Laso, Pascua, & Rodríguez, 2022).

1.2. Risk Factors

The literature findings states that the perpetrator is male in most of the sexual assault incidents and approximately 2% of the sexual offenses reported to the police are committed by women (Laso, Pascua, & Rodríguez, 2022). Most of the offenders who commit sexual assault are in adolescence or early youth. This is because socialization processes among young people begin during adolescence or early youth. At the same time, these age groups tend to engage in risky acts (Hauffe & Porter, 2009).

1.3. Epidemiology

It is extremely difficult to estimate the prevalence of rape by multiple perpetrators during a single incident in the general population of adolescents. It is difficult to estimate the true prevalence of such offenses, which is as high as 50% in South Africa and between 2 and 26% in the USA (Bamford et al., 2016). In the United Kingdom, approximately 11-19% of all sexual assaults are committed by more than one perpetrator (Harkins and Dixon, 2013). In the United States, this rate changes between 2-26% (Horvath and Kelly, 2009).

2. METHOD

News published in the internet media and medical literature were searched. Google search engine and Google Scholar were used for the research. Keywords were "gang rape" "young" "child" "adolescent" and "gang rape" "young" "child" "adolescent". Descriptive news articles and literature samples on gang rape incidents against adolescents were selected. Since the data in this descriptive study were obtained from open sources, ethics committee approval was not obtained.

3. FINDINGS

3.1. Literature Findings

In a retrospective mixed-methods study involving in-depth forensic interviews and complete physical examinations of gang-raped adolescents, 32 adolescents who reported gang rape and were admitted to the Child Advocacy Center, were examined. According to this study, adolescents who had been gang raped were found to be more likely to have run away in the past 2 weeks, to have consumed alcohol in the past month and to participate in binge drinking. In gang rape cases, it was reported that the victims were mostly attacked at a party with people they thought they could trust and that there were witnesses who did not intervene during the attack. It was found that alcohol was commonly used in these incidents and that alcohol use caused victims to have difficulty remembering and reporting details for police investigation or physical and mental health care. According to the

study, acute presentation was rare, laceration of the hymen was detected in 30% of the cases and sexually transmitted infections (STIs) were detected in 38% (Edinburgh et al., 2014).

Raj et al. (2022) reported that 93% of the patients were female, 69% were black and the mean age was 14 years in a study involving 262 adolescent cases between the ages of 12-18. It was found that anal-genital injuries or sexually transmitted infections were not more frequent in gang rape cases compared to single perpetrator sexual assaults. However, the likelihood of experiencing a psychiatric disorder, including suicide attempt, was found to be higher (Raj et al., 2022). In 20% of gang rape cases, the number of perpetrators was found to vary between 2-7 (Raj et al., 2022). It was reported that adolescents who experienced gang rape had similar characteristics in terms of age and race with those who were exposed to single perpetrator assault (Raj et al., 2022). It was reported that adolescents who experienced gang rape were more likely to be assaulted by a stranger, to experience penile-oral penetration and to report substance use during the assault (Raj et al., 2022).

Gang rape incidents constitute a small portion of all sexual assaults committed. In a study evaluating the findings of the literature, it was reported that the perpetrators were mostly male, the age of the perpetrators decreased as the number of rape perpetrators increased, the victims were generally younger than the attackers and mostly female, and the victims showed less resistance in gang rape incidents compared to solo attacks. In the literature, it has been reported that there is a significant relationship between alcohol and sexual assault and that perpetrators tend to threaten victims with weapons in gang rape incidents (Laso, Pascua, & Rodríguez, 2022). In a study, more than 50% of all sexual assault cases were found to be alcohol-related (Cowley, 2014).

When a study in the literature in which the location of the crime was examined, it was stated that gang rape incidents involving more than three people mostly took place indoors (Da Silva, Woodhams, & Harkins, 2014). According to studies conducted in adults, it was stated that in gang rape incidents, the victim was exposed to a higher rate of assault, more traumatic findings were

found on her body, and the risk of self-harm was high throughout her life (Morgan, Brittain, & Welch, 2012).

