



Round : Forensic medicine.....

Group no : A4.....

Done By : Batool ALzubaidi.....



ASPECTS OF VIRGINITY AND SEXUAL OFFENSIVE

DONE BY : TALAL AL-ZIHLIF

THE SEXUAL OFFENSIVE

- **Definition:** acts of illegal sexual intercourse with another person or animal to obtain sexual gratification
- Or is any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will to obtain sexual gratification

THE SEXUAL OFFENSIVE CATEGORIES

I-Natural sexual offences : It includes offences which are committed in order of nature .

EX: by penetration of woman's vagina by the man's penis , Such as :

- **Rape :** sexual intercourse with another person without that person's consent
- **Adultery :** voluntary sexual intercourse between a person and a person who is not his or her spouse
- **Incest :** is sexual intercourse between close relatives

II-Unnatural sexual offences : Sexual intercourse against the order of nature .

Ex: when the act does not involve penetration of a woman's vagina by the man's penis. such as :

- **Homosexual offence :** lesbianism and sodomy
- **Bestiality :** is sexual intercourse with animals , either vaginal or anal . It is a capital offence
- **Buccal coitus :** oral sexual intercourse

THE SEXUAL OFFENSIVE CATEGORIES

III- Sexual deviations :

- **السادية** Sadism : is the attaining of sexual pleasure from infliction of pain upon one's partner
- **المازوخية** Masochism : is a desire to receive pain for purpose of sexual gratification
- **الخلقة** Pedophilia : It is a sexual activity with children. Indulging the children in sexual activity
- **وقع الميت** Necrophilia : is the desire for a dead body for sexual purposes. Mortuary workers are the usual sufferers , as they have the access ; people addicted to alcohol and who are impotent may involve in this type of activity
- **الشقاق / الهيام الجنسي** Nymphomania : Excessive sexual desire among woman; they may indulge in sex with multiple sex partners
- **التفكك** Exhibitionism : It is type of sexual perversion where sexual gratification is obtained by exposing genitals to stranger or in public place

IV- Sex-linked offences :

- **الاعتداء** Indecent assault
- Sexual harassment : is defined as physical contact and advances involving unwelcome and explicit sexual overtures , or demanding sexual favors , showing pornography against her will

RAPE

غير قانوني

- May be defined as “ unlawful sexual intercourse by a man with a woman against her will or without her consent , by force , fear or fraud “
- Three elements are necessary for rape of a female :
 - 1- Carnal knowledge (slightest penetration of the labia minora by the penis)
 - 2- Force
 - 3- Commission without consent

NOTE : Hymenal penetration or ejaculation is not necessary

- Valid consent :
 - The woman is **above 18 year**
 - She is **conscious**
 - She **must not be under the effect of narcotics , anesthetics , or alcohol**
 - She **must not be under a threat , fear , or fraud**

NOTE : A woman with mental deficiency cannot give valid consent to sexual intercourse whatever her age is



CHILD SEXUAL ABUSE

- Is a form of child abuse in which an adult or older adolescent abuses a child for sexual stimulation
- **Forms of Child Sexual Abuse include :**
 - asking or pressuring a child to engage in sexual activities (regardless of the outcome)
 - indecent exposure of the genitals to a child
 - viewing of the child's genitalia without physical contact
 - physical contact with the child's genitals
 - actual sexual contact against a child
 - displaying pornography to a child
 - using a child to produce child pornography



INCEST

- Sexual intercourse between people who has prohibited degrees of relationship due to there **BLOOD RELATION**
- NOTE : Incest is not universally considered to be a criminal Offence, it was (and is) a socially acceptable part of normal behavior in some cultures
- Both the man and the woman are liable to prosecution for such an act
- Other sexual acts between relations are covered by other laws and, if truly consensual, they do not constitute an offence

INDECENT ASSAULT

➡ يعني هي افعال جنسية غير مرغوب فيها بس حسب التعريف القانوني ما وصلت مرحلة انها تكون اغتصاب ، زنا او سفاح محارم

- is unwanted sexual contact but **does not extend** to adultery, incest or rape
- **wide spectrum of acts or actions range from :**
 - ✓ Failed attempt at penile penetration of the vagina or anus
 - ✓ Actual penetration of the vagina or anus with a finger or an object
 - ✓ Penetration of the mouth by the penis
 - ✓ Touching the buttocks, breasts, thighs, penis
 - ✓ putting a hand up a woman's skirt or inside a man's trousers
- **THE EFFECT IS :** This will leave a traumatizing effect on the victims **psychological health**

INDECENT ASSAULT IN MEDICAL PRACTICE

- One particular risk occurs in medical practice is that the ^{نزع}woman patients may allege indecent assault by a male doctor ,This may vary from intimate touching , to kissing , fondling the breasts or pudendum and even actual intercourse
- Unfortunately , some of these allegations are true, especially as doctors can be alone with their patients in a state of undress and sometimes during intimate procedures , such as breast palpation , vaginal or anal examination
- Doctors found guilty may lose their medical registration after disciplinary proceedings , as well as facing a criminal prosecution

