

1969

The Current State of Forensic Medicine in Latin America

Eduardo Vargas

Follow this and additional works at: <https://scholarlycommons.law.case.edu/jil>

 Part of the [International Law Commons](#)

Recommended Citation

Eduardo Vargas, *The Current State of Forensic Medicine in Latin America*, 2 Case W. Res. J. Int'l L. 28 (1969)
Available at: <https://scholarlycommons.law.case.edu/jil/vol2/iss1/10>

This Article is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Journal of International Law by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

THE CURRENT STATE OF FORENSIC MEDICINE IN LATIN AMERICA

EDUARDO VARGAS*

Academic tradition

During the past century forensic medicine in Latin America has developed its own distinguishing features in the curriculum of medical schools. This was probably due to the influence of French medicine, which served as a guide for the organization of the curriculum in most of them. For example, the University of Buenos Aires, when it founded its School of Medicine in 1821, included in its curriculum the Department of Obstetrics, Legal Medicine and Pediatrics.

Undergraduate training in Schools of Medicine and Law

At present, legal medicine is included as a compulsory subject in all Latin American medical schools, usually in the last year. The length of the course varies from 30 to 75 teaching hours and includes lectures and practical training. This emphasis is based on the fact that Latin American laws recognize the importance of medical opinion in medicolegal matters. In some countries, like Costa Rica, all doctors, upon graduating, are required to complete one year's service in rural areas before being authorized to go into private practice. Part of their duties during that time is to serve as medicolegal expert in those towns.

Most of the law schools in Latin America teach forensic medicine as well. In Costa Rica, for example, forensic medicine has been taught at the Law School for 40 years. This instruction is often given by the Department of Legal Medicine of the Medical School within the same university.

Forensic medicine as a medical specialty

However, the academic importance traditionally accorded to forensic medicine in Latin America has not been matched by a comparable status as a medical specialty. Even though the law recognizes the important role of the medical expert in medicolegal matters, forensic medicine is, in most Latin American countries, handled

* Dr. Eduardo Vargas, Professor of Legal Medicine, University of Costa Rica Medical School and School of Law, and Chief Forensic Pathologist of the Institute of Legal Medicine, Supreme Court of Costa Rica.

by general practitioners or by physicians specializing in other fields, who work in forensic medicine on a part-time basis. This phenomenon can be explained by the lack of adequate compensation for this type of work, and by the political instability which characterizes a large part of Latin America. These two factors lessen any inclination a doctor might have to devote himself to this specialty, where he would be economically dependent on a government job that he might suddenly lose through a coup d'etat.

Institutes of Forensic Medicine

In spite of the above, forensic medicine has taken root as a medical specialty and there are well-organized technical institutions in countries like Chile, Colombia, Brazil, Argentina, Costa Rica, Peru and Mexico. Thus, for example, the Institute of Forensic Medicine of Bogota, Colombia, was organized in 1914, and the Institute of Forensic Medicine of Chile, in 1916. Recently, in 1965, the Institute of Forensic Medicine of Costa Rica was founded.

As a rule, these Institutes have several divisions representing all of the forensic sciences. For example:

- a) *Medicolegal and Forensic-Psychiatric Clinic*: handles the examination of living persons who have sustained injuries from assault, traffic accidents or occupational accidents, are suffering from occupational diseases and whose disability must be determined, have been raped, are suffering from some mental disorder that must be evaluated in judicial tests of mental incompetency, or are charged with a criminal offense and, being mentally incompetent, must have the extent of their criminal responsibility determined.
- b) *Forensic Thanatology or Forensic Pathology*: performs medicolegal autopsies and examination of human remains.
- c) *Toxicology*: determines the blood alcohol level, as well as the presence of toxin in living persons or in corpses, when required by a judge.
- d) *Criminalistics*: part of the Institute of Forensic Medicine in some countries, like Costa Rica, while in others it is a section of the Police Department. This division studies blood and seminal stains, identifies bullets, performs ballistic examinations, and studies fingerprints and questioned documents.
- e) In some Institutes there is also a division of Immunology in which blood grouping tests for the determination of

paternity are performed and a division of bacteriology which assists in autopsies and determines the existence of venereal disease in cases of rape.

Administrative dependency

In some countries, as in Chile, these institutes are under the Ministry of Justice. In others, as in Costa Rica, Mexico and Argentina, they are under the Supreme Court of Justice. In Costa Rica, Colombia and Chile, they also house the Department of Forensic Medicine of the Medical College of the State University. Thus, the professional staff members have the dual role of experts and professors, and they devote themselves exclusively to forensic medicine.

