#### **RESEARCH ARTICLE**

# A PROSPECTIVE STUDY ON THE SEXUAL VICTIMIZATION OF ADOLESCENT FEMALES BY ROMANTIC PARTNERS AND THE RELATIONSHIP TO THE AGE GAP BETWEEN THE PARTNERS

#### Gunasekara RMSB<sup>1\*</sup>, Vadysinghe AN<sup>1</sup>, Sivasubramanium M<sup>2</sup>, Attanayake AMRM<sup>3</sup>

<sup>1</sup>Department of Forensic Medicine, Faculty of Medicine, University of Peradeniya, Peradeniya. Sri Lanka

#### **ABSTRACT**

**Introduction:** According to statistics, 70% of reported rape cases had happened with the willingness of the female partner, where the law enforcement authorities have charged as the victim is below 16 years. This study evaluated the sexual victimization of such females by their partners in relation to the age gap between the couple.

**Methodology:** This is a descriptive study of 63 female victims of sexual assault aged 12 to 16 years, presented to the National Hospital Kandy during a one-year period. The sample was divided into three groups according to the age gap between the victim and perpetrator (P1; 0 to 5.9 years, P2; 6 to 11.9 years and P3; 12 to 18 years)

**Results:** The age gap of the couples ranged from 1.8 to 17.7 years, with a mean of 9.5 years and 49% belonging to P2. The percentage of couples engaging in sexual relations with penile penetration was higher with an increasing age gap. In P1, 71% had willingly engaged in sexual activity, while it was only 45% and 44% in P2 and P3 respectively. Furthermore, in P3, 30% of the victims had allowed the alleged sexual act following intimidation, but it was not observed in P1. This study revealed that within a month of courtship sexual activity had occurred in 55% of cases in P3 while it was 32% in P2 and, only 21% in P1. In P3, 11% had engaged in sexual activity on the first encounter, whereas it was not observed in P1 and P2.

**Conclusion:** With the increasing age gap, the **v**ulnerability to sexual victimization of female adolescents by partners is more prevalent. Therefore, considering the age gap between partners may be more justifiable than adhering to a fixed age of consent to prosecute and punish in cases of sexual assault of adolescent females. Hence, it is evident that the application of the "Romeo and Juliet exemption" to the Sri Lankan setup is timely and justifiable.

Keywords: Age gap; Female adolescent; Sexual victimization; Statutory rape

Corresponding author: Gunasekara RMSB

rmsbuddhika@gmail.com

ORCID iD: https://orcid.org/0000-0003-2919-3427

#### ARTICLE HISTORY

Received: 30.12.2022 Accepted: 11.04.2023 Received in revised form: 01.02.2023 Available online: 26.06.2023



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#### INTRODUCTION

Adolescence is the physical and psychological transitional stage where a child becomes an adult, occurring from puberty to legal adulthood. Among girls, the first signs of puberty emerge as early as 8 to 13 years, with an average of 11 years<sup>1</sup>. The age of puberty of a male with spermatogenesis ranges from 13.5 to 13.7 years<sup>1</sup>. However, the onset of legal adulthood is considered as 18 years<sup>2</sup>. With the rapid psychological and physical changes occurring during

<sup>&</sup>lt;sup>2</sup>Judicial Medical Officer's Office, National Hospital Kandy, Sri Lanka

<sup>&</sup>lt;sup>3</sup>Nuclear Medicine Unit, Faculty of Medicine, University of Peradeniya, Peradeniya. Sri Lanka

this period, they tend to have romantic relationships with heterosexual partners, and experience and explore sexual feelings<sup>3</sup>. Involvement in sexual relations at lower ages should be averted, because it may end up with grave life-long physical, psychological and cultural negative outcomes, such as teenage pregnancies, sexually transmitted diseases, long-term gynaecological complications and several psychiatric illnesses<sup>4</sup>. Strategies adopted to minimize sexual relations at lower ages are focused on the elimination of risk factors with proper sexual and reproductive health education. Another effective strategy is the enforcement of the law against the perpetrator.

