



UNDERSTANDING CONSENT

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Understanding sexual consent can create confusion for both teenagers and adults. However, ensuring that both you and your partner consent to any form of physical or sexual activity is vital not only for your relationship, but in the eyes of the law, too. Doing something when the other person has not consented to it could mean that your actions are assault or sexual assault.

Although this sounds scary, consent doesn't have to be confusing and there are ways to be sure that you have someone else's consent before you go any further. Here we will explore what consent is, how you can consent or withhold consent, and how to manage feelings of rejection in a healthy way.



WHAT IS CONSENT?

In its simplest form, consent is when you agree to something. Throughout life, adults have to decide whether to consent, or withhold their consent, in a variety of situations. This might include agreeing to an operation or deciding to take out a loan for some money.

Sexual consent is agreeing to take part in sexual activity. Consent is extremely important, because if you are not sure that you have the other person's consent, then you could be doing something against their will. If you both agree to specific types of sexual activity, then you are much more likely to have safe, pleasurable and healthy sex.

It is important to remember that just because someone has given consent once, this doesn't mean that they have given consent for the future, too. Individuals can change their minds or withdraw consent at any time, and this decision must be respected. Consent can be given for specific sexual activities, but not for others, and this must always be respected. For example, although someone might consent to giving or receiving oral sex, they may not want to have penetrative sex. Similarly, you might consent to sexual intercourse if your partner wears a condom, but not if they do not use this form of protection.

Consent can only be given by individuals who are over the legal age of consent, which in Ireland is 17 years of age. A young person who is under the age of 17 cannot legally consent to sex, and so it is a crime to have sex with anyone aged 16 or younger. The age of consent is the same for everyone, regardless of gender or sexual orientation.

However, it is recognised that children under the age of 17 may be engaging in sexual activity, and two young persons who do so may not be breaking the law as long as the older of the couple is not more than two years older than the younger, consent is properly given, and neither person is in a position of authority. This area of the law is complex, and prosecution may occur if the conditions for defending underage sex are not met.

PERSONS IN A POSITION OF AUTHORITY

Although the legal age of consent for sex is 17, the law is different if one person is in a position of authority. An authority figure might be a teacher, coach, carer, family member, youth worker or a religious leader. In this case, it is a serious offence for an authority figure to engage in any form of sexual activity with someone who is under the age of 18.

A young person cannot legally consent to a sexual relationship of any kind if it is with someone who has authority over them. Furthermore, if you are under 18, you cannot give legal consent to someone who has previously held authority over you. For example, if you have recently moved schools, you could not consent to having sex with a teacher from your old school, because they have previously been an authority figure to you.

This law is in place to protect young people from being used, groomed or exploited by someone who holds more power than them.



A NOTE ON SEXTING

It can be tempting to send nude photos and other sext images. However, it is illegal to post, send or share these photos of anyone aged under 18, because this is classed as child pornography. This is true even if you are aged under 18 and send a sexual photo of yourself.

It is illegal to send or share the following photos or videos of anyone aged under 18, regardless of your own age:

- Nude or naked images
- Pictures of their genitalia
- Images of someone engaged in sexual activity.



HOW CAN CONSENT BE GIVEN?

There are various ways that sexual consent can be given or refused, and some ways are more obvious than others. Consent may need to be obtained more than once during a sexual experience, to check that both partners remain happy and that they are both continuing to enjoy it.

Verbal consent

The easiest and clearest way to get or give consent is through speaking to each other. For verbal consent to be given, you need to hear them answer 'yes' or say words that give consent in another way such as:

- 'That sounds great'
- 'Let's do more of that'
- 'This feels amazing'
- 'I want you to touch me here...'
- 'I'm enjoying this'.

Asking your partner if they want to be touched or to touch you, to give or receive oral sex, or take part in penetrative sex is a clear way to check what both of you want to do. If your partner sounds at all unsure, or says yes but seems hesitant or appears not to be enjoying it, stop and check that they are truly consenting.

Remember that even if consent has previously been in place for any sexual activity, this does not mean that it remains in place forevermore. Check that you have consent, or that you give consent, every time any form of sexual activity is initiated.

Non-verbal consent

Non-verbal consent is a type of consent, but it may not be as clear or obvious as a verbal 'yes'. You must therefore be sure that you are reading the non-verbal cues correctly to ensure you have consent. Non-verbal consent might be given by:



- Nodding your head
- Giving a thumbs up or ok symbol
- Pulling someone closer to you
- Actively touching someone after they have asked you to.
- Guiding someone to touch you after they have asked for consent.

Although non-verbal consent can be very clear, it is vital to be aware that relying on your own interpretation of someone's body language could lead to miscommunication. If you are unsure whether you have consent, always check first. Just because someone doesn't complain or resist, that doesn't mean that they consent to sexual activity.

HOW CAN CONSENT BE WITHHELD?

Consent can be withheld verbally and non-verbally, too. This is sometimes known as non-consent.

