

C O N S E N T

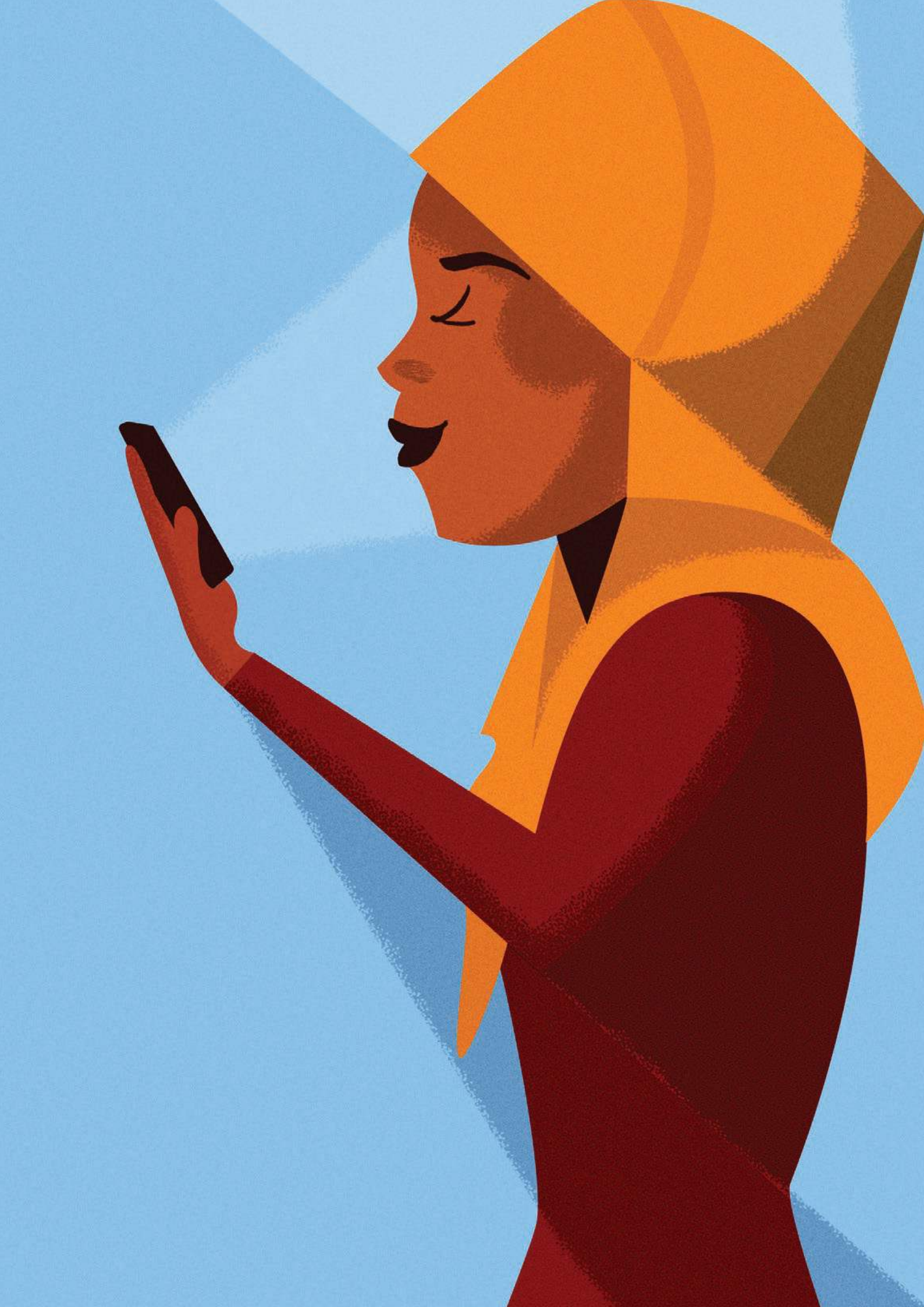


Let's Talk About Consent

**A Guide for Young People exploring
the concept of consent**



national youth council of ireland
COMHAIRLE NAISIÚNTA NA NÓG





About this publication

The National Youth Health Programme, within the National Youth Council of Ireland created this booklet as a resource for young people to begin to understand and learn about consent.

