

**UNIVERSITY OF EDUCATION, WINNEBA**

**PERSPECTIVES OF SPOUSAL RAPE IN THE EFFUTU  
MUNICIPALITY**



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**PERSPECTIVES OF SPOUSAL RAPE IN THE EFFUTU MUNICIPALITY**



**MAAME ESSIE AIKINS  
(202114070)**

**A thesis in the Centre for Conflict, Human Rights and Peace Studies,  
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## DECLARATION

### Student's Declaration

I, Maame Essie Aikins, declare that this thesis, with the exception of quotations and references contained in published works, which have been duly identified and acknowledge, is entirely my own original work, and has not been submitted, either in part or whole, for another degree elsewhere.

**Signature:** .....

**Date:** .....

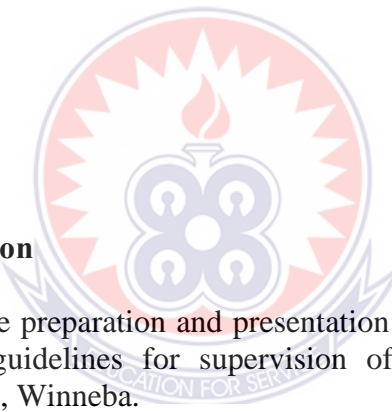
### Supervisor's Declaration

I hereby declare that the preparation and presentation of this work was supervised in accordance with the guidelines for supervision of thesis as laid down by the University of Education, Winneba.

**Supervisor:** Rev. Fr. Linus D. Nangwele, PhD

**Signature:** .....

**Date:** .....



## **DEDICATION**

I dedicate this work to my family.



## ACKNOWLEDGEMENTS

I am profoundly grateful to God for His Grace and Mercy. Without His unwavering support, this journey would not have been possible.

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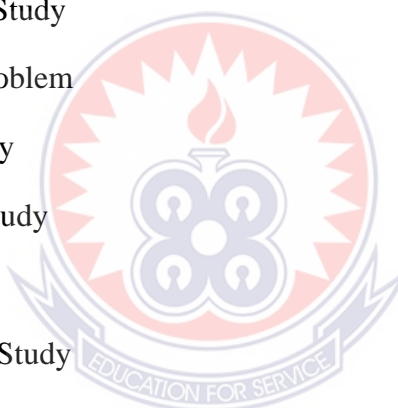
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## TABLE OF CONTENTS

<b>Contents</b>	<b>Page</b>
<b>DECLARATION</b>	iii
<b>DEDICATION</b>	iv
<b>ACKNOWLEDGEMENTS</b>	v
<b>TABLE OF CONTENTS</b>	vi
<b>LIST OF FIGURES</b>	x
<b>ACRONYMS/ABBREVIATIONS</b>	xi
<b>ABSTRACT</b>	xii
<b>CHAPTER ONE: INTRODUCTION</b>	1
1.1 Background to the Study	1
1.2 Statement of the Problem	5
1.3 Purpose of the Study	9
1.4 Objectives of the Study	9
1.5 Research Questions	9
1.6 Significance of the Study	10
1.7 Delimitations of the Study	11
1.8 Organisation of Study	11
1.9 Operational Definition of Terms	11
<b>CHAPTER TWO: LITERATURE REVIEW</b>	13
2.0 Introduction	13
2.1 Theoretical Framework	13
2.1.1 Universalism	13
2.1.2 Cultural relativism	16
2.2 Conceptual Framework	19
2.3 Spousal Rape as a Human Rights Violation	20
2.3.1 Awareness of spousal rape as a human rights violation	25



2.4 International Perspective of Spousal Rape	27
2.5 Case Laws on Spousal Rape	28
2.6 Perspectives about Spousal Rape	29
2.7 Women's Rights in Marriage	31
2.8 Recognition of Spousal Rape in the Ghanaian Law	36
2.9 Marriage is Not License to Rape	37
2.10 Contributing factors Spousal Rape	40
2.11 Effects of Spousal rape	42
2.11.1. The impact of marital rape on women's health	44
2.11.4 The economic and social impact	46
2.12 Intervention with Marital Rape Survivors	49
2.12.1 Police	49
2.12.2 Health care providers	50
2.12.3 Religious advisors	51
2.13 Summary of Literature Review	53
<b>CHAPTER THREE: METHODOLOGY</b>	<b>57</b>
3.0 Introduction	57
3.1 Research Philosophy	57
3.2 Research Approach	58
3.3 Research Design	59
3.4 Research Setting / Map of the Study Area	63
3.5 Researcher's Role	65
3.6 Population	66
3.7 Sample and Sampling Technique	67
3.8 Instrumentation	68
3.8.1 Interviews	69
3.9 Data Collection Procedure	70

3.10 Data Analysis	73
3.11 Trustworthiness	75
3.11.1 Credibility	75
3.11.2 Transferability	76
3.11.3 Dependability	77
3.11.4 Confirmability	78
3.12 Ethical Considerations	78
3.13 Positionality	80
3.14 Limitations of the Current Research and Directions for Future Research	80
3.15 Summary	81
<b>CHAPTER FOUR: FINDINGS AND DISCUSSIONS</b>	<b>82</b>
4.0 Introduction	82
4.1 Perspectives about Spousal Rape in the Effutu Municipality	82
4.2 Contributing factor to Spousal Rape in the Effutu Municipality	90
4.2.1 Socio-economic factors	90
4.2.2 Cultural factors	91
4.2.3 Feeling of superiority/Dominance	92
4.3 Human Rights Effects of Spousal Rape	97
4.4 Summary of Chapter	101
<b>CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS</b>	<b>103</b>
5.0 Introduction	103
5.1 Summary of research	103
5.2 Key Findings	103
5.2 Conclusion	104
5.3 Recommendation	106
5.3.1 Recommendations for Professionals	106



5.3.2 Government	107
5.3.3 Civil Society Organisations (CSOs)	108
5.3.4 Education	108
<b>REFERENCES</b>	110
<b>APPENDICES</b>	130
APPENDIX A: Interview Guide	130
	130



## LIST OF FIGURES

Figure	Page
1: Conceptual framework	20



## ACRONYMS/ABBREVIATIONS

AIDS	Acquired Immuno Deficiency Syndrome
ATR	African Traditional Religion
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CSOs	Civil Society Organizations
DEVAW	Declaration on the Elimination of Violence Against Women
DOVVSU	Domestic violence and victim's support
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
IPV	Intimate Partner Violence
PTSD	Post Traumatic Stress Disorder
STDs	Sexually Transmitted Diseases
STIs	Sexually Transmitted Infections
UN	United Nations
VAW	Violence Against Women
WHO	World Health Organisation

## ABSTRACT

Spousal rape, a deeply sensitive and often overlooked form of intimate partner violence, has significant implications for the well-being and rights of individuals involved. The purpose of this study was to analyse the Perspectives of men and women on the prevailing spousal rape in the Effutu Municipality. The study sought to shed light on the underlying causes, and the human rights effects experienced by victims. To address this multifaceted issue, the research employed a qualitative research approach with interviews and a comprehensive literature review to triangulate findings. A purposive sampling in addition to a convenience sampling technique was utilized to select three married individuals from each of the four zonal councils in the Municipality to represent the study's participants. This selection was used to ensure that participants provided rich, relevant data specific to the study's focus on married individuals in the Municipality, reaching data saturation. Convenience sampling was employed to address practical considerations, enabling efficient recruitment of participants. The combination of these techniques allowed the study to achieve comprehensive, in-depth insights while maintaining practicality and feasibility. The study revealed that Perspectives about spousal rape in the Effutu Municipality are influenced by cultural norms, gender dynamics, and socio-economic factors, often leading to victim-blaming and a lack of recognition. Furthermore, the study identifies a range of causes of spousal rape, including power imbalances within marital relationships, cultural factors and limited access to education and resources. The study also uncovers the devastating human rights effects of spousal rape, including physical and psychological trauma, diminished autonomy, and restricted access to social, economic, and health resources. These consequences highlight the critical importance of recognizing spousal rape as a violation of fundamental human rights and of implementing measures to support victims and hold perpetrators accountable. This study contributes to a deeper understanding of spousal rape in the Effutu Municipality, highlighting the need for a holistic approach that includes policy changes, community education, and support services to combat this issue and protect the rights and well-being of all individuals involved.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background to the Study

“When you have been intimately violated by a person who is supposed to love and protect you, it can destroy your capacity for intimacy with anyone else.... When you are raped by a stranger you have to live with a frightening memory. When you are raped by your husband, you have to live with your rapist” (Finkelhor, 1985, p. 51).

Spousal rape is defined as unwanted sexual penetration through the vagina, anal, or oral openings, as well as physical contact with the genitalia (Woldu, 2017). The absence of consent in the marriage institution is a condition that leads to spousal rape. The sexual abuse of a wife by a husband against her will is referred to as spousal rape. Since the sufferer is engaged to the rapist, the crime is no less brutal and disgusting than raping a stranger (Woldu, 2017).

The prevalence of spousal rape in any society is difficult to determine. Studies indicate that it is a common underreported occurrence (Ewoldt et al., 2000; San Vicente et al., 2019; Edward et al., 2011). For example, Edward et al. (2011) discovered that, 14% of married women in the US have either been victims of rape or rape attempt by their spouses or ex-husbands.

According to Omony (2011), spousal rape is as common as other sexual offenses but significantly underreported. Force, may be used to compel someone to provide their consent, and the action may be carried out under fear of intimidation or violence or even when target is incapable of giving consent.

Violence against women has become a widespread problem, especially when it comes to sexual and domestic abuse within the family and marriage. These attitudes toward marriage and sexuality began to change in the majority of Western nations in the 1960s and 1970s, particularly during the second wave of feminism. This led to the recognition of the female's right to self-determination in all matters pertaining to her body (O'Brien & Minoff, 2004). In contrast to proving non-consent with a stranger, it is much more difficult for a spousal rape victim to prove she did not give permission to her husband (O'Brien & Minoff, 2004).

Research indicates that out of majority of the women who are faced with violence, it is usually perpetrated by men known to the victims (United Nations, 2011). Spousal rape is underreported in part due to cultural definitions of rape (Winter, 2000). Due to women reliance on their husbands' income for maintenance of themselves and their children, some abused women are reluctant to report violence. Fear and embarrassment prevent some people from speaking up (Winter, 2000). This is not to imply that there were no cases prior to this time where a wife accused her husband of rape.

In Ghana, the situation is no different. Section 98 of The Criminal and other offences Act 1960 defines rape as the carnal knowledge of a female of not less than 16 years without her consent. Spousal rape has been hotly debated and is still a public concern even if the law is ambiguous about where it stands. Although spousal rape is among the most severe types of intimate partner abuse, it has garnered little public or academic attention (Woldu, 2017).

According to the Sexual Offences Act in Ghana, rape occurs when a person wilfully engages in an act that results in the other person's genital organs being penetrated

without the other person's consent or when the consent has been obtained by coercion, threats, or other forms of intimidation. According to Bergen (2006), spouse-assisted rape victims frequently undergo many assaults and have very serious, long-lasting physical and emotional repercussions. Spousal rape is a common occurrence that harms women physically and emotionally. Since spousal rape can make it harder for women to care for their children, children in such homes frequently experience the psychological impacts of seeing violence (Woldu, 2017).

Public health issues brought on by spousal rape include poor mother and child health, recurrent sexually transmitted infections (STIs), and sustained exposure to the risk of HIV infection. Direct effects could include a general lack of confidence and a sense of insecurity in one's own close social surroundings (Ross, 2015). Historically, it was common with the Chinese culture for a single raped woman to get married to the perpetrator in order to save her "honour" and spare her family the grief of losing a virgin daughter (Tsun-Yin, 2000).

In Ghana, forced marriage is a significant issue. However, since such instances are rarely reported, husbands are shielded from punishment of spousal rape (Winter, 2000). According to Winter (2000), the roots of this protection lie in outdated patriarchal notions of women who are afraid to disclose such situations, which explains why the State is hesitant to bring charges against husbands (Winter, 2000).

The idea that women are the possession of men and that a woman's implied agreement to having sex following marriage is irrevocable were both established by English common law. Spousal rape and intimate partner sexual assault are outlawed under international human rights legislation as acts of Gender-Based Abuse (Draper, 2022). Due to the patriarchal structure of African civilization, domestic violence was not

regarded as a crime. The male sex is often praised in contrast to the female sex, which plays a significant role in demeaning the female sex. It has been observed that this viewpoint is prevalent throughout all spheres of life (Kyalo, 2017).

In almost every aspect of social life, Ghanaian women have a lower social position than their male counterparts. In general, women are expected to show respect for males and submit to their authority, especially when it comes to their husbands' demands and aspirations. Along sex lines, gender roles are categorized (Adinkrah, 2010). Men are viewed as the family's primary providers of income. Even when women are working outside the home for financial reasons, fulfilling their domestic role is seen as their primary responsibility. Women are responsible for housekeeping, cooking, and child care. The conventional gender roles, the societal domination of men, and the subjection of women are frequently themes in locally made feature movies and television movies. Males are more likely to adhere to a sexual double standard before and after marriage (Adinkrah, 2010).

The misconception that women engage in sexual encounters as one of the household chores, which has a tremendous influence on our culture, is evidenced by misconceptions regarding a woman's position in marriage and marital responsibilities (Adinkrah, 2010). Despite the fact that many spousal rape survivors hold the opinion that all sexual activities must be submitted to in order to uphold their marriage vows, this view is not shared by all survivors of wife rape (Adinkrah, 2010).

Spousal rape is one type of abuse against women that is recognized world over. Its prevalence is undeniable because, according to a World Health Organization's (WHO, 2002) study on sexual violence, spousal rape is a more generalized form of intimate partner violence (IPV) that is not specific to any one country, group of people, race, or



other factor. In 127 nations, Spousal rape is not punishable by law, (Randall & Venkatesh, 2015). In these nations, spousal sexual assault is criminalized, but it is completely not illegal when rape is committed by a spouse (Woldu, 2017).

The belief that being attacked by an unknown person is less distressing than being a target of a persistent identified rapist (Frese, Moya & Megias, 2004). Many people are "reluctant to think that spousal rape is an infringement of the wife's rights" or that she may sustain any bodily or psychological harm as a result of the event "since the perpetrator constitutes an individual, she has had sexual relations in the past" (Ferro et al., 2008, p. 773). This study sought to explore the Perspectives of spousal rape in the Effutu Municipality.

## **1.2 Statement of the Problem**

In Ghana, few studies such as Adinkrah (2016) and Acheampong (2010) have systematically examined spousal rape as a human rights issue. The available literature does not address the views and concerns victims in the Effutu Municipality. Available studies rather present spousal rape from cultural, religious, historical and economic standpoint (Adinkrah, 2016). A full understanding of spousal rape requires attitudinal studies of the ways in which women, who are the direct victims of the phenomenon understand it from the human rights point of view. Despite global recognition of spousal rape as a violation of human rights, there remains a dearth of research focusing specifically on its prevalence and effects within the Effutu Municipality, Ghana. This gap in the literature hinders efforts to understand the unique challenges faced by women in this community and to develop targeted interventions to address spousal rape and its human rights ramifications.

There are several unreported cases of women who experienced spousal rape in Ghana which constantly violates the human rights of these women (Adinkrah, 2016). In many countries, spousal rape is not a criminal offence. The reluctance to criminalize and prosecute spousal rape has been attributed to traditional views of marriage, interpretations of religious doctrines, ideas about male and female sexuality, and cultural expectations of subordination of a wife to her husband views which continue to be common in many parts of the world. These violations are often a reason for actions to be taken by government and other stakeholders (Randall & Venkatesh, 2015). These have prompted major discourses for the protection of rights of women and to seek for redress in the wake of these violations. There seem to be few coherent studies that consider the underlying reasons for the persistent violations of women's rights within marriage. Few systematic studies seek to demonstrate the exact nature of human rights violations on women in marriage (Adinkrah, 2010).

Effutu Municipality, like many other regions in Ghana, grapples with issues of gender-based violence, including spousal rape. According to a study conducted by the Ghana Statistical Service in 2017, about 13% of women in Ghana have experienced spousal violence, which includes sexual violence such as spousal rape. Given this prevalence, Effutu Municipality likely experiences similar rates of spousal rape, making it a relevant location for research on this topic (Ghana Statistical Service, 2017).

In the area of methodology, available studies largely rely on reported cases already in the public domain to carry out a content analysis on spousal rape breaches as human rights violation of women. However, few studies have taken into account the self-narrated stories of women who are victims of human rights violations within marriage. This research would take into account the perspectives or views of men and

women on spousal rape in the Municipality. To further understand why the rights of the Ghanaian woman might be infringed, this study would combine a descriptive case study design and a pure qualitative research approach, keeping in mind the self-narrated opinions on spousal rape.

Existing studies on spousal rape in Ghana often provide national-level data, overlooking variations in prevalence and incidence rates at the municipal or community level, such as the Effutu Municipality. Therefore, there is a lack of localized data to inform targeted interventions and support services for survivors in this specific context (Amoakohene, 2004). This gap in the literature obscures the extent to which legal protections are accessible and effective for survivors within the Effutu Municipality, hindering efforts to advocate for policy reforms and enhance access to justice (Boafo-Arthur, 2019).

The Effutu Municipality, like many other communities in Ghana, is influenced by socio-cultural norms and attitudes that may perpetuate gender inequality and condone violence against women. However, there is a lack of research examining how these socio-cultural factors intersect with spousal rape experiences and responses in this specific context, limiting the development of culturally sensitive interventions (Adjei & Agbemafle, 2020). Despite the existence of support services for survivors of gender-based violence in Ghana, including counseling and legal aid, little is known about the availability, accessibility, and effectiveness of these services within the Effutu Municipality. Further research is needed to assess the adequacy of support services and identify barriers to access faced by survivors in this community (Darteh et al., 2019).

Addressing these gaps in the literature is essential to advancing understanding of spousal rape and its human rights implications for women in the Effutu Municipality. By generating localized evidence, researchers and policymakers can develop targeted interventions to prevent spousal rape, support survivors, and promote gender equality and human rights in the community. The Effutu Municipality in Ghana presents a compelling case study for examining spousal rape and its effects on women's human rights for several reasons.

Ghana has made strides in enacting laws and policies to address gender-based violence, including The Criminal Offences Act of 1960-Act 29 (Mensa-Bonsu, 1991), which criminalizes rape within marriage. However, implementation and enforcement of these laws can vary across regions. Effutu Municipality provides a specific context to examine the effectiveness of legal protections against spousal rape and the challenges women face in accessing justice and support services (Criminal Offences Act of 1960 (Act 29)).

Effutu Municipality, like many other parts of Ghana, is characterized by cultural norms and patriarchal attitudes that may perpetuate gender inequality and condone violence against women. Exploring the intersection of these cultural dynamics with spousal rape can provide valuable insights into the root causes of the problem and inform culturally sensitive interventions (Addo-Lartey et al., 2017).

Impact on women's human rights: Spousal rape not only violates women's bodily autonomy and sexual rights but also constitutes a fundamental breach of their human rights, including their right to live free from violence and discrimination. Effutu Municipality serves as a microcosm for examining how spousal rape affects women's

human rights, including their right to health, safety, and dignity (United Nations, n.d.).

By focusing on Effutu Municipality, researchers can conduct localized studies that shed light on the specific challenges and opportunities for addressing spousal rape within this context, ultimately contributing to more effective interventions and policies to protect women's human rights.

### **1.3 Purpose of the Study**

The purpose of this study was to explore Perspectives about spousal rape in the Effutu Municipality.