Verbal refusal

If someone does not consent to sexual activity, they may clearly refuse by verbal refusal. This might include saying:

- 'No'
- 'I'm not ready'
- 'Stop it'
- 'Let's wait'
- 'Don't'
- 'Let's do something else'
- 'I don't want to'



Non-verbal refusal

Although non-verbal refusal can sometimes be less obvious than verbal refusal, it is your responsibility to be completely sure that someone is consenting to sexual activity before you go any further. Non-verbal refusal might include:

- Pushing away
- Pulling away
- Turning over or turning around
- Turning their head or body away from you
- Trying to leave
- Staying silent or not saying anything
- Remaining still and not participating
- Not touching you, or trying to avoid being touched

Even if someone stays still or remains silent, this should not be seen as consent. Consent must be actively given, and is not a passive state.



COERCION

Coercion, or coercive control, means finding a way to persuade someone to do something against their will. In this case, coercion would be used to encourage someone into sexual activity with you, even though they do not want to participate. Coercion may occur through threatening to:

- Reveal a secret if you don't agree to sex
- Tell everyone you were too scared to have sex, a tease, or 'frigid'
- Hurt you if you don't do as requested
- Withhold money, cigarettes or drugs from you
- Embarrass you
- Take your possessions or steal your money
- Split up with you if you won't have sex
- Spread rumours about you, whether true or not.



If you agree to have sex with someone to stop them going through with a threat, then you have not given consent because you have not been able to make the decision freely. In this case, someone has done something to you that you did not want. This is sexual assault and should be reported to the Gardaí.

ALCOHOL AND DRUGS



If someone is under the influence of alcohol or drugs, then they may not be able to give consent. Both partners must be able to understand the type of sexual activity that is being proposed, and be able to make an informed decision to agree to it, or refuse. If someone is too drunk or high to understand, or cannot give a clear answer, then they are unable to consent. If someone is asleep or has blacked out, they cannot give consent regardless of whether you are in a long-term partnership or how many times you have been sexually intimate before.

WHY MIGHT YOU WITHHOLD CONSENT?

If consent is not present, sexual activity becomes sexual violence. Although you might feel like someone who withholds consent is personally rejecting you, there could be many reasons why they don't want to have sex at that moment in time and so you must respect their decision. Common, healthy reasons to withhold consent include:

- Not feeling ready to engage in sexual activity, regardless of whether you have had sex with the individual in the past
- Not feeling in the mood for sex
- Not feeling aroused yet, and wanting to continue with foreplay for longer
- Not being interested in sex at that time
- Being uncomfortable or experiencing pain, and wanting to slow it down or stop
- Wanting to wait until you have been in a relationship longer before having sex
- Not being somewhere safe, comfortable, or private
- Sex going against your religious or spiritual beliefs
- Not having a condom available, or not already using any form of contraception

- Fears about sexually transmitted infections (STIs) or pregnancy
- Feeling anxious, worried, sad or distracted by something else.

An individual does not have to give a reason for withholding consent. In this case, you must still respect their decision even if you do not fully understand it.

DEALING WITH NON-CONSENT AND REJECTION

If you want to engage in sexual activity but your partner does not, you might feel frustrated. However, you must respect their wishes. If you have already started being intimate when consent is withdrawn, stop and check that your partner is ok, and if anything has upset or hurt them. If they are ok and simply want to stop, then you can suggest other, non-sexual activities that you can do together.

There are many other things that you can do that do not involve sex or intimate touching. Your partner might be happy to cuddle or kiss, but not want to go any further. Alternatively, they may want to take a break from any form of physical or sexual activity. You could instead suggest watching a movie together, playing a video game, going for a walk, going into town or to the cinema. If they want some space, you will need to respect this.

If your partner is upset or not feeling ok, gently try to understand what has happened and if anything in particular has hurt or worried them. Give them space before suggesting that you spend time cuddling, unless this is obviously what they want.

It can be difficult to deal with rejection. If possible, try to understand why your partner is not giving consent. It may be that you need to be more patient, that you need to slow your intimacy down, or that you both need to take steps to ensure you have contraception and protection against STIs in place. Understanding why someone has said no may help you to manage feelings of rejection.



CONSENT AND COMMON SENSE

As consent can be verbal, non-verbal, or based on body language which might not always be clear, you may worry that you will make a mistake or mis-read the signs when it comes to consent. However, it is possible to apply some common sense to ensure that both you and your partner are sure that you have consent.

You and your partner may talk about sex and consent ahead of any sexual activity taking place. Having a conversation in advance may reduce the pressure either of you feel to make a decision that may not feel completely right for you. This may be a good time to discuss what you both feel ready for, or if anything is off limits or doesn't feel right.



However, you must remember that even if you have discussed something and have previously said you feel ready for it, you will need to check that both of you still consent to it when the moment arises. Just because someone has said they feel ready for something, they can withdraw this consent if they change their mind at any point in future. The same also applies to something you might have done before. For example, even if you have had sex with a partner before, it cannot be assumed that they will consent to having sex again in future. You must be sure that your partner consents every single time.