The booklet does outline the following:

- What is consent?
- What is sexual consent?
- Consent and Irish Law
- How do give consent
- How to ask for consent
- Consent, communication and body language
- How to handle rejection

This booklet does not contain everything you need to know about consent, so it is important that if you have any questions or concerns please talk to your youth worker or a trusted adult.

If, while reading this booklet, you become upset about a past or current situation with somebody/a partner, please talk to your youth workers or a trusted adult.

Part of knowing that you are ready to engage in any kind of sexual activity is your ability to communicate your likes and dislikes clearly to the other person and also, your readiness to hear and accept the other person's likes, dislikes and boundaries.

One of the most important things that every single romantic act must have is consent. Consent is the responsibility of everyone who wants to or who is engaging in any kind of romantic act such as kissing, touching, hugging, holding hands, vaginal or anal sex, penetration of the anus or mouth by the penis, penetration of the vagina by an object.



An Roinn Leanaí
agus Gníothaí Óige
Department of
Children and Youth Affairs



Féidhmeannacht na Seirbhíse Sláinte
Health Service Executive





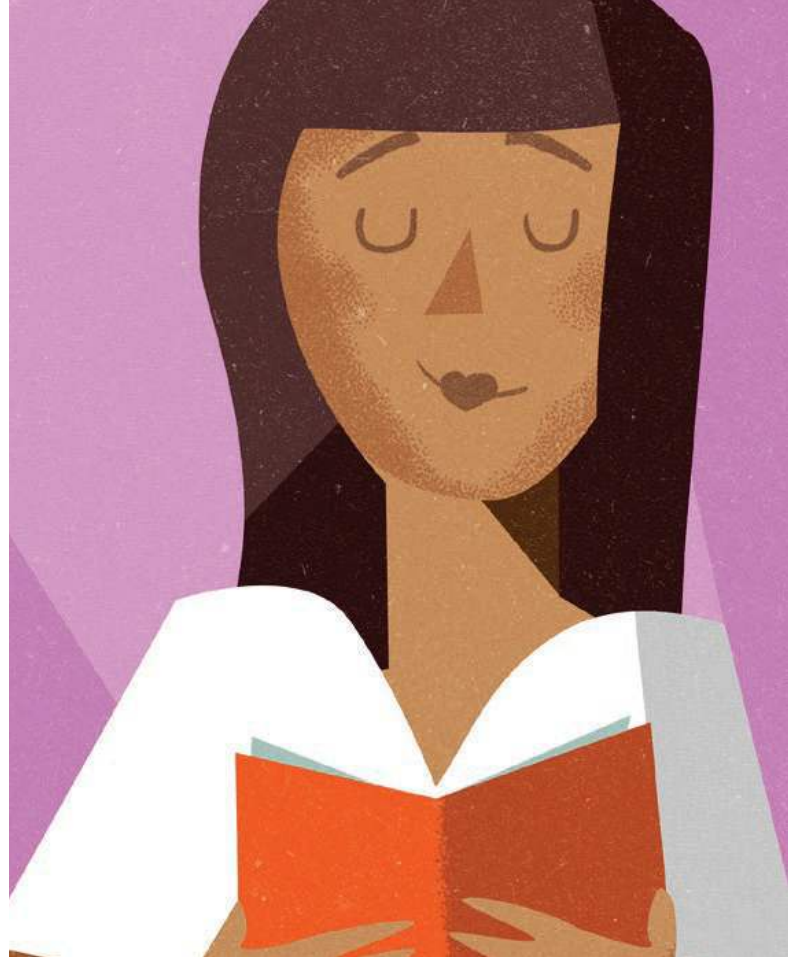
What is consent?

Consent is when you agree to do something, or you give permission for something to happen



What is sexual consent?

Sexual consent is when a person freely agrees to engage in a sexual act. This includes touching, kissing, vaginal or anal sex, penetration of the anus or mouth by the penis, penetration of the vagina by an object.