INDECENT ASSAULT IN MEDICAL PRACTICE

- Many such allegations are false, for variety of reasons:
- ✓ Woman patients may **revenge** by accusing their doctor of indecency
- ✓ Others are deluded or **mentally abnormal**
- ✓ Others may be motivated by **blackmail either emotional or financial**
- ✓ Patients emerging from **light anesthesia may hallucinate or dreams** of an erotic nature .Thus , a **male doctor** should have a third female party when performing intimate examination or giving anesthesia

فیڈیو بشمل ال examination and types of hymen

<https://youtu.be/tlPlfcZ2us?si=uAXMrwCjRrcx4rto>

VIRGINITY

A WOMAN WHO HAS NOT PARTICIPATE IN SEXUAL INTERCOURSE IS CALLED A “VIRGIN ”

VIRGINITY

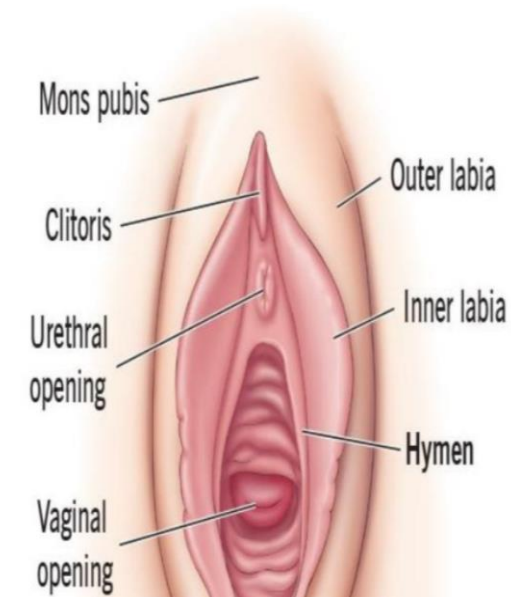
■ Signs of Virginitv :

❑ I. Extra-genital signs (Breast)

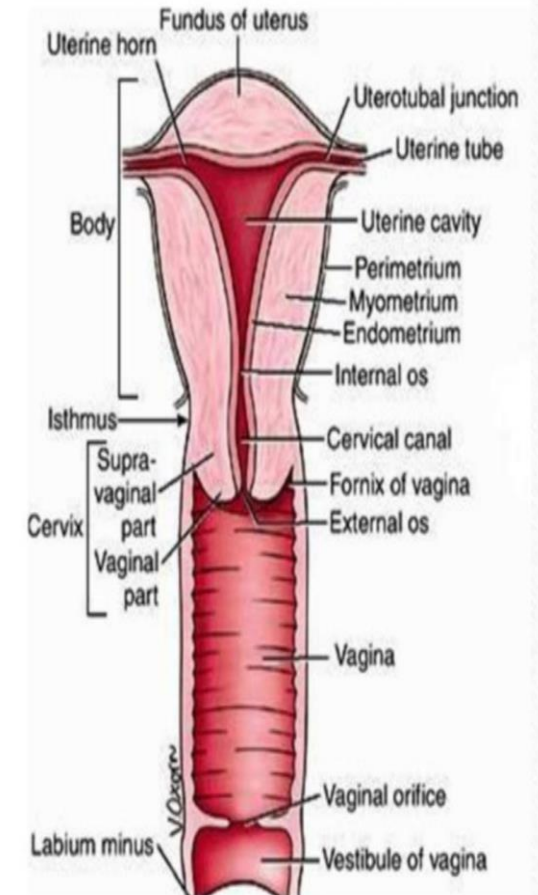
- ❖ Firm , hemispherical . Small nipples surrounded by rosy areola

❑ II. Genital signs :

- ❖ Labia majora : Firm , rounded , completely closes the vaginal orifice even in lithotomy position
- ❖ Labia minora : Small , soft , always lie behind the labia majora , sensitive in touch
- ❖ Vagina : Narrow and tight , walls are in close apposition , rugea mucosa . Pinkish in color , sensitive in touch
- ❖ Hymen and posterior commissure : Intact



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HYMEN

Mucus

- ❑ A thin membrane which partially closes the vaginal orifice
- ❑ The hymen does not seem to have a specific physiological function and has few, if any, nerve endings.