According to the literature and jurisdiction of the country, a sexual relationship with a female below a certain defined age is considered a crime, irrespective of the female partner's consent or willingness<sup>5</sup>. The minimum age for consent for sexual relationships varies from country to country. Some countries consider the age as sixteen years, while others set it somewhere between 11 and 21 years of age based on the presumption that under this age the female does not have the capacity to give a valid consent<sup>6</sup>.

In terms of section 363(e) of the Penal Code of Sri Lanka, sexual intercourse with a female less than 16 years is considered rape, irrespective of her consent. The punishment is specified in 364(1) as a term of imprisonment not less than 7 years and not exceeding 20 years. However, according to section 365(2)(b) of the penal code of Sri Lanka, if the perpetrator is less than 18 years, and intercourse has been with the consent of a person under 16 years, the court may impose a sentence of less than 7 years<sup>7</sup>.

According to data from the Department of Police Sri Lanka, 1977 rape cases have been reported during the year 2021. Out of that 1377 cases (70 %) were statutory rapes which had happened with the consent of the female partner<sup>8</sup>.

However, law enforcement authorities must investigate and prosecute all alleged consensual statutory rapes as sexual offences, irrespective of the romantic relationship and emotional intimacy between the couple<sup>9</sup>. The main purpose of the law against statutory rape is to protect children from sexual exploitation by adults<sup>10</sup>. To overcome this kind of prosecution, certain countries have amended their laws regarding statutory rape. Some countries have proposed to lower the age of consent while some have introduced special provisions known as

"close-in-age exemption" or "Romeo and Juliet exemption" 11,12.

The close-in-age exemption prevents the sexual act that occurred between individuals with a few years of age difference from being considered a criminal offence <sup>12</sup>. The law applies only when; 1) the female has reached a certain age, which can vary from country to country and range from 14 to 16 years, 2) with a narrow age difference between the couple, ranging from two to four years, 3) the act being consensual <sup>13</sup>. There are scientific justifications for the close-in-age exemption because studies revealed the wider age gaps cause more sexual victimization with higher unwanted sexual behaviours (without the willingness of the female partner), and less use of protection against pregnancy and sexually transmitted infections (STIs)<sup>14</sup>. The Law Commission of Sri Lanka discussed the application of the close-in-age exemption to Sri Lanka in 2014 but has not yet been recommended for application <sup>15</sup>. There are no published studies in Sri Lanka on the sexual victimization of female adolescents by their dating or romantic partner in relation to the age gap. This study is designed to fulfil this lacuna of knowledge in this area.

Furthermore, this study aims to assess the most serious sexual assault, the use of protection against STI and pregnancy, the willingness of the victim for sexual activity, and the intimacy of the relationship in relation to the age gap between partners.

#### **METHODOLOGY**

National Hospital Kandy (NHK), Sri Lanka is the main referral hospital for medico-legal opinions and treatments for victims of sexual violence in the Kandy district. The study population was 12 to 16-year-old females who were referred to the NHK for medico-legal opinion with a history of sexual assault. We have selected only the victims who verbally confirmed that the alleged accusers were their boyfriends or lovers.

As the study was based on the history given by victim, diagnosed victims with psychiatric illnesses and mentally retarded individuals were excluded. Those cases where the clinical forensic examination findings were incompatible with the given history, were excluded. Cases where the age of the victim or the accused could not be confirmed with a valid document (e.g., National identity card, birth certificate), were also excluded.

Data collection was done from April 2019 to the end of February 2020, after obtaining ethical clearance from the Ethics Review Committee of NHK (THK/ERC/21/2019). The participants examined for medico-legal purposes by forensic practitioners attached to NHK who took the sole responsibility of examination and reporting to Victims were interviewed after police/court. receiving the written informed consent from the legal guardian and the assent from the victim. The interview was carried out only in the presence of a female chaperone based on pro-forma. During the study period, 63 victims were interviewed. Collected data were entered and analysed in Microsoft Excel worksheets.

#### **RESULTS**

## 1. Age distribution among female partners and their alleged romantic partners

In our study population, all the males were older than their female partners. The age gaps of the couples ranged from 1.8 to 17.7 years, with a mean of 9.5 years. This study population was divided into three groups according to the age gap between the female and their male partner. The close age gap (P1) was zero to 5.9 years, the intermediate age gap (P2) was 6 years to 11.9 years and the advanced age gap (P3) was 12 years to 18 years. There were 22%

(n=14) of females in P1, 49% (n=31) in P2 and 29% (n=18) in P3.

