

# #100CONSENT

IF YOU'RE NOT 100%, THEN IT'S NOT CONSENT.

## SEXUAL CONSENT

is the voluntary agreement in a relationship with equal power to engage in sexual activity.

**Clear and coherent:**

Free from influence (drugs and alcohol)

**Affirmative:**

A clear YES through verbal and non-verbal clues

**Retractable:**

You can change your mind at any time

**Informed and mutual:**

Clear agreement and understanding by both individuals about what is being asked for and consented to

**Willing and freely given:**

If someone is forced or under pressure to do something then they have not freely and willingly consented (no consent)

**Capable of consenting:**

Over the legal age (17) and not under the influence of drugs or alcohol.

## WHAT'S NOT CONSENT?

**Compliance:**

Pressure from within, doing what I believe the other wants, what I think will happen if I do/ don't.....

**Coercion:**

Being compelled to do what others want.  
Pressure from outside, what will happen if I don't....

**Force:**

No Consent. Psychological, physical force or blackmail used so as to leave the person no choice.

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

## THE LEGISLATION

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
- If there is a threat of force being used against victim or another person
- If there is a well founded fear of force to self or another
- If a person is asleep or unconscious
- If a person is incapable of consenting because of the effect of alcohol or some other drug
- If a person is suffering from a physical disability which prevents communication of consent
- If a person is mistaken as to the nature and purpose of the act or
- If a person is mistaken as to the identity of any other person involved
- If a person is being unlawfully detained at the time of the act
- If 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- (4) Consent to a sexual act may be withdrawn at any time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.

### Sexual Offences under Irish Law

**Rape:**

Sexual intercourse with a woman who did not consent to it where the man knows that she does not consent ... or is reckless as to whether she does or does not.

**Rape Under Section 4:**

A sexual assault on a male or female that includes penetration of the anus or mouth by the penis, or penetration of the vagina by any object held or manipulated by another person.

**Aggravated Sexual Assault:**

A sexual attack that involves serious violence or causes grave injury, humiliation or degradation.

**Sexual Assault:**

A sexual attack with a less serious level of violence.