### **1.4 Objectives of the Study**

The objectives of the study were to:

- 1) Explore Perspectives of men and women about spousal rape in the Effutu Municipality;
- 2) Examine the contributing factors to spousal rape in the Effutu Municipality;
- 3) Investigate the human rights effects of spousal rape on women in the Effutu Municipality.

### **1.5 Research Questions**

This study was guided by the following research questions:

1. How do people in the Effutu Municipality view spousal rape?
2. Why does spousal rape occur in the Effutu Municipality?
3. What are the human rights effects of spousal rape in the Effutu Municipality?

## **1.6 Significance of the Study**

The findings from this research provides both theoretical and practical implications. From the theoretical perspective, the current study contributes to understanding spousal rape. The literature on spousal rape is limited (Kolade-Faseyi, 2018), even though spousal rape is gradually becoming an issue of social concern (Brathwaite et al., 2015). By exploring Perspectives about spousal rape using the universalist and cultural relativism theories, from causes recognized to effects, the findings of this study fully describe spousal rape focusing on the causes and perceived effects. By gaining a deeper understanding of causes and effects, this study builds on the previous literature on causes and effects of spousal rape.

From the practical viewpoint, the outcomes of the current study have useful implications for understanding the prevalence, dynamics, and consequences of spousal rape in the Effutu Municipality can help survivors access appropriate support services and justice. Create awareness to help educate the community about the prevalence and impact of spousal rape, leading to reduced stigma and increased support for survivors. For spouses, this study provides specific knowledge about how they can identify acts of spousal rape. Also, spouses who become victims to spousal rape will enable counsellors and/psychologists identify measures or procedures to meet their needs.

Research findings can inform the development and implementation of policies and programs aimed at preventing spousal rape, supporting survivors, and holding perpetrators accountable. NGOs working on gender-based violence can use the study's findings to advocate for improved services and resources for survivors and to raise awareness about spousal rape. The study can contribute to the academic literature on

spousal rape and human rights, providing insights that can inform future research and interventions. Finally, the findings of this study will empower policymakers to design targeted policies aimed at addressing the effects of spousal rape.

### **1.7 Delimitations of the Study**

Spousal rape is too sensitive a topic to be handled within the stipulated time frame for the completion and submission of this work. To enhance focus and manageability, the study was confined to the four main zonal areas within the Effutu Municipality. These areas include all communities under each zone: Kojo Beedu/Low-Cost and its environs, Essuekyir/Gyahadze and its environs, South West and its environs, and South East and its environs. This study was also interested in the Perspectives about spousal rape, causes and its human rights implication.

### **1.8 Organisation of Study**

This research is divided into five chapters. Chapter One is the introduction which comprises the background of the research laying out the research objectives. Chapter Two deals with literature review, the theoretical framework on the subject of rape in marriage as well as the empirical framework and the incidences of Spousal rape in the Effutu Municipality. Chapter Three deals with the Research Methodology, Chapter Four tackles and analyse the comparative case study, and findings/evidence. Chapter Five concludes the entire work and provides recommendations while trying to include responses to the problem of Spousal rape.

### **1.9 Operational Definition of Terms**

**Spouse:** A spouse is a partner in a legal marriage to whom an individual is legally married, whether the marriage is recognized by civil, religious, or customary law.

**Spousal rape:** Forceful sexual intercourse against the will of a married woman by her husband or ex-husband.

**Perspectives:** Understanding and interpretation on Spousal rape

**Women:** Married women within the Effutu Municipality





## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0 Introduction

This chapter reviews available relevant literature on spousal rape. The chapter is divided into Theoretical Framework and the Conceptual Framework. This study is premised on two major theories touching on the rights and liberties of individuals; the Universalism Theory and the Theory of Cultural Relativism.

#### 2.1 Theoretical Framework

This section discusses the theories that the study adopted to understand spousal rape in the Effutu Municipality. The theories include Universalism and Cultural Relativism.

##### 2.1.1 Universalism

Universalists have a view that there are broad shared characteristics of humanity. Universalism is important because it is also a normative perspective view of principles of justice that require that each person, whoever and wherever they are, is treated fairly and equally. Human beings have ‘a dignity that deserves respect from laws and social institutions’ (Nussbaum, 2005). Respecting human dignity might entail drawing up a set of human needs or rights. Included amongst those needs or rights that are either basic or very important would be the right to life, the right to decent food and shelter and the right to freedom from persecution (Nussbaum, 2005). The satisfaction of basic needs is necessary to ensure human flourishing.

Underlying the notion of a right is the view that individuals are entitled to respect as moral agents capable of making choices. Moreover, while the notion of a right is in fact associated with liberal citizenship, it is possible to re-think the notion in a fashion

that may be more in accord with a genuine conception of universal humanity (Nussbaum, 2005).

It could be suggested that arguing for a universal viewpoint is most effectively done by emphasizing the common essence that all humans share. This common nature is a rich and diverse one and it suggests our deep connection with the rest of the natural world. This shared nature need not be an exclusively objective one as Assiter (2016) has suggested in her deeply engaging discussion of universalist perspective on the human body. Rather it is possible to suggest a form of universalism that creates a space where ‘inter-subjectivity and reciprocity become possible’. Assiter (2016) argues that the discourses of both early feminists and some of the more recent post-colonial theorists are misleading. She contends that accusations of ‘western imperialism’ and African barbarism are both empirically wrong and that each underplays African opposition.

Assiter (2016) argued that one central reason why it is important to defend a universalist theory about human beings is to characterise the shared humanity, for example, the poorest person in the world and the richest person. Economic injustice is perhaps one of the most extreme types of injustice. A recent Oxfam report, from January 2015, suggests that the richest 1% will own more than all the rest by the year 2016 (Slater, 2015). These figures themselves are enough to give any of us pause for thought. The Ebola outbreak illustrates, indeed, the kinds of threat posed even to the richest in the world by these damaging levels of inequality. A virus of this kind does not distinguish rich from poor, although, of course, the rich are likely to have access to health care that is unavailable to the poor. Unless the richest recognise their shared humanity with the poorest, then the poorest are liable to be written off as either

implicitly not human at all or as possessing some inferior form of humanity. Extreme levels of inequality in anyway, are detrimental to the well-being of all (Cheong et al., 2019).

Universalism is the idea that moral principles apply to everyone regardless of regional differences. The idea of Universalism considers a shared humanity underneath any distinctions of class, gender, nationality, religion, or race. It is essential that everyone adhere to the principle of equal rights (Philips, 2001). Having equal rights, protections, and entitlements for all people is more directly related to the concept of Universalism. The idea that women are less valuable because of their sexual differences with males has almost always been connected to inequality. Thus, the foundation of contemporary human rights law is Universalism (Varenes, 2006).

The human race has evolved with time and migration that intercultural marriages across the world has become a major concern that there is need to recognise universal marital rights that basically supersede cultural beliefs, norms or practices (Varenes, 2006). Therefore, universalism guides the study to look beyond the cultural perspective of spousal rape without disregarding its importance in today's marriages. It is particularly necessary to reiterate that there are such qualities in a world where ugly divisions between groups have once again become apparent. With appropriate qualifications, universal nature can be understood in terms of needs or indeed of rights.

The theory of universalism suggests that certain principles apply universally across all cultures and contexts. In the case of spousal rape in the Effutu Municipality, examining it through a universalist lens would involve considering whether the fundamental rights and dignity of individuals, regardless of culture or location, should

protect against such acts. This perspective implies that spousal rape should be universally condemned and addressed through legal and social measures to ensure justice and protection for all individuals (Stark, 2007).

### **2.1.2 Cultural relativism**

Cultural relativism, which urges us to appreciate traditional cultures, tends to ignore the fact that there is not just one culture, even in the most democratic and non-stratified communities. Instead, all civilizations have always been made up of opposing groups and individuals, and their traditions have always served the needs of the powerful classes (Winkelman, 2004).

This idea is employed to comprehend the actions, convictions, and viewpoints of others. It is inappropriate to compare the customs and beliefs of other cultures (Jivan & Forster, 2005). Although cultural relativists continue to hold that such "fundamental" human rights should not preclude the practice of different cultures, religions, or traditions (Jivan & Forster, 2005). The theory of cultural relativism, indicates that moral principles and rights can only be understood in the context of a particular culture. The fundamental belief of cultural relativism is that each culture should be free to establish its own set of values. The idea of relativism holds that there are not absolute moral norms. Hence, the theory argues that "there are several, historically established cultures of equal political and ethical worth" (Hogemann, 2020, p.29).

Cultural relativism holds that norms that evolve within one culture serve as the standard by which the norms of other societies are measured, reflecting values and behaviours that differ greatly from society to society (Philips, 2001). The strength in this position is that it captures the situated nature of any principle of justice, the way

ideals like equality or autonomy or democracy become more or less prominent depending on historical conditions, and the way the previously unthinkable becomes possible as these situations change (Philips, 2001). Cultural relativism proposes a level of reciprocal insulation between ourselves and the others that is extremely far from the circumstances of the modern world. At one time, people considered it almost impossible to imagine sharing a similar humanity with both slaves' freemen, or with a female being deserving with the same rights and treatment as their male counterparts (Philips, 2001).

Cultural relativism has made an appearance in the discussion of human rights and is now progressively garnering support from a wide range of organizations and people. Perhaps, this is because some academics think that relativism is the only solution to the perils of moral absolutism and ethnocentrism (Feinberg, 2007). According to the cultural relativist idea, because everyone interprets the world by using their own cultural lens, they try to impose the majority viewpoint on those who have different cultural perspectives.

Cultural relativism is not a helpful ally for feminism. Feminists have a special sensitivity to the risks of elevating current cultural conceptions to the status of unquestionable norms. They equally have a special sensitivity to how these cultural interpretations shape how something is therefore presented as universal principles, (Fung, 2017).

According to cultural relativism, it is incorrect to use the norms that develop within one civilization as the standard by which to evaluate the behaviours of others (Philips, 2001). According to the cultural relativist perspective on human rights, these rights can only be upheld in accordance with the internal norms and values of every

particular culture. For instance, there are different Western, Asian, and Islamic conceptions of what human rights are. Cultural relativists frequently use the idea of culture as a pre-packaged, all-purpose justification for human behaviour (Varenes, 2006). Utilizing this theory will allow the researcher to grasp the cultural viewpoint of participants within the Effutu Municipality. This is to facilitate comparative analysis of what is universally practiced or accepted by other cultures which is covered by universalism.

Cultural relativism, as a theoretical framework, acknowledges that cultural practices and beliefs should be understood within their own context without imposing external judgments. When applied to perspectives on spousal rape in the Effutu Municipality, cultural relativism suggests that attitudes towards this issue may vary based on cultural norms, values, and traditions specific to the community. Some sources may reflect a tolerance or acceptance of spousal rape due to cultural beliefs about gender roles, marriage, and authority within relationships, while others may advocate for human rights principles that condemn all forms of sexual violence, including within marital relationships.

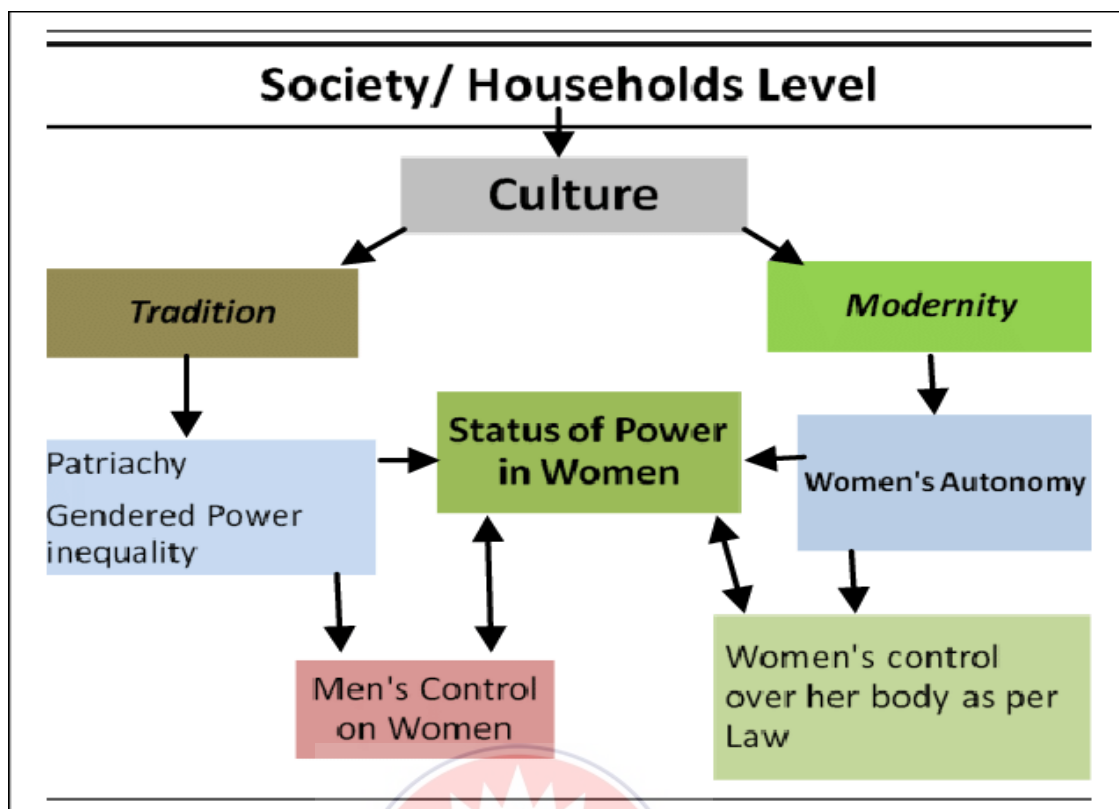
It's important to consult academic articles, ethnographic studies, or legal documents focusing on the Effutu Municipality to explore the specific intersection between cultural relativism and perspectives on spousal rape within that context. These sources can provide insights into how cultural norms shape attitudes towards spousal rape and the implications for advocacy, policy, and intervention efforts.

## 2.2 Conceptual Framework

The conceptual framework helped to understand some of the underlying factors for the ever-increasing rate of rape in marriages. The framework tries to look at both the household level and the societal level. Therefore, the household and societal level are interlinked and affect each other. The concept of tradition can be described as ‘the handing down of beliefs, customs and information from generation to generation’ while modernity is usually the transition from old to new (Kumari, 2016). Culture exists in ‘traditional’ societies as well as ‘modern’ both which explain the link between them. The wide concept of culture is narrowed down to look more specifically at patriarchy (Still, 2017). The next concept is the power which is closely associated with rape and is narrowed down and consist of three issues.

1. ‘Women’s power over their bodies.’
2. ‘Men’s control of women’
3. ‘Gendered power inequalities’

‘Employment for women’ and ‘Education for women’ is linked to the theme of socio-economic development. These influence women's status through engaging in education and employment leading to increased awareness. This could further lead to social transition such as reduced fertility and child mortality rates and women’s emancipation in the long run. These indicators are frequently associated with modernity, thereby highlighting the connections between tradition and modernity (Henderson, 2013). Rai and Paul (2021) found that the patriarchy, educational and employment status of women and the inequalities in gendered power are in a complex interplay. Therefore, the clash between ‘traditional’ norms and values with ‘modernity’ accentuates marital rape.



**Figure 1: Conceptual framework**

Source: Rai and Paul (2021).

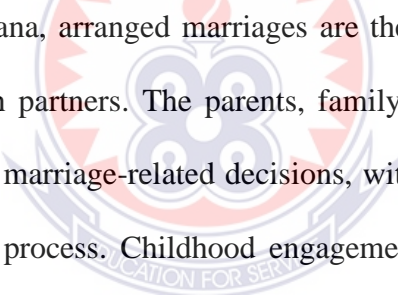
### 2.3 Spousal Rape as a Human Rights Violation

An essential component of reproductive rights encompasses “the right to sexual liberation, independence, bodily integrity, and security. It also covers the rights to reproductive privacy, equity, enjoyment, and emotional expression as well as the freedom to engage in sexual activity with others and the opportunity to make an informed choice over whether and how to have children (Ali et al., 2009).

Sir Matthew Hale's assertion that a wife impliedly consented to sexual activity upon marriage in 1736 is typically cited as the founder of something like the Spousal rape exemption. He said: The wife has given her in this type to her husband by their joint married consent and contract, which she cannot retract, therefore the husband can indeed not be guilty of a rape perpetrated by himself against his lawful wife



(Srivastava, 2022). Between 1671 and 1676, Hale served as the Court of the King's Bench's Chief Justice. Sixty years after he died in 1676, his work, the Pleas of both the Crown, was released in 1736 (Srivastava, 2022). For more than 200 years, it was widely accepted that spousal rape was immune from prosecution. Even though Hale's maxim was not backed by any previous legal authority, the English common law eventually adopted it (Draper, 2022). The majority of people accepted Hale's argument as authoritative law, and it eventually became the heritage of the criminal law systems across the Commonwealth and the United States of America (Momsen, 2019). One could argue that this happened as a result of the socially accepted and practical perception of wives as the property or property of their husbands (Benjamin & LeGrand, 2012).



In some regions of Ghana, arranged marriages are the norm, however, other people today choose their own partners. The parents, family, or other relatives choose the spouse and make other marriage-related decisions, with the bride and groom playing little to no part in the process. Childhood engagements and girl-child marriage, in which preteen girls wed much older males, are known to occur in several tribes (Adjei, 2015). In Ghana, some ethnic groups have a culturally accepted the practice of polygyny. Even though opinions are shifting, having several wives continues to be a sign of a man's dominance, prestige, and virility (Adjei, 2015). Despite the stigma surrounding divorce, males remarry more frequently than women. Women are expected to stay in sad and unsatisfying relationships rather than expose themselves to the stigma associated with being divorced. Divorces initiated by women are uncommon. Physical punishment of wives is common because many men feel it is their duty to "discipline" and "manage" their spouses (Adinkrah, 2007, 2008a, 2008b;

Amoakohene, 2004; Appiah & Cusack, 1999; Minkah-Premo, 2001; Takyi & Mann, 2006).

Domestic abuse is sanctioned by the Domestic Violence Act 2007 (Act 732), yet many incidents go unreported to the appropriate authorities (Hernandez, 2018). The most common methods of physical coercion include kicking and striking with fists or other objects. Real or alleged infidelity, arguments over household duties and child care, and refusal to prepare meals for husbands upon request are all common causes of wife abuse. Victimized women experience a variety of injuries as a result of abuse from husbands and other conjugal partners (Adinkrah, 2007, 2008a, 2008b; Amoakohene, 2004; Appiah & Cusack, 1999; Minkah-Premo, 2001; Takyi & Mann, 2006). The unrecorded phenomena of husband beating are thought to be uncommon or occasional. According to reports, husbands who experience marital abuse are assaulted because of their infidelity, alcoholism, and failure to support their families (Adinkrah, 2007).

Given that it is socially acceptable, Spousal rape is one of the forms of violence that receives relatively little media attention (Sack, 2009). Since women financially dependent on their husbands for both their support and the support of their children, some abused women remain hesitant to report the violence (Takyi & Mann, 2006). Due to fear and embarrassment, other people are afraid to speak up (Sack, 2009). Some women believe they are powerless to stop the abuse or stop its harmful effects on their children and themselves. This may be because their families and societies tolerate spousal rape as well as other types of abuse against women, or it may be because women lack the courage, knowledge, or finances necessary to provide for themselves (Acheampong, 2010).

