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# Sexual and reproductive rights violations at sexual debut of male and female adolescents in Ghana

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## Abstract

**Objective:** To examine the social and ethical challenges in enforcing sexual and reproductive rights of male and female adolescents abused at sexual debut in Ghana.

**Methodology:** This was a secondary analysis of cross-sectional survey data on 278 sexually experienced male and female teenagers from 12 communities selected by cluster random sampling in the Ejisu-Juben district. We extracted relevant data from a 2009 academic thesis project involving 481 respondents. We assessed differences between sexual debut experiences of males and females using Pearson's chi-square and ANOVA tests. *P*-values  $\leq 0.05$  were considered significant.

**Results:** Mean ages at sexual debut for males and females were  $16.05 \pm 1.8$  and  $15.98 \pm 1.47$  years respectively ( $P=0.719$ ). Adolescents of both sexes experienced defilement and forced sexual debut; similar proportions had early sexual debut. Females who had early sexual debut were more likely than their older counterparts to have low educational attainment and induced abortion.

**Conclusions:** Many male and female adolescents experience sexual and reproductive rights breaches at sexual debut. Prevailing circumstances hinder optimization of sexual and reproductive rights of juveniles in Ghana. We recommend making clear provisions for young persons in the law on sexual offences in the criminal code to facilitate development of interventions to improve access to justice for offenders and victims.

## KEYWORDS

Adolescents; Defilement; Ejisu-Juaben; Ghana; Reproductive Rights; Sexual debut

## 1 | INTRODUCTION

Many young people experience sexual violence at sexual debut. This socially unacceptable form of domestic violence has capricious reproductive rights implications. Sexual debut could be early, normative or late when it occurs at ages less than 15, 15–19 and above 19 years respectively.<sup>1</sup> Adolescents who have late sexual debut are likely to acquire more education, earn more money, have fewer sexual partners and, later, more stable marriages.<sup>2,3</sup> Several inter-related community and personal factors influence age at sexual debut among male and female adolescents.<sup>4,5</sup>

Generally, consequences of sexual and reproductive rights abuses vary depending on socio-cultural setting, timing and circumstances under which they occur. In sub-Saharan Africa, sexual debut for boys and girls occur between 15 and 18 years of age. It is often associated with sexual coercion with variable legal implications, depending on the jurisdiction.<sup>6,7</sup> Across the continent, age of sexual consent varies from 11 years in Nigeria to 18 years in Benin, Ethiopia and most other countries, and to when the adolescent gets married in Sudan.<sup>6,7</sup> Albeit, the wide range of age of sexual consent, sexual and reproductive rights infractions involving young

persons and relevant penalties have not been fully examined in the African sub-region.<sup>8,9</sup>

In Ghana, age of sexual consent is 16 years, making any sexual act with a child below 16 years of age a statutory rape or defilement with a minimum of 7 years' imprisonment of the offender, if found guilty.<sup>10</sup> From section 97 of the Criminal Offences Act (Act 29), defilement is a first degree felony that requires mandatory prosecution.<sup>10</sup> Indeed, defilement is the second most common reason for incarceration in Ghana.<sup>11</sup> The application of the law to enhance sexual and reproductive rights of young people requires exploration. The law is gender neutral and recognizes that boys and girls are susceptible to sexual exploitation.

The present study assessed the differences between sexual debut circumstances of male and female teenagers. It examined rate of defilement and forced sexual debut, the perpetrators and challenges in enforcing state laws, and policies to ensure optimum sexual and reproductive rights of male and female adolescents in Ghana.

## 2 | METHODS

This was a secondary analysis of data from a household cross-sectional survey of male and female teenagers, aged 15–19 years from 12 urban and rural communities selected by multi-stage cluster sampling from the Ejisu-Juaben district. Variables of interest in this analysis, including demographics, age at sexual debut, partner's age, relationship, circumstances and reason for engaging in sexual relationship were extracted from the data of the original project, an academic thesis that was conducted in 2009.<sup>12</sup>

Using SPSS version 16 we made layer-by-layer analyses while correcting for gender and age of individuals and their sexual debut partners. Main outcome measures were having had sexual intercourse and age at first sex. In conformity with local laws, early sexual debut was defined as first instance of sexual intercourse occurring at any age less than 16 years, and a child was defined as an individual less than 18 years of age. Unacceptable socio-legal circumstances of sexual debut included engagement in sexual debut at an age less than 16 years or with a partner less than 16 years old, or, by force, or, without consent as indicated by respondents. Factors associated with sexual debut were examined using Pearson's Chi-square test and ANOVA, where appropriate. The strength and direction of correlation of age of sexual debut and age of sexual partner as well as educational attainment of respondents were assessed using Spearman Correlation coefficient. All computations were done at 95% confidence level interval. *P*-values  $\leq 0.05$  were considered significant.

