

Better Education, Not Tougher Laws: Raising the age of consent is not the solution
By Katerina Tefft

The current age of 16 for sexual consent is a flawed policy at best, and raising it would only serve to endanger the wellbeing of the nation's youth. The state would do best to avoid such an unnecessary restriction of hard-won civil liberties.

Teenagers today are appropriately trusted with a great deal of responsibility, most of which has the potential to affect those around them far more than the choices they make in their personal lives. It seems rather backwards that we as a society have more confidence in a 16-year-old's ability to own and operate a vehicle, (a potentially deadly weapon,) than their ability to make responsible choices with regards to their own sexuality. By the age of 16, a person may legally obtain employment in most establishments. If 16-year-olds can be trusted to maintain a job while also juggling the responsibilities of school and other activities, they can most likely be trusted to judge for themselves whether or not they are ready to become sexually active, and with whom they choose to engage in sexual activity. When we place restrictions on the behaviour of young people, especially when this behaviour is so uniquely private and personal, we are also restricting their ability to grow and mature into responsible, free-thinking adults. By raising the age of consent, we would not be teaching teenagers how to make good decisions; rather, we would only be impairing their ability to learn these decision-making skills on their own initiative.

Advocates for a raised age of consent may argue that their primary intent is to protect children from the potential hazards of sexual activity, such as sexually transmitted infections and unwanted pregnancy, as well as from certain dangerous individuals who prey on unsuspecting youth. While all the aforementioned hazards are undeniably best avoided, raising the age of consent may not be the right method of accomplishing this goal. In fact, it would likely only increase these risks and place young people in even more danger than that which they might experience with a lower age of consent. The Canadian AIDS Society has stated that "increasing the age of consent could result in young people being more secretive about their sexual practices and not seeking out the information they need. This will place youth at an increased risk of contracting HIV and other sexually transmitted infections." A raised age of consent would only increase the irrational social stigma against teenagers engaging in sexual activity. It would also increase the fear and guilt that surrounds the issue and prevent teenagers from seeking the help they need to protect themselves. Accurate information with regards to sexual health is already hard enough to come by.

However, in addition to the aforementioned potential hazards of a raised age of consent, there are also certain ethical implications to consider in this debate. It was Pierre Trudeau who said, "The state has no business in the bedrooms of the nation," and this quote rings just as true today as it did in the seventies. When sex is between two consenting individuals who are both fit to give that consent, there is no reason for the state to intervene. Everyone's experiences are different; therefore it is difficult to implement one law to dictate what is right and what is wrong for an entire population. The attempt to implement such an archaic law seems to demonstrate the influence of religious morality, something which is best kept separate from matters of the state. According to Andrea Cohen of the Canadian Federation of Sexual Health, "There is no

evidence to suggest that raising the age of consent would protect youth, but what it will do is infringe upon the rights of youth in terms of their ability to make decisions on their own sexuality.” Engaging in sexual activity is a personal choice, one which the government ought to respect. Control over one’s own body and sexuality is a basic human right that no one should be denied.

Furthermore, there is evidence that those individuals who propose to raise the age of consent not uniquely concerned with the welfare of the nation’s teenagers. It seems that personal morality and prejudice may also be factors in the policies of our government, as demonstrated by the difference in ages of consent for vaginal and anal sex. In Canada, 16 is the age of consent for vaginal intercourse while 18 is the age of consent for anal intercourse. It is plain that there is absolutely no rational reasoning behind this difference. When it comes to anal sex, the increased risk of transmitting sexually transmitted infections is cancelled out by the dramatically decreased risk of unwanted pregnancy. This law is an obvious attack on the rights of male homosexual citizens, and it severely damages the credibility of our age of consent laws. One is forced to question whether or not the government really has its citizens’ best interests in mind when it implements such policies, or whether there exists a hidden agenda.

There are several perfectly practical alternative solutions to this age of consent dilemma. The close-in-age exemptions which are currently included in our age of consent laws are often very effective in providing protection from sexual predators while still leaving plenty of room for individual freedom. Instead of raising the age of consent, the government could instead consider extending close-in-age exemptions, which would serve as a compromise for both those opposed to and in favour of raising the age of consent. In addition, if the government wishes to protect the youth of Canada from the dangers of sexual intercourse, it would better off concerning itself less with raising the age of consent and more with increasing the accessibility of correct information regarding safe sex practices. The key to good sexual health is not stricter laws, but rather education and awareness.