Women have historically had no recourse against their husbands' sexual pressure in many civilizations. Due to historical and present-day social, economic, and political subjugation of women in most nations, women are particularly susceptible to violence in close relationships and lack of legal recourse for it (Randall et al., 2015). As a man they had completed legal rights to his own property, including the body and his wife, it was impossible to prosecute a man for spousal rape because of the socially constructed legal system (Banda, 2015). Women continue to be treated as personal property or property in nations where marriage includes financial or material exchanges like bride-price or dowry (Banda, 2015). Women have historically been viewed as property, owned dependents, and not as autonomous creatures. They have become married couple's property by virtue of the dowry or bride price given to their parents as well as the marriage vows of "to have and to hold" (Miller, 2012).

Majority of African societies have a patriarchal culture, which makes spousal rape common. Research has shown that one in four women in Ghana experience unwanted sexual penetration (Woldu, 2017) even if not legally recognised. Another common misunderstanding is that coerced sex occurs within marriage. It was impossible for women to view forced sex during marriage as rape. Particularly in traditional marriages, it is typically considered that sex in marriage is a duty that women cannot find a justification to avoid (Woldu, 2017).

Most women in Ghana are poor and heavily dependent on men. Studies on deprivation in Ghana show that men have better access to waged labour than women do because men endure more hardship, use productive assets at a lower rate, and are less literate (Woldu, 2017). Girls typically have greater domestic responsibilities, which results in heavier workloads that prevent them from actively pursuing their

education, while teachers tend to pay more attention to males. Women are limited to household duties when they are raised in this way, while men predominate in the activities that generate income. According to Woldu (2017), women work in the home for roughly 20 hours each week, compared to men's 5 hours or less.

The primary cause of women's poverty in Ghana has been identified as the labour market, which forces women into the unpaid informal sector. Only 1% of the country's economically active women work in fields that would allow them to have an impact on policy changes, including public administration, while the bulk of women are employed in farming as well as other informal sectors (Woldu, 2017). Additionally, the inability of Ghanaian women to inherit land in the same terms as men limits their ability to make decisions. Many academics have stated that women's financial independence and autonomy act as a deterrent to partner violence. It has also been noted that women's access to resources is crucial for preventing men from having an unfair edge in the home because it lessens women's dependence on men (Woldu, 2017).

Women in Ghana are more vulnerable to domestic abuse because of their low asset holdings and high unemployment rates. Additionally, it has been discovered that within Ghana, a woman's role in decision-making regarding marital concerns increases as a result of her contribution to home expenses (Woldu, 2017). Given these facts and the obvious prevalence in spousal rape in the nation, it is evident that patriarchy and women's disadvantageous economic status are some of the barriers preventing Ghana's criminalization of spousal rape from being put into effect.

### **2.3.1 Awareness of spousal rape as a human rights violation**

One of the most heinous assaults on a woman's bodily integrity is spousal rape. Spousal rape involves husband having sex with his wife under duress or without her permission (Garner, 2000). Any instance of forced sex between a husband and wife using violence or the fear of harm is spousal rape. In Kenya, a rape is an offense that carries a prison sentence; however, marriage is not legally shielded from rape (Garner, 2000). A facet of domestic abuse that is rarely taken into consideration is rape within marriage. In romantic relationships, including men and women are subjected to sexual assault and coercion (Sack, 2009).

The international study on the subject began only after spousal rape was outlawed in the most of American states. Typically, these studies involved raped victims some of whom had been raped by respective husbands or abused women, who disclosed that they had also been raped by respective husbands (John, 2006). One of the crimes that get the least attention is rape (Ferro et al., 2008). It is difficult to find statistics on spousal rape, however two studies conducted in the United States found that 10%–14% of married women reported having been raped by their partners (Proulx & Beauregard, 2014). Since spousal rape is not a crime in the Bahamas, there are no government data on its prevalence. A March 2007 assessment by the United Nations and the World Bank emphasized the pervasive problem of violence, particularly sexual violence, across the Caribbean. Regarding rape, it was noted that "three of the top ten documented rates of violence occur within Caribbean, such as the highest rated: The Bahamas," which has a rate of 133 per 100,000 people yearly (United Nations, 2007, p. 126).

In 2011, there were 8 in 10 female victims of intimate relationship violence reported to the police in Canada, and women were sexually abused eleven times more frequently than men (Benedet, 2013). In 2009, women made up 92% of the victims of sexual offences, including spousal rape and incest in Canada (Benedet, 2013). What it entails to live as such as a woman is shaped in part by these statistics. Women's lives are constrained by the threat of sexual assault in a manner that most men's lives are not (Sinha, 2013).

According to studies conducted on spousal rape in Great Britain (Edward et al., 2011; Stermac et al., 2001), physical and psychological abuse as well as other types of marital violence are frequently used by husbands against their wives. According to (Edward et al., 2011; Stermac et al., 2001), nearly one-third of women who experience physical abuse also experience sexual assault from their spouses. According to Bergen (2006), 40% of the victims of spousal rape they spoke with described "beating-plus-rape combinations" (p. 23). According to a study done in Great Britain by Farrington & Painter (2004), roughly 35% of beaten spouses also experienced husband rape. According to Jackson et al. (2014), women who are sexually assaulted by their spouses or ex-husbands suffer at least the same negative physical and psychological impacts as those who are sexually assaulted by others.

Several nations currently allow for the punishment of husbands who rape their wives. Notably among them include: Zimbabwe, Argentina, Australia, Canada, Denmark, the Fiji Islands, Norway, and the United States (Kirkwood & Cecil, 2001; Peacock, 1995; Shiels, 1990). However, spouse rape is still not criminalized in many nations around the world despite its prevalence and the severe physical, psychological, and social consequences faced by the victims (Jackson et al., 2014; Martin, Taft & Resick,

2007). A provision known as the "Spousal rape exemption" shields husbands who rape their wives from legal repercussions in certain nations (Martin, Taft & Resick, 2007). For instance, in Ghana, husbands who rape their wives are not subject to prosecution (Duncan, 2005). The latest effort by the government to enact legislation criminalizing rape during marriage was met with vehement opposition from several demographic groups (Adinkrah, 2010).

#### **2.4 International Perspective of Spousal Rape**

Several countries punish rape within marriage and outside of marriage. By 1991, every state in Australia had abolished the marital rape exemption, and it was also the first common law country to do so after several feminism movements (Yadav, 2021). The first country to have a law explicitly making spousal rape a criminal offense was Poland in 1932 (Yadav, 2021).

In New Zealand, a person under 20 years of age but over 16 years old can only marry with a guardian's consent. The age of consensual sex for women is also 16 years. There was no exemption for marital rape in the Crimes Act, 1961 of New Zealand. The marital rape immunity was put to an end in 1985 (Yadav, 2021).

In the United Kingdom, a person under the age of 16 was not allowed to marry and marital rape was completely abolished in 1991 (Yadav, 2021). The average age for all legal issues outside of marriage in Egypt is 21 years. The age of consent is 18 years and having sex with an underage is defilement (Yadav, 2021). In the United States of America, different states have different laws, but marital rape has been eliminated in all 50 US States (Yadav, 2021).

Indonesian Domestic Violence Laws Punish for Domestic Violence with a maximum punishment of fifteen years. Nepal dismissed the issue of marital rape in 2002 after

the Supreme Court ruled that it violated the constitutional right to equal protection and the right to privacy (Alban, 2020). According to the Alban (2020), out of 179 countries where statistics were available, 52 had amended their laws to make marital rape a criminal offence. The remaining countries include those that do not have marital rape in their laws, as well as those with exemptions. Only 36 countries in the world have still not outlawed marital rape. India needs to get out of this list which stocks, among others including, Pakistan and Afghanistan (Yadav, 2021). Unfortunately, we are still questioning whether or not a married woman has rights over her own body. Nearly all developed and developing countries around the world have criminalized marital rape. It is way past the appropriate time for India to join them (Yadav, 2021).

### **2.5 Case Laws on Spousal Rape**

According to Mishra (2018) the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), of which India is a participant, has regarded that this form of discrimination against females violates the norms of equality of rights and respect for human dignity. Further, the Commission on Human Rights, at its 51st session, in its report titled "The elimination of violence against women", suggested that marital rape should be criminalized (Mishra, 2018).

In *Bodhisattwa Gautam v. Subhra Chakraborty*, the Indian court declared that rape is a crime in contradiction of the basic human right and violation of the right to life preserved in Article 21 of the Indian Constitution and provided a selection of guidelines for granting compensation to the rape victim (Singh, 1999). The Supreme Court of India has ruled in many cases that rape is a violation of the right to life and the right to live in the dignity of the victim.



One example is *The Chairman, Railway Board v. Chandrima Das* (Singh, 1999). The Apex court noted that rape is not just a crime according to the Indian Penal Code, but a crime against society as a whole. In a chain of cases like *Kharak Singh v. State of U.P.*, *Govind v. State of Madhya Pradesh*, *Neera Mathur v. LIC* etc., the Highest Court has remarked that a right to privacy is inherently ensured under the extent of Article 21 (Singh, 1999).

In the case of *State of Maharashtra v. Madhukar Narayan*, the Highest Court held that every single woman is warranted her sexual privacy and it is not ajar for every person to violate her privacy whenever he wished.

Also, in the landmark case of *Vishakha v. State of Rajasthan*, the Apex Court expanded this right of privacy in employed atmospheres as well. Further, along a parallel line, we can interpret that there exists a right of privacy to get into a sexual relationship even within a marriage (Singh, 1999).

## **2.6 Perspectives about Spousal Rape**

Many individuals disagree with the notion that spousal rape is an issue of concern. The widespread notions that "what occurs between a wife and husband in the bedroom is a private issue, [or] that a husband is entitled to sexual intercourse with his wife" is among the causes of that rejection (Jackson, 2014, pp. 1-2). Even if a wife does not perceive the interaction as rape, viewing her spouse as a potentially dangerous predator and categorizing a non-consensual sexual experience as rape might be unfamiliar concepts to her. (Langhinrichsen-Rohling & Monson, 2000, p. 434). According to Bergen (2006), many women buy into the fallacy that only non-concerted sexual encounter committed by a stranger qualifies as a rape. Legitimate spousal rape exceptions could "interact women to the point that they refuse to view

themselves as victims of abuse" due to their "symbolic influence" (Ewoldt et al., 2000).

Some critics, including researchers and commentators, have questioned why a married woman would accuse her legally wedded spouse of rape (Kolade-Faseyi, 2018). They suggest that rape should be ruled out unless the offender is not the victim's husband or another known intimate partner. Policymakers and traditional leaders tell feminist movements and women's organizations that it would be impossible to persuade the average man on the street believe having sex with one's "lawfully wedded" wife can ever constitute rape (Kolade-Faseyi, 2018).

In Ghana, 80 percent surveyed populace believes that husbands frequently or occasionally use force to have intercourse with their spouses (Martin et al., 2007). Despite this, the majority of cultures has repeatedly discredited spousal rape. Kirkwood and Cecil (2001) and Bennice and Resick (2003) have confirmed the trend that when the victim-offender relationship grows increasingly romantic, the possibility that the incident is characterized as rape declines, original source of guilt to the crime grows, and the extent of perceived harm decreases. This broad cultural erasure has been fuelled in part by the widely accepted belief that spousal rape is indeed not "real rape" (Kirkwood & Cecil, 2001).

Many women who experience sexual abuse in marriage have had few sexual encounters or abusive relationships with other partners. Some women think that having violent sex during marriage is "natural" or unavoidable (Edward et al., 2011). Survivors of wife rape claim that their spouses have referred to them as cold or sexually insufficient for just not "enjoying" forced sex, or that they have been told it is their job. Women who have limited knowledge of or experience with sexuality are

much more likely to think that forced sex during marriage is acceptable and not "true rape" (Bennice & Resick, 2003).

## **2.7 Women's Rights in Marriage**

The socioeconomic inequality of women versus men is both reflected in and reinforced by sexual assault. Women seem to be quite conscious of the level of scepticism that will be applied to their claims. As a result, women rarely report sex offences to authorities after weighing the costs and benefits of doing so. Women's autonomy includes both being a participant in their own sexual experience and being seen and respected as a person instead of an object (Benedet, 2013).

Spousal rape is often not discussed in the context of Christian marriage, as Christian teachings emphasize that women should always submit to their husbands. This submission includes complying with their husbands' sexual demands. The Bible supports the idea that wives should be submissive to their husbands. It advises Christians not to abstain from sexual relations within marriage, except for a mutually agreed period for fasting and prayer, to avoid temptation due to lack of self-control. Consequently, if a wife adheres to her Christian beliefs and the vows she made at marriage, she may feel discouraged from accusing her spouse of rape (Adinkrah, 2010).

The phrase "wifely duty" is verbal proof that women perform sexual acts as duties in marriages and has a significant cultural impact. Despite the character of the sexual experience, many women rape survivors have stated the opinion that because they are bound to submit to all sex encounters by their marriage vows, these actions are not rape (Gavey, 2018). Women have traditionally been expected to submit to and obey their husbands, which extends to submitting to all acts involving intercourse inside

marriage, as sexual activity is viewed as an "obligation" to be done under the marital contract (Kolade-Faseyi, 2018). This belief was espoused by William Blackstone, who wrote in his impactful legal treatise: "By marital relationship, the married couple are one individual throughout law". According to this perspective, once a couple is united by marriage, the wife is unable to engage in any independent legal transactions, and her husband is unable to be accused of raping his wife because they are one person and cannot rape themselves (Randall et al., 2017).

Jurisprudence from various countries across the world has demonstrated how deeply ingrained the problem of forced sex is in the marriage institution. This is because it is believed that once a couple gets married, a male has the right to have sex without the wife's permission. As a result, the privileges of a woman inside the aforementioned marriages are violated. The majority of laws around the world include the idea of "Spousal rape exemptions," which state that violating a woman's rights while she is married is not always a crime (Kyalo, 2017). This is true irrespective of the fact that several nations throughout the world have very detailed chapter and sections on protecting human rights written in their constitutions. Therefore, it is necessary to change or eliminate the controversial provisions in the laws of many nations in order to make non-consented sex a crime and uphold and respect women's rights (Kyalo, 2017).

The foundation of reproductive rights is "the right of all individuals and couples to decide independently and make decisions on gender and reproduction free from coercion, violence, and discrimination." Gender inequality has a significant role in depriving women of their right to procreate (Ali et al., 2009).

In certain countries, spousal rape was prohibited due to the perception of marriages as a legal institution wherein wives were required to serve their husbands sexually as part of the marriage contract. The parents of the bride and groom, for instance, were the contractual parties in imperial Chinese law, and marriage represented "the subordination of mature children to family obligations and filial duty" (Randall & Venkatesh, 2017). The wife's assent had no bearing, and no Chinese judge had ever considered the relationship between the inability to consent and spousal abuse (McDonald, 2000).

Under common law, women were considered to be the possessions either of their husbands or fathers, or upon marriage, they were regarded as being under the care of both their husbands and dad. Married women were not seen by the law as needing further protections (Brathwaite, 2014). The insinuation is that the wife implicitly consented to the idea of having consensual sex with her husband at the time of marriage and is never deemed to withdraw such consent because it is given once for all times. This implies that at the moment of marriage, the woman had impliedly given consent towards the husband exercising the marital entitlement during the time that the ordinary relations formed by the contract of marriage subsisted between them (Kolade-Faseyi, 2018).

Only 52 nations, including some that are known to have criminalized spousal rape, for example, the United Kingdom, Israel, Spain, and the Netherlands, have legislation on the subject, (Gutiérrez-Martínez, Saifuddin & Haq, 2021). Based on the World Bank's database in 2015, only 39 nations have no laws against spousal rape of any form. These nations do not have "explicit" laws that criminalize spousal rape, do not permit women to report their husbands for rape, do not have rules that explicitly shield

husbands from legal consequences or that absolve offenders of criminal charges if subsequently marry the victim. A clear exception for spousal rape exists in the majority of these nations. This category includes 11 Sub-Saharan African nations, including Kenya and Malawi.

The UN General Assembly approved the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, and it went into effect in 1981, (Saksena, 2007). The Convention, which has 30 articles and a preamble, is the main international human rights document that establishes what defines discrimination against women and lays out a plan for national action to abolish it. There is a particular prohibition on using marital status as a basis for comparison, exclusion, or limitation (Reddock, 2022). The Vienna Declaration of the UN on the Elimination of Violence Against Women DEVAW in 1993 is a remarkable tool that unequivocally highlights violence against women and girls as a global human rights concern, (Randall et al., 2017). Although DEVAW is not legally obligatory, it demonstrates the political will and consensus of the world community to fight violence against women in all its forms (ibid).

Violence against women is recognized under international humanitarian law as including "physical, intimate and mental abuse currently happening in the household, battering, spousal rape and violence associated with exploitation" as well as gender violence that is sanctioned by the state (Moghadam, 1996).

Despite years of feminist agitation, there is still a gap between sexual abuse as it most commonly occurs (a friend, family member, or spouse) and sexual abuse as it is generally conceived (a predatory stranger) (Raphael, 2013). Anal or oral intercourse, and other sexual actions that may be humiliating, unwelcome, or unpleasant, may be

part of the coerced or intimidated act. The fact that so many individuals still struggle to understand the phrase despite it being labelled as a paradox in words is astonishing (Hancox, 2012).

The United Nations (2007) has acknowledged that violence against women renders women's rights to exercise their basic liberties void. The ICCPR, ICESCR, CEDAW, and the Convention on Torture are among the fundamental treaties defending human rights. In contrast, the CEDAW Committee has pointed out clearly that gender violence prevents or completely invalidates fundamental rights. The majority of countries have ratified the fundamental human rights treaties, which safeguard these rights. States are required by these treaties to control the conduct of private actors. Furthermore, organizations like CEDAW have interpreted these rights to forbid spousal rape by ratifying the treaties, governments cautiously accept the authority of treaty organizations to check on state compliance and offer substantive content for the rights (Gunes, 2021).

The prosecutor, the police, and the victim all face evidentiary issues as a result of the viewpoints of the victims, the accused, or the state. A wrongfully accused man may also face social and economic devastation, while the victim has unfathomable emotional difficulties (Update, 2011). However, when the perpetrator is someone, the victim knows and trusts, such a friend, a family member, or even worse, a spouse, the rape crime may become even more troublesome for everyone involved. Spousal rape victims commonly choose not to disclose the crime since it is extremely difficult to demonstrate an absence of consent in such a case. Spousal rape is one of the crimes in the modern period that is least understood due to underreporting and social stereotypes of women (Update, 2011).

The fundamental human rights of women are violated by spousal rape. To defend women's human rights, particularly their rights to equality, autonomy, and bodily integrity, one application of state authority is the criminalization of spousal rape. Both parties must consent to sexual activity during a marriage (Update, 2011).

## **2.8 Recognition of Spousal Rape in the Ghanaian Law**

The Republic of Ghana's Constitution guarantees that everyone is treated equally before the law and forbids sex discrimination. Additionally, it guarantees that everyone's dignity is unassailable and forbids torture and other harsh or inhumane treatment. Due to this, the legitimacy of the country's legal system's exemption for spousal rape was questioned, which resulted in the adoption of a law on domestic violence in February 2007.

The concept that a wife in a traditional marriage can be sexually assaulted by her spouse does not even exist (McGlynn & Munro, 2010), as all sex in a traditional marriage is seen as "consensual" whether the woman consents or not. There is a tradition in such traditional marriages when the husband pays the bride price in cash to the wife's family. Due to the money given to her family, this culture has fostered the social notion that the husband acquires control over his wife. Any act of disobedience is rejected vehemently because a traditional wife is expected to be polite, obedient, and subservient to her husband, who is the leader of the household, at all times. It is considered unacceptable for a married woman to turn down her husband's advances since women are believed to be passive sexual objects to be lured rather than active participants (Kolade-Faseyi, 2018).