3.2. Cases

3.2.1. Case Studies From Internet Media: Turkey

A news article published on internet media on 21.04.2016 was analyzed. The main title of the news article was “5 arrests for sexual abuse of a young girl he met on social media”. It was stated that the female student who was the subject of the news was 16 years old, resided in Çankaya, Ankara, met F.Ö. from Kaman district of Kırşehir via social media, the suspect invited the young girl to Kaman, allegedly they met in the park in Kaman district, F.Ö. deceived the young girl and took her to an abandoned building in the district center and sexually abused her with 4 male friends. The news report stated that the suspects were arrested by the court on charges of deprivation of personal liberty, taking away by deception and gang rape and sent to Kırşehir prison (Haberturk.com, 2016).

3.2.2. La Manada Case Studies From Online Media: Spain

After the events became public in Spain, the case attracted a great deal of media attention, which increased during the trials. This judicial process was dubbed “La Manada case” in the media, after the name of the WhatsApp group to which the five defendants belonged. As this is a case of gang rape, we searched for relevant news in Turkish, English and Spanish digital media. Spanish online media “abc.es” was analyzed for news dated 13.11.2017 (abc.es., 13.11.2017), 20.11.2017 (abc.es., 20.11.2017), 26.11.2017 (abc.es, 26.11.2017) and 21.06.2019 (abc.es, 2019). The case involved five male suspects accused of gang raping a young woman from Madrid during the Sanfermines festival in 2016. When the case started in the local court, they pleaded not guilty to the charges against them on the first day of the trial. The three charges against them were: i) sexual assault for raping the young woman, ii) crime against privacy for recording the events, and iii) theft for allegedly stealing her cell phone so that she could not call for help after the rape.

The 5 members of the group, whose WhatsApp group was called La Manada, were between 24 and 25 years old at the time of the reported incident on July 6-7, 2016. 3 members of the group had criminal records. According to the forensic psychology report, the young woman suffered from post-traumatic stress disorder with the onset of depression. The forensic experts who examined the victim assessed that the findings of the hospital examination were “consistent” with sexual assault.

3.2.2.1. The Most Important Dates of the La Manada Case

July 7, 2016: A young woman from Madrid reported being raped in the early morning hours by five young men from Andalusia. Calling themselves La Manada, they were arrested a few hours later.

May 4, 2017: The prosecutor requested 22 years and 10 months in prison for each of the defendants. They were charged with sexual assault, invasion of privacy, threats and robbery by force.

April 26, 2018: The District Court sentenced each member of La Manada to 9 years in prison. It excluded sexual assault and sentenced them for sexual abuse. One of the judges ordered a controversial special vote to acquit the accused. Thousands demonstrated across Spain against the sentence.

June 22, 2018: La Manada was released on bail pending the final verdict. This decision resulted in protests in which thousands of people showed their anger.

November 5, 2018: The local Supreme Court of Justice upheld the sentence for sexual abuse, not rape.

June 21, 2019: Spain’s Supreme Court aggravated the sentence. It sentenced the members of La Manada to at least 15 years for rape/sexual assault.

Spanish online media “telesurenglish.net” analyzed the news dated 21.06.2019 (telesurenglish.net., 2019). This news was about the decision of the Spanish Supreme Court. According to this news report, the Spanish Supreme Court has convicted 5 men in the ‘La Manada’ or ‘Wolf

Pack' case of gang rape. It overturned the 'sexual harassment' verdict of the local court in 2018. In this ruling, the Spanish Supreme Court found each of the five men involved in the La Manada or 'Wolf Pack' case, who were released on bail by a lower court a year ago, guilty of gang raping an 18-year-old young woman from Madrid during the Sanfermines festival in 2016. The Spanish Supreme Court sentenced each of the men to a minimum of 15 years in prison and ordered the victim to receive 100,000 euros in compensation, which is approximately US\$113,115.00.

