

Erratum: “Practices Concerning Pregnancy”

By SMA Ethics Committee



In the article titled “Practices Concerning Pregnancy” (SMA News, September 2012), under the section “Mandatory reporting of pregnancy in a girl below 14”, we made references to outdated versions of the Penal Code and the Criminal Procedure Code (CPC). We sincerely apologise for the errors. An amended version is reproduced here.

Mandatory reporting of pregnancy in a girl below 14

A doctor asked the Committee for advice regarding his duty to notify relevant law enforcement agencies if he, in the course of a clinical consultation, becomes aware that a patient below the age of 14 years is engaging in sexual intercourse or is pregnant.

We wish to highlight the following.

Under Chapter XVI of the Penal Code, sex with a minor under the age of 14 is considered statutory rape. Sex with a person under the age of 16, is regarded as an offence of “sexual penetration of a minor under 16”. In such cases, due to the young age of the minor, the law does not regard him or her as meaningfully capable of “consensual sex” and hence the offence is committed even if the minor appears to have “consented”. There are other sexual

offences provided for under Chapter XVI of the Penal Code (including commercial sex involving a minor under 18, and so on).

Section 424 of the CPC states that:

Duty to Give Information on Certain Matters

424. Every person aware of the commission of or the intention of any other person to commit any arrestable offence punishable under Chapters VI, VII, VIII, XII and XVI of the Penal Code (Cap. 224) or under any of the following sections of the Penal Code: Section 161 ... Section 506, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer of the commission or intention.

In this case, the offence is one of statutory rape and hence it is clearly reportable under Section 424 of the CPC. However, it is important to bear in mind that the offence of sexual penetration of a minor under the age of 16 also comes under Chapter XVI of the Penal Code and the reporting obligations under Section 424 of the CPC applies accordingly. Unless there is reasonable excuse, if a medical practitioner becomes aware of such sexual offences through his work as a doctor, he is obligated by law, like any citizen, to notify the police. **SMA**