The age of sexual consent in Ireland is 17 years. This is for everyone regardless of gender or sexual orientation

Consent and the Irish Law

In Irish Law, the Criminal Law (Sexual Offences) Act 2017 outlines sexual consent.

Under the Act a person can give their consent to a sexual act if that person voluntarily agrees to engage in that act.

Under the Act a person does not consent to a sexual act if:

- There is a threat of force
- The person is asleep/unconscious
- The person cannot communicate because of the effect of alcohol and/or drugs
- The person is suffering from a disability that prevents communication
- The person is mistaken as to the nature and/or purpose of the act
- The person is mistaken as to the nature
- The person is being unlawfully detained
- If someone else has given consent on their behalf

Consent can be withdrawn at any time, before or during the sexual act

How do I give my consent?

For you to give your consent, you must have the capacity to do so. A yes, isn't really a yes if you are not capable of giving it. Here are some factors that make it possible for you to give your consent:



- **Age**

In Ireland, you must be 17 years old to give your sexual consent. This applies to everyone regardless of gender or orientation.



- **Capacity**

Do you have the intellectual ability to give your consent? Some people with severe intellectual disability may not have the capacity to consent to a sexual act. This means that if they cannot communicate with their partner or, if they do not understand the nature of the act they are not in a position to consent to the act.



- **Alcohol/Drugs**

Alcohol, prescription medication or recreational drugs may impair your ability to communicate or affect your memory and level of consciousness. If you are using alcohol/drugs and you become intoxicated and/or are unaware of your surroundings or, unconscious or asleep, you do not have the capacity to give your consent to any sexual activity. Similarly, if your partner is using drugs/alcohol, becomes intoxicated and/or becomes unconscious or asleep, or cannot communicate clearly with you, they too cannot give their consent to any sexual activity. It is important to note, that even if they previously have given their consent but are now intoxicated, unable to communicate or unconscious, they are unable to give their consent to any sexual activity happening.



- **Power**

In your relationship, does one of you have more power or control over the other? This might involve physical, emotional manipulation or financial power? Do you feel pressured to agree with your partner?

Are you happy to state your own opinions regardless of what your partner thinks?

In a healthy relationship you should feel confident and comfortable in saying what you do and don't want to do without fear of any negative consequences for expressing your opinion.

In a healthy relationship a no should be an acceptable option and equally as important as a yes.



Asking for consent

For someone to give their consent to sexual/romantic activity, clear communication is required to make sure both people are in agreement and are setting and respecting boundaries. It is important to ask yourself these questions before you ask for consent.

- Are they/you the legal age?
- Are they/you drunk or high?
- Are they awake?
- Do they/you have the capacity to consent?
- Is there a power imbalance making them afraid to say no?
- Are they consenting for themselves or is someone giving consent on their behalf?
- Are they who they say they are?
- Are they/you sure of what is involved in this activity?
- Are they/you sure of who is involved in this activity?

Consent, Words and Body Language

Words and body language are used in relationships to communicate however, if you only rely on the use of body language, you may misinterpret or misunderstand what the other person is communicating. Adding in alcohol and/or drugs can make the situation more complicated. Therefore, to ensure that you and the other person

are in a healthy, safe and consenting environment, use language to ask for and give consent.

Here is some of the words you can use and listen for. This is not a complete list, there may be other words you can use.



What **CONSENT** can sound like?

Yes
I would like
I like that
I am sure
I want to
I am ready
I want to keep doing this
This feels nice
I know I want this
Don't stop
This feels right



What **NONCONSENT** can sound like

No
I don't want to
I don't like that
I am not sure
I am not ready
I want to stop
Stop
I want to but,
I am really unsure
I don't feel comfortable
I thought I wanted to but,
Can you not do that
That hurts
This feels wrong



Body Language

Body language is another form of communication you can use to show your true feelings and emotions. This can be done through your facial expressions and body movements. However, when we are talking about consent, you should not rely on body language alone to ask for or give consent. Body language is open to misinterpretation so, body language should be used alongside words to ensure that everyone is in a safe and consenting environment.