Ghanaian law previously saw forced sexual contact as a natural element of the marriage that the spouses had consented to. Section 42 of the Criminal Code of Ghana



from 1960 stated that, except in specific circumstances, using force against a person with their agreement is justified. One of the terms stated that when consent is revoked, the application of force might not be justified; however, consent provided at marriage cannot be reversed. Rape is defined as "the carnal knowledge of a female of not less than sixteen years without her permission" in Section 98 of the same statute. In addition, the word "without her consent" activates section 42.

There has not been any case of domestic violence regarding spousal rape, reported to the Domestic Violence and Victim's Support Unit (DOVVSU) of the Ghana Police Service in ten years (Yalley, 2019). Also, there has not been a reported case of spousal rape in the Effutu Municipality (Yalley, 2019). The patriarchy nature of society or the general lack of awareness among the great majority of people may be the cause of this (Yalley, 2019). The economic standing of women in the nation is another important aspect, despite the fact that it is the only one impeding the criminalization of spousal rape (Ekhaton, 2015).

However, the Domestic Violence Act, 2007, Act 732 specifically, does not criminalize spousal rape in Ghana. Neither the regulation nor the Criminal and Other Offenses Act made any distinctions regarding rape in relation to a person's marital status (Ekhaton, 2015). Thus, the law does not provide a clear distinction between rape by a stranger and rape by spouse. This creates confusion for spouses (victims) who want to seek justice from the point of the law, hence, the general understanding of this provision in Act 732 refers to rape by strangers.

## **2.9 Marriage is Not License to Rape**

The phrase "license to rape" refers to situations in which males utilize forced sex to dominate and control their wives without worrying about the consequences (Bansal,

2022). It is assumed that whenever a woman enters further into tie of marriage, she knowingly consents to being sexually raped for the rest of her life (Bansal, 2022). The existence of extramarital affairs has not been acknowledged. It is a method of female subjugation that is accepted culturally (Bansal, 2022). Laws and policies must recognize that rape is abhorrent and unacceptable regardless of where it takes place in the bedroom or in a public setting. The idea of "blanket consent in marriage" is capricious and deplorable (Bansal, 2022). A man and woman's relationship does not give someone the right to rape them. Furthermore, just because a rape takes place within a private residence does not make it any less violent (Bansal, 2022).

In the event that a woman chooses to speak out or tries to seek legal redress in opposition to the cruel patriarchal rules, she is seen as a troublemaker, a person that is less accepting of cultural values, and a malefactor. Women are frequently held responsible for unsuccessful marriages because they lack the characteristics of tolerance and patience, and any attempt to end the marriage is seen as a rebellious act. This makes the erroneous assumption that so many women lie as well as fabricate charges as a form of vengeance (Bansal, 2022).

Women also frequently experience horrific physical abuse that leaves them broken, paralyzed, and with kidney damage or other serious injuries that may push them to consider suicide (Bansal, 2022). When addressing spousal rape, these issues are put on the back burner (Bansal, 2022). For the victim, however, they combine to create a continuous life of humiliation and despair in which one violent act cannot be separated from another (Bansal, 2022).

Women are the ones who experience spousal rape, and they often go unreported for an extremely long period since society accepts it as the norm. The reality is that

spousal rape has harmed married women psychologically and physically. Some women struggle with spouses who are severely intoxicated and smell of smoke (Adinkrah, 2010).

Some of the women who are badly battered as result of forced sex lose their teeth, their eyesight, and their faces. Very pitiful events include forcing bottles into women's vaginas, tying their hands and legs to the bed as they endure excruciating intercourse from their husbands, among other things (Adinkrah, 2010). When sex is performed under such duress, with such retaliation, anger, and beatings, the results may even result in divorce or separation (Adinkrah, 2010). Besides, spousal rape can make the victim a target for gossip, dread, hatred, and insecurity (Adinkrah, 2010). Spousal rape should be made a crime to spare wives from going through these painful, upsetting, and traumatic experiences (Adinkrah, 2010).

A sacrament was used to bind the wife and husband together because they owed each other a "marital debt" of sexual needs marked by "continuous" consent. This emphasizes the idea that marriage is a cultural force in which women must have a reduced expectations of sexual autonomy and where sexual relations is to be freely anticipated and accessible to spouses on demand (McDonald, 2000). The argument that "what happens among wife and husband in the bedroom is a personal matter" (Jackson, 2014) and therefore should not be criminalized serves as justification for not making Spousal rape a crime (Benjamin & LeGrand, 2012). This assertion and believe makes people, even the educated ignorant of the consequential effects of spousal rape. Thus, victims have no choice than to develop coping strategies or mechanisms.

## **2.10 Contributing factors Spousal Rape**

Sexual abuse persists because traditionally and, in some countries, if a young woman is raped, her rapist must be married to her in order to save her "honour" and relieve her parents of the loss of a maiden daughter (Tsun-Yin Luo, 2000). The raped lady has been "spoiled" to be used by her future husband, who is meant to have exclusive access to her, is one defence. A rapist can avoid punishment in some nations, including those in the Middle East and North Africa (for example, Jordan and Tunisia) and in Africa (Angola, Cameroon, Equatorial Guinea, and Eritrea). In some circumstances that are sometimes obvious only to her, a woman cannot be attracted to sex and reject her spouse. This is because males are typically more oversexed than women, and view being refused sex as an insult to their manhood (Martin et al., 2007).

Male and female bodies are intended to give and receive sexual activity, respectively, according to anatomy. Due to her background of sexual abuse as a child, the wife may not perceive having sex as a desirable or enjoyable activity. This may explain why she refuses to engage in it. She might not react to it the way her spouse anticipates. Therefore, if he is prevented from performing the action, he may not feel accepted. This could lead to conflict between the marriage, and the husband may try to push himself on the wife in an effort to get over the shame of sexual rejection (Martin et al., 2007).

When tension between the spouses rises, the husband could attempt to impose himself by putting physical pressure on the wife. The man would desire to make the claim that he is stronger than that of the woman and that she will be at his mercy forever. Spousal rape is especially degrading for women because of the intricate procedure of

insulting, abusing, and stripping the victim which she regards to be most precious. The man is violating the wife's privacy and demonstrating his dominance over her in this way (Martin et al., 2007).

A number of factors have been suggested either implicitly or explicitly as contributing factors to spousal rape. According to Adinkrah (2010), there are those related to the question of who is perceived as being responsible for the rape: is it the wife or the husband or the nature of their relationship as a couple? Presumably, women who see themselves as responsible will be less motivated than others to get protection from rape although they may themselves seek therapy. Also, some of the explanations point to temporary states or situations that might be expected to disappear over time, while others indicate more enduring or stable factors. Attributions to stable factors imply that the rapes will continue, while unstable attributions may mean that the tendency to rape is short-lived (Adinkrah, 2010). Many of these causal explanations for marital rape tend to blame the wife. A common explanation for marital rape, for instance, is that the wife does not willingly have sex with her husband. If the husband believes that his wife should be willing to have sexual relations whenever he wants them, then he will feel justified in raping her and will see her unwilling participation as the cause of the rape. This attitude is quite commonly reflected in our legal statutes; in fact, men in many states feel they have a legal right to rape their wives if they so wish (Adinkrah, 2010).

Unfaithfulness on the part of the wife is also seen by many to be justification for the husband to rape, as well as to beat, his wife. Martin et al. (2007) suggests that a woman who is raped by a stranger may be perceived as being unfaithful to her husband and therefore deserving of the latter's rape as well. Other more long-term

causal explanations implicating the wife include her lack of love for her husband, her unaffectionate nature, or her general dislike of men. Causal attributions may also be made to the husband. His drinking or temporary emotional upsets are sometimes given as reasons for his forcing his wife to have sex, even against her will (Adinkrah, 2010). More long-term factors that are cited to explain the husband's behaviour include his emotional problems, his overly sexed nature, or his enjoyment in associating violence with sexuality (Adinkrah, 2010). Finally, some causal explanations reside in the couple as a unit. The rape may be seen as a result of incompatible sex drives or more general forms of incompatibility (Adinkrah, 2010).

### **2.11 Effects of Spousal rape**

The effects of Spousal rape could be grouped into three: they include effect on the victim, effect on children and effect on the family. When Classen et al. (2005) studied rape in America using a survey, they discovered that women who were raped by their spouses or partners were in fact more likely to suffer bodily harm. Jina and Thomas (2013) reported that 72% women had painful sex and 63% had vaginal discomfort as a result of the husband's sexual abuse. Vaginal haemorrhage (37%), anal haemorrhage (30%), urine leakage (32%), abortions and perinatal mortality (20%), and unexpected pregnancies (18%) were among other issues suffered by the participants ascribed to the sexual assault. According to Eby, Campbell, Sullivan and Davidson, (1995), amongst 110 battered women, 38% had had pelvic discomfort in the six months before the interview, and 21% had experienced painful sex. Most women who are raped during marriage also undergo significant physical abuse, as observed by Jina and Thomas (2013).

According to Jina and Thomas (2013) nearly half of the women had already been compelled into having sex right away after being released from the hospital, following childbirth. Almost half of the women reported being burned, kicked, or beaten. Black eyes, shattered vertebrae, clots in their brains, and knife wounds were among the wounds suffered by severely abused and raped women (Bergen, 2006). Physical assaults are often followed by rape (Jina & Thomas, 2013).

According to Beydoun et al. (2012), women who had experienced abuse were twice as likely to put off seeking help. Although there have been little studies on wife rape and pregnancy, they hypothesize that the rate may be higher for women who were pregnant as a result of a rape (Bergen, 2016). The relationship among rape, conception, and prenatal care merits consideration given the high association between antenatal care and favourable delivery outcomes (Bergen, 2016). Anxiety, sadness, insomnia, eating disorders, lack of interest in sex, fear of males, other social phobias, substance abuse, suicidal thoughts, and Post-Traumatic Stress Disorder (PTSD) are among the psychological effects of rape (Classen et al., 2005).

There is no proof that survivors of wife rape were much less likely than victims in stranger rape to have these effects. In contrast, there is strong evidence that victims of wife rape suffer more serious psychological repercussions (Classen et al., 2005). Since women are financially dependent on their husbands for both their support and the support of their children, some abused women were hesitant to report the violence (Srivastava, 2022). Others are afraid to speak up for fear of looking foolish. Spousal rape contributes to a number of public health issues, such as poor mother and child health, recurrent STI infections, and a sustained risk of Infectious diseases (Srivastava, 2022). Aside from physical harm, other immediate effects could include a

general decrease in trust and a diminished sense of security in one's own private and personal social setting (Srivastava, 2022).

A woman may experience varying degrees of victimization following sexual assault, including insomnia, Post-Traumatic Stress Disorder (PTSD), depressed mood, substance abuse, suicidal thoughts, and chronic physical health issues (Kolade-Faseyi, 2018). She may initially be disorganized due to the sexual violence and later restructure her life and adjust to the changes made in her life as a result of the crime, while others may never fully recover. Whatever transpires, there is no denying that it will have an impact on her life (Kolade-Faseyi, 2018).

### **2.11.1. The impact of marital rape on women's health**

According to the World Health Organisation (WHO) "health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" (World Health Organization, 1995). Thus, the inter-relatedness of physical, psychological and social factors must be taken into account when assessing the impact of marital rape on women's health. According to a Ghanaian gynaecologist, cases of marital rape are common but women rarely identify or reveal the cause of their physical injuries or psychological symptoms of such trauma (Adinkrah, 2010). Often, only when a medical practitioner takes the initiative to delve deeper in order to tackle the root cause of a women's health problems, will she divulge what may be happening to her (Cole, 2020).

### **2.11.2 Physical health**

The physical consequences of rape are severe regardless of whether it occurs within marriage or not because "all sex under duress places women at risk of immediate and horrific physical injury, of pregnancy, and of sickness or death through sexually



transmitted diseases” (Pickup, Williams & Sweetman, 2001). Other effects include bladder infections, vaginal/anal stretching and bleeding, fistulas, miscarriage, stillbirths and unwanted pregnancy (Cole, 2020). Cole (2020) relayed the story of a nurse who approached him for medical assistance; while giving birth to her baby she had sustained internal tearing which had required several stitches. Despite her husband being made aware of this he forced her to engage in sexual intercourse with him and during the process tore her stitches apart. As a result, faecal matter was able to enter her vagina and cause extreme pain and infection. Out of shame and a misplaced sense of responsibility she delayed seeking medical assistance until she could bare it no longer.

A similar incident was reported by the Sackey, (2015) in which a woman’s caesarean stitches ruptured while her husband forced her to have sex with him. The spread of HIV/AIDS to women is closely linked to forced/coerced and sexual violence (Sackey, 2015). Cole (2020) described another case in which a woman would routinely come to see him to check whether she had contracted an infection or a sexually transmitted disease. When questioned about why she returned so often, she explained that her husband was a womaniser and because she was afraid of HIV, she would often refuse to have sex with him but he would force her and then she would worry that he had infected her. This not only illustrates how women are robbed of their inability to effectively protect themselves against HIV/AIDS where rape within marriage is condoned but also the psychological torment it can create.

### **2.11.3 Psychological health**

From a broader perspective, the sexual attack by a husband on his wife is indicative of an attack on women as a group through which such men seek to dominate, degrade

and render all women powerless (Cole, 2020). Women who are raped by their husbands frequently experience feelings of confusion and despair and research has shown marital violence to be the leading cause of female suicide (Cole, 2020). Short-term implications of marital rape include irritation, flashbacks, loneliness and a changed relationship with one's body and men in general which can manifest into long-term damage to a woman's fertility and sexuality (Cole, 2020). Women raped by their husbands also often experience overwhelming feelings of shame and humiliation which prevents them from seeking help, along with the fear of being further derided and humiliated by community members who misinterpret such action as being the cause of the breakdown of the marriage instead of the rape itself (Cole, 2020).

#### **2.11.4 The economic and social impact**

As with all forms of Violence Against Women, marital rape can seriously impact on women's ability to participate in social and economic activities (Cole, 2020). It can drive women into poverty by preventing them from engaging in educational and economic activities which in turn renders them vulnerable to further violence as their dependency increases. Marital rape can also directly impact on women's ability to generate income (Cole, 2020). Women with formal sector jobs may lose their posts due to absenteeism, resulting from the impact of the rape and fear that others may find out and ostracise them while those in the informal sector, such as traders may also find that the physical and psychological impact of the rape limits their ability to generate income (Sackey, 2015). Failure to acknowledge and address marital rape can have serious repercussions on sexual violence within society more broadly. As Peter Volk, a researcher specialising in rape at Frieberg University's Institute for Forensic Medicine in West Germany says as long as rape within marriage remains permissible, criminal rape must be viewed as the mere tip of an iceberg which will only disappear

once the idea of the constant sexual availability of the woman has been made baseless (Norton, 2009).

Children are also made to engage in sexual actions against their will (Jina & Thomas, 2013). Unfortunately, very little has been documented regarding the impact of spousal rape on children, with the exception of the observation that raped/battered women are much more violent toward their children than only battered mothers (Johnson, 2006). Even when the parents think otherwise, children are frequently aware of the arguments between their parents. Children who see their parents physically abusing one another are more likely to engage in physically violent relationships as adults. It is possible that youngsters who see their parents engaging in sexual assault are more likely to date people who abuse others sexually as adults (Johnson, 2006).

There have been little studies on the effects of wife rape on families. Numerous marriage problems are inevitable (Martin et al., 2007). However, Heaney et al. (2008) looked at the social inclusion and isolation of the family and discovered that neither factor was connected to rape in households where there had also been domestic violence. Heaney et al discovered that rape affected marriages were much more likely to experience ongoing arguments over money, friends, kids, drinking, drug use, and domestic abuse (Heaney et al., 2008). The woman with her children might feel constantly threatened both during the day and at night as a result of the wife rape. Women have talked about coping strategies including waiting till the husband has fallen asleep. As a result, the home atmosphere where wife rape occurs becomes more unequal, frightening, constantly dangerous, and filled with a sense of losing close relationships (San Vicente et al., 2019). All family interactions as well as family functioning in many other areas are likely to be significantly impacted by this.

According to some studies, women who have been raped or physically abused are more likely to have left their spouses at least once or to be considering doing so (Bergen, 2006; Johnson, 2006; Heaney et al., 2008; Edward et al., 2011). Since spousal rape can make it harder for women to care for their children, children in homes where it happens frequently experience the psychological impacts of witnessing violence (Bergen, 2006).

Rape has also been linked to depression, as it can result in feelings of worthlessness, poor self-image, and feelings of shame and guilt. Some women who have experienced spousal rape reported having flashbacks, sexual problems, and emotional distress (Edward et al., 2011).

According to Smith (2004), victims of spousal rape also frequently endure various types of physical and psychological violence. Smith (2004) indicated that Spousal rape is not an isolated occurrence but rather a manifestation of a wider pattern of violence within a relationship. Another study showed that the physical and psychological impacts experienced by victims of spousal rape and victims of stranger rape are comparable (Martin et al; 2007).

Some women give in to sex since it is simpler than arguing; others do so out of fear of what might occur. Also, others do so because they have already suffered violence and wish to prevent it in the future (Martin et al., 2007). The majority of the time, these interactions was not often marked by physical force, simply enough verbal aggression to create a culture defined by dread. A victim of a stranger's rape could exhibit outward manifestations of her resistance. A married woman might be less able to demonstrate evidence of physical threat, coercion, or force (Benjamin & LeGrand, 2012).

## **2.12 Intervention with Marital Rape Survivors**

It has been well-documented in the study of violence against women that rape is a largely under-reported crime (Cook, Gidycz, Murphy & Koss, 2011). Survivors of marital rape may have a particularly difficult time reporting their experiences of sexual violence given the public perception of marital rape in this culture and a woman's relationship with her assailant (Bergen, 2006; Edward et al., 2011). Women raped by their husbands may hesitate to report because of family loyalty, fear of their abuser's retribution, fear that they will not be believed, inability to leave the relationship, or they may not know that rape in marriage is against the law (Bergen, 2006; Felson et al., 2002; Edwards et al., 2011). A final compelling reason for women's under-reporting is that many do not define their experiences of forced sex in marriage as rape. Some believe that sex in marriage is an obligation and define forced sex as a "wifely duty," not rape (Bergen, 2006). Basile (2002) found that 61% of women who had unwanted sex with their partners did so out of a sense of obligation. If they do not define their experiences as rape, women are unlikely to report the violence or seek outside assistance. Research indicates that when women do seek assistance for marital rape, there is often a failure on behalf of others including police officers, health care providers, religious advisers, advocates, and counsellors to provide adequate assistance (Basile, 2002). Furthermore, there is a need for programs that work with abusive men to address sexual violence (Basile, 2002).

### **2.12.1 Police**

There has been a limited amount of research that has assessed the adequacy of police response to the problem of marital rape. However, the majority of women reporting their assaults to the police in studies by Bergen (2006); Johnson (2006) and Edward et al (2011) found the police to be unresponsive. Johnson (2006) argues that police

officers are less responsive to survivors of marital rape than they are to battered women. Bergen's (2006) interviews with marital rape survivors reveal that when police officers learn that the assailant is the woman's husband, they may fail to respond to a call from a victim of marital rape, discourage her from filing a complaint, and/or refuse to accompany her to the hospital to collect medical evidence.

However, Bergen's (2006) research also indicates that a positive police response can legitimize women's experiences of sexual violence and is extremely important in helping women to find resources to begin healing. Stermac et al. (2001) found that compared to victims of other types of sexual assault, victims of spousal sexual assault were more likely to be accompanied by police for emergency medical care and to have forensic evidence collected. Recommendations for police departments include educating officers about the laws in their state; teaching officers how to sensitively ask women about sexual violence when they respond to domestic violence calls; confronting sexist attitudes that assume women are the property of their husbands; holding police departments accountable for their non-responsiveness; and involving more women police officers in domestic violence and rape cases (Bergen, 2006; Edwards et al., 2011).