3.2.2.2. Turkish Internet Media News about La Manada Case

The news article published on Turkish internet media on 12.12.2019 was analyzed. The main title of the news article was "18-month prison sentence for publishing gang rape footage in Spain". In the incident that was the subject of the news, it was stated that an 18-year-old woman was dragged into a building and gang raped during the festival in 2016 in Pamplona, a city known for its Bullfighting Festival, and that 5 people who called themselves a "wolf pack" recorded those moments on their cell phones, and that he was sentenced by the first instance criminal courts in Spain not for "rape" but for "harassment". In the news report, it was stated that this decision caused a great reaction across the country, resulting in many activists taking to the streets to protest the decision, and that the Spanish Supreme Court sentenced the rapists to 15 years in prison in June 2019 after the decision was appealed (Euronews.com, 2019).

Following this incident, the law requiring explicit consent in sexual relations was put into effect in Spain on August 26, 2022. Before the law, the crime of rape required proof of violence or coercion. In the news article examined on the subject, it was stated that with the law called "Solo si es si" (Only yes means yes) by women's rights advocates; any sexual intercourse in which the parties do not give explicit consent is considered rape, the free expression of the parties' desire to have sexual intercourse with behaviors that clearly show their desire to have sexual intercourse will be accepted as an indication of consent, and it will be accepted that if the person is under the

influence of drugs or alcohol or is unconscious, he cannot express his consent clearly (Indyurk.com, 2022).

3.2.2.3. The Impact of the La Manada Case on Spanish Sexual Offense Law

The Spanish online media "elpais" analyzed the news article of 26.05.2022 (elpais., 2022). It was about the law, popularly referred to as "ley del solo sí es sí/only yes is yes", which recognizes consent as the key to sexual freedom. This law has changed the paradigm of sexual violence in the following way: The focus is no longer on how women react or how much they resist the assault, but on their will. Consent, freely and explicitly expressed, became the focal point in the definition of sexual violence.

4. DISCUSSION

Media coverage of sexual offenses has increased in recent years. Sex crimes committed by perpetrator groups are an area that attracts a significant amount of media attention, generating widespread public fear. At the same time, such behavior represents an under-researched area of sexual crime. Following the so-called "La Manada Case" in Spain, any sexual intercourse without consent has been criminalized as rape under the section on crimes against sexual freedom and sexual inviolability of the Spanish Penal Code.

In gang rape cases, perpetrators are more likely to use physical force to restrain the victim (Hauffe & Porter, 2009). Victims of gang rape may develop infectious diseases, unwanted pregnancies and psychiatric disorders such as post-traumatic stress disorder (Edinburg et al., 2014). Trained professionals are needed to conduct physical examinations and trauma screening, treat STIs and support victims (Edinburgh et al., 2014).

This study has some important limitations. The data in this study is based on the information contained in the news in the digital media. Therefore, it is limited to the information of the people who made the news about the incident and some legal information. The digital media reports analyzed in this study did not provide enough information to discuss the impact of circumstances such as alcohol and drug use, the

influence of leaders and recidivism. The limitations of this study may be overcome if future studies examine victims' and perpetrators' own accounts, information recorded by security forces and medical reports. There is no consensus on how to refer to these incidents in the media. Therefore, it is necessary to establish standard terminology.

5. CONCLUSION

The presence of multiple perpetrators leads to more acts of penetration and other sexual acts. In cases of gang rape of adolescents, a full systematic forensic examination and reporting, including a mental status examination, should be conducted. In order to prevent this type of sexual violence against adolescents, it is very important to be informed about gang rape. In order to raise awareness, the issue of sexual violence against adolescents should be included in prevention programs and not only adolescents but also the community should be educated on this issue. Gang rape is a phenomenon that occurs in society, but more research is needed to uncover the complexity of such crimes.

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