+ بهمنا نعرف الانواع عشان نميز هل هو هيك طبيعي ولا فيه tearing و هل هاي ال tears جديدة ولا قديمة + The rupture is not always painful

↗❑ **Types :** intercourse ممكن تضر intact يعني سليمة بدون تمزق حتى مع

❖ **Annular hymen** : it has a central opening, and usually ruptures posteriorly at 6 O'clock . Sometimes , it may be elastic and dilatable allowing intercourse without rupture (medicolegal)

❖ **Semilunar (or crescentic) hymen** : the commonest type, it has an anteriorly placed orifice and usually ruptures on both sides

➕ Naturally it appears irregular which can be mistaken for hymenal rupture

↗❖ **Fimbriate or dentate hymen** : it has a central opening with serrated or folded edges, which may simulate rupture or tears (medico-legal)

➕ It's difficult to be ruptured completely

❖ **Cribriform hymen** : it has several small openings, which give the membrane a sieve-like appearance

➕ Makes penetration difficult or painful, may require surgical correction

❖ **Septate hymen** : it has a longitudinal or transverse septum, which divides the opening of the hymen into two partitions

❖ **Imperforate hymen** : it has no opening i.e.; the membrane completely closes the vaginal orifice. In this case, the surgical intervention is needed to make a small hole so that menstrual fluid can pass (medico-legal)

TYPES OF HYMEN

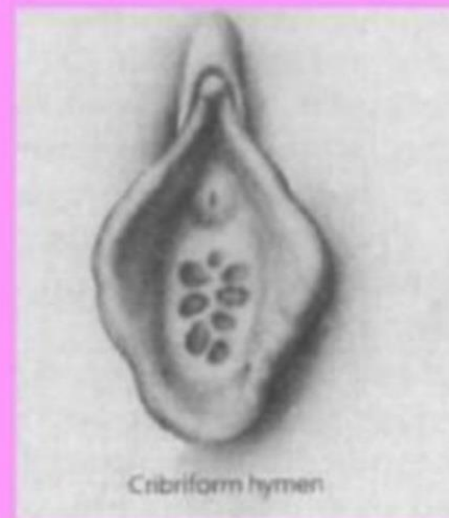
Crescentic



Annular



Cribriform



TYPES OF HYMEN

Fimbriate Hymen



Dentate

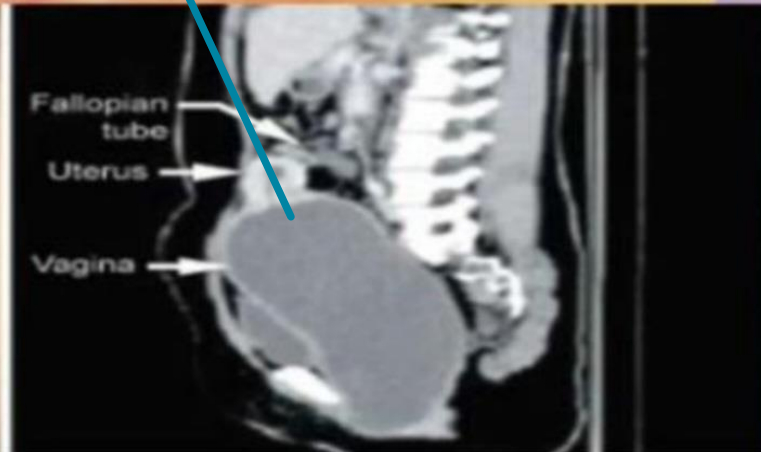
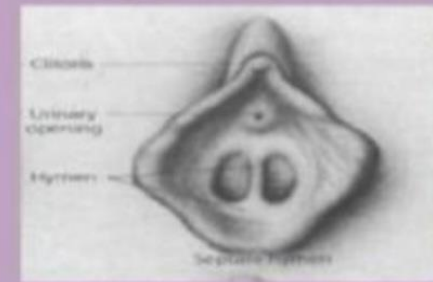


TYPES OF HYMEN

Imperforated

شایفین ال vagina ما اکبره
هاد نتیجه تجمع ال
menestrual blood بسبب ال
imporferated hymen

Septate



TYPES OF HYMEN



Imperforate



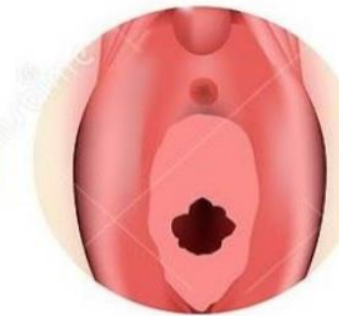
Annular



Denticular



Cribriform



Dentate



Crescentic



Labial



Fimbriated



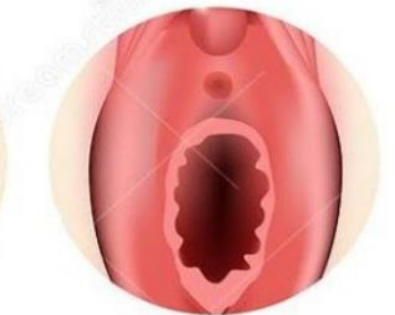
Septate



Lunar



Microperforate



Parous Introitus

RUPTURED (TORN) VS FIMBRIATE (DENTATE) HYMEN

 Torn Hymen	Dentate or fimbriate hymen
Asymmetrical indentation  Irregular shape due to trauma	Bilateral symmetrical indentation  Natural variation
Serration reaches the vaginal wall + ال serration يعني notched, saw toothed appearance .. كيف اميز انها torn hymen نتيجة trauma ولا هو اشئي طبيعي الي هو ال shallow, bilateral and symmetrical dentate يكونوا اما بال irregular and deep trauma ال بحالة dentate hymen	Serration never reaches the vaginal wall
Illumination shows opaque scar tissue following healing of the tear	No scar or fibrosis