### 2.1 | Ethical Issues

Ethical clearance was obtained from the Committee on Human Research, Publications and Ethics of the Kwame Nkrumah University of Science and Technology, School of Medical Sciences and Komfo Anokye Teaching Hospital Kumasi, Ghana.

## 3 | RESULTS

### 3.1 | Background Characteristics

Of 481 teenagers included in the main survey 278 (57.8%) had experience with sexual intercourse and this group constituted the sample for the current analysis. It was made up of 112 (51.6%) males and 166 (65.1%) females; their mean ages were 17.63 (SD: 1.26) and 17.97 (SD: 1.19) years respectively. The median ages of both boys and girls were 18.0 years. The male and female respondents did not differ in their residential and care status; similar proportions came from rural and urban communities. They did not differ in their educational attainment, but at the time of the survey more males than females were in school (Table 1).

The mean ages at sexual debut were similar for the male and female teenagers studied. The minimum ages at sexual debut were 10 and 12 years for males and females respectively. The age specific rate of sexual initiation among the teenagers was positively correlated with age of both sexes ( $P < 0.001$ ). By 15 years of age, 26.1% of females and 11.5% of males had had sexual debut.

Of the 278 respondents, 264 indicated their ages at sexual debut, while 14 declined. Of the 264, 90 (34.09%) experienced sexual debut at ages below 16 years; this group consisted of 54 females and 36 males. The males and females had similar mean and median ages at sexual debut. Additionally, there was no significant difference between the proportions of males and females who had sexual debut at ages below 16 years (34.3% vs 34.0%;  $P = 0.957$ ). Also, teenagers who had sexual debut below 16 years and their older counterparts did not significantly differ in their residential and care status.

Overall, 250 respondents indicated the ages of their partners at sexual debut; 49 (19.6%) of the partners were less than 16 years of age. Thus, at sexual debut of 278 teenagers in this study, at least 90 of them and 49 of their partners were defiled; 32 being minors aged less than 16 years. Significantly more males than females had sexual debut with partners less than 16 years of age (42.6% vs 4.0%;  $< 0.001$ ). Partners of female respondents were significantly older than partners of male respondents (mean ages: 19.74 vs 16.14 years;  $P < 0.001$ ). Twenty-six (53.06%) were adult males aged 18–40 years. No female respondent who had sexual debut at ages 16 years and above had a male partner less than 16 years of age. Conversely, of 36 male respondents who had sexual debut at ages below 16 years, 26 (72.2%) had female partners who were less than 16 years. Only five (5.1%) adult female partners (18–30 years) had sex with minor males aged less than 16 years. Although, there was strong positive correlation between age at sexual debut of the respondents and the age of the partners, the correlation is stronger for males than females. Thus, male teenagers were more likely than the females to have sexual debut with partners closer in age ( $r_s$ : 0.515; vs 0.333;  $P < 0.001$ ).

For the majority, 106 (65.6%) females and 69 (65.1) males, sexual debut occurred in courtship while in 56 (34.6%) females and 37 (34.9%) males sexual debut occurred in other relationships. These included acquaintances, employers, teachers, family members, “sugar daddies” and spouses (Table 2). Two hundred and twenty-four had