#### 2. Type of sexual assault

When analysing the most serious sexual assault among the study subjects, alleged penovaginal intercourse had the highest frequency (n=26, 41%) followed by alleged inter-crural intercourse. The distribution of alleged sexual assaults in relation to the age gap is shown in Table 1.

(N.B. Penovaginal intercourse was considered as the most serious as having a risk of pregnancy as well as transmission of sexually transmitted infections. Anal or oral penetration was considered the second most serious assault, as carrying a risk of transmitting sexually transmitted infections. Inter-crural penetration was considered the next serious assault and other sexual offences including fondling and kissing were considered as least serious. (Penovaginal intercourse > oral or anal > intercrural> fondling and kissing))

Table 1: Sexual offence against romantic partners, in relation to the age gap

Group	Type of alleged sexual assault						
based	Fondling	Sexual assau	Total alleged				
on age	and	Inter–	Uncertain	Anal	Oral	Penovaginal	sexual assaults
gap	kissing	crural	(vaginal or	intercourse	intercourse	intercourse	with penile
	n (%)	intercourse	inter-crural)	n (%)	(fellatio)	n (%)	penetration
		n (%)	n (%)		n (%)		n (%)
P1	04 (29)	01 (7)	02 (14)	00	00	07 (50)	10 (71)
P2	02 (6)	09 (29)	05 (16)	01 (3)	01 (3)	13 (42)	29 (94)
Р3	01 (6)	03 (17)	04 (22)	02 (11)	02 (11)	06 (33)	17 (94)
Total	07	13	11	03	03	26	

#### 3. Assessment of female partner's willingness for a sexual relationship

#### 3.1 Female partner's assent to sexual relations

In P1, 43% (n=06) of females stated that their male partner asked about their willingness for the sexual act prior to the incident. It was 51% (n=16) in the P2 and 22% (n=04) in P3.

#### 3.2 Reasons for allowing the alleged sexual act

In the P1, 71% (n=10) of females engaged in sexual relations willingly while it was 45% (n=14) in the P2 and 44% (n=08) in the P3.

Those who unwillingly allowed the alleged sexual acts were interviewed to identify the reason for allowing the act to proceed. In P1, 75% (n=3) of females had allowed the alleged act due to fear of losing the relationship. However, only 41% and 40% had allowed the alleged act in P2 and P3 respectively due to fear of losing the relationship. In P2 and P3, females allowed the alleged sexual act to proceed due to death threats made by the male

partner against the victim or her family members or threats of revealing personal material (photos and messages) to the public. However, it was not observed in P1. Only one case was observed in the P2 where the male partner had intoxicated her prior to the act. The reasons for allowing the alleged sexual act in relation to the age gap are elaborated in Table 2.

Table 2: Reasons for allowing the alleged sexual act, in relation to the age gap

Population according to the age gap	Reasons for allowing the alleged sexual acts							
	Physical force to victim n (%)	Fear of losing the relationship n (%)	Threat to death of victim or family member n (%)	Other threats (Revealing personal material to society n (%)	Intoxication n (%)			
P1	01 (25)	03 (75)	00 (00)	00 (00)	00 (00)			
P2	05 (29)	07 (41)	01 (06)	03 (18)	01 (06)			
P3	03 (30)	04 (40)	01(10)	02 (20)	00 (00)			

## 4. Use of protection against pregnancy and sexually transmitted infections (STI), in relation to the age gap between the partners

All females (n=63) who were at risk of pregnancy/STIs were interviewed on the use of protection. Further details are illustrated in Fig.1.

All females who had used protection (n=12) were victims of alleged penovaginal intercourse. In 58% of cases the male partner had used condoms. 33% of females had used emergency contraceptive pills and 8% had used oral contraceptive pills (OCP). It was observed that 54% victims of penovaginal intercourse had not used any form of protection.

In P1, 71% of females had used some form of protection, whereas it was 38% in P2 and only 33% in P3.

