Sexual consent

Fast Facts

- Consent is an ongoing process – you might agree to sex earlier on and then change your mind - everyone has the right to do this.

- Giving your consent and getting your partner’s consent may feel a bit awkward but ultimately sex is about communication and can and should be a positive and pleasurable experience.

- The legal age to have sex in your country may be different depending on whether you’re a boy or a girl. It could also vary if you’re gay or lesbian.

- Any sexual contact without consent is wrong and illegal whatever the age of the people involved.

What is sexual consent?

Sexual consent means agreeing to take part in any kind of sexual activity. Having sex can and should be a positive and pleasurable experience when it’s based on mutual respect and the consent of those involved. You may feel nervous or awkward when talking about consent with your partner but ultimately it can and should feel good.

Sexual consent applies every time you have sex, and to any type of sexual activity at any stage, not just penetrative vaginal or anal sex. It’s impossible to say an overall “yes” to all sexual activity. You can’t know exactly what your partner is thinking or what you’re saying “yes” to.
How does consent work ‘in the moment’?

Be careful not to make any assumptions about what is okay for your partner or have expectations about what they will do. Whether you’re getting closer and about to start having sex or you’re already ‘in the moment’, consent is all about communication.

Getting consent when you don’t know someone very well can be awkward as it can feel like you’re changing the mood... and with regular partners we can forget to check, instead assuming that they’re agreeing as they have in the past. But it’s important to keep communicating.

Saying “yes” now doesn’t mean “yes” in the future

Giving consent for one type of sexual activity, one time, doesn’t mean giving consent for going further or doing that type of activity again, or any sexual contact at all.

For example, agreeing to kiss someone doesn’t mean you’ve said “yes” to someone taking your clothes off. Likewise, giving or receiving oral sex with someone in the past doesn’t mean that you want to do that again or have any sexual contact at all with that person in the future.

You can change your mind!

You can say “no” (withdraw your consent) at any stage – you don’t have to have a reason. The best way to know whether you’re both comfortable with any sexual activity is to talk about it, and get a very clear and enthusiastic ‘YES’!

Giving consent can look like this:

- Asking your partner when you change the type or degree of sexual activity by saying, “Is this okay?” and getting a clear and positive response.
- Clearly agreeing to certain activities, either by saying “yes” or something else that’s positive, like “I’m open to trying.”
- Using physical cues like letting out a sigh, reciprocating with a similar touch, looking your partner in the eye and smiling to let them know you’re comfortable taking things to the next level.

Giving consent is NOT this:

- Refusing to hear when someone says “no” and carrying on.
- Assuming that wearing certain clothes, flirting, or kissing is an invitation for more.
- Someone being under the legal age of consent.
- Someone not having the freedom or capacity to make a choice because of drugs or alcohol.
- Pressuring someone to have sex by intimidating them or making them feel scared.
- Assuming you have consent because someone has given it in the past.

Even if you’re good at communicating with your sexual partners, sometimes it’s not clear what
consent means in different situations.

What if you’re in a relationship or married?

Being in a relationship with someone or being married to them does not give them the right to do what they want to you – or you to them. It’s no different to sex with anyone else – you must both consent, each time and to each type of activity.

What if someone doesn’t actually say the word “no”?

They may say it in other ways, like “not right now”, “I’m not sure”, or they might stay silent. Their body language might also signal “no” – for example, by turning away, by curling up, or by not responding positively to touching.

What if you think or can feel that your partner is turned on?

Sometimes our bodies will be turned on but we don’t want to be touched. Even if a penis is erect or the vagina is wet – it’s not an automatic invitation. Our minds may want the opposite of what our bodies are doing which can be confusing and uncomfortable.

Sometimes a person can feel turned on by someone’s touch even when they haven’t consented. If this happens, don’t worry, communicate!

What does ‘age of consent’ mean?

‘Age of consent’ is another way of saying the legal age to have sex. When you can legally have sex will depend on what country you live in as laws are different around the world. The most common age of sexual consent is 16.1 In some countries gay or lesbian sex is illegal. Avert does not agree with any laws that criminalise homosexuality, but you can find out the situation in your country here.

Consensual underage sex – is it okay?

If you have sex with someone when either or both of you are under the age of consent / ‘underage’, then you’re breaking the law – even if you’re both consenting, the law says it’s not okay. This may seem unfair, but there’s no set age that a person is ready for sex so the law is there to protect you. You can find out more about the age of consent laws in your country on your government’s website.

Sex between an underage person and an adult

If an adult has sex with someone under the age of consent, they’re breaking the law. They could be charged with:

Statutory rape which means having sex with a person who’s under the age of consent, but past the age of puberty. Unlike ‘forcible rape’, statutory rape can mean that the person underage has said ‘yes’. 2

- Child sexual abuse which means that an adult has used their age and/or authority over a child (before puberty) to have sexual contact.

Sexual contact without consent is wrong and illegal whatever the age of the people involved. If you don’t give your consent and someone still forces you into having sex, it’s never your fault and it’s not
okay. You should speak to someone you trust if this has happened so that you can get help and support.

I’m underage but I want to have sex

If you’re too young to legally have sex it doesn’t mean that you can’t get clued up about it or start exploring your sexual feelings. You can find out a lot about sex by exploring your own body and what feels good to you.

Learning how to protect yourself from sexually transmitted infections (STIs) including HIV and unwanted pregnancy, will help you feel confident and in control when the time is right to have sex.

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1. UNICEF CRC ‘Are you old enough…to have sex?’ [accessed April 2018]

Last full review:
04 May 2018
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Sources:
British Broadcasting Corporation (BBC) ‘Age of consent’ [accessed May 2018]
Family Planning Association (FPA) (2015) 'The law on sex factsheet'