### **2.12.2 Health care providers**

Given the physical trauma that marital rape survivors often experience, seeking health care from a variety of sources including family practitioners, emergency room personnel, and obstetricians/ gynaecologists is essential. However, few researchers (Jackson et al., 2014) have examined how medical services are provided to women who have been raped by their partners and it is not clear how often marital rape survivors seek medical assistance or how services are provided when assistance is

requested. For example, Jackson et al. (2014) found that women who were sexually assaulted by their husbands and former husbands were significantly less likely to seek medical care than women who were assaulted by strangers. In contrast, the findings by Stermac et al., (2001) indicate that survivors of marital sexual assault (compared to women raped by boyfriends or acquaintances) were more likely to be accompanied by the police for emergency care, physical exams, and forensic evidence collection. Each of these steps is important particularly if criminal charges are filed (Jina & Thomas, 2013; Jackson et al., 2014). Recommendations for health care providers include systematically asking women about their experiences of sexual violence with their partners; assessing for physical and sexual abuse during pregnancy (Yilo et al., 2016; Jina & Thomas, 2013) conducting thorough examinations; testing for sexually transmitted diseases; and collecting forensic evidence (Jackson et al., 2014; Stermac et al., 2001). Medical professionals who work with battered women should be particularly cognizant of screening women for unwanted pregnancies, STDs, and HIV/AIDS given the high risk of sexual assault among battered women (Bennice & Resick, 2003; Wendt et al, 2014). Additionally, medical professionals should be prepared to offer information and community resources if women disclose their experiences of sexual violence (Bennice & Resick, 2003).

### **2.12.3 Religious advisors**

Many women do not feel comfortable contacting the police, and alternatively choose to speak with their religious advisers. Researchers have found that support for women in violent relationships is not always forthcoming from religious advisers. In a study of battered women, Heaney et al. (2008) found clergy members as the least helpful of those to whom they had turned for assistance. The emphasis of some religious institutions on wives' responsibility "to obey their husbands" and the sinfulness of

women's refusal to have sexual intercourse with their husbands perpetuate the problem of marital rape. Thus, it is particularly important for religious leaders to hold men accountable for their sexually violent behaviour and to challenge the ideology that perpetuates victim-blaming (Adams & Pyke, 2010; Bennice & Resick, 2003). There is a particular need for religious leaders to end the silence surrounding rape in intimate relationships and publicly "name" this form of violence and acknowledge its prevalence within their communities (Adams & Pyke, 2010). There are several recommendations offered by Armstrong et al (2018) and Adams et al. (2008) for religious advisors to assist marital rape survivors, including; inviting women to speak about their experiences of sexual violence, helping women to name their experiences "rape," focusing on the responsibility of the abuser, not the wife, and working to challenge social conventions that perpetuate marital rape.

Research indicates that historically, many of these organizations failed to adequately address the problem of marital rape (Jina & Thomas, 2013; Bergen, 2006; Bergen 2004). A recent survey of battered women's shelters and rape crisis centres in the United States by Bergen (2005a) revealed several deficiencies in the services being provided. For example, less than half of battered women's shelter programs (31%) and rape crisis centres (49%) provide specific training on marital rape to their staff members and volunteers. Bergen's research also revealed that only 5% of battered women's shelters and rape crisis centres provide a support group specifically for marital rape survivors. Interviews with survivors of marital rape indicate that they often perceive their experiences and needs as different as women who have been physically abused or raped by someone other than their partner (Bergen, 2006; Martin et al., 2007).



Although rape crisis centres and battered women's shelters routinely ask women about previous experiences of sexual and physical violence, slightly more than half (55%) regularly ask women about experiences of marital rape (Bergen, 2006; Martin et al., 2007; Jina & Thomas, 2013). Sensitively asking questions specifically about marital rape is critical because women are unlikely to volunteer this information on their own. Furthermore, merely asking if one has "ever been raped?" is insufficient because so many marital rape survivors do not identify sexual violence as rape. Instead, women should be asked questions such as if their partners "have forced them to do things sexually they are uncomfortable with," "pressured them to have intercourse," "had sex with them while they were asleep," "forced them to have sex against their will" and so forth (Bergen, 2006; Martin et al., 2007; Jina & Thomas, 2013).

### **2.13 Summary of Literature Review**

This chapter presents the literature relevant to the study. The study was underpinned by the Universalist and Cultural Relativist theories. Universalism is the idea that moral principles apply to everyone regardless of differences. The idea that women are less valuable because of their sexual differences with males has almost always been connected to inequality. Thus, the foundation of contemporary human rights law is Universalism (Varenes, 2006). The theory of cultural relativism, indicates that moral principles and rights can only be understood in the context of a particular culture. This idea is employed to comprehend the actions, convictions, and viewpoints of others.

Reviewed literature showed that spouses have several negative Perspectives about spousal rape. Edwards et al. (2011) found that any woman who experience sexual abuse in marriage have had few sexual encounters or abusive relationships with other

partners. Some women think that having violent sex during marriage is "natural" or unavoidable. Survivors of wife rape claim that their spouses have referred to them as cold or sexually insufficient for just not "enjoying" forced sex, or that they have been told it is their job. Women who have limited knowledge of or experience with sexuality are much more likely to think that forced sex during marriage is acceptable and not "true rape" (Bennice & Resick, 2003).

Reviewed literature on spousal rape as a human right violation indicated that women have historically had no recourse against their husbands' sexual pressure in many civilizations. Due to historical and present-day social, economic, and political subjugation of women in most nations, women are particularly susceptible to violence in close relationships and lack of legal recourse for it (Randall et al., 2017). As they had completed legal rights to his own property, including the body of his wife, it was impossible to prosecute a man for spousal rape because of the socially constructed legal system (Banda, 2015). Women continue to be treated as personal property or property in nations where marriage includes financial or material exchanges like bride-price or dowry (Banda, 2015). Women have historically been viewed as property, owned dependents, and not as autonomous creatures. They have become married couple's property by virtue of the dowry or bride price given to their parents as well as the marriage vows of "to have and to hold" (Leeson, 2013).

Review of the causes of spousal rape also indicated that number of factors have been suggested either implicitly or explicitly by various researchers as causal factors in marital rape. According to Adinkrah (2010), there are those related to the question of who is perceived as being responsible for the rape: is it the wife or the husband or the nature of their relationship as a couple? Presumably, women who see themselves as

responsible will be less motivated than others to get protection from rape although they may themselves seek therapy. Also, some of the explanations point to temporary states or situations that might be expected to disappear over time, while others indicate more enduring or stable factors. Attributions to stable factors imply that the rapes will continue, while unstable attributions may mean that the tendency to rape is short-lived (Adinkrah, 2010). Many of these causal explanations for marital rape tend to blame the wife. A common explanation for marital rape, for instance, is that the wife does not willingly have sex with her husband. If the husband believes that his wife should be willing to have sexual relations whenever he wants them, then he will feel justified in raping her and will see her unwilling participation as the cause of the rape. As mentioned above, this attitude is quite commonly reflected in our legal statutes; in fact, men in many states do have a legal right to rape their wives if they so wish (Adinkrah, 2010). Unfaithfulness on the part of the wife is also seen by many to be justification for the husband to rape, as well as to beat, his wife. Martin et al (2007) suggests that a woman who is raped by a stranger may be perceived as being unfaithful to her husband and therefore deserving of the latter's rape as well. Other more long-term causal explanations implicating the wife include her lack of love for her husband, her unaffectionate nature, or her general dislike of men. Causal attributions may also be made to the husband. His drinking or temporary emotional upsets are sometimes given as reasons for his forcing his wife to have sex, even against her will (Adinkrah, 2010).

According to the World Health Organisation (WHO) “health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” (World Health Organization, 1995). Thus, the inter-relatedness of physical, psychological and social factors must be taken into account when assessing the impact

of marital rape on women's health. According to a Ghanaian gynaecologist, cases of marital rape are common but women rarely identify or reveal the cause of their physical injuries or psychological symptoms of such trauma (Cole, 2020). Often, only when a medical practitioner takes the initiative to delve deeper in order to tackle the root cause of a women's health problems, will she divulge what may be happening to her (Cole, 2020).



## CHAPTER THREE

### METHODOLOGY

#### 3.0 Introduction

This chapter outlines the research method, the research design, the population under study, the sampling procedure, and the method used to collect the data. The reliability and credibility of the research instrument were also addressed. Ethical considerations pertaining to the research and the limitations of the Research and Directions for Future Research were discussed.

#### 3.1 Research Philosophy

The study adopted naturalistic paradigm. Naturalism is a philosophical position adopted by researchers who approach philosophy from a scientific point of view (Holstein, Gubrium, Denzin & Lincoln, 2013). Naturalistic researchers describe and measure behaviours of people as it occurs in their everyday lives (Bogdan & Biklen, 1997). Naturalistic researchers believe that in the real world, events and phenomena cannot be singled out from the content as they are extricable related and understanding involves the interrelationships among all of the parts of the whole. Naturalistic research takes place in real-world settings and the researcher does not attempt to manipulate the phenomenon of interest (Bogdan & Biklen, 1997).

This paradigm was adopted because the researcher intentionally aims at focusing on the findings in relation to spouses in the Effutu Municipality, as claimed by Creswell and Creswell (2018). Creswell and Creswell (2018) further argued that researchers who use naturalism paradigm do not attempt to generalise findings of the study to a universe beyond that bounded by the study. Moreover, the researcher purposed at the commencement of the study to allow issues that would emerge from the data

collection to unfold as the study progresses, hence, the use of naturalism paradigm (Bogdan & Biklen, 1997). Naturalistic paradigm enables a researcher to have in mind to have a direct contact with the participants of the study during data collection process (Kusi, 2012). Moreover, the interview questions posed to solicit information enabled further deliberation by participants and thus allowed the study to uncover important information on the topic which helped in answering the research questions as argued by naturalistic researchers such as Kusi (2012).

### **3.2 Research Approach**

The research study was qualitative in nature. O'Neill (2006) explained that qualitative research usually achieves a greater level of depth when fewer participants are studied. Seeing that qualitative research methodologies allow “sensitive subjects” to be approached in sensitive ways for the researcher to employ personal skills to help lessen the difficulties of their subject matter.

Also, Holstein, Gubrium, Denzin & Lincoln, (2013) explained that by using qualitative research methods, researchers aim to gather rich data which provides an understanding of experiences of the participants. This allows researchers the opportunity to study things in their natural settings, attempting to make sense of it in terms of the meanings the subjects bring to them. The researcher attempted to gain in-depth understanding of the participants' experiences of spousal rape hence framing the researcher's study within a qualitative research framework was appropriate.

Moreover, Henning (2004) asserted that in qualitative research studies the variables are usually not controlled because the freedom and natural development of action and representation is what the researcher is inclined to capture. Also, the qualitative researcher “collects words (text) and images (pictures) about the central phenomenon

and this is collected from people immersed in the setting of everyday life in which the study is framed” (Maree, 2007, p. 98). Seeing that spousal rape, was a possible everyday life experience for the participants, by adapting this research approach, the researcher aimed to capture data were a true reflection of their reality.

Wolfe et al (2006) explained that one of the major distinguishing characteristics of qualitative research is the fact that the researcher “attempts to understand people in terms of their own definition of their world which means that the focus is on an insider-perspective rather than an outsider-perspective” (p. 67). This qualitative approach therefore has the capacity to enable the researcher to explore the experiences of spouses by looking at the causes and effects from their perspectives. It was upon these reasons that the study used qualitative research approach.

### **3.3 Research Design**

The study used phenomenological research design. According to Kusi (2012), phenomenological design can be used to explore the experiences of the participants. Patton (2002) stated that phenomenological studies have become an important research method, especially in instances when one needs to understand specific phenomena in depth. Bogdan and Biklen (1997) also argued that “researchers in the phenomenological approach do not assume they know what things mean to the people they are studying but attempt to gain entry into the conceptual world of their subjects in order to understand how and what meaning they construct around events in their daily lives” (p. 23).

Phenomenology, as a qualitative research approach, seeks to understand individuals' lived experiences of a particular phenomenon. In the context of studying spousal rape and its impact on women's human rights in the Effutu Municipality, a

phenomenological approach would involve exploring the subjective experiences, perceptions, and meanings attributed to spousal rape within this specific cultural and social context (Smith et al, 2009).

Patton (2002) noted that a phenomenological study is one that focuses on descriptions of what people experience and how they experience what they experience. A dimension of phenomenological design is the assumption that there is an essence to shared experience. Kusi (2012) also asserted that in a phenomenological study, there is the need to conduct an analysis of the experience so that the rudimentary elements of the experience that are common to members of a specific society can be identified. Kusi (2012) added that phenomenology aims at gaining a deeper understanding of the everyday experiences of a group of people.

The phenomenological design was considered the most appropriate for the study because it helped the participants to share their lived experience with regards to their experiences of spousal rape (Creswell, 2014). Further, the use of this design helped the participants to construct their own world. The use of this design helped the researcher to understand people's meanings. This design helped the researcher to understand the participants perspective of spousal rape, causes of spousal rape and its effects.

Moreover, the use of phenomenological design helped the study to adjust to new issues and ideas as they emerged (Kusi, 2012). Again, the use of phenomenological design helped the researcher to gather data which were seen as natural rather than artificial (Creswell & Creswell, 2018). In furtherance, through the use of this design, the study was able to provide rich and complete description of human experiences and



meanings. That is findings were allowed to emerge, rather than being imposed by the researcher (Creswell, 2014).

Phenomenological analysis involves identifying and analyzing patterns, themes, and essences within participants' descriptions of their experiences. This work seemed to uncover the commonalities and differences in how women perceive and make sense of spousal rape within the Effutu Municipality context (Creswell et al, 2017). Through a phenomenological lens, researchers would interpret the findings to elucidate the lived experience of spousal rape among women in the Effutu Municipality. This interpretation would focus on understanding the meaning and significance of spousal rape in relation to women's human rights within this specific cultural and social context (Giorgi, 2009).

This study also used a case study method which is particularly helpful when the context of the incident being researched is crucial and the researcher has little influence over how the events will play out according to Ritchie and Lewis (2003). The case study was employed to explore married couple's perspectives on spousal rape in the Effutu Municipality of the Central Region. This approach was chosen to conduct a systematic analysis and gain a comprehensive understanding of why women's rights continue to be violated despite the existence of numerous human rights laws.

According to Seidu (2012), research design refers to the techniques and methods utilized to collect data. De Vaus (2001) defined research design as the overarching method used to combine the many study components in a logical and cohesive manner. The design serves as the manual for gathering, measuring, and analysing

data. Every study's architecture is formed by it, and it also outlines how the research will be put together (Kumar, 2011).

A case study was used as the research design for the investigation. A case study, according to Gall, Gall, and Borg (2007), is an in-depth examination of one or more occurrences of a phenomena in its actual setting and reflects the viewpoint of those involved in the event. Mohajan (2018), indicated that a case study is a broad word for the investigation of a person, organization, or phenomena. This supports Simon's (2009) assertion that case studies are essentially an in-depth examination from numerous viewpoints of the intricacy and uniqueness of a certain project, policy, institution, program, or system in real life. This indicates that utilizing a case study enables the researcher to investigate from several angles in order to gain a thorough understanding of a phenomenon, a group of individuals, or an individual. Case study design uses open-ended questions that reveals new or unexpected phenomena and raises more questions through thorough and open-ended inquiry (Yauch & Steudel, 2003; Creswell, 2009). Case study offers extensive and thorough knowledge about the affected populations, enabling researchers to investigate the viewpoints of both homogeneous and heterogeneous groups of people in order to clarify this disparate point of view within a community.

The case study approach was chosen in order to learn more in-depth about the reality of the issue being researched. In order to better understand why women are still raped in marriage notwithstanding the implementation of laws to prevent this act, and to come up with alternative strategies for assisting women to stand up for their rights and eradicate spousal abuse in the Effutu Municipality. The case study design was used to collect all the necessary information on the phenomenon under examination, the study

specifically chose the case study Perspectives of spousal rape in the Effutu Municipality which served as the study's case. The Effutu Municipality's four main zonal areas were the sites of the study. The method enables comprehension of the intricate social phenomena of spousal rape.

Phenomenological Design focuses on exploring and understanding the experiences and perceptions of individuals regarding spousal rape. It aims to uncover the essence of these experiences from the participants' perspectives. While Case Study examines specific instances of spousal rape as it provides a comprehensive analysis, including their context, dynamics, and outcomes.

In the context of spousal rape in the Effutu Municipality, choosing these designs is to explore the shared experiences of individuals and conduct detailed analysis.

### **3.4 Research Setting / Map of the Study Area**

The Effutu Municipality is one of the 22 administrative districts in the Central Region of Ghana. It is situated between latitudes  $5^{\circ}16'$  and  $20.18''$  N and longitudes  $0^{\circ}32'$  and  $48.32''$  W of the eastern part of Central region. The Municipality lies between the Gomoa West District, Apam, to the western, Gomoa central, Afransi, to the north and Gomoa East, Potsin, to the eastern flanks. On the southern flank is the Gulf of Guinea. Winneba covers a total land area of 95 square kilometers (Ministry of Finance and Economic planning, 2023), Data from the 2021 Population and Housing Census indicates that the Municipality has a population of 108,798 which represents 3.1 percent of the population of the Central Region (GSS, 2021). The Municipality has fourteen settlements which are clustered around the Municipal capital, Winneba. There are four zonal councils in the Municipality namely; 1. Nsuekyir/Gyahadze

Zonal Council, 2. Kojo-Beedu North/Low-Cost Zonal Council, 3. South-East Winneba Zonal Council and 4. South-West Winneba Zonal Council.

The Municipality is generally low lying with granite rocks and isolated hills around Winneba. The two major rivers; Ayensu and Gyahadze drain the Municipality and enter the sea at Warabeba and Opram respectively. The Municipality was carved from the then Awutu-Effutu-Senya-District Assembly and it was established by the Local Government Act (Act 462) and L.I.1860 in 2007.

The Municipality has one paramountcy located at Winneba. The Effutu Traditional Council has 77 shrines and groves, with the most popular shrine being Penkye-Otu which is located at Penkye. It is known that it served as a pathfinder for the indigenous people when they migrated from the northern part of Ghana to their present-day location. Christianity is the dominant religion while other faiths include the Islam and Africa Traditional Religion (ATR). The major economic activities in the Municipality are fishing, wholesale/retail trade, services, manufacturing, salt mining (white gold), crop farming and agro-processing. Fishing, farming and related work are the leading economic activities in the Municipality. These are followed by services with salt mining along the coast of Winneba and Warabeba. The fishing industry is very prominent in the coastal communities of Winneba, Akosua Village and Warabeba within the Municipality.

The population of the Effutu Municipality is 108,798; made up of 49 percent males and 51.2 percent females. The population of the Municipality constitutes 3.1 percent of the total population of the Central region. The distribution of the population reveals that the percentage of females 51.2% is higher than that of the males 48.8% with a sex ratio of 91.6 males for every 100 females (GSS, 2021). The Municipality has a

youthful population with the population below 15 years constituting one third of the total population. The Municipality has a dependency ratio of 61, implying that every 100 persons aged 15-64 support about 61 people (Persons below 15 years and those above 64 years) (GSS, 2021). This is lower than the regional average of 81.4 and the national average of 76. The urban and rural dependency ratios are 59.0 and 96.4 respectively, implying that there are more dependants in the rural localities than in the urban areas. The dependency ratio among the female population is slightly higher 61.4 as compared to the male dependency ratio of 60.6 in the Municipality (GSS, 2021).

