

GENDER AND AGE

EXAMINATION CONCERNING ESTABLISHING GENDER

A medico-legal examination for establishing gender may be requested when, by morphological aspect of the newborn and especially of the external genital organs, doubts appear regarding its gender.

In this case the medico legal report will on one hand, be the basis for the registration of the gender of the plaintiff's state, and on the other hand, it will corroborate to resolve a subsequent social situation - such as: marriage or civil obligations.

There are also situations when the examination is asked at puberty or even much later – for correcting an error of registration of the plaintiff's state, with judicial repercussions.

Morphological and psychological sexual deviation is determined by the genetic constitution of the individual, and secondarily by hormonal secretions, which determine morphological sexual development and behavior.

Difficulties can be met in the case of congenital morphological intersexuality such as: hermaphroditism, android or genoid pseudo-hermaphroditism.

According to Professor Scripcaru, the forensic doctor can show in the clinical examination of the newborn two aspects in particular:

- *Infant girl with vulvarlike development of external genitalia, but at puberty the clitoris can develop and the testis can appear in the labiae major – thus making a diagnosis of a hypospadiac boy.*
- *Infant girl with hypertrophic clitoris, but can develop breasts and menstruate at puberty thus making a diagnosis of feminine gender.*

Female pseudo-hermaphroditism is met more frequently, with internal female genital organs and external masculine genital organs. In the case of masculine hermaphroditism, one testicle and a single perineal orifice is seen.

Intersexuality or ambisexuality by chromosomal abnormalities can lead to an aberrant sexual behavior that can be the cause of a punishable act from a juridical

point of view. In the framework of morphological, and especially that of physiologic and psychologic medico legal expertise, the forensic specialist should draw conclusions not only over gender allegiance, but also over juridical responsibilities in the context of these anomalies.

EXAMINATION FOR ESTABLISHING AGE

This is requested by courts of law, in view of late registration of the newborn. Non registration of newborns is relatively frequent in nomadic populations, but it can also have other causes.

By a medico legal statement act, the forensic specialist will establish, on the basis of degree of physical development, the following: size, weight, dentition, pilosity, degree of sexual development. Thus age can be established the limits in which the individual can be grouped (7 -9 years, 18 – 20 years etc.). The age interval must be established with utmost precision

The conclusion of the report is written:

Correct: “According to our examination, we state that X.Y. is grouped in the age limit of 7 – 9 years.

Wrong: “.....X.Y. is 7 years and three months old”.