Postgraduate training of the medicolegal expert

Only the School of Medicine of the University of Buenos Aires offers a postgraduate course in forensic medicine. It lasts three years. In the other Latin American countries, medicolegal experts are trained by working in the Institutes of Forensic Medicine, or else they take specialized courses in Europe or in the United States of America. This has given rise to two schools of forensic medicine in Latin America: the Anglo-Saxon school and the Italo-Spanish, or Latin, school. In training the medical specialist, the former stresses forensic pathology while the latter stresses forensic psychiatry. Thus, in Argentina most of the medicolegal experts are psychiatrists who have specialized in forensic medicine, work as medicolegal experts for the Supreme Court of Justice or for some school of medicine, and as psychiatrists in their private practice. In Mexico, the law states that there shall be fourteen medicolegal experts, at least three of whom must be psychiatrists. It further states that, as assistants, there must be one pathologist, and one chemist. However, there are no special requirements regarding the academic training of such experts. In spite of this, there are prominent specialists in forensic medicine who follow the classic Latin school. On the other hand, in Chile, Brazil, Colombia, Venezuela and Costa Rica there are, as in the United States, forensic pathologists at the head of these Institutes of Forensic Medicine.

During the past few years, however, a "Latin American School" — a combination of the Anglo-Saxon and Latin — has been developing. Consequently, medicolegal experts have been receiving

proper training in forensic pathology, forensic psychiatry, toxicology and occupational medicine, and they are fully qualified to cope with all the medicolegal problems involving either corpses or living persons.

In cities like Buenos Aires, court doctors are supposed to cover, during the year, all the various areas of forensic medicine. This gives the specialist a well-balanced experience.

Scope of the Institute

Regarding the jurisdiction or scope of these Latin American Institutes of Forensic Medicine, there are some whose scope is national. That is, they direct or centralize all of the activities of forensic medicine for the entire country, as in the case of the Institute of Forensic Medicine of Chile. There are others that operate within a city, as in the case of San Jose, Costa Rica, or Mexico City. Further, other institutes may cover a state, as in Brazil and Argentina. In actual practice, those Institutes having jurisdiction over the entire national territory operate with scientific efficiency only in the metropolitan areas because in rural areas they must rely on general practitioners who have had only some training in forensic medicine and who work only part time as medicolegal experts. This is due to lack of funds and poor communication with the capital city, both factors being endemic evils in most of the Latin American countries.

Future of Forensic Medicine in Latin America

In spite of everything, Latin America is increasing the importance of the doctor's role in the administration of justice. The trend is toward creating Institutes under the Supreme Courts of Justice and, in turn, assuring these Courts full financial and technical autonomy. Thus, forensic medicine as a medical specialty has become established in Latin America. Significant examples of this spirit are the 53 years of life of the Institute of Forensic Medicine of Chile, perhaps the most complete in Latin America, and the 6 years of the Institute of Forensic Medicine of Costa Rica, perhaps the youngest but which has managed to merge the classic features of Latin forensic medicine with the technical features of Anglo-Saxon forensic medicine.

Summary

Forensic medicine has been recognized and taught as an aca-

demic subject in the curricula of all schools of medicine and most schools of law in Latin American universities since the 19th century. Latin American forensic medicine combines forensic pathology, as included in the Anglo-Saxon school, with the clinical study of mental disorders and injuries in living persons, as included in the Latin or Italo-Spanish school. Latin American Institutes of Forensic Medicine include divisions for medicolegal clinics, forensic psychiatry, forensic pathology, toxicology, criminalistics and forensic immunology. There are Institutes of Forensic Medicine with specialists in each of the forensic sciences in: Chile, Colombia, Brazil, Argentina, Peru, Mexico and Costa Rica.

CASE WESTERN RESERVE JOURNAL

of

INTERNATIONAL LAW

Volume 2, No. 1

Winter 1969

Editor-in-Chief

JOHN R. PRESTON

Executive Editors

WILLIAM D. BUSS II
MARY ANN S. STRAUSS

Business Manager

ROGER D. MORRIS

Editorial Staff

Alan D. Cohen
Carl D. Dool

Lee J. Dunn, Jr.
James E. Moore

Staff

Joseph J. Allotta
Robert B. Atkinson
Cynthia A. Catalano
William L. Fleming
Jack T. Flom
Katherine A. Hossofsky

David V. Irish
Lawrence W. Nelson
Donald J. Newman
Robert M. Rains
Jeffrey G. Rudolph
Larry N. Sokol

James L. Sonneborn
John F. Strong
Thomas E. Taylor
Maynard F. Thomson
David F. Walbert
Ellen Washington