More than one third 36.9% of the population aged 12 years and older is married and 12.4 percent are in consensual unions. Persons who have never been married also constitute more than one third 38.6% of the population aged 12 years and older (GSS, 2021).

A higher proportion of the males 47.0% have never been married than females 31.7. Females 5.3% are more likely to divorce than males 2.2%. The same can be said for the widowed population, where the percentage of females widowed 9.8% is higher than males 1.5%. Consensual union is also higher among the female population 13.4% than male 11.1% (GSS, 2021).

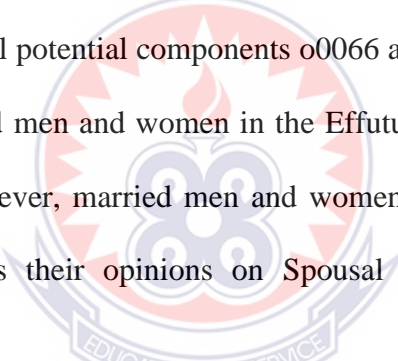
### **3.5 Researcher's Role**

The researcher was responsible for maintaining the rigor and credibility of various aspects of the research. First and foremost, the researcher was responsible for ensuring the integrity of the research. The researcher ensured integrity in the choice of design, methods, instruments, credibility, dependability, and transferability. The researcher relied on her honesty, competence and openness to ensure a credible study. Also, the researcher ensured effective monitoring and reduced bias. To reduce bias on

the side of researcher, the researcher adopted a well-thought-through interview guide reminding herself of the errors likely to suffice in the collection of data or responses for the study. Furthermore, the researcher developed competency in method for effective data collection. The researcher ensures this by explaining the study without bias to participants, conducting interview according to the design and interview guide, making appropriate analysis and interpreting data for the study. Finally, the researcher presented findings of the study by writing the project report avoiding biases and yet exercises professionalism in writing and presentation of report.

### **3.6 Population**

According to Thacker (2020), population refers to a whole set of individuals with distinct features thus, all potential components o0066 a specific area of interest for the researcher. The married men and women in the Effutu Municipality were the study's target population. However, married men and women living in all four zonal zones and willing to express their opinions on Spousal rape made up the accessible population.



Population, as defined by Korb (2012), is the group of individuals about whom the researcher hopes to reach conclusions at the end of the investigation. Population, according to Levitt (2021) is the group that the researcher is interested in or that the researcher seeks to generalize the findings of the study to. The population refers to the entire collection of pertinent instances, cases, or people who meet a specified criterion. It may be a family, a nurse, a trader, a farmer, a teacher, a student, etc. (Puopiel, 2014). According to McMillan and Schumacher (2001), the target population is the total set of people or things that researchers are interested in extrapolating the findings from. There are eighteen (18) electoral areas in the Effutu

Municipality and all eighteen are within the four zones in the Municipality. The researcher therefore selected all four (4) zones for the study: Gyahaadze /Essuekyir, Kojo Beedu, South West and South East. The rationale for selecting these zones was as a result of getting the full representation of all people within the Effutu Municipality. Both men and women were targeted because they would be able to provide relevant information concerning spousal rape and diagnose the extent to which these women maybe abused in their marriages.

### **3.7 Sample and Sampling Technique**

Sharma (2017) argues that a study's population could be too big for a certain type of research. According to Seidu (2012), the sample used in the study and analysis is a relatively small fraction of the population. Fraekel and Wallen (2003) define sample, however, as a group from which data is collected. Sampling is the process a researcher uses to compile subjects, locations, or objects for investigation. It involves choosing a number of people or things from a population so that the chosen group contains aspects that are representational of the traits present in the full group (Orodho & Kombo, 2002). According to Seidu (2012), sampling is the process of choosing a sample from the population.

Based on a qualitative study, the purposive sampling was used, which is also consistent with Fraenkel and Wallen's statement that practically all qualitative research uses purposive sampling. Cohen (2007) describes purposeful sampling as a sort of sampling whereby researchers handpick the cases to be included in the sample based on their assessment of their typical or lack of a particular attribute being sought. Married people were chosen by means of cluster sampling from each zonal council.

However, these married women were chosen based on recommendations from the zonal council chairs.

Additionally, a convenience sampling technique was utilized to pick three married individuals from each zonal council to represent the study's participants. Participants who are easily accessible or readily available towards the researcher are chosen for convenience sampling. In convenience sampling, researchers choose subjects based on the goals of the study with the assumption that each participant will contribute information that is useful to the study (Suen, Huang & Lee, 2014). Convenience sampling made it possible to include people who could be easily reached and were interested in participating in the study. Using this non-probability sampling strategy, the researcher can conveniently choose people who have a basic understanding of the subject in order to gain relevant data and. A sample size of twelve (12) participants comprising of three (3) participants from each of the four zonal councils was drawn.

### **3.8 Instrumentation**

Interview guide was utilized in the data collection process to ensure accurate and sufficient information pertinent to the study. This instrument was used to speed up data collection since it allowed the researcher to ask questions and encourage participants to express their opinions by putting them in close visual and verbal contact with each other. By learning about these women's perspectives on Spousal rape in the Effutu Municipality, the researcher was able to gather first-hand information. The participants had the chance to discuss ideas with the researcher about how to handle the issue of spousal rape in the Municipality.



### 3.8.1 Interviews

An interview guide was used to collect the data. This data collection instrument involves questioning distinguished by the use of verbal questions as a primary method of data collection (Monday, 2020). It entails asking interviewees questions and listening to their responses in person. One of the main benefits of interviews is that they can be useful for learning in-depth information on Perspectives, feelings, and ideas as well as permit more in-depth queries. Interview allows more detailed questions to be asked and usually achieve a higher response rate. Also, body language and facial expressions are more clearly identified and understood.

A semi-structured interview guide was used as the data collection tool for this study. According to Nico (2016), using such instrumentation is ideal for a qualitative study since it gives participants some latitude to ask for clarification on questions, and allow them to freely express their opinions on the subject matter in a manner that feels natural to them. To acquire information specifically about the experiences, expectations, ideas, behaviour, beliefs, and perspectives of the participants regarding why the occurrence of spousal raped in their marriages, the researcher used a semi-structured interview.

Semi-structured interviews, according to O'Leary (2005), are arguably best viewed as flexible because they are neither totally fixed nor fully free. Interviews typically begin with a predetermined plan of questions, but they later shift to a more conversational format where questions may be answered in a manner that fits the conversation's natural flow. They may also begin with a few clearly stated questions, but they should be prepared to follow up on any intriguing digressions that may arise (O'Leary, 2005).

The interview method of data collection was chosen by the researcher because it made it easier to learn in-depth details about the participants' thoughts, opinions, and personal feelings. Furthermore, it facilitated the posing of specific inquiries. The instrument has a flaw in that participants may misrepresent information for obvious reasons, such as prejudice brought on by the researcher's presence. To give this study the legitimacy it deserves, the researcher was as meticulous and objective as possible. This was done by conducting a comprehensive review of existing research to ensure the study is grounded in established knowledge and addresses any gaps in the literature. In employing a well-defined research methodology, and following strict ethical guidelines, such as obtaining informed consent from participants, ensuring confidentiality, and avoiding conflicts of interest, data accuracy was carefully obtained to contribute to the meticulousness and objectivity required to give the study the legitimacy it deserved.

### **3.9 Data Collection Procedure**

According to Burton et al. (2014), many academics believe that data collection is where the "genuine" research happens during a project. The study's instrument was an interview guide. According to Van Dijk (2014), the appeal of face-to-face, semi-structured interviews stems from the belief that the participant's opinions will be more fully articulated than they would be during a non-face-to-face survey. Jacobson et al (2007) noted that qualitative research uses interviews with open-ended questions to gather information about participant meanings, or how people see the world and interpret or make sense of the significant events in their lives. When in-depth information about people's ideas needs to be gathered, interviews are a suitable way. Interviews are helpful when the subject of the inquiry involves matters that call for in-depth questions and extensive examination. Therefore, it is appropriate that the

researcher chose to use interviews for the study. The most popular method for carrying out a systematic inquiry is a face-to-face interview, which most social scientists perceive as lens on the world (Holstein & Gubrium, 2007).

An introductory letter from the Director of the Centre for Conflict Human Rights and Peace (CHRAPS), University, of Education, Winneba, was obtained to seek permission from participants. One week from the day of presenting the permission letter was agreed upon by the researcher and participants for the interviews. After securing the permission, preparations were made to conduct the interviews on the agreed date and time. The venue and time for the interviews were planned in advance and agreed upon by the researcher and participants. In few cases where participants could not make it to the pre-arranged venues, home visits were arranged.

Also, participants were assured of confidentiality of their responses and that the information they provided would be used in a responsible way (for academic purposes only). They were further informed of their right to withdraw from the study at any stage should they wish to do so without prejudice. Moreover, participants were also assured that precautions would be taken to protect their anonymity. Interviews were personally conducted which took the face-to-face approach. Face-to-face interviews allowed the researcher to listen carefully to the views of the interviewees and establish rapport. The advantage of individual face-to-face interviews over group interviews is that in group interviews, participants may be influenced by others and may feel the need to conform.

Interviews were guided by the prepared semi-structured interview guide. Questions were asked in the participants' preferred language (English language for literates and Fanti language for semi-literate and illiterates) to ensure good understanding by all

participants and to avoid sample bias. In order to avoid boredom, the interviews took 20 minutes for each of the participants. Participants were asked similar questions and probes were used for all participants. Audio recording only commenced after obtaining participants permission. Likewise, the researcher did not record the stories of participants who did not permit the researcher to do so. Also, field notes were taken in the form of jotted notes as the interviews continued. A day and time were set aside for the participant interviews by the researcher. Married individuals from all four zonal councils in the Effutu Municipality were given the opportunity to participate in an interview so they could share their experiences with the subject under investigation. The interview with the participants took place on the scheduled date and time, and a set of predetermined questions being asked in a methodical and predictable order. Audio and manual recording formats were used. It was not necessary to rearrange sessions because the researcher was confident that the participants would be available to respond. The goal of the face-to-face engagement was to facilitate the participants' full participation and expression of their concerns regarding the topic under study.

For those who were not willing to participate, the researcher respected their decision and ensured that their privacy and autonomy were maintained. No pressure or coercion was applied to encourage participation. The researcher focused on the willing participants to gather data, recognizing that their voluntary contributions would still provide valuable insights for the study. As argued by Nyumba et al. (2018), interviews are commonly utilized as a qualitative strategy to develop a thorough grasp of social issues. Married individuals in the Municipality were interviewed in order to get their personal anecdotes, beliefs, Perspectives, and attitudes in respect of spousal rape.

### **3.10 Data Analysis**

Thematic analysis was used by the researcher to analyse the data. According to Polit and Beck (2008), the analysis of qualitative data is a proactive and process of interaction where information is carefully examined, reread, and inspected in order to thematically analyse the data.

Data were transcribed by focusing on the key elements in the narrative that highlighted the aims of this research. Personal and identifying details were left out which ensured the anonymity of the participants. Additionally, only those direct quotes deemed necessary were included in the transcription. This helped to create data that were as close as possible to the recorded voices and field notes.

Data were grouped according to themes and analysed in terms of these themes. According to Gilbert (2016), deductive codes originate from the researcher, for example concepts or theory in the research literature. Collins et al. (2010) described qualitative coding as a process of conceptualising the data. The researcher aims to organise the data so that he or she has a sense of the scope and coverage of the data set. Qualitative coding also facilitates understanding, because it suggests ways in which the data can be organised (Kusi, 2012; Collins et al., 2010). Inductive codes emanate directly from the data and were developed by noting the issues raised by participants (Gilbert, 2016). Inductive codes were extremely valuable as they reflected issues that were important to participants, which may be different from those anticipated by the researcher.

The researcher followed the following processes in analysing the data in themes as indicated by Lincoln and Guba (1985):

- i. Data familiarisation: At this stage, the researcher organised data from field notes and audio recordings of interviews from participants into transcripts and reread the transcripts several times.
- ii. Code formation: After the transcription of the data, the researcher organised the data by coming up with codes which imaged the transcripts.
- iii. Identifying Theme: The researcher then transformed the codes into specific themes or categories.
- iv. Refining the themes: At this stage, researcher sorted out the themes. Also, the researcher checked for repetitions, similarities and differences that emerged so as to refine the data.
- v. Defining and naming themes: During this stage, the researcher finally refined and defined the themes for the analysis.
- vi. Reporting: At this final stage, the researcher went through the defined and named themes which were used in the findings and discussion section under Chapter Four of the study.

The analysis of the study's findings led to the creation and discussion of overarching topics. The researcher adopted a strategy that involved carefully reading the amassed data, which aided in the execution and description of many new patterns and themes. The research questions developed to direct the study, as indicated in chapter one, served as the basis for the data presentation and analysis which were also in accordance with the research instruments utilized to gather the data. The fourth chapter of this study presents and discusses the findings.

### **3.11 Trustworthiness**

Trustworthiness, according to Lu, Kong, Ferrin and Dirks (2017), is a set of norms that respects participants morally through research sensitivity to the topic and situation. The researcher used validation from participants as well as a tape recording of the interview to make sure the study's data were reliable. The participants were given access to the recorded interviews in order to verify the validity of their answers. A trustworthy and valid measure is the goal of any research project (Rebson, 2002). Clarifying the questions for the interview subjects and training the researcher to be familiar with potential issues are two examples of how to address these issues. A verbatim tape transcription was given to participants to validate their responses after the interviews. Greeff (2002) pointed out that this allows the information to be clarified and elaborated.

The four different components of trustworthiness, according to Veal (2011), Bryman (2012), and Loh (2013), are (a) credibility: the veracity of the findings; (b) transferability: the suitability of the findings for use in other contexts. Dependability refers to the consistency of the results across time, while conformability refers to the impartiality of the researcher during the study process. These four terms combined contribute to the trustworthiness requirements, establishing the traditional pillars of qualitative approach (Phillimore & Goodson, 2004).

#### **3.11.1 Credibility**

According to Silverman (2005), triangulation can be used to increase credibility, which is concerned with the belief in the veracity of findings. This means that a researcher must employ two or more ways of data collection in order to assure

credibility. This was made possible by the researcher's use of interviews to get information from participants.

Credibility is a gauge of the accuracy or untruth of the information gleaned from the research tool (Burns & Grove 2001). Credibility in this study relates to the assessment of the veracity or untruth of the issues that women who suffer rape in marriages report. In order to collect information about the causes of women being raped in marriages, a semi-structured interview schedule was employed in this study. This concept indicated the extent to which the factors, identified as reasons why women who suffered rape in their marriages, truly reflect what others perceive as reasons behind Spousal rape (Burns & Grove 2001).

### **3.11.2 Transferability**

For the procedure to be transferable, the researcher must provide a thorough description through in-depth analysis of interview transcripts, observation, and the use of purposeful sampling (Lincoln & Guba, 1985). The data sets produced by purposefully chosen participants provide tools for understanding the phenomenon and may be reproduced with people in related contexts (Stake, 2006). According to Shenton (2004), transferability refers to how well one study's findings can be used in another. In order to address this component, the data gathered from women in the Effutu Municipality took into account the factors that lead to spousal rape, the impact of such acts on spouses' human rights, and whether or not married women in the municipality are aware of the notion. The purpose of this is to describe the event and context in details that the reader and the researcher can apply relevant knowledge from the account to another setting or event.



The researcher ensured that data collected were credible and dependable by selecting participants who were or have been victims of spousal rape, and exercised professionalism in order to avoid biases in conducting the interview and interpreting interview data. Credibility and dependability were ensured to achieve transferability because Lincoln and Guba (1985) argued that to ensure transferability of an interview, researcher should go through four stages, namely; credibility, dependability, transferability and confirmability. One way to ensure transferability in a study is by purposeful sampling to form a nominated sample. Thick description of results is another way to ensure transferability in qualitative studies. Therefore, this study described not just the perception, causes and effects of spousal rape, but their experiences in context as well. In this sense, the researcher believed that the perception of participants on spousal rape would become meaningful to an outsider.

### **3.11.3 Dependability**

Dependability is a quality that is measured by how thoroughly the research findings are consistent (Merriam, 2002). According to Bryman (2012), dependability necessitates an audit trail that clearly documents all research actions and decisions in chain evidence starting with the data collection phase and continuing through the research's conclusion. This was accomplished by using three different sources of information, asking clear questions, minimizing bias, paying attention to the interview's duration, avoiding early closure, and taking other precautions to avoid participants providing unreliable information as a result of boredom brought on by an extended interview session. The instruments were supplied to the researcher's mentor so that he could provide the necessary direction for gathering pertinent data for the research.

#### **3.11.4 Confirmability**

The degree to which the study's findings and interpretation are based on "events" rather than the researcher's subjective fabrication is referred to as confirmability (Lincoln & Guba, 1985). As a result, the relationships between both the data and analysis were demonstrated, making the study process clear. A full description of the researcher's whole research process and a clear connection between the method of data collecting and the method of analysis were used in this study to address the issue of confirmability (particularly in the findings section). There are extensive appendices available as proof. By providing a thorough explanation of the selection criteria and procedures used to choose participants, the methods used to gather data, and the means of the research, researcher bias will be reduced (Lincoln & Guba, 1985). The interpretation of the data was double-checked by the researcher's academic supervisor to reduce bias and ensure consistency with the data.

#### **3.12 Ethical Considerations**

The study was directed by the participants' informed consent, confidentiality, anonymity, respect for the subjects, and avoidance of plagiarism. Fraenkel and Wallen (2003) assert that the term "ethnics" refers to moral issues. When an ethical question in research emerges, the researcher must consider whether it is moral to carry out a specific study or practice. Every researcher has a fundamental obligation to take all reasonable steps to protect study participants from any bodily or psychological harm, inconvenience, or danger that might result from research processes. Researchers must make sure that no one can access the data they have collected and, if at all feasible, the names of the participants in order to maintain confidentiality. Resnik (2005) states that, there are several reasons why it is important to adhere to ethical norms in research. He said that adherence to ethical norms:

- a) Advances the purpose of the study, such as knowledge, accuracy, and error prevention.
- b) Supports the principles of fairness, accountability, mutual respect, and trust that are crucial to effective teamwork.
- c) Ensures that researchers are answerable to the general population.
- d) Increases public support for science. If people can trust the calibre and reliability of the research, they are much more likely to back it.
- e) Supports a number of other crucial social and moral values, including civic engagement, respect for others, the care of animals, observance of the law, and general well-being.

Shamoo and Resnik (2006) listed some ethical guidelines to follow, including objectivity, honesty, care, openness, respect for property rights, confidentiality, careful publication, close monitoring, respect for peers, civic responsibility, non-discrimination, professionalism, legality, animal care, and the protection of human subjects. There was the utmost respect for participant anonymity and privacy in accordance with the aforementioned ethical standards for research. In the final study report, the researcher refrained from using the participant's name.

The University of Education Winneba's centre for Conflict, Human Rights, and Peace Studies provided the introductory letter. To persuade responders that the research was legitimate, a letter was affixed to the instruments. Information provided by individual participants was kept private and anonymous. Pseudonyms were employed to identify participants, ensuring that participants' anonymity. To ensure that the inclusion criteria are not dependent on factors such as religion, tribe, personal features, financial status, etc., all participants inside the study were chosen according to fair criteria.

### **3.13 Positionality**

Even though I am married and it is possible that I can relate to some of the participants' opinions regarding the experience in marriage. To maintain objectivity and respect on the perspectives of participants, I actively listened without judgement, acknowledged diverse opinions and prioritized their experiences and insights. I set aside my own understanding of the concept of spousal rape and was receptive to the opinions of the participants during the interview.

