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When age is not just a number

How old is old enough when it comes to sexual relationships?

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DO you know the risk of pregnancy? Do you know about the dangers of sexually transmitted diseases (STD)? Do you know about contraception? Do you know about the social implications of what you are doing? Are you ready to face all the pressures from the consequences of what you are doing?

These are the questions that need to be posed (not verbatim) to any adolescent who is about to have consensual sex or have had consensual sex to see if they are mature enough to make a rational decision, says Datuk Dr Amar Singh, senior consultant community paediatrician at the Hospital Raja Permaisuri Bainun Ipoh, Perak.

The concept of consensual sex comes together with a person's competency to make a rational decision on whether he or she is ready for sex, points out the child health specialist.

"In our society and culture, where our children are not taught about sex and their consequences, I'm not sure if they have the competency to make a rational decision for consensual sex," stresses Dr Amar Singh who has worked extensively with child abuse victims.

Uninformed

While there are those who are quietly admitting that the reality in our society is that our children are having sex at a younger age, Dr Amar Singh believes that Malaysian youth are not equipped to make an informed decision before jumping into a sexual relationship.

As he puts it, even if the adolescent professes to undying love, one will need to take into account what that implies when it comes to consensual sex.

"For instance, what does love mean to a 12-year-old? For many, it is infatuation — especially if they are in love with an older person. Most of the time it is because the older person has shown the child some kindness or paid him or her some attention.

"A young person usually 'falls in love' with an older person who has more persuasive ability, more skills, more confidence and is more financially able. I think it is an unmatched relationship," adds Dr Amar Singh.

In most cases, he says he would also ask, "Did your boyfriend say maybe we should talk to your parents first?"

As he points out, in many instances in life, parental consent is always needed for important decisions pertaining to a child's life, even one as simple as whether a child is allowed to go on a school excursion.



In the interest of minors: In Malaysia, the minimum age of consent is 16 to protect young children from sexual abuse and rape. Below: Newsreports carried by mainstream newspapers on the uproar over the sentences handed down in two statutory rape cases recently.



Crucially, he stresses, the maturity of the child is important and in a diverse society like ours, where many frown upon even the word sex, it is difficult to decide on whether a young person is ready for it.

"A young person's maturity will have to

be decided on a case-to-case basis. But it is dangerous to leave the age of consent for sex flexible when it comes to the law, as it will open the door to harm for many young girls. That is why we need a standard minimum age (for consent for sex) to protect the girls.



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— DATUK DR AMAR SINGH

That is why we have the statutory rape law," he stresses.

In Malaysia, the minimum age of consent is 16. Hence, many child rights activists and concerned members of the public argue that there should be no debate on whether there is consent or not when it comes to sex with minors.

Dr Amar believes that this is why the law is there, to protect young children from sexual abuse and rape.

Another concern is the plight of the young girls involved in statutory rape cases.

Haunted by trauma

"The trauma from the experience (of having sex at an early age) will continue to haunt these young girls. Having worked with childhood survivors of sexual abuse for many years, I can say that the girls involved will face much emotional and psychological pain for years to come."

Although not all who have sex with minors cannot be classified as paedophiles — a person is considered a paedophile only if he or she repeatedly commits sexual crimes against children — Universiti Sains Malaysia criminologist Assoc Prof Dr P. Sundramoorthy points out that there is doubt that there is consensual sex if there is age disparity between the sexual partners, particularly if one is legally an adult.

"Just because someone is biologically mature, it does not mean that the person is psychologically and emotionally mature. Is there adequate knowledge and experience of their body needs and the consequences of sex? It is questionable.

"Are they (the adolescents) capable of making rational decisions to have sex, in these cases with an adult? At a young age, they may have thought that they are ready but they can be remorseful later."

That is why we have a law against statutory rape, Dr Sundramoorthy notes.

"The law is clear that even if it is consensual, it is still rape when it comes to sex with a minor."

This is clearly enshrined in both the Penal Code and the Child Act which are based on the UN Convention on the Rights of Children, Dr Amar Singh opines.