#### 5. Duration of the relationship, frequency of meetups, method of communication and elopement

#### 5.1 Duration of the romantic relationship

The duration of the romantic relationship at the time of the alleged most serious sexual assault was analysed in relation to the age gap between the couple and is shown in Fig.2. In P1 50% (n=7) of females had alleged sexual relations one year from the onset of the romantic relationship and it was 32% (n=10) in P2 and 11% (n=2) in P3. Further, within a month of the courtship 55% of females in P3 had engaged in sexual activity. It was 32 % in P2 and, 21% in P1. In P1 7% (n=1) of females had alleged sexual relations during the 1<sup>st</sup> week after the onset of the romantic relationship and it was 10% (n=3) in P2 and 11% (n=2) in P3.

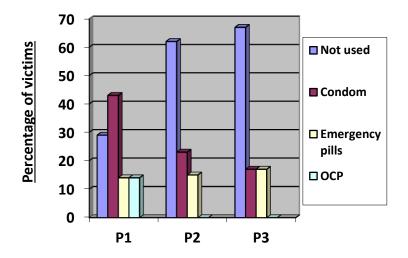


Fig 1: Use of protection against pregnancy and STI in relation to the age gap

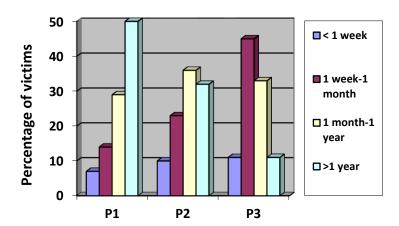


Fig. 2: Duration of romantic relation at the time of the alleged most serious sexual assault in relation to the age gap between the partners

**Table 4: Frequency of communication** 

#### 5.2 Frequency of meet-ups

In P1 and P2, all the females had physically met their partners previously at least once prior to the sexual act. In P3, 11% of females had sexual relations with their partners on their first physical encounter. The frequency of meetings according to the age gap is demonstrated in Table 3.

Table 3: Frequency of meet-ups of partners according to the age gap

Population according to	Frequency of meet-ups of partners					
the age gap	Previously not met n (%)	Once per 4 weeks n (%)	Once per 2- 3 weeks n (%)	1-3 times per week n (%)	4-7 times per week n (%)	
P1	00 (00)	01 (7)	04 (29)	04 (29)	05 (35)	
P2	00 (00)	07 (23)	12 (39)	11 (35)	01 (03)	
P3	02 (11)	03 (17)	09 (50)	04 (22)	00 (00)	

## 5.3 Methods and frequency of communication during the relationship

In P1 and P3, all females have communicated with the male partners using phones, social media or other methods (letters and messages through friends) before the

Population according to	Frequency of communication					
the age gap	Not communicated n (%)	1-2 times per 7 days n (%)	3- 6 times per 7 days n (%)	1-2 times per day n (%)	>3 times per day n (%)	
P1	00 (00)	05 (36)	02 (14)	04 (29)	03 (21)	
P2	01 (03)	06 (19)	08 (26)	11 (35)	05 (16)	
Р3	00 (00)	02 (11)	07 (39)	08 (44)	01 (06)	

alleged offence. In P2, 97% had communicated with the alleged partner before the alleged sexual act. The frequency of communication using phones, social media or other methods used by partners is summarized in Table 4.

#### 5.4 Elopement

A history of elopement was given by 57%, 52% and 17% in P1, P2 and P3 respectively.

#### **DISCUSSION**

The study identified 63 female victims aged between 12.6 to 15.8 years. The mean age of the victims was 14 years. It was observed that the number of victimized females increased with advancing age (6% of victims were in the 12 to 12.9 years group and 51% of victims were in the 15 to 16 years group). A study done by Finkelhor et al. showed the same pattern where the incidence of female victimization increased with advancing age <sup>16</sup>. In addition, a study done in the USA by Reppucci et al<sup>17</sup>. involving 206

adolescent females ranging from 12 to 16 years revealed the average age of the victim as 14.5 years. This closely reflects the average age of our study population. Also, studies done in India by Tamuli et al. Hasan et al. Hasan et al. Bhardwal et al. Bhardwal et al. and Islaml et al. reflect a similarity to the results of our study where the mean age of victims was around 13-16 years. The average age of the alleged perpetrators was 24 years in our study with 59% between the ages of 22 to 29.9 years. However, Reppucci et al. in their study observed the male partner's average age as 16.2 years. This is relatively lower than the average age of male partners in our study population 17.

