

3 to be Free: Law Curriculum on Marital Rape in Ghana

Possible Exam Question:

1) *Suggested total time for the question is 30 minutes.*

Beatrice has been married to Bernard for 10 years. They have 3 children. Over the past two years, Bernard has begun drinking more and has also been coming home later from work at night. Beatrice suspects that Bernard may be having sex with other women before he returns home at night. Worried that Bernard may have contracted a disease, Beatrice asked Bernard if they could start using a condom during sex. Bernard was very offended that Beatrice would suspect he was HIV-positive and, because he was angry, forced Beatrice to have sex with him without a condom. Beatrice was very afraid of her husband after this incident and began avoiding sex with him. Beatrice would pretend that she was asleep or that she was menstruating in order to avoid having sex with this man who she feared, but Bernard would hold her down and have sex with her anyways. After several months of this, Beatrice took her daughter and ran away to stay with her sister in a neighbouring town. Beatrice has mentioned that she would like to divorce Bernard but has not yet initiated any divorce proceedings.

- a) Considering the relevant articles of the Criminal Offences Act, the Domestic Violence Act, and the Constitution, is Beatrice the victim of a crime which can be prosecuted in Ghana? Please explain why or why not? *(15 points)*
- b) Does Ghana's current stance on rape committed by a husband against his wife align with his obligations under international human right law? *(5 points)*
- c) Please explain at least one legal strategy which the government could implement in order to better protect women like Beatrice. Please explain at least two difficulties which the government might face in implementing this legal strategy. *(10 points)*