### **3.14 Limitations of the Current Research and Directions for Future Research**

Future research should address certain potential shortcomings with the current study. Future research should build on the findings of this study to further explore the dynamics of spousal rape in different contexts and populations. Longitudinal studies can provide deeper insights into the long-term effects of spousal rape on victims and their families. Comparative studies across different regions and cultures can identify universal patterns and unique factors that influence the prevalence and perception of spousal rape.

Future research could take a number of steps to broaden these findings. First, a replication study using a mixed method approach would make these findings stronger. Second, it would be helpful to analyse a bigger and more varied sample to see how these results would relate to a hypothetical jury pool. To find out if these biases are held by professionals as well, more investigation will be required. In order to inform people about the negative outcomes that might occur in marriages when only sexual harassment has occurred, additional research that distinguishes between the victim repercussions that follow from sexual violence and the ones that result from actual

assault would be helpful. Additionally, this study would outline the particular effects that result from the co-occurrence of both forms of violence in a marriage.

In addition, exploring the perspectives of men and understanding the socio-cultural factors that drive abusive behaviors can inform the development of more effective prevention and intervention strategies. Collaborative research involving multiple disciplines, including law, psychology, sociology, and public health, can provide a holistic understanding of spousal rape and contribute to comprehensive solutions.

### **3.15 Summary**

The procedures used to carry out the study are described in this chapter. It addressed the population, the sampling technique, the data collection tool, and the data collection procedure. It also dealt with the study design that had been used in this study. The research methodology, research environment, sample, and sampling technique have all been covered. Additionally, it has documented the tools that the researcher utilized to obtain pertinent information for the research as well as the procedures employed to collect, process, and analyse the data. The procedures that have been described demonstrate that the study was conducted thoughtfully and ethically to ensure the validity of the data and the confidentiality of the participants. The results of this study method are presented in the following chapter, along with. The next chapter present the results that were emerged from this research process the discussion of findings derived from the data collected. Measures were adhered to in order to enhance the validity and reliability of the research results. Ethical concerns which could have impacted on the survey were attended to.

## **CHAPTER FOUR**

### **FINDINGS AND DISCUSSIONS**

#### **4.0 Introduction**

This chapter presents and discusses the data on the Perspectives, causes, and effects of spousal rape in the Effutu Municipality. Interviews were used to collect the data. Married people in the four zonal councils of the Effutu Municipality served as the source of the data. Themes obtained from the analysis of the data were used to organize the presentation and analysis of this chapter.

#### **4.1 Perspectives about Spousal Rape in the Effutu Municipality**

Research question one (1) sought the Perspectives of spousal rape among married couples in the Effutu Municipality. It was appropriate to know the Perspectives of married men and women in the Effutu municipality on spousal rape. A number of questions were asked to gather participants' responses to this research question. Participants' responses were presented and organized into five (5) thematic areas.

The themes emerged were: bad sexual behaviour, abuse of one's sexual right, disregard for partner's sexual preferences or choices, uncontrolled sexual desire and threat to marital peace.

##### **4.1.1 Bad sexual behaviour**

Participants 5 and 6, perceived spousal rape as a bad sexual behaviour. Four (4) of the participants were of the view that, spouses are individuals identified by law, customary law and religiously as one hence, anything that affects the husband equally affects the wife. However, participants 1 and 3 stated that most spouses at times become so selfish that they forget to consider the sexual interest of the other which is

a bad behaviour and must not be condoned in marriages. Some excerpts of responses indicated that:

*“It is bad, individuals must have their choice when it comes to sex. Spousal rape is not good. I am unsupportive of such acts; it is not a good act and it must be condemned”.* [Participant 6]

Another participant said:

*“It is a terrible thing to do to your spouse. It’s an unacceptable behaviour in a relationship by a dominated partner used to selfishly intimidate the other person. Spousal rape is when a spouse forcefully has sex with his partner and it is total disrespect to victims”.* [Participant 3]

Another participant commented:

*“It a very bad sexual behaviour which must not be welcomed by spouses. I believe my husband has every right to my body at any time but must come to accept when I am not in the right frame of mind to have pleasure”.* [Participant 5]

*“It damages the home, brings some level of friction between the two parties: It also harms the victim emotionally. It is wrong and selfish to force a woman against her will to have sex. It could lead to emotional trauma amongst other effects. Spousal rape is basically having unconsented sex with a spouse”.* [Participant 1]

Participants perception that spousal rape is a bad sexual behaviour confirms the study of Bergen (2006) which found that spousal rape is perceived as a selfish way of satisfying one’s sexual desires. However, he concludes that, even though most couples perceived it as bad, many women buy into the fallacy that only rape committed by a stranger qualifies as rape. There is no doubt that marital rape is perceived to be a bad sexual behaviour which should not be accepted.

#### 4.1.2 Abuse of one's sexual right

It also emerged that spousal rape is an abuse of one's sexual right. Participants 2,8,4 and 1 explained that sex is a fundamental right in every marriage on the condition that it is consensual. Participants stated that, sexual intercourse that is not in the interest of one partner, is spousal rape. Some of the responses of participants illustrating the claim above include the following:

*"I have been a victim of spousal rape on several occasions but he is my husband. How can I complain or tell it to someone? Spousal rape is a great abuse that I don't pray many women experience it because it has a negative impact on relationships with partners and can live with you for the rest of your life". [Participant 2]*

*"It is very abusive to do such a thing to a woman you professed love for many years. It is a very cruel and inhuman act. Spousal rape is no different from being raped by a stranger. At least for the stranger you might not meet him again but for your husband you will have to live with him and with it all your years together which can lead to other abuses". [Participant 8]*

Other participants indicated that:

*"I have had a similar experience with my husband different times. When it first occurred, he promised it wasn't going to happen again but it happened the second time and has happened on several occasions afterwards. It is an abuse to me and it kills me even when we have consensual sex. Now, I am able to differentiate between sex that is consensual and that which is not with my partner because he is only thinking about himself and that is too abusive". [Participant 4]*



*“It is an abuse. The person is a rapist who chose to be married. I think it is not the best, everything is about communication. Both parties would have to understand each other’s wants and needs”.* [Participant 1]

Martin, Taft, and Resick (2007) found that spousal rape is recognised as an abuse of one’s sexual right. In their study, case laws reviewed such as Vishakha v. State of Rajasthan revealed that it is not explicitly stated in laws that spousal rape is an abuse of spousal right but court interpretations or rulings prove that spousal rape is an abuse of sexual right which is equally punishable as any other form of rape.

#### **4.1.3 Disregard for partner’s sexual preferences or choices**

Responses of participants also indicated that they perceive spousal rape as a disregard for one’s partner’s sexual preferences or choices. Three of the participants stated that when a spouse disregards the other’s sexual preference or choice, it tends to lead to rape. A participant said:

*“I have preferences when it comes to sex. At times I love to go all out with my husband and at times I love it when he takes charge. Mostly, he wants me to be doing all the work which I am mostly not comfortable with. To satisfy him I have to do what he wants and whenever he realises, I am not fully into the sex, his actions seem like forcing me to do what he wants and I can say it is against my will”.*  
[Participant 3]

Another participant indicated:

*“I don’t like sex at night because of the nature of my work. I come home late, prepare dishes and take care of the kids so I get to bed tired and I have to wake up very early to get the house in shape, get the kids ready for school and get myself ready for work. So normally I prefer to have sex during weekends. My husband on the other hands wants to have night sex and it very disgusting. He has no regards for my preferences even though I have made him aware of this on several occasions”.* [Participant 9]

Another participant also commented:

*“Sex ideally should be mutual and when circumstances are not favourable to both partners it should not occur. If circumstances do not favour a partner but the other forcefully have intercourse disregarding the state of the other, I think that is a rape and must be condemned by every couple”.* [Participant 10]

Participants perception that spousal rape is a disregard for partner’s sexual preferences or choices confirms a study by Kyalo (2017) which found that culprits of spousal rapes normally do not regard the condition or preferences of their partners when they want to feel sexually satisfied. Therefore, at the point of meeting their sexual desires, they end up disregarding the other partner’s desires or preferences.

#### **4.1.4 Uncontrolled sexual desire**

Again, participants 6, 3 and 2 perceived spousal rape as an uncontrolled sexual desire. Participants believe that the urge to have sex with one’s partner should only be when one’s partner is willing or ready for it and fully consent to that. They assume that if a husband cannot control his desire when his wife is not ready for sex then he cannot control his desire when another woman gives him an opportunity to have sex with her. This was evident in their responses presented:

*A man who cannot control himself around his own wife cannot control himself around other women. So, if a man cannot control his sexual desires around his wife during times that she cannot submit to his sexual demands, then I think that is a rape and should not be accepted.*

[Participant 2]

Sanchez et al. (2012) found that in Ghana, 80 percent of the surveyed population believes that husbands frequently or occasionally use force to have intercourse with their spouses. Despite this, the majority of the culture repeatedly discredits spousal rape, attributing it to the uncontrolled sexual desires of offenders. Numerous studies (e.g., Kirkwood & Cecil, 2001; Bennice & Resick, 2003) have confirmed a trend where the likelihood of an incident being characterized as rape decreases as the victim-offender relationship becomes more romantic. In such cases, the uncontrolled sexual desire is seen as a behavior, the original source of guilt shifts, and the perceived extent of harm decreases.

#### **4.1.5 Threat to marital peace**

Participants indicated that what threatens marital peace the most are usually issues pertaining to sexual intercourse among spouses. According to participants 1, 7 and 10, spousal rape is a great threat to marital peace. They stated that women are usually the spouses on the submissive end of every sexual relationship, and hence, acts of spousal rape threaten marital peace. Some of participants commented that:

*“Spousal rape is a threat to marital peace. It is equally like being raped by a stranger. When a spouse has no inner peace by not being able to live with spousal rape committed against her, then there will be no peace between the couples and in the marriage as well”.*

[Participant 1]

*“Sex destroys a lot of marriages. If sexual relationship is good, a marriage has 70% chances of succeeding or lasting for a long while. So spousal rape should never come into the scene when couples want to maintain peace in their marriages. Hence, sexual relationships or intimacy should be worked on and there will be peace between couples”.* [Participant 7]

Participants perceived spousal rape as a detrimental sexual behavior, an abuse of one's sexual rights, a disregard for a partner's sexual preferences or choices, an indication of uncontrolled sexual desire, and a threat to marital peace. They viewed spouses as individuals legally, customarily, and religiously recognized as one entity, hence, believing that anything affecting the husband equally affects the wife. However, they noted that some spouses can become selfish, neglecting to consider the other's sexual interests, which they identified as unacceptable behavior in marriages.

Additionally, participants considered spousal rape to be an abuse of one's sexual rights, emphasizing that sex is a fundamental right in marriage, provided it is consensual. They believed that any intercourse not in the interest of one partner constitutes spousal rape. Moreover, participants indicated that they perceive spousal rape as a disregard for a partner's sexual preferences or choices.

Participants also indicated that if a husband cannot control his desire when his wife is not ready for sex, he is likely unable to control his desire when another woman offers him the opportunity for sex. Furthermore, participants identified issues related to sexual intercourse among spouses as the primary threats to marital peace. The excerpts of their responses suggest that most participants perceive spousal rape as a significant threat to marital harmony. They noted that women are typically the more

submissive partners in sexual relationships, and acts of spousal rape violate their rights, thereby jeopardizing marital peace

According to some researchers, spousal rape is considered one of the most egregious assaults on a woman's bodily integrity. It is defined as a husband engaging in sexual activity with his wife under duress or without her consent (Garner, 2000). Any instance of forced sex between a husband and wife involving violence or the threat of harm is known as spousal rape. In Kenya, rape is a criminal offense that carries a prison sentence; however, marriage does not provide legal protection from rape. Rape within marriage is a form of domestic abuse that is often overlooked. Both men and women in romantic relationships can be subjected to sexual assault and coercion (Sack, 2009). Other researchers, such as Sanchez et al. (2012), assert that women who are sexually assaulted by their spouses or ex-husbands experience at least the same negative physical and psychological impacts as those assaulted by others.

Participants' perception that spousal rape is harmful and an abuse of sexual rights in marriages aligns with the findings of researchers like Sanchez et al. (2012) and Garner (2000), who observed that while rape outside of marriage is illegal and leads to prosecution and imprisonment, spousal rape is not perceived in the same way. This discrepancy is attributed to cultural, religious, and legal views on marital unions and the rights of spouses within them. Both research and the findings of this study demonstrate that spousal rape is an abuse of marital rights. However, cultural and religious norms suggest that married couples should turn to the law for justice in such cases.

## 4.2 Contributing factor to Spousal Rape in the Effutu Municipality

The aim of research question 2 was to examine the views of participants about factors contributing to spousal rape in the Effutu Municipality. A number of questions were asked to gather participants' responses on what causes spousal rape. Participants' responses were presented into six (6) thematic areas. The following themes emerged; Socio-economic problems, cultural factors, feeling of superiority or dominance, low level of marital education and understanding, and religious factors

### 4.2.1 Socio-economic factors

Participants indicated in the interview that socio-economic problems contribute spousal rape. To participants 3, 9 and 4, there are many social and economic issues (such as misunderstanding, irresponsibility of partners and financial problems) that come into play to influence the attitude or behaviour of their partners. Hence, they see sexual satisfaction as a means to clear their minds off the daily problems at home and the work place. This forces them to disregard the state or mood of their partners. Some of the participants' reported that:

*"Times are very hard and we all know that. From taking care of the home, some friends and relatives and even the church puts spouses in unbearable conditions. This is real stress and when we get home, experience will tell us to resort to having sex to free our minds and bodies. This is where the problem arises because in so far as your partner wants to get comfortable and you are not ready, they are constrained to force it and this ends into the subject we are discussing now". [Participant 3]*

*"Sex feels very good. But economic situations at times do not even make you remember there is pleasure in having sex. The problems that come with having a family at times puts you off when it's time to satisfy your partner. At times you can be having sex and when you remember*

*the bills you have to pay, you are immediately turned off and your partner will think you are not willing to satisfy him or her but the condition in the house is not favourable so they are forced to get your mind into it which causes rape”.* [Participant 9]

Another participant said:

*“Sex is important but money and a peaceful home is very important. When there are financial constraints at home, sex feels like a punishment. You feel forced when you have to have sex with your partner which should not be the case. So, for me, I think financial burdens at home can cause spousal rape. Yes, it a very big contributory factor in my opinion”.* [Participant 4]

Benjamin and LeGrand (2012) found that social and economic issues are a contributory factor to several spousal rape. They found that this is especially found in cases where the woman is the victim. They found that whenever women find their partners to be irresponsible in terms of providing for the home, they often take up these responsibilities and this makes it difficult for them to perform their duties to their partners including satisfying their sexual desires. This makes their male partners find remedy in having a forced sex with their partners.

#### **4.2.2 Cultural factors**

It emerged from participants’ responses in the interview that cultural factors also trigger spousal rape in the Effutu Municipality. Customary laws and practices place much emphasis on satisfying your partner whenever possible. Participants 7 and 2 indicated that when their husbands come to perform marriage rites, elderly women are allowed to give them marriage advices, and most of the advices focus on partners trying their best to satisfy their spouse even when they are not in the mood. Some of the participants indicated that:

*“I was fortunate, my grandmother lived to witness my marriage rites. Before I could leave for my husband’s house, she sat me down and advised me that, if I want my marriage to flourish, I should try my best to satisfy my husband whenever he wants to have sex so that I can have peace in my marriage. That advice has stayed with me all this while. I recounts several occasions where I was not in the mood at all to have sex. My husband tried to have sex with me and I denied him. I later remembered my grandmother’s advice so I had to wake him up and let him do what he wanted to do. Even though I felt bad, I just had to save my marriage”. [Participant 7]*

*“Our culture has a big influence on our marriages. It dictates almost everything we do in our marriages. From what we eat, wear, language we speak and everything we do. My culture will tell me I have to give my partner sex every time unless I have on my menses”. [Participant 2]*

A study by McDonald (2000) found that cultural factors play an important role in the sexual life of women in most cultural reserved communities. To him, women in such communities perceive that it is their responsibility to satisfy their husbands even in the most uncomfortable situations because they are culturally made to understand that they must submit to their husbands any day and time. Similarly, Stith, et al. (2004) confirms that culture dictates a lot in marriage, hence, cultures that prioritize male satisfaction generally does not identify marital rape.

#### **4.2.3 Feeling of superiority/Dominance**

Dominance in marriages according to participants’ responses result in spousal rape. To participants 3, 8 and 2, spouses who have dominance in marriage are mostly the source of spousal rape. To them, if a woman is treated as a house wife by his husband and the husband provides everything that is needed at home, the wife will find it



difficult to refuse her husband sex when she is not in the mood to have sex. Some of the participants had this to say:

*My husband takes care of most bills in the house even though I also work. We all go home at times very late and look tired. I will have to do other chores before bed and I will be extremely tired but he gets the chance to rest before I come to bed. When he feels he wants to have sex and I am tired, I still consider the stress he has to go through to foot the bills in the house and do him the favour of lying down and making him do what he wants to do. I don't like it though but he needs the motivation to keep on being the man of the home. [Participant 3]*

*"If a woman is treated as a house wife by his husband and the husband provides everything that is needed at home, the wife will find it difficult to refuse her husband sex when she is not in the mood to have sex". [Participant 8]*

Another participant said that:

*"Dominance in marriage I think can cause spousal rape when the man dominates. They want to get everything they want when they care for the home. And I think they deserve it too, but must know that women are available for them any time. So, when we can't do what they want at a point in time they should be able to agree with us". [Participant 2]*

Martin et al. (2007) opined that whenever a spouse feels superior in a marriage where responsibilities must be shared and rights must be equal, it leads to maltreatment and disregard for the other's right. To them, when there is a feeling of superiority or dominance in marriage, the "inferior" spouse has no voice or choice but to submit to the partner's demands even in uncomfortable times.

#### **4.2.4 Low level of marital education and understanding**

Participants stated that environments such as Effutu where rights and consent are not clearly understood, individuals may not recognize spousal rape as a form of violence.

The lack of awareness can contribute to the normalization of abusive behaviour within relationships. Marital rape is especially degrading for women because of the intricate procedure of insulting, abusing, and stripping the victim which she regards to be most precious. He is violating her privacy by demonstrating his dominance over her in this way. Some excerpts under this thematic area are presented below:

A participant stated that:

*“When there is a misunderstanding or conflict between the couple, it’s not likely the women would consent to have sex with her husband. The husband might also need the sexual intercourse and would leave him no choice but to rape his wife”*. [Participant 4]

Other participants indicated that:

*“Most often the lack of understanding between couples causes spousal rape. This to me is as a result of low levels of marital education”*. [Participant 8]

*“I agree that all the problems of marriage are as a result of little misunderstandings that grow to become hatred. Most couples don’t get education on sex and that is causing a lot of spousal rape”*. [Participant 2]

Benjamin and LeGrand (2012) found that understanding of spousal responsibilities and rights in marriages enable couples to play their role in effectively in their marriages and also respect the rights of their spouses. They confirm that when spouses become ignorant of the other’s rights especially with regards to sexual rights and preferences it accounts for marital rape.