Obtaining consent should not be ignored or seen as a 'mood-killer' as it is a vital part of a respectful relationship. Checking for consent does not have to be a difficult process, and in many cases it will be obvious if you do or do not have consent. A clear yes or no may be all it takes, or you may need to pay attention to the physical cues listed above. If you are at all unsure if someone is giving consent, you must stop and confirm how the other person is feeling.

If someone is intoxicated by drugs or alcohol, they cannot give consent and you must therefore not take part in any physical or sexual activity.

WHEN THERE IS NO CONSENT

Consent may be given, withheld or withdrawn at any time. You may have slept together many times already, and then find that your partner doesn't want to have sex. If this happens, there are many of other ways to enjoy intimate or quality time together. If your partner doesn't want to have penetrative sex, they may prefer to:

- Engage in oral sex
- Touch or be touched
- Kiss
- Cuddle
- Enjoy a back, neck or shoulder massage
- Watch a movie
- Listen to music together.



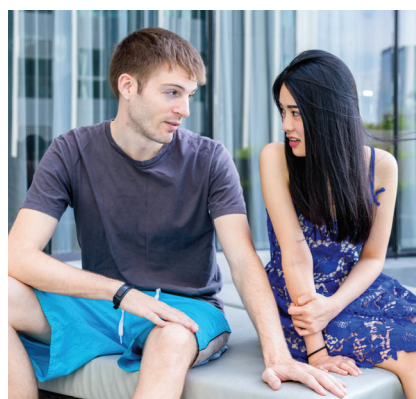
Rather than focusing on sex, look for other ways to be intimate or enjoy each other's company. In some cases, one partner might want some time out or space and this should be respected.



GOLDEN RULES OF CONSENT

To make it easier to be sure that you have consent, it can be easier to remember the golden rules of consent.

- Consent can only be given freely, without persuasion or coercion.
- Consent must be given for each sexual activity, every time it occurs. Even if you have done something with the same partner before, you must check that they consent to it again.
- You can change your mind at any time. If you have already consented to touching, but then change your mind before or during, ask to stop. Your partner should respect your wishes and stop.
- It is ok to keep checking consent. Asking questions such as “does this still feel good?”, or “can we try...” will help you to understand what each of you wants.
- Make sure your partner knows that you can stop at any time.



- Pay attention to physical cues. Even if someone says yes, they may do so because they feel scared to say no, so pay attention to whether they are enjoying what you are doing, or if they are silent, still or not joining in. If you have any doubt about their consent, stop and check if they are ok.
- Always respect someone’s wishes if they do not give consent.
- Consent cannot be given by anyone under the age of 17, or someone who has taken drugs or is drunk.
- If you are under-18 you cannot give consent to someone who is in authority over you or has been in authority over you previously.

FINAL THOUGHTS

Consenting to sex and other forms of intimacy can seem like a complicated area and you may feel nervous about making sure you interpret the signs correctly. However, by being sure to check that both you and your partner consent every time, paying close attention to the verbal or non-verbal signs that your partner gives you, and being sure to check if you are at all confused, you can feel certain that you are not going to do anything that your partner hasn’t consented to.

Sexual Health Information:

sexualwellbeing.ie

Rape Crisis Network Ireland:

rcni.ie/useful-links



HELP AND ASSISTANCE

If you are concerned about yourself, friends or family you should contact your GP or Out of Hours Service immediately.

You can also get immediate support and information 24/7 by

 **FREETEXT HELP TO 50015**

Texting 50015 is free of charge from any network and you can text this number even if you have no credit. This service is fully confidential and YSPI has no information on mobile numbers that use the FreeText service



For information on:

- Emergency Contacts
- National Helplines
- Local Support Groups
- Directions to your nearest GP or out of hours clinic
- Directions to your nearest safe place or refuge

 **WWW.INNEEDHELP.IE**

Always call 999 if someone is seriously ill or injured, and their life is at risk.

Gardaí / Ambulance / Fire call 999 or 112

ABOUT YOUTH SUICIDE PREVENTION IRELAND

Youth Suicide Prevention Ireland was founded in 2007 as there were no national charities focusing specifically on the problems and issues of youth suicide and self-harm in Ireland. We now provide a range of services aimed at mental health awareness and suicide prevention amongst teenagers.



Our main programme is **“Let’s Talk About Mental Health”** (www.letstalk.ie). This is a programme for students, teachers, parents and those who work with young people in schools, colleges, GAA clubs and youth organisations around Ireland.

Let’s Talk About Mental Health is a comprehensive mental health awareness and suicide prevention programme for ages 16+. As part of the programme we also provide a video workshop presented by John Sharpson that any organisation can book through our website at www.letstalk.ie/video.php.

We provide a wide range of free information including our “Let’s Talk About Mental Health” magazine delivered to schools and organisations as well as the “Coping With” series of mental health guides.

We also operate a 24/7 FreeText Crisis Information Service and fund a Youth Crisis Counselling Service at www.youthcrisiscounselling.ie.

Full details are available at www.yspi.ie



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