Sometimes, body language can let you know that your partner is not comfortable and if so, you should stop and ask if everything is ok.

How might I know something is not ok?

STOP SIGNS

- Is your partner not responding to your touch?
- Is your partner avoiding eye contact?
- Are they pushing you away?
- Are they holding their arms tightly around their body
- Are they turning away from you or hiding their face?
- Are their muscles stiffening?
- Do they seem upset and are they crying?
- Does your partner look afraid?
- Are they remaining silent?
- Do they seem unenthusiastic and not into it?
- Have they said that they're feeling too tired or sick?
- Are they changing the subject away from sex or trying to concentrate on other activities?

***adapted from Spun Out.ie: Consent in sexual relationships*

If you notice these expressions and body gestures or notice something different, you should always check in with your partner, asking is everything ok? Don't ignore these signals

Consent is:

Consent must be active, ongoing and mutual between you and your partner and it is not something we only give once

You and your partner have the right to change your mind at any time, even after you have given your consent

Consent is much more than saying YES, consent is also about letting your partner know your likes and dislikes. This leads to healthy communication in a relationship

Always make sure you ask for your partner's consent and tell them whether you consent or not

Consent is not:

Assuming a person is 'up for it' based on how they are dressed, behaving or if they have been drinking or using drugs

Putting pressure on someone

Silence

Thinking its ok because the person has consented to this act before



If I have given my consent, can I take it back?

Yes, you can withdraw your consent at any point before or during sexual activity.

Consent is ongoing.

Just because you have taken part in a particular sexual activity with someone before, doesn't mean you want/ have to do it again, even if the other person really wants to.

If someone consents at the beginning of a particular sexual activity, they can always withdraw consent at any time during that activity.



What is the age of consent for sex in Ireland?

The legal age of sexual consent is 17 years in Ireland. This applies to everyone regardless of gender and sexual orientation.

The law says that a person must be 17 years of age to be able to consent to engaging in a sexual act. This means that a young person under the age of 17 is not legally old enough to consent to a sexual act even if they want to. Remember, it is a crime to engage in a sexual act with someone who has not, or cannot, give consent.

Does this mean that two young people are breaking the law if they engage in a sexual act? Not necessarily. The law recognises that younger people may be engaging in sexual activity with each other and has introduced a 'proximity of age' defence. This is sometimes called the "Romeo and Juliet Defence". This means that if a person has been charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years he or she can put forward a defence but only if all of these conditions apply:

- The age difference between the two parties is not more than 2 years
- Agreement was given freely and voluntarily
- Neither party felt exploited or intimidated
- Neither person is a person in a position of authority

So, for example, this defence may be open to two 16 year olds, or to a 16 year old and an 18 year old, but only if all the conditions above are present. It may ultimately be up to a court of law to decide if there was actually free and voluntary consent in these circumstances.

The law in this area is complex. The consent of the Director of Public Prosecution is always required for any prosecution of a child under the age of 17 years.