#### **4.2.5 Denial of Sex**

Participants 1, 6 and 7 also identified other factors that fuel spousal rape. From their responses, it was deduced that denial of sex can exacerbate existing issues, leading to

coercion or violence. This may lead to their partners refusing to consent sex with them, but rather having forced sex with partners. Also, participants indicated denial of sex leads to forced sex. Some of the female participants' responses include the following:

*“There is a lot that couples must learn about sex and how it is better achieved through consensus. To me, married couples need a lot of marital education”.* [Participant 6]

*“I remember I promised my husband that I will deny him sex whenever he takes alcohol. And this helped check his drinking but I suffered because whenever he drinks and wants to have sex, he ends up forcing me”.* [Participant 1]

Another participant indicated that:

*“Such acts at times make me to deny him sex”.* [Participant 7]

Martin et al. (2007) found that it is for several reasons spouses deny their partner sex. They attributed these to alcoholism, unfaithfulness, relationship problems, communications issues, irresponsibility among others. This confirms the findings of this study that victims deny offenders sex as a form of punishment or create the awareness that something is wrong.

Also, it emerged from participants' responses to interview question that cultural factors cause spousal rape. Customary laws and practices place much emphasis on satisfying your partner whenever possible. Most participants indicated that when their husbands come to perform marriage rites, elderly women are allowed to give them marriage advices with some citing that, most of the advices focuses on partners trying their best to satisfying their partners even when they are not in the mood themselves.

Dominance in marriages according to participants' responses causes spousal rape. To participants, spouses who have dominance in marriage are mostly the source of spousal rape. To them, if a woman is treated as a house wife by his husband and the husband provides everything that is needed at home, the wife will find it difficult to refuse her husband sex when she is not in the mood to have sex. Most participants opined that when there is tension between the spouses, the husband could attempt to impose himself by putting physical pressure on the wife. The male would like to imply that the female is weaker than him and vice versa. Participants also identified other factors that cause spousal rape between couples.

Several studies contend that male and female bodies are intended to give and receive sexual activity, respectively, according to anatomy. Because of her background of sexual abuse as a child, the wife may not perceive having sex as a desirable or enjoyable activity. This may explain why she refuses to engage in it. She might not react to it the way her spouse anticipates. Therefore, if he is prevented from performing the action, he could not feel accepted. This could lead to conflict between the marriage, and the husband may try to push himself on the wife in an effort to get over the shame of sexual rejection (Martin et al., 2007).

When tension between the spouses rises, the husband could attempt to impose himself by putting physical pressure on the wife. The man would desire to make the claim that he is stronger than that of the woman and that she will be at his mercy forever. Contributing factors of spousal rape identified by participants in the Effutu Municipality confirm the causes identified by several researches on the topic. Martin et al. (2007), Wingood et al. (2000), Coker et al. (2000) identified dominance, social, economic, cultural, and religious factors as the main contributing factor of spousal

rapes in marriages. However, it was found that contributing factors of spousal rape in the Effutu Municipality generally depend on the background of the spouses.

### **4.3 Human Rights Effects of Spousal Rape**

This research question sought to explore the human rights effects of spousal rape in the Effutu Municipality. The participants were first asked about the effects of spousal rape despite the long-standing misconception that being raped by a partner is indeed a relatively small incident that causes little stress. Research shows that marital rape frequently has serious and enduring effects for women. It is normal to find it difficult to accept the idea that one's spouse is able to commit rape. (Bergen, 2006). This intensifies any already strong feelings one may already be having in relation to the sexual attack itself (Bergen, 2006). A number of questions were posed to gather participants' responses to this research question. Participants' responses were presented in five (5) thematic areas.

#### **4.3.1 Destruction of healthy sexual relationship between couples**

Participants stated that spousal rape destroys the healthy sexual relationship between couples. The responses reveal that spousal rape breaks the intimacy formed between couples. Some participants indicated that:

*“It is bad and must not be encouraged. Personally, I think it is not a good practice. It is unacceptable and needs to be checked. The person may be ignorant of the consequences but the effects will be visible enough to destroy even the most nurtured relationship. Spousal rape in my opinion is a catalyst to destroying a healthy sexual relationship especially when a partner is sexually and emotional sensitive to what happens during intercourse”.*

[Participant 4]

*“Healthy sexual relationships are crucial in marriages today. Unlike in the past, when wives had no option but to satisfy their husbands, things have changed, and spouses must recognize and adapt to these changes. Failure to do so can lead to significant problems in marriages, including emotional distress, mental health issues, and even physical health complications, which can ultimately end in separation or divorce. Nobody wants to be sexually disrespected, and an unhealthy sexual relationship can be deeply damaging, feeling almost like a form of rape.”* [Participant 2]

Some women give in to sex since it is simpler than arguing; others do so out of fear of what might occur. Also, others do so because they have already suffered violence and wish to prevent it in the future (Martin et al., 2007). Most of the time, these interactions were not often characterized by physical force, but rather by sufficient verbal aggression to create a culture of dread. A victim of a stranger's rape could exhibit outward manifestations of her resistance. A married woman might be less able to demonstrate evidence of physical threat, coercion, or force (Benjamin & LeGrand, 2012).

#### **4.3.2 Emotional and mental trauma**

Spousal rape traumatizes the mental and emotional being of victims. To participants 5 and 10, nobody marries his or her enemy. So, couples mostly come together out of love and as a result of a future they envision together. Therefore, when acts such as rape committed in marriage, they feel the love they shared with their partner is no more, hence, they become mentally and emotionally traumatized. Some of the responses of participants include the following:

*“When we fall in love, we become addicts and will not want to harm each other. Hence, we become mentally and emotionally attached. But when acts of rape come into the scene, there is friction, which*

*breaks the mental and emotional attachment we developed for each other. This causes emotional and mental trauma to the extent that some spouses have to go for therapy to recover such situation”.*

[Participant 5]

*“Every negative energy from a loved one especially people you have chosen to spend your whole life with has emotional and mental complications. Spousal rape can cause trauma in spouses especially in women. Women suffer the most when it comes to acts of rape because we are very emotional and affectionate”.* [Participant 10]

From a broader perspective, the sexual attack by a husband on his wife is indicative of an attack on women as a group through which such men seek to dominate, degrade and render all women powerless (Cole, 2020). Women who are raped by their husbands frequently experience feelings of confusion and despair and research has shown marital violence to be the leading cause of female suicide (Cole, 2020).

#### **4.3.3 Strained relationships**

Also, participants indicated that spousal rape strains relationships. If a spouse in just a few seconds forgets how far they have come with their partner and sexually abuses them, then that long-established relationship becomes strained. Some of the participants indicated that:

*“I am very sure my relationship with my husband will definitely be bad when such a thing happens. I can’t stand his face. I am not sure I can mingle with him for some time. Our relation and union will definitely not be good”.* [Participant 9]

*“My husband has been my childhood friend. We attended the same junior high school but he was my senior at school. He was my sister’s classmate so we were good friends. He listens a lot but I realised he wasn’t a good listener when he wanted sex and I wasn’t ready for him.*

*That was how my relationship with him has not been any good till today*". [Participant 6]

There have been little studies on the effects of wife rape on families. Numerous marriage problems are inevitable (Martin, 2007). However, Dobash, et al., (2003), looked at the social inclusion and isolation of the family and discovered that neither factor was connected to rape in households where there had also been domestic violence. The woman with her children might feel constantly threatened both during the day and at night as a result of the wife rape.

#### **4.4.4 Loss of respect and confidence**

Participants 3 and 9 indicated that spousal rape leads to the loss of respect and confidence in marriages. A female participant believed that if her spouse respects her, he would not disrespect her by forcefully having sex with her. Disrespecting the sexual preferences of a spouse makes the other partner lose confidence in the marriage. A participant stated that:

*"I felt really disrespected when my husband did that to me. I have given him the respect every husband deserves in a marriage. I don't remember thinking twice about him but from the day he did that, he lost my respect. Similarly, I feel disrespected too. This has created a lot of tension between him and me"*. [Participant 3]

Another participant indicated that:

*"Spousal rape has serious consequences on marriages. Marriages go far when the woman has a lot of respect for the man. Whenever respect falls short in a marriage, everything changes or gets bad. Spousal rape can really affect the respect in marriage and the confidence women have in their marriages"*. [Participant 9]



#### 4.4 Summary of Chapter

Participants viewed spousal rape as unacceptable sexual behavior, an abuse of sexual rights, a disregard for a partner's sexual preferences or choices, a sign of uncontrolled sexual desire, and a threat to marital harmony. They expressed that spouses are legally, culturally, and religiously recognized individuals, meaning that what affects one partner equally impacts the other. However, many participants noted that spouses can sometimes become so selfish that they neglect the sexual interests of their partner, which they consider inappropriate and intolerable in a marriage.

Additionally, participants identified spousal rape as an abuse of sexual rights. They attributed the causes of spousal rape to various socio-economic factors, noting that social and economic pressures can influence their partner's behavior. Many participants saw sexual satisfaction as a way to relieve the stress of daily problems at home and work. Cultural factors were also highlighted as contributing to spousal rape, with customary laws and practices often emphasizing the importance of satisfying one's partner whenever possible.

Dominance in marriages according to participants' responses causes spousal rape. To participants, spouses who have dominance in marriage are mostly the source of spousal rape. To them, if a woman is treated as a house wife by his husband and the husband provides everything that is needed at home, the wife will find it difficult to refuse her husband sex even when she is not in the mood to have sex. Analysis of the effect of spousal rape in the Effutu Municipality revealed five (5) main themes which include destruction of healthy sexual relationship between couples, emotional and mental trauma, stained relationship, loss of respect and confidence, and other effects. Most participants opined that spousal rape is a destruction of healthy sexual

relationship between couples. Responses reveal that spousal rape is a destruction to intimacy formed between couples. Spousal rape traumatizes the mental and emotional being of victims. To participants, nobody marries his or her enemy. Couples mostly come together out of love and as a result of a future they envision together. Therefore, when such acts are committed against them, they feel the love they shared with their partner is no more hence they become mentally and emotionally traumatized.



## **CHAPTER FIVE**

### **SUMMARY, CONCLUSION AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter presents the summary, conclusion and recommendations of the study.

#### **5.1 Summary of research**

This study sought to explore people perspectives of spousal rape in the Effutu Municipality. Specifically, the study sought to explore Perspectives of spousal rape, examine the contributing factors of spousal rape and investigate the human rights effects of spousal rape on spouses in the Effutu Municipality. the study was based on the theories Universalism and cultural relativism. The interpretive research paradigm served as the philosophical premise for the study. This study employed a case study design. The study was carried out in all four zonal areas; Gyahaadze /Essuekyir zone and Kojo Beedu, South West and South East Zones in the Effutu Municipality. Purposive sampling was used based on a qualitative of the study. Interview guide was the main instrument employed in data collection. Data collected were analysed using thematic and content analysis. The findings from the study were presented and supported with subjective views of the participants.

#### **5.2 Key Findings**

##### **5.2.1 Perspectives of Spousal rape in the Effutu Municipality**

Participants perceived that spousal rape is a/an; bad sexual behaviour, abuse of one's sexual right, disregard for partner's sexual preferences or choices, uncontrolled sexual desire, and threat to marital peace. Participant support for rape myths was quite low, indicating that societal Perspectives of sexual abuse may be changing for the better.

### **5.2.2 Contributing factors of Spousal rape in the Effutu Municipality**

Socio-economic factors, cultural factors, feeling of superiority or dominance, low level of marital education and understanding, religious factors, and denial of sex were identified as the causes of spousal rape in the Effutu Municipality. The man's role of superiority in traditional homes, which was ruled by power and control, or which believed that the woman must react to his sexual advances regardless of the setting and circumstances in which they were made, resulted in spousal rape. Men did not consider the consequences of unwanted sexual contact and women were oblivious of the abuse. Men still seek to be in charge despite recent changes in society and the independence of women, frequently criticizing their life partners' choices.

### **5.2.3 Human Rights Effects of Spousal rape in the Effutu Municipality**

Destruction of healthy sexual relationship between couples, emotional and mental trauma, strained relationship, loss of respect and confidence were identified among others as the effect of spousal rape in the Effutu Municipality. Undoubtedly, having sex is a normal part of marriage, but using aggression or force during sex without consent violates the wife's physical integrity and emotional stability.

## **5.2 Conclusion**

The study on spousal rape in the Effutu Municipality reveals profound insights into the perceptions, causes, and effects of this severe issue within marriages. Participants overwhelmingly perceive spousal rape as detrimental sexual behavior, an abuse of one's sexual rights, a disregard for a partner's sexual preferences or choices, an indication of uncontrolled sexual desire, and a threat to marital peace. They emphasize that spouses, as individuals recognized by law, custom, and religion, are equally affected by actions within the marriage. However, selfishness in neglecting

the sexual interests of a partner is identified as unacceptable behavior that should not be condoned in marriages.

A significant finding from the participants' responses is the influence of socio-economic and cultural factors on spousal rape. Many participants believe that socio-economic pressures, such as daily problems at home and the workplace, lead to seeking sexual satisfaction as a means to alleviate stress. Additionally, cultural norms and customary laws that emphasize the importance of satisfying one's partner whenever possible also contribute to the occurrence of spousal rape. Dominance in marriages further exacerbates this issue, with participants noting that a spouse who holds dominance, particularly in providing for the household, often becomes the source of spousal rape. The expectation for a wife to comply with her husband's sexual demands, even when she is not in the mood, underscores the power imbalance that perpetuates this abuse.

The effects of spousal rape in the Effutu Municipality are multifaceted and deeply damaging. The analysis revealed five main themes: the destruction of healthy sexual relationships between couples, emotional and mental trauma, strained relationships, loss of respect and confidence, and other detrimental impacts. Participants highlighted that spousal rape erodes the intimacy and connection formed between couples, leading to the breakdown of a healthy sexual relationship. The mental and emotional trauma experienced by victims is profound, as acts of spousal rape shatter the trust and love that initially brought the couple together. This betrayal leaves victims feeling that the love they shared with their partner is irrevocably lost, causing significant psychological distress.

In conclusion, the study underscores the urgent need for addressing spousal rape as a critical issue that violates human rights and disrupts marital harmony. Efforts to combat this problem must involve a multifaceted approach that includes legal reforms, community education, and support services for victims. By acknowledging the socio-economic, cultural, and power dynamics that contribute to spousal rape, stakeholders can develop targeted interventions to protect the rights and well-being of individuals within marriages. The findings of this study call for a collective effort to create a society where marital relationships are based on mutual respect, consent, and equality, ensuring a safe and supportive environment for all spouses.

Addressing spousal rape requires a concerted effort from all sectors of society. By recognizing and addressing the complex factors that contribute to this abuse, we can create a safer and more just environment for all individuals within marriages. The findings of this study highlight the critical need for legal, social, and cultural changes to protect the rights and well-being of spouses, ensuring that marital relationships are based on mutual respect, consent, and equality. Through sustained advocacy, education, and support, we can work towards eliminating spousal rape and promoting healthy, respectful, and fulfilling marital relationships.

### **5.3 Recommendation**

The study made the following recommendations:

#### **5.3.1 Recommendations for Professionals**

1. All women who appear with marital problems should have their potential for spousal rape evaluated by the clergy. It is crucial for clergy to acknowledge the experiences of spousal rape victims since many women seek for spiritual support and counselling first. Therefore, it would be vital for clergy to refute

victim-blaming ideologies that might have resulted from conventional readings of religious teaching.

2. Legal and criminal justice specialists can also help victims of spousal rape. Most people who have reported their assaults appear to have considered the police to be indifferent. Police officers should be prepared to respond in an affirming and appropriate manner when responding to domestic violence complaints and should be aware of the high occurrence of spousal rape inside the setting of physical abuse.
3. Law enforcement officers must offer to drive a lady to the doctor for a rape kit if she reports a spousal rape. Lawyers should be alert to this problem and assist in making the proper referrals as they may run into marital victims of rape in divorce cases.

### **5.3.2 Government**

1. The government should criminalize spousal rape to dispel the frequent misconception that matrimonial sacredness shields a husband from being suspected of and held responsible for the assault of his own wife.
2. Furthermore, it should be highlighted that merely eliminating the exclusion might not be sufficient based on Ghana's experience. Therefore, it's equally important to make it clear that a spouse can face legal consequences for raping his wife. Since criminalization alone will not result in substantial change, the government should collaborate with civil society organizations to increase public awareness.
3. The government should also create initiatives to inform women and girls across the nation on their constitutional protections and other legal protections for women under other laws of the country and how they can enforce them.

### **5.3.3 Civil Society Organisations (CSOs)**

1. Local CSOs can collect more data to more clearly demonstrate the frequency of the issue because collecting statistical evidence is also essential to arguing for the criminalization of Spousal rape.
2. CSOs in general can help by participating in initiatives that are intended to improve the economic empowerment of women. For instance, health projects performed by NGOs can role is to ensure integration by offering trainings for staff and community on the detrimental health implications of Spousal rape.
3. Non-governmental organizations (NGOs) that are engaged in educating the public about spousal rape and campaigning for reform must be given more room by the government.

### **5.3.4 Education**

1. In order to be empowered and have more options, which ultimately lead towards the rejection and abandonment of all forms of violence, education is essential. Understanding makes it easier to spot any type of violence. Education is crucial because it enables people to make wise choices that affect many aspects of their lives, including their sexuality. It has been discovered that empowered women (including those who are educated, wealthy, and employed) are more outspoken about their rights to reproduction and sexuality and better in bargaining for safer sexual encounters than their less powerful peers. Educators, community leaders, policymakers and advocacy groups should work together to empower women on the essential of education.
2. Increased family planning education is necessary because some women only decline their husbands' company out of real concern for an unintended pregnancy since they are typically the only ones responsible for child care. Due to the many



birthing methods, midwives must advise first-time moms on when it is both practically and medically safe to allow them to continue sexual activity after giving birth.

3. Practically, husbands need to be informed about when it is appropriate to resume regular sexual activity after their wives are released from the hospital following childbirth. This will lessen the misunderstandings that have developed as a result of inherited cultural myths and conventional ideas about sex after motherhood.



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## **APPENDICES**

### **APPENDIX A**

#### **INTERVIEW GUIDE**

##### **UNIVERSITY OF EDUCATION, WINNEBA**

#### **Introduction**

Dear participant, my name is Maame Essie Aikins. I am an MPhil student of the University of Education, Winneba pursuing a Human Rights, Conflict and Peace Studies at the Centre for Conflict, Human Rights and Peace Studies. This study seeks to explore how spousal rape is perceived among married people in the Effutu Municipality. The purpose is to fulfil a part requirement for the award of an MPhil Degree in Human Rights, Conflict and Peace Studies in the University of Education, Winneba. Hence, this study is purely intended to satisfy an academic requirement. I would therefore like you to participate in this study by responding to the questions on this interview guide in order to enable me satisfy this requirement. Your confidentiality and anonymity would be guaranteed. Feel free to express your views in relation to the questions on this interview guide. You have the right to withdraw from the study or stop the interview if you are no longer interested in participating. Please, I would like you to give me your consent to proceed with the interview.

#### **1. What are your Perspectives of spousal rape?**

- a) What are your views about someone raping his/her spouse?
- b) Is forceful sex with your spouse good or bad?
- c) Is forceful sex with your spouse acceptable?
- d) Is it right to forcefully have sex with your spouse?
- e) Do you think spousal rape is a threat to marital peace?

- f) Does spousal rape contribute to divorce or breakdown of marriages?
- g) Do you think spousal rape is a violation of the principles and values of marriage?

**2. What do you think are the contributing factors to spousal rape in your community?**

- a) What do you think influence men to forcefully have sex with their spouse against their wish?
- b) Why do you think men rape or forcefully have sex with their spouse?

**3. What are the effects of spousal rape on the human rights of the victim?**

- a) Do you think spousal rape have negative effects on the human rights of victims?
- b) How does spousal rape affect the human rights of the victim?
- c) Mention some of the human rights that spousal rape tends to undermine?