The age gap between the couples in our study population ranged from 1.8 to 17.7 years, with a mean of 9.5 years. In addition, 78% of alleged male partners were at least 6 years older than their female partners. A study by Hill et al. indicated that females who experienced abuse had higher odds of having a partner who was 5 or more years older, which closely reflects the results of our study<sup>23</sup>. However, according to Reppucci et al. 17 the percentage of male partners who were four or more years older than the females was only 14%. This reflects that the age gap is broader in our study population compared to the US study. Higginson explained the reason as, older male partners were sought with the belief that they can provide financial security, and emotional stability and possess greater sexual knowledge, experience and/or other resources compared to younger men<sup>24</sup>.

The study revealed that the percentage of alleged penovaginal intercourse was highest (50%) in P1, with a reduction in the frequency with the increasing age gap (42% in P2 and 33% in P3). However, a study on statutory rape in the USA by Bierie et al.<sup>25</sup> has revealed that with the increasing age gap between the victim and offender odds of a statutory rape incident increased. Similarly, Oudekerk et al<sup>14</sup> revealed that the wider the age gap between partners, the more likely they were to engage in sex. Further, a study done by Barter et showed the same pattern where the incidence of female victimization increased with advancing Thus, an above-described decreasing age. percentage of penovaginal intercourse with an increasing age gap demonstrated in our study population is controversial to some of the literature.

However, the percentage of couples engaging in sexual relations with penile penetration (penovaginal intercourse, anal, oral, inter-crural, uncertain whether inter-crural or vaginal) increased with the increasing age gap. This indicates that the

percentage of sexual offences against the order of nature (unnatural offences) increases with the increasing age gap between the partners. This observation is indirectly supported by the statement; "More sexual victimization with increasing age gap" described by Reppucci et al.<sup>17</sup> This is further supported by Bierie's finding of increased sexual aggression incidents with increasing age difference<sup>25</sup>. Also, the percentage of least serious sexual assaults such as fondling was observed to be higher in the close age gap group (29%) compared to the advanced gap group (6%). This again indicates that victimization is less when the age gap is less.

These results revealed that only 22% of male partners have verbally asked about the willingness of the female partner to have sexual relationships in the P3. However, a relatively high percentage of male partners in both P1 and P2 (43% and 51% respectively) have asked about the female partner's willingness before the act. These findings were not described in previous studies. However, these results indicate less consideration of the female partner's willingness in the advanced age gap group, which is compatible with the findings of studies described below.

The results revealed that most females (71%) in P1 have engaged in sexual relations willingly, while it was a lower percentage (44%) in P3. Favouring our results, studies by Bierie et al. proved that with the increasing age gap between victims and offenders, a higher incidence of statutory rape incidents has been noted involving forcible sex crimes<sup>25</sup>. Reppucci et al, also described that wider age gaps were associated with a higher incidence of unwanted sexual behaviour according to their study<sup>17</sup>.

Percentages of sexual acts done by physical force ranged between 25%-30% in all three groups. However, obtaining consent by fear and intimidation was highest (30%) in P3 and consenting due to fear of losing the relationship was highest (75%) in P1. No studies in the literature described how male partners convinced or intimidated the female partner to engage in the sexual act. However, the highest percentage of threats made by the male partner in P3 is compatible with the finding of a high frequency of sexual violence with advancing the age gap in the literature.

In our study population, the percentage of use of contraception decreases with increasing age gap. These findings are also consistent with the findings of Oudekerk et al<sup>14</sup> and Higginson<sup>24</sup>.

Sexual relations in the early period of a romantic relationship suggest a high possibility of sexual exploitation rather than having an intimate relationship.—This study revealed that within a month of courtship sexual activity had occurred in 55% of cases in P3 while it was 32 % in P2 and, only 21% in P1. In P1 50% of females had alleged sexual relations more than one year from the onset of their romantic relationship, while it was only 11% o in P3. These findings suggest that couples with advanced age gaps were more likely to have sexual relationships in the early period of their romantic relations compared to couples with a close age gap. This might be a result of sexual exploitation by older male partners, rather than an intimate relationship. This relationship is also not described in previous studies in the literature.