Illumination : refers to the use of a light source such as during the gynecological exam to visualize the hymen

EVIDENCES OF RUPTURED HYMEN

- **Signs of recent rupture** : bleeding , redness , tenderness , edema & a tear
- **Signs of old rupture** : bleeding , redness , NO tenderness and edema ,
Tears shows scar on trans-illumination
- **Notes :**
 - Lacerations of hymen do not reunite and will always remain apparent as partial or complete separations. It is considered confirmatory evidence of previous penetration
 - Single intercourse may not produce much change , just one or two hymenal ruptures . Recent hymenal injuries will completely disappear within a few days or weeks of assault + Redness, swelling, fresh tears » early examination is very important
 - The hymen will atrophy and often vanish entirely after repeated intercourse and childbirth
+ Thinning and shrinkage

EVIDENCES OF RUPTURED HYMEN

<u>Recent tears of the hymen</u>	<u>Old tears of the hymen</u>
Painful swollen edges	Painless edges
Hyperemic –bleed on touch	Do not bleed on touch
May does not reach the vaginal wall	Reach the vaginal wall
Translucent	Opaque

CAUSES OF HYMEN RUPTURES

- ❑ Contrary to popular belief , the hymen can break , tear , or stretch for various reasons , not just penetrative sex
 - ↳ Because it's a thin delicate membrane that can be easily stretched and torn
- ❑ **Some common activities that can affect the hymen include :**
 - ❖ **Masturbation** → Insertion of fingers or objects
 - ❖ **Medical examinations** (such as pelvic exams) → Insertion of speculum
 - ❖ Using **tampons or menstrual cups**
 - ❖ **Horseback riding** → Repeated saddling motions and sudden impacts can exert pressure on the hymen causing small tears
 - ❖ **Gymnastics** → Mechanical stretching may cause tears
 - ❖ **Cycling**
 - ❖ Other physical exertion
- ❑ For these reasons , the state of the hymen is not a reliable indicator of virginity

MEDICOLEGAL ASPECTS

❑ Of virginity :

- ✓ Alleged impotence of a husband : the wife is examined for evidence of virginity (intact hymen)
- ✓ Alleged non-virginity of wife : the wife is examined for ruptured hymen
- ✓ Alleged rape : the victim is examined for evidence of ruptured hymen

❑ Of hymen :

- ✓ Imperforate hymen : This may simulate pregnancy when menstrual blood accumulates.
- ✓ Annular hymen (Fleshy dilatable hymen) : This type does not bleed with the first intercourse therefore the virginity of the female may be suspected
- ✓ Dentate and fimbriate : Simulate torn hymen



EXAMINATION

DONE BY : ASHRAF BAQAEEN

EXAMINATION OF THE ACCUSED

When the doctor is asked to examine the accused in a sexual assault, the same general scheme should be used:

- **1. Consent:** is needed in most countries, it being an assault for the doctor to examine the man against his will. **Written, witnessed consent** should be obtained before the examination, collection of specimens, release of information to authorities, and taking of photographs
- **2. Clothes and undergarments:** It should be done to **detect semen/ bloodstain or tears.** Undergarments should be especially looked for stains and should be preserved for examination by Forensic Science Laboratory.
- **3. General examination:** general injuries, especially **scratches on the face, neck, and chest** from the victim's fingernails. A **bite mark** may be present; it should be compared with the victim's teeth.
- **A female chaperone should always be present**

- After the examination is over, the doctor must give opinion on two accounts:

1. Whether the person can perform sexual intercourse or not?

The capability to perform sexual intercourse depends on erection of the penis.

2. Whether there is evidence of recent sexual intercourse?

The opinion about recent sexual activity can be given if some stain/injury/redness is seen on the penis/scrotum.

MEDICAL EXAMINATION OF RAPE

*The doctor should start the examination **as soon as possible**.

- Immediate care to substance overdose, head injury, serious wounds, etc, **which should take precedence over any forensic concerns**.

*To say that rape is occurred, the doctor should provide information on:

- a) Was the woman virgin?
- b) Has there been sexual intercourse (recent or distant past)?
- c) Are there general injuries suggesting a struggle or restraint?
- d) Are there injuries in the genital organs? If present, are they consistent with consenting or indicative of forcible sexual intercourse?

EXAMINATION OF VICTIM

1-consent: his must be **informed consent**, which should be **witnessed by a third party**.

This third party should be **present when a victim is to be examined**. .

If the victim is **under 18 years**, consent is taken from her parents.

2-A full record of the examination : Writing the date, time and place, the details of the victim, the names of that present, etc.