**TABLE 1** Background characteristics of sexually exposed male and female teenagers studied.

Variable	Female n (%)	Male n (%)	Total	P-value
Age in years				
Mean (SD)	17.97 (1.19)	17.63 (1.26)	17.77 (1.24)	0.672
Median	18	18	18	—
Residence				
Urban	30 (18.1)	22 (19.6)	52	0.742
Rural	136 (81.9)	90 (80.4)	226	
Live with				
Both parents	44 (26.9)	30 (26.8)	74	0.959
Other relatives	122 (73.5)	82 (73.2)	204	
Care status				
Both parents	36 (21.7)	30 (26.8)	66	0.327
Other relatives	130 (78.3)	82 (73.2)	212	
Highest level of education completed				
Nil	18 (10.8)	9 (8.0)	27	0.393
Primary	15 (9.0)	5 (4.5)	20	
Junior high	97 (58.4)	70 (62.5)	167	
Senior high	36 (21.7)	28 (25.0)	64	
Currently in-school				
Yes	48 (28.9)	47 (42)	95	0.024
No	118 (71.1)	65 (58.0)	183	

consensual sexual debut while 39 (14.0%) consisting of 28 (17.6%) females and 11 (10.6%) males were forced; 15 (5.4%) declined to comment. Of 24 females who were forced, 10 (41.67%) and 6 (25%) of the perpetrators were casual friends and boyfriends respectively. For 10 male respondents who were forced, seven (70.0%) and three (30.0%), the perpetrators were girlfriends and casual friends respectively. The females were more likely to be sexually assaulted in casual relationships than in courtship, whilst the males were more likely to be sexually molested in courtship than casual relationships (Table 2).

Teenagers who had experienced sexual intercourse were less likely to be living with or receiving care and support from both parents ( $P < 0.001$ ) than those in other social and household support systems. Also, more females (87) than males (13) gave need for financial support as a reason for entering sexual relationship with someone of the opposite sex (62.1% vs 14.4%;  $P < 0.001$ ). Other reasons given included love, companionship; need to satisfy sexual desire, peer pressure, and, rarely, early marriage. Similarly, sexually exposed teenagers were more likely to be out of school compared to being in school. There was significant strong, negative correlation between age at sexual debut and educational attainment of female teenagers in this study ( $r_s = -0.305$ ,  $P < 0.001$ ). However, there was no significant correlation between age of sexual debut and educational attainment of male teenagers.

In all, 96 (57.8%) females had experienced pregnancy 61 (36.7%) had experienced an induced abortion and 64 had a child (Table 3). Those who had early sexual debut were more likely to have experienced pregnancy ( $P = 0.033$ ) and to have had an induced abortion ( $P = 0.049$ ) than their older counterparts.

## 4 | DISCUSSIONS

This analysis and more recent studies show that many male and female adolescents in Ghana experience socially unacceptable sexual debuts that could negatively affect advancement of their sexual and reproductive rights.<sup>13,14</sup> Serious forms of these experiences included rape and defilement to which the poor and female minors were vulnerable as affirmed by this study. However, it is necessary to target both sexes in designing interventions to address problems of adolescent sexuality since mean ages at sexual debut for boys and girls do not significantly differ.<sup>15</sup>

The observed vulnerability of the girls to sexual abuse by boys less than 18 years of age and adult men bears resemblance to the pattern of sexual assault across Africa.<sup>16,17</sup> Clearly, high rates of rape and defilement associated with sexual debut raises questions about availability and accessibility of appropriate courts in developing settings to ensure fair hearing of cases to uphold sexual and reproductive rights of young people. Obviously, 17.6% of girls and 10.6% of boys who indicated experiencing forced sexual debut suffered sexual assault, a serious criminal offence that requires a court trial under Ghanaian law. Perpetrators, if found guilty, are liable to a minimum of 5 years' imprisonment if the victim is 16 years and above, and 7 years if the victim is younger.<sup>10</sup>

A legitimate question to ask is: will it be socially and ethically justified to strictly apply the law on defilement to juveniles in this study? Clearly, this will throw many boys and girls into jail and will certainly