Several scales are described in the literature to assess a couple's intimacy. The Miller Social Intimacy Scale (MSIS), which consists of 17 questions scored on a 10-point Likert scale is the commonly used scale to assess intimacy of a couple<sup>27</sup>. They used the willingness to spend time with their partner as a measure to assess their intimacy. However, the current situation has changed because of the freely modern electronic communication methods, such as mobile phones and social media. A study by Vadysinghe et al.28 on modes of communication in cases of sexual assault in Sri Lanka based on 62 victims of sexual assault, revealed that only 44% had direct verbal communication with the assailant. Mobile phones were used in combination with other forms of communication in 47% of cases, whereas only mobile phones as the method of communication was used by 16%. Only 3% had communicated with letters. Therefore, we used both frequency of physical meet-ups and other methods of communication as a tool to assess intimacy.

Surprisingly, results showed that 11% of couples in the P3 had sexual relationships in their first meeting. However, none of the females in P1 and P2 had engaged in sexual relationships on their first meeting. In addition, no females had met their male partner more than four times per week in the advanced age gap group. However, in P1 5% of females had met their partners more than 4 times per week. These findings suggest a more intimate relationship in the close age gap group than the advanced age gap group.

A relatively high percentage of victims in P1 (36%) had communicated less than two times per week. However, a relatively higher percentage of victims in P2 and P3 (35% and 44%) had communicated one to

two times per day. These findings indicate couples with a wider age gap are more likely to communicate using phones and social media, while couples with a closer age gap are more likely to meet each other in person. This is further indicative of a higher level of intimacy in the close age gap group. These findings are also not described in previous literature. In our study, most females in P1 (57%) had sexual relations after eloping, whereas it was 52% in P2. However, the majority of females in P3 had engaged in sexual relations without a history of eloping. A study done on reasons to elope in the Anuradhapura district in Sri Lanka revealed the commonest reason as parental disapproval of the love affair (56%)<sup>29</sup>. This indicates that the partners who had eloped were more interested in having a long-term responsible relationship rather than the need for sexual exploitation<sup>30</sup>. Elopement of a couple with an adolescent female raises awareness among the parents, community as well as police regarding possible sexual relationships. Therefore, in the case of eloping, the male partner has to bear more responsibility, as there is a high possibility of being penalized by legal authorities compared to those who had sexual relations without eloping. Therefore, we can assume those who elope, despite the disadvantages, maybe having a more intimate relationship. This observation has not been described previously in the literature.

#### **CONCLUSION AND RECOMMENDATION**

Adolescent females were more vulnerable to sexual victimization in multiple aspects when the age gap between the partners increases. This indicates consideration of the age gap between partners is more justifiable than the fixed age of consent to prosecute cases of sexual assault of adolescent females. Further, consideration of the age gap is important to mitigate the punishments against the close-age male partner. Thus, the legal basis of close-in-age exemption or Romeo and Juliet exemption applies to our population. However, multicentre similar studies are recommended to have comprehensive insight into this area.

#### **ACKNOWLEDGEMENTS**

We acknowledge with gratitude Dr. MWDTBD Rambukwella, Dr. NP Kulathunga and Dr. CU Wickramasinghe for their support in selecting the cases and preparing the full article.

#### **CONFLICTS OF INTEREST**

No potential conflicts of interest were reported by the authors.

#### **ETHICAL ISSUES**

Ethical clearance for this study was granted by the Research and Ethical Review Committee of National Hospital, Kandy, Sri Lanka (THK/ERC/21/2019). Subjects were interviewed after obtaining written informed consent from the legal guardian and assent from the victim.

#### **SOURCES OF SUPPORT**

None.

#### **AUTHOR CONTRIBUTIONS**

**RMSBG:** Conceptualization, data acquisition, writing the manuscript, editing and reviewing the manuscript, approval of the final manuscript; **ANV:** Supervising, editing and reviewing the manuscript, approval of the final manuscript; **MS:** Supervising, editing and reviewing the manuscript, approval of the final manuscript; **AMRMA:** editing and reviewing the manuscript, approval of the final manuscript.

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