3-History (medical and sexual):in **her own words** - cover the events and the details of allegation • The doctor should **evaluate the patient's mental condition** as well as any signs of anxiety, shock, intoxication, excitement, agitation, tears, cooperation, or aggression, while obtaining her history

4- PHYSICAL EXAMINATION: (External findings) signs of general and local violence

A) Signs of general violence : A complete general medical examination should be conducted to document injuries and to note any disease that may affect the interpretation of the medical findings. Also, to suggest a struggle and resistance as follow:

- a) clothes : worn, torn, soiled, or disarranged during the assault. It should be examined for stains (blood, seminal)
- b) Hair may be disarranged.
- c) Skin : may show bruises and fingernail abrasions on:
 - The mouth, to prevent the woman from shouting.
 - The wrist, upper arms, or shoulders, to prevent resistance.
 - The legs and inner aspect of thighs, to force them apart.
 - The back and buttocks if the woman have been held down on a rough surface.
- Bite marks**: may be found on the neck, shoulders, breasts and buttocks from oral suction or biting. Bites can be superficial or deep enough to penetrate the skin as lacerations (common at the nipples)

d) MOUTH AND LIPS:

-rough kissing causes bruises on the lips

-they may have been forced back on to the edges of the teeth causing abrasions, bruises and even laceration of the buccal surface.

Caution: Swabs should be taken from the mouth in every case before substantial manipulation for examination, to seek evidence of seminal fluid from oral penetration.

e) Eyes: The pupils and the reflex activity give an indication about intoxication or concussion following a blow or any other blunt force impact to the head.

N.B.1. General injuries may be absent in young girls, because they may be terrified by the assault or having no idea about what is happened.

However, general injuries are marked in married women because they offer a great degree of resistance.

Bite marks:



***Sadistic cutting** or stabbing may be inflicted on sexually significant areas, especially the breasts, buttocks, perineum and lower abdomen .

قطع الرأس

***Decapitation** is sometimes performed and ritual acts may be performed, with objects placed in definite sites near the body.



-(A & B) A 39-yr-old prostitute stabbed and beaten. Nipples cut off and “skinned” in pubic and perineal region

-In rape-homicides, the cause of death is usually strangulation, stabbing, or blunt force injuries. Rape victims are rarely shot.

b) Signs of local violence:

1. Breasts: bites seen on them, as well as on the neck or shoulders.
 2. Ano-genital area: redness, abrasions, bruises, lacerations or dilatations in the anus.
 3. Inspection of pubic hair: for foreign hairs and dried seminal stains.
 4. Hymen: must be examined in detail, tears, or remnants of a torn hymen in virgins indicate penetration
- **Colposcopy**: provides magnification in a range of 5 to 30 times and greater illumination and thus help in detection of minor trauma.
 - **N. B .2. Genital injuries**: may be minimal or absent in married women, as the hymen is already ruptured. However, they are marked in adult virgins due to rupture of hymen

but may be minimal in young children due to disproportion with impossible penetration. If penetration occurred by force, the vaginal walls will be bruised, lacerated, with perineal tears, sometimes extending to the anus with severe bleeding.

- **NOTE: Caution must be used in interpreting the degree of dilatation of the anus in a dead body, as the sphincter can become patulous and wide open as a normal post-mortem change. Unless the dilatation is very marked, the sole finding of an open anus in the absence of abrasion, bruising, or semen is difficult to sustain as proof of anal penetration.**



Figure 18.4 Lacerations of the anus. The deceased was beaten and stabbed. A toilet bowl brush was rammed up the rectum and the body set on fire.

DEATHS ASSOCIATED WITH SEXUAL OFFENSES



FIGURE 18.5 Fresh bleeding and mucosal abrasion on the lower wall of the vagina in a sexual assault associated with fatal head injuries in an old lady.



FIGURE 18.7 External genitalia of a live 8-year-old girl, a victim of repeated sexual abuse by an adult living in the neighbourhood. The lack of intact hymen, reddened and larger than normal orifice of the vagina as well as thickened skin and ulcers perianally (not shown) are in keeping with abuse.



FIGURE 18.8 Extensive bleeding from inner lacerations of the vaginal walls in a fatal rape. Blood is pooling in the posterior part of the vaginal canal. A full autopsy dissection is required, keeping the perineum en bloc with the genital tract to display any injuries and to exclude natural disease as a contribution to the bleeding.

5- SAMPLES TO BE COLLECTED FROM A VICTIM:

- **Clothes and undergarments:** Should be examined for presence of biological stains (blood, seminal stains, stains of vaginal secretions and saliva) and scalp or pubic hair from assailant.
- * Foreign materials such as fibers or debris from the suspect or the crime scene. It should be allowed to dry if wet, then place in strong paper bags for transit to forensic laboratory.
- **Hair :**
 - Scalp hair:** for comparison with scalp hairs found over body/clothes of alleged accused.
 - Pubic hairs:** Matted pubic hair should be sampled by cutting as they appear to be contaminated by material (e.g., semen).
 - Foreign hairs mixed in the victim's pubic hair.**

- Photographs of teeth marks.
- Skin tags or blood under the fingernails of the victim, if the woman has scratched the assailant.
- Saliva, obtained by swab from the site of bites, for blood grouping in secretor individuals and DNA.
- Semen, obtained by vaginal swab, anal swab or from stained fabrics, for spermatozoa identification and DNA. The presence of spermatozoa in the vagina is proof of intercourse, but not of rape; their absence is no proof that intercourse has not taken place.
- A venous blood sample, for grouping, DNA profile, alcohol or drug estimation, pregnancy test and venereal diseases.
- A vaginal swab for microbiological culture, for a venereal disease 
- Urine sample: for alcohol or drugs detection.