**TABLE 2** Chi-square analysis of sexual debut among male and female adolescents studied.

Variables	Female n (%)	Male n (%)	Total n (%)	P-value
Age at sexual debut in years (n=275)				
Mean ± SD	15.98 ± 1.47	16.06 ± 1.8	16.0	0.719
Median/mode	16.0/16.0	16.0/16.0	16.0/16.0	0.762
Age range	12.0–19.0	10.0–19.0	10.0–19.0	–
Age category at sexual debut				
<16 y	54 (34.0)	36 (34.3)	90 (34.1)	0.957
16 y and above	105 (66.0)	69 (65.7)	174 (65.9)	
Age of first sexual partner (n=250)				
Mean ± SD	19.74 + 3.29	16.14 + 2.53	18.28 + 3.48	<0.001
Median	19.0	16.0	18	
Age range	14–40	12–30	12–40	
Sexual partner's age category (n=250)				
<16 y	6 (4.0)	43 (42.6)	49 (19.6)	<0.001
16–17 y	25 (16.8)	37 (36.6)	62 (24.8)	
18 y and above	118 (79.2)	21 (20.8)	139 (55.6)	
Circumstances of sexual debut				
Consensual	131 (82.4)	93 (89.4)	224 (85.2)	0.164
Forced	28 (17.6)	11 (10.6)	39 (14.8)	
First sexual partner's relationship (n=268)				
Boy/girlfriend (courtship)	106 (65.4)	69 (65.1)	175 (65.3)	0.941
Casual friend/relations	56 (34.6)	37 (34.9)	93 (34.7)	
Forced sexual debut perpetrator (34)				
Boy/girlfriend (courtship)	6 (25.0)	7 (70.0)	13 (38.2)	–
Casual friends/other relations	10 (41.7)	3 (30.0)	13 (38.2)	
Employer	2 (8.3)	0	2 (5.9)	
Family member	3 (12.5)	0	3 (8.8)	
Teacher	1 (4.17)	0	1 (2.9)	
Sugar daddy	1 (4.17)	0	1 (2.9)	
Unknown person	1 (4.17)	0	1 (2.9)	
Perpetrator of forced sexual debut				
Boy/girlfriend (courtship)	6 (25.0)	7 (70)	13 (38.2)	0.038
Casual friends/relations	18 (75.0)	3 (30)	21 (61.8)	
Socio-legal unacceptable circumstance				
Yes	75 (45.2)	59 (52.7)	134 (48.2)	
No	91 (54.8)	53 (47.3)	144 (51.8)	0.269
Reasons for sexual relationship (n=230)				
Love/satisfy sexual desire	48 (34.3)	67 (74.5)	115 (50.0)	<0.001
Peer pressure	5 (3.6)	10 (11.1)	15 (6.5)	
Financial support	87 (62.1)	13 (14.4)	100 (43.5)	

lead to social uproar. In practice, the age of sexual partners influences enforcement of the law on defilement and sexual coercion in many jurisdictions. This is not explicitly indicated in Act 29 of Ghana.<sup>10</sup> When the offender and victim are minors in a consensual relationship, the chances of successfully prosecuting the offender is slim because of a lack of corroborating evidence and apathy from the public to hold

such offenders to the same standard as adults. Some countries offer arbitration and noncustodial sentences for such cases whilst others prescribe jail terms when young children, aged 12 and below are victims.<sup>18</sup> Ghanaian law only allows victim–offender mediation aimed at reconciliation where the offence is not serious and does not require more than 2 years' prison sentence. Obviously, this latitude will not

**TABLE 3** Factors associated with early sexual debut.

Variable	Age at sexual debut		Total	P-value
	<16 y	16–19 y		
Gender (n=264)				0.957
Female	54 (34.0)	105 (66.0)	159	
Male	36 (34.3)	69 (65.7)	105	
Residence				0.048
Rural	67 (31.3)	147 (68.7)	214	
Urban	23 (46.0)	27 (52.0)	50	
Residential status				0.584
Both parents	22 (31.4)	48 (68.6)	70	
Other relatives	68 (35.1)	126 (64.9)	194	
Care status				0.884
Both parents	21 (33.3)	42 (66.7)	63	
Other relatives	69 (34.1)	132 (65.9)	201	
Male partners of female respondents				<0.001
<16 y	6 (12.2)	0	6	
16–17 y	17 (34.7)	8 (8.1)	25	
>17 y	26 (53.1)	91 (91.9)	117	
Female partners of male respondents				<0.001
<16 y	26 (76.5)	17 (26.2)	43	
16–17 y	3 (8.8)	32 (49.2)	35	
>17 y	5 (14.5)	16 (24.6)	21	
Experienced pregnancy				0.033
Yes	40 (69.0)	56 (51.9)	96	
No	18 (31.0)	52 (48.1)	70	
Experienced induced abortion				0.049
Yes	30 (75.0)	31 (55.4)	61	
No	10 (25.0)	25 (44.5)	35	
Had a child				0.059
Yes	28 (48.3)	36 (33.3)	64	
No	30 (51.7)	72 (66.7)	102	
Level of education of female respondents				0.010
Nil	7 (13.0)	9 (8.6)	16	
Primary	9 (16.7)	6 (5.7)	15	
JHS	33 (61.1)	60 (57.1)	93	
Secondary	5 (9.3)	30 (28.6)	36	
Level of education male respondents				0.744
Nil	3 (8.3)	8 (11.6)	11	
Primary	2 (4.8)	3 (4.3)	5	
JHS	20 (55.6)	43 (62.3)	63	
Secondary	11 (30.6)	15 (21.7)	26	

avail defilement cases where the mandatory minimum sentence is 7 years' imprisonment.