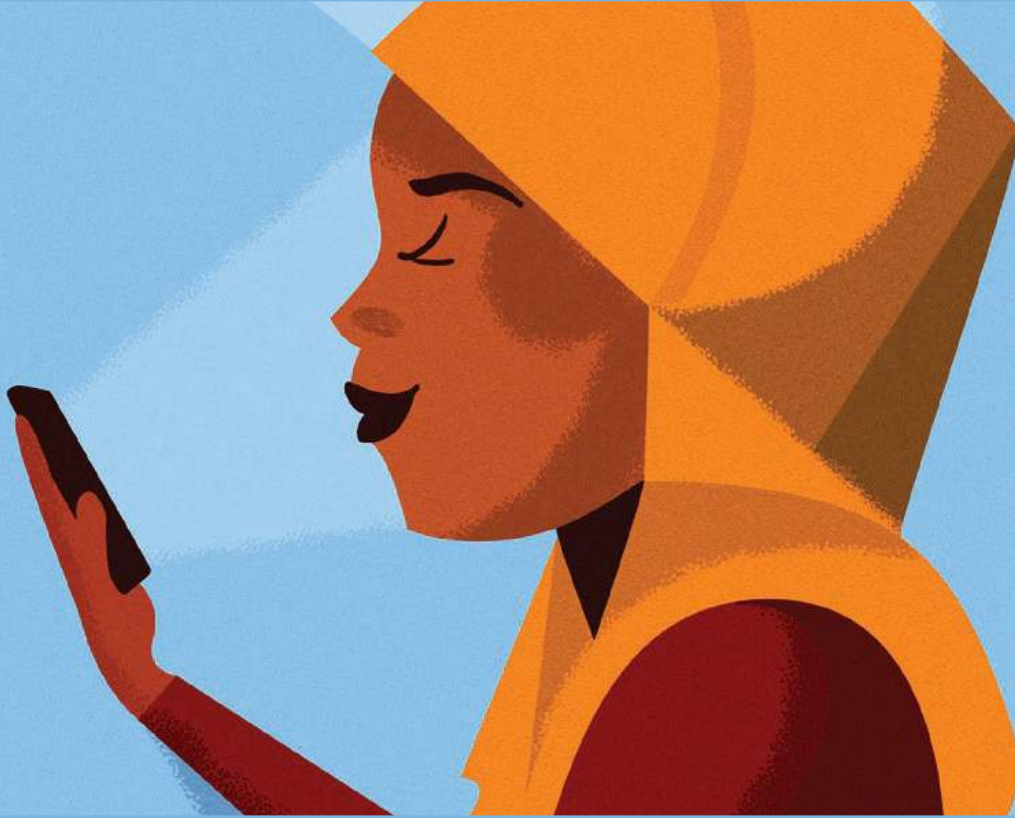


Rejection

Rejection hurts but it is impossible to avoid. Being rejected by someone does not mean you are not liked or are not important, it just means that in this situation, with another person, things didn't work out for you. It is important you learn how to accept and handle rejection to ensure that the environment you and the other person are in, is safe and healthy.

How to handle rejection:

1. Acknowledge your feelings. Don't ignore how you feel but accept that it is normal for you to feel like you do given your situation.
2. Identify and label your feelings. Is it hurt? Is it embarrassment? Is it shame?
3. Write down or tell someone how you are feeling. Getting your thoughts out of your head will reassure you that these are normal emotions a lot of people have.
4. Listen to what the person is saying when they are saying no to you. You might learn a little about what that person is going through and understand their reasons for saying no.
5. Accepting their no is really important.



There could be times when you are in a situation that is uncomfortable or perhaps you are engaging in sexual activity that you want to stop. This can happen, and you need to communicate your feelings to the other person to ensure that the environment is safe and healthy.

Skills for saying NO:

- Body Language: Stand tall, keep your head up and keep eye contact. Feel strong and equal. Believe in yourself
- Use short, clear statements: I don't like, I don't want to, I am not comfortable with this
- Say something positive first: Begin by saying something positive to the other person, for example, I want to have a good time but... I really like you, but I don't want to do that
- State your views and wishes 'Yes, I hear what you are saying, but I'm still not going to...
- You don't need to give a reason: avoid being manipulated into giving further explanations. If the person requests a reason, repeat a short, clear statement such as 'I've already said I don't want to and I'm not going to change my mind'.
- Expect them to accept what you are saying. In extreme situations where you are not being heard, or you are under threat, you should leave or look for help.

Useful Organisations



- **An Garda Síochána**
999/112 or visit garda.ie
- **The National Youth Health Programme:**
youthhealth.ie
- **Crisis Textline Ireland**
Text TALK to 50808
- **Teenline- 1800833634**
- **BelongTo 016706223**
- **Dublin Rape Crisis Centre**
www.drcc.ie
1800 77 8888
- **Childline**
www.childline.ie
1800 666 666
Free Text: 50101
- **Jigsaw**
- **Sexual Health and Crisis Pregnancy Programme**
www.sexualwellbeing.ie
- **Spun Out**
www.spunout.ie



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