** The presence of semen on swabs is the best evidence, though with the use of condoms it may be absent.

BUT After vasectomy, though no sperms will be present, **chemical and enzyme tests for semen remain positive.**

*TESTS FOR SEMEN :

The detection of semen depends upon the following methods:

- 1 **Naked-eye and lens recognition** is a screening method which may identify suspicious stains on clothing, skin and pubic hair
- 2 **Examination under ultraviolet light** causes seminal stains to fluoresce a bluish-silver BUT (false positive: other biological fluids and vegetable juices. So cannot be used as definitive evidence of the presence of semen).
- 3 **Enzyme reactions are valuable**, and though not absolute proof, are strong presumptive evidence of the presence of semen.

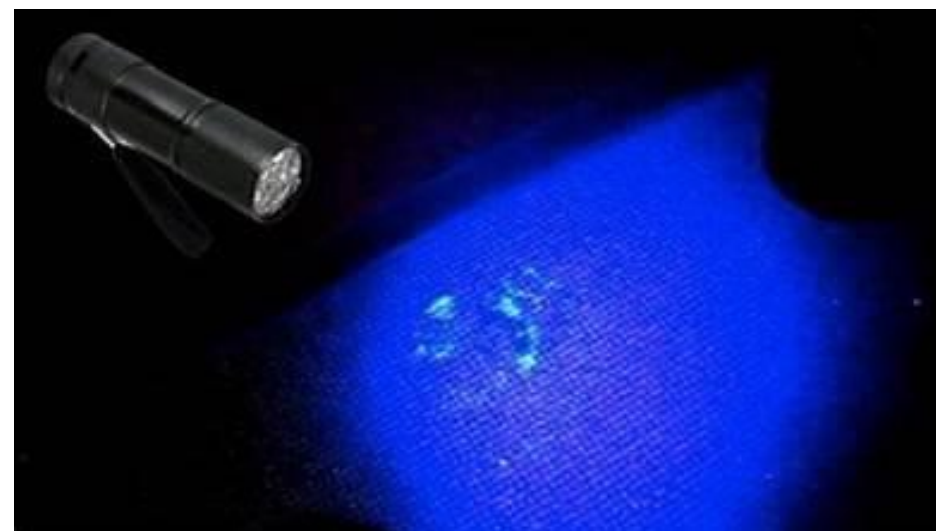
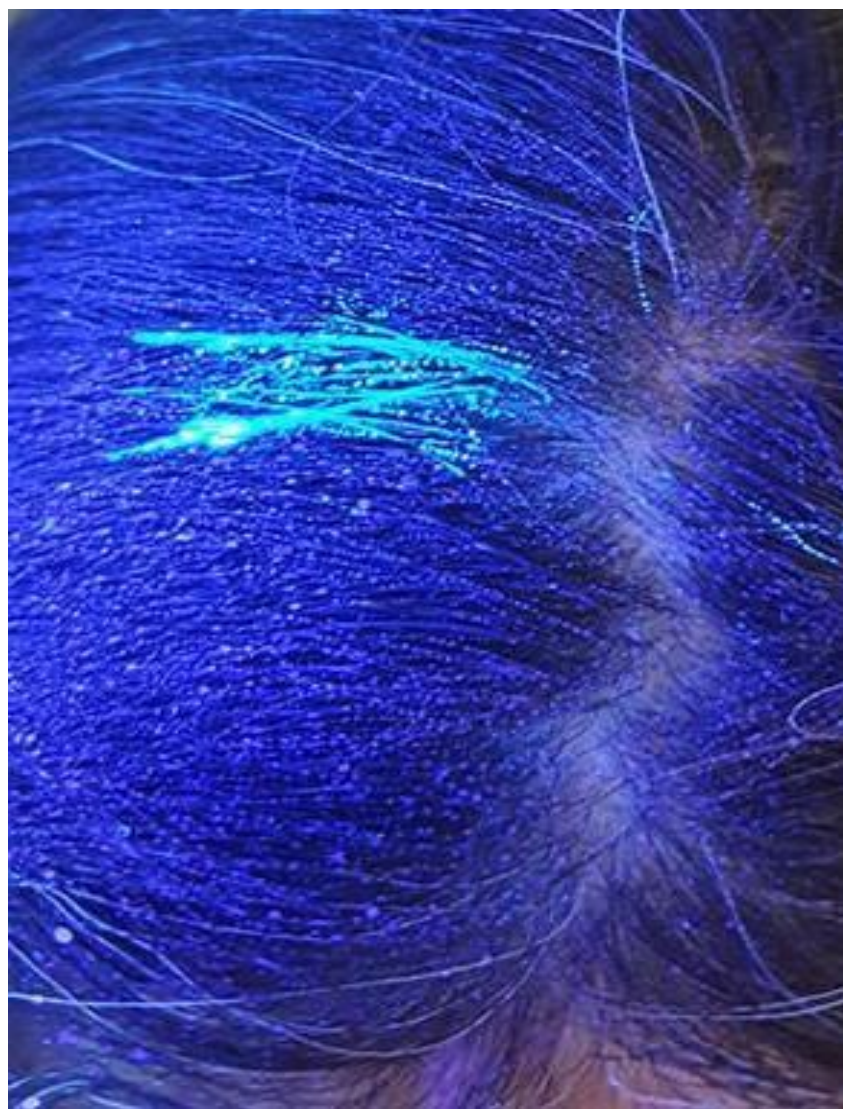
* Acid phosphatase activity in semen is 500-1000 times greater than in any other normal body fluid.

