



SEXUAL GROOMING

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AT which point does being friendly with a young girl turn into sexual grooming? While criminal lawyers agree on the need for such a law, they are not too sure about how it will be applied.

Sexual grooming of a minor below 16 has been proposed as a new offence under recommendations made to change the Penal Code.

It is aimed at nailing those who trawl the Internet to bait underaged victims and lure them into having sex.

An adult who meets or travels to meet a minor under 16 within Singapore with the intention of having sex with him or her would commit an offence if he has met or communicated with the minor on two or more previous occasions.

If convicted, he can be jailed up to three years and/or fined.

But at which point does this turn into sexual grooming?

Mr RS Bajwa, 57, a senior civil and criminal litigation lawyer, is concerned that an innocent person just joking with a minor could be arrested.

He said: 'The devil alone knows the minds of men. To make an offence of something a person is thinking about is delving into an area of uncertainty.'

'What if the person was just pulling the other person's leg? Online records will not be enough.'

'For a crime to have been committed, the act must take place and it must take place with a certain intent.'

He said before the authorities come to a conclusion, they must look out for further preparatory acts like booking a hotel room.

He added: 'You can't just charge someone because he communicated with a girl twice.'

MEANING OF WORDS

Mr Colin Kang, a criminal lawyer, agreed that it would be difficult to enforce as the person could claim he did not know the girl was underaged.

He added: 'You would also have to interpret the meanings of the words. Did he mean it in a sexual manner?'

'Even if he did, would he really know the girl was really mature enough? Some girls don't disclose their age or would claim they are above the legal age.'

While Mr Adrian Tan, a director at law firm Drew & Napier's, agreed with the timeliness of the proposed change, he also felt it would be hard to enforce as you would have to look into the minds of others.

He added: 'The police need to be savvy with the technology and with the techniques of these people because they don't use their real names.'

But Mr Peter Low, chairman of the Law Society's ad hoc committee for the review of the proposed changes to the Penal Code, said it's timely to criminalise sexual grooming.

It is already criminalised in the UK, US, Canada, Australia and New Zealand.

In an e-mail reply, he said: 'Singapore needs legislation to counter the threat posed by adult predators seeking to lure under 16s into sexual relations over the Internet.'

'The offender's intent to engage in sexual activity with the under-16 minor may be gathered from surrounding circumstances.

'Did the predator go to meet the victim - for example - with pornography, condoms or lubricants in his possession?'

Mr Low said the new offence will allow the police to take preventive action, that is, arrest the predator before the victim comes to any physical or sexual harm.

According to crime statistics released this year, more children under 14 years old have become rape victims this year.

TRACKING DOWN CULPRITS

Few sexual predators use their real identities. So how would the authorities track them down?

Mr Low said forensic computer experts would have to be roped in.

If the communication was done through e-mail, text or voice messages, the contents can be retrieved by experts to see whether sexually explicit or suggestive communications were transmitted.

He said records may exist in the victim's or the predator's computers.

And if a handphone was used, telephone bills may be produced as evidence of communication and its timing and frequency.

And even if a Singaporean was based overseas, he could still be caught, said Unifem Singapore president Saleemah Ismail, 38.

She said: 'If we have extradition treaties, we can bring them back. Even if there are no treaties, that country can still charge him if Singapore provided enough information on him.'

Even without the new law, Mr Low said society on the whole needs to be alert to such dangers.

He said: 'The proposed new law is but one arm of an Internet safety policy for children.'