Thus, in Ghana there is no precise law on how to deal with cases of sexual offence where the perpetrator or both parties in a consensual relationship are young people as found in this analysis. The Children's Act, 1998 (Act 560) and the Domestic Violence Act, 2007 (Act 732) prescribe referral to a juvenile court that is constituted when there is need.<sup>19</sup> The Juvenile Justice Act, 2003 (Act 653), offers some guidelines on the application of the law on sexual offences in the criminal offences Act 29. It outlines punishments for young offenders which, could range from discharging the juvenile or committing him or her to a borstal institution, depending on the gravity of the offence. Custodial sentencing in borstal institutes are only handed to recalcitrant young offenders.<sup>20</sup> The question remains whether both the male and female in defilement cases should be punished and to what extent, especially if pregnancy is the outcome.

Considering the high prevalence of defilement and the reported inadequacies of juvenile justice system in Ghana, access to justice in optimizing adolescent sexual and reproductive rights remains questionable.<sup>21</sup> It is well known that there is inadequate infrastructure and funding for development of juvenile justice in the country. Indeed, the operational challenges culminate in a low rate of reporting, and high rate of withdrawal of reported cases for settlement outside state courts.<sup>22</sup> The laws on sexual offences and the Juvenile Justice Act, 2003 (Act 653) have not been amended since their promulgation. This makes the results of this analysis relevant to the current situation in the country.

The deficiency in social support for some adolescents is further indicated by the observation that the leading reason given for their engagement in sexual relationships is the need for financial support. As found in other places, more females than males in this study succumb to the financial support bait and become victims of sexual abuse. This also suggests the need for developing social support systems for both boys and girls. Over reliance on relations other than parents for financial support is closely linked to early sexual exploitation of adolescents in sub-Saharan Africa.<sup>23</sup> On the other hand, more boys than girls acceded to peer-pressure to engage in sexual relationships and could be influenced by the socio-cultural milieu in which they grow. This further supports the need to strengthen programs for development of sexual and reproductive rights education for young people.<sup>24,25</sup> Ghana, like other sub-Saharan African countries, needs clear legal provisions on how to deal with juvenile sex offenders. Indeed, handling of adolescent sexual offences by law enforcement agencies to optimize reproductive rights remains poorly explored by researchers in Africa.

#### 4.1 | Limitations

This is a secondary analysis of data from a cross-sectional survey on somewhat sensitive adolescent issues with possible inaccurate or bias responses. The data is limited to one district; the sample size is limited and the findings cannot be generalized. To improve reliability and interpretation of the results, missing values were omitted from

computations. Although the data is fairly old and findings may appear not to reflect the current situation, the laws and policies regarding sexual offences in Ghana have not changed since their promulgation. Additionally, recent studies on the country revealed similar-pattern sexual offence infractions among young persons. Reporting of sexual offences and same-sex relationships are research areas not included in the survey.

## 5 | CONCLUSION

At sexual debut, many adolescents in Ejisu-Juaben experience rape or defilement, serious offences under the Ghanaian law. The inadequacy of the juvenile justice system poses a major challenge to the advancement of sexual and reproductive rights of boys and girls. Comprehensive review of the law on sexual offences to include clear provisions for the young sex offender in line with current social dynamics will go a long way to improving access to justice for both victims and offenders. Upholding sexual and reproductive health and rights to build a healthy society will require a reform of the juvenile justice system in Ghana.

## AUTHORS' CONTRIBUTION

RASM assisted by ESKM and DTA conceptualized the study. ESKM and DTA performed the data extraction and analysis. All participated in the interpretation, drafting and revision of the manuscript. All authors read and approved the final version of the paper.

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## CONFLICTS OF INTEREST

The authors have no conflicts of interest to declare.

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