They depend on detecting high concentrations of acid phosphatase originating in prostatic secretion.

4 **Immunological methods**: where animal antihuman semen sera are set up against extracts of the stain. These techniques can only be used by trained laboratory staff.

5 **A positive PSA**(Prostate-specific antigen) **finding** is a reliable indicator of semen regardless of the presence of spermatozoa or elevated acid phosphatase level.

A problem for the forensic serologist is the admixture of semen with biological fluids from the victim. This can be solved by >>>Recent developments have now added the DNA technique for the forensic biologist (PCR (polymerase chain reaction) Y-chromosome short tandem repeat (STR))



6- FORENSIC LABORATORY ANALYSIS:

- Microscopically examination: sperms, hairs, and fibers.
- Serological analysis: ABO blood grouping, DNA typing.
- Venereal di

N. B .3. At the end of the examination, all samples taken, must be carefully collected, labeled, and transmitted to the forensic laboratory. This analysis may confirm sexual intercourse, identify the assailant, or links this offence with any other offences. seases, etc

***Examination for the suspected person :**

Local examination: examination of the genitals may reveal bruises of the glans and damage of the penis frenum. There may be some nonspecific tenderness and reddening.

Trace evidence: Samples of pubic hair should be combed out to seek foreign hairs. Head and even moustache or beard samples should be taken.

Blood samples should be taken for grouping, DNA, alcohol, and venereal infection.

INTERNAL EXAMINATION

The order of the autopsy may be determined by the nature of the death.

>> The fatal injuries, such as strangulation or head injuries, may be dealt with first or the pelvic region may command prime attention.

1. an incision circumscribing the perineum, removal of the anterior part of the pelvic bones and the extraction of all the pelvic organs in continuity from ovaries to vulva and anus.

This block of tissue is then dissected separately.

2. Before this is done, the bladder should first be emptied of urine (either by catheter or through a small incision in the fundus) and the fluid retained for toxicological analysis, especially for alcohol.

3. If there are tears or bruises in the vulva or vagina, the cut should be orientated to avoid them wherever possible.

HOMOSEXUAL OFFENCES

- The pathologist's attention will almost always be directed to the **anal region of the passive participant**.
- The examination of the victim follows closely on that for a female subject of rape, in that general injuries are sought first - including the one that caused death - together with any sexually orientated marks such as scratches anywhere on the body.
- **Bruising around the anus and in the cleft of the buttocks** is significant.
- The anus should be inspected and the warning given earlier about the degree of dilatation in corpses should be heeded.
- the **margins of the anus** may be **reddened**, sometimes **abraded**, and occasionally **torn**, especially in a child. There might be some eversion of the lower rectal mucosa through the sphincter.
- At autopsy, swabs must be taken from the anal margin, and deeper in the anus and rectum. Mouth swabs should also always be taken. The presence of blood or lubricant should also be sought.

القانون الأردني

المادة 292

1. الاغتصاب

- أ. من واقع أنثى (غير زوجه) بغير رضاها سواء بالإكراه أو بالتهديد أو بالحيلة أو بالخداع عوقب بالأشغال الشاقة المؤقتة مدة لا تقل عن خمس عشرة سنة.
- ب. وتكون عقوبة الأشغال الشاقة عشرين سنة إذا كانت المجني عليها قد أكملت الخامسة عشرة ولم تكمل الثامنة عشرة من عمرها.
- ج. كل شخص أقدم على اغتصاب فتاة لم تتم الخامسة عشرة من عمرها يعاقب بالإعدام.
- د. من واقع أنثى (غري زوجه) لا تستطيع المقاومة بسبب ضعف أو عجز جسدي أو نفسي أو عقلي يعد مرتكبا للجرم المنصوص عليه في المادة 292 من هذا القانون ويعاقب بالعقوبة المنصوص عليها فيها.

