

Consent: What do I need to know?

Overview resource by Dublin Rape Crisis Centre



In general, consent is about feeling in control and saying yes or no, doing or not doing things because you choose to, not because someone is pressuring you.

When it comes to sexual activity, consent is the voluntary agreement to engage in sexual activity in a relationship with equal power.

This agreement can be verbal or non-verbal, but should be given freely by individuals capable of consenting. This means you and whoever you are with should be over the legal age of consent and not under the influence of drugs or alcohol and not asleep or unconscious.

Consent should never be assumed – it should be a clear, ongoing & continuous process in every new or repeated sexual encounter.

There is no consent when:

A person has not actively agreed

A person has protested in any way

A person gives consent for someone else

A person is not capable of giving consent

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What's important to know about consent?

What the law says about consent -The Criminal Law (Sexual Offences) Act 2017

- 'A person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act.'
- *Some circumstances in which there is no consent to a sexual act: if*
 - ❖ force is used
 - ❖ there is a threat of force being used against victim or another person
 - ❖ there is a well founded fear of force to self or another
 - ❖ a person is asleep or unconscious
 - ❖ a person is incapable of consenting because of the effect of alcohol or some other drug
 - ❖ a person is suffering from a physical disability which prevents communication of consent
 - ❖ a person is mistaken as to the nature and purpose of the act or
 - ❖ a person is mistaken as to the identity of any other person involved
 - ❖ a person is being unlawfully detained at the time of the act
 - ❖ consent is given by a third party
- (4) Consent to a sexual act may be withdrawn at any time
- (5) Any failure or omission on the part of a person to offer resistance to an act does not of itself constitute consent to that act.

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Irish law says that a person ‘consents to a sexual act if he or she freely and voluntarily agrees to engage in that act’. According to Irish law, the legal age for consenting to sexual acts is 17.

This means that it is illegal to engage in sexual activity with anyone under 17 and for a person in a position of authority, it is illegal to engage in sexual activity with anyone under 18.

The law acknowledges that young people may be engaging in sexual activity with each other and has included a 'proximity of age' defence in the 2017 Sexual Offences Act. 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 people is not more than two years,
 - agreement was given freely and voluntarily,
 - neither party was exploited or intimidated, and
 - neither person was in a position of authority.

Creating and sharing intimate images or videos of someone under the age of 18, with or without consent, may be considered as the online sharing of child abuse imagery, known in the legislation as child pornography, and may be illegal.

Communicating consent

Many people worry that talking about consent will be awkward or a mood-killer, but this is not the case. Communication is a healthy part of a sexual relationship. If anything, the mood is much more positive when everyone can freely communicate what they want or don't want. Here are some ways to check for consent:

What you can check with the other person

Are you comfortable?

Is this ok?

Does this feel good?

Tell me what you like?

Are you ok to continue?

What you can check with yourself

How am I feeling? Am I really comfortable with this?

Do I feel under pressure?

Am I putting pressure on myself?

Am I doing this because I want to?

What you can say

Can we slow down a bit? This is enough for me.

I like that

I don't feel comfortable with this

Giving and getting consent before taking part in any type of sexual activity means that you know what is being agreed to and everyone can enjoy what they feel comfortable with.

Consent is an important part of healthy relationships. In a healthy relationship, there is a responsibility to look after each other, and make sure the people who we are with are happy, safe, and giving their consent.

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In healthy relationships

- People feel safe, equal, respected and happy
- People don't put pressure on anyone else & it's easy to say 'no' as well as 'yes'
- People don't do things that make others feel uncomfortable or anxious

Signs of a healthy relationship

- good communication
- mutual respect
- trust
- honesty
- equality
- being yourself

Consent resources:

- [100Consent campaign page](#)
- [Youth programmes at DRCC](#)
- [Cycling through consent \[clip \(c\) Western University\]](#)
- [Consent is like Cup of Tea \[clip \(c\) Blue Seat Studios\]](#)
- [SpunOut](#)
- [Jigsaw](#)
- [ThinkUKnow](#) (note: this is a UK website with a different legal/services framework)

How Dublin Rape Crisis Centre works to raise awareness on consent

Dublin Rape Crisis Centre has been active in promoting a wider understanding of consent for many years. It does this via:

- policy and research
- training courses for educators/youth workers and for young people
- talks and outreach in schools and colleges
- campaigns and advocacy work

#100CONSENT

Our campaign, **#100consent**, focuses on the need for people to be completely consenting to any sexual activity – if you are not sure about yourself or the other person, then you shouldn't proceed. As the campaign says, if you're not 100%, it's not consent. You can [read more on the #100consent campaign page](#).

If you have experienced rape or sexual assault, and need confidential, non-judgemental support, please call the [National 24-hour Helpline](#) on 1800 77 88 88 and find information on <http://www.drc.ie/>