2. السفاح

- أ. السفاح بين الأصول والفروع سواء كانوا شرعيين أو غير شرعيين وبين الأشقاء والشقيقات والإخوة والأخوات لأب أو لأم أو من هم في منزلتهم من الأَصهار والمَحارم، يعاقب مرتكبه بالأشغال المؤقتة لمدة لا تقل عن سبع سنوات.
- ب. السفاح بين شخص وشخص آخر خاضع لسلطته الشرعية أو القانونية أو الفعلية يعاقب مرتكبه بالأشغال الشاقة المؤقتة لمدة لا تقل عن خمس سنوات.
- *يلاحق السفاح الموصوف في المادة السابقة بناء على شكوى قريب أو صهر أحد المجرمين حتى الدرجة الرابعة
- ج. من واقع أنثى أكملت الخامسة عشرة ولم تكمل الثامنة عشرة من عمرها وكان الجاني أحد أصولها سواء كان شرعيا أو غير شرعي أو واقعها أحد محارمها أو من كان موكلا بتربيتها أو رعايتها أو له سلطة شرعية أو قانونية عليها عوقب بالأشغال الشاقة عشرين سنة.
- د. وتكون العقوبة الأشغال الشاقة المؤبدة إذا أكملت المجني عليها الثانية عشرة ولم تكمل الخامسة عشرة من عمرها

HOMOSEXUAL OFFENSES IN JORDANIAN LAW

- موقعة أنثى (بما في ذلك الزوجة) على خلاف الطبيعة (ارتكاب فعل اللواط بأنثى) دون رضاها، ارتكاب فعل اللواط بذكر بغير رضاها.
- تحتمل بنود الاغتصاب ذاتها لكن تعديلا صدر على هذا القانون فصار يعتبر هذا الفعل على الزوجة (إيذاء) وليس اغتصاب.

ADULTERY IN JORDANIAN LAW

حسب القانون الأردني تم وضع مواد لمعاقبة كل من الزاني و الزانية بعد اثبات الفعل:

وتتناول هذه المواد التفريق بني الزنا والاعتصاب من حيث توفر شرط الرضا في جريمة الزنا والأدلة المطلوبة لإثباتها.

كما تتناول العقوبات والظروف المشددة لهذه العقوبات، وتحديد الملاحقة القضائية بشكوى الزوج أو الزوجة أو بشكوى ولي الزانية، وأن الدعوى والعقوبة المحكوم بها تسقط بإسقاط الشاكي شكواه. المادة 282

١. يعاقب الزاني والزانية برضاهما بالحبس من سنة إلى ثالث سنوات.
٢. ولا تنقص العقوبة عن الحبس لمدة سنتين بالنسبة للزاني المتزوج أو الزانية المتزوجة
٣. وتكون عقوبة الزاني والزانية الحبس لمدة ثلاث سنوات إذا تم فعل الزان في بيت الزوجية لأي منهما

ADULTERY IN JORDANIAN LAW

- لا يجوز ملاحقة الزاني أو الزانية إلا بشكوى الزوج أو الزوجة ما دامت الزوجية قائمة بينهما، وكذلك بشكوى ولي الزانية، وفي حال الشكوى ضد أحدهما أو كليهما يلاحق الاثنان معا بالإضافة إلى الشريك والمحرّض والمتدخل في فعل الزنا إن وجدوا، وتسقط الدعوى والعقوبة المحكوم بها بإسقاط الشاكي شكواه.
- لا تقبل الشكوى بعد مرور ثلاثة أشهر من تاريخ علم المشتكي بالجريمة، على أن لا تتجاوز هذه المدة في جميع الأحوال سنة واحدة من تاريخ وقوع الجريمة.

*شروط اثبات فعل الزنا:

الأدلة التي تقبل وتكون حجة لإثبات جريمة الزنا هي:

- ضبط الزاني والزانية في حالة التلبس بالفعل
- أن يصدر عنهما اعتراف قضائي أو وثائق قاطعة بوقوع الجريمة
- أن يصدر عن أحدهما اعتراف قضائي وعن الآخر وثائق قاطعة بوقوع الجريمة

تشدد العقوبات في الحالات الآتية :

١ . تشدد عقوبة الجنايات المنصوص عليها في النبذتين السابقتين من الفصل الأول هذا، بحيث يضاف إليها من ثلثها إلى نصفها:

- أ . إذا اقترفها شخصان أو أكثر في التغلب على مقاومة المعتدى عليه أو تعاقبوا على إجراء الفحش به.
- ب . إذا أصيب المعتدى عليه بمرض جنسي أو كانت المعتدى عليها بكراً فأزيلت بكارتها.

٢ . إذا أدت إحدى الجنايات السابق ذكرها إلى:

- أ . موت المعتدى عليه ولم يكن الفاعل قد أراد هذه النتيجة فتكون العقوبة الأشغال الشاقة مدة لا تنقص عن خمس عشرة سنة.
- ب . إصابة المعتدى عليه بمرض نقص المناعة المكتسب ومع علم الفاعل بإصابته بهذا المرض فتكون العقوبة الأشغال الشاقة عشرين سنة.