

What Is Consent

Consent

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Consent occurs when one person voluntarily agrees to the proposal or desires of another. It is a term of common speech, with specific definitions used in such fields as the law, medicine, research, and sexual consent. Consent as understood in specific contexts may differ from its everyday meaning. For example, a person with a mental disorder, a low mental age, or under the legal age of sexual consent may willingly engage in a sexual act that still fails to meet the legal threshold for consent as defined by applicable law.

United Nations agencies and initiatives in sex education programs believe that teaching the topic of consent as part of a comprehensive sexuality education is beneficial. Types of consent include implied consent, express consent, informed consent and unanimous consent.

Sexual consent

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Age of consent

The age of consent is the age at which a person is considered to be legally competent to consent to sexual acts. Consequently, an adult who engages in

The age of consent is the age at which a person is considered to be legally competent to consent to sexual acts. Consequently, an adult who engages in sexual activity with a person younger than the age of consent is unable to legally claim that the sexual activity was consensual, and such sexual activity may be considered child sexual abuse or statutory rape. The person below the minimum age is considered the victim, and their sex partner the offender, although some jurisdictions provide exceptions through "Romeo and Juliet laws" if one or both participants are underage and are close in age.

The term age of consent typically does not appear in legal statutes. Generally, a law will establish the age below which it is illegal to engage in sexual activity with that person. It has sometimes been used with other meanings, such as the age at which a person becomes competent to consent to marriage, but consent to sexual activity is the meaning now generally understood. It should not be confused with other laws regarding age minimums including, but not limited to, the age of majority, age of criminal responsibility, voting age, drinking age, and driving age.

Age of consent laws vary widely from jurisdiction to jurisdiction, though most jurisdictions set the age of consent within the range of 14 to 18 (with the exceptions of Cuba which sets the age of consent at 12, Argentina, Niger and Western Sahara which set the age of consent at 13, Mexico which sets the age of consent between 12 and 18, and 14 Muslim states and Vatican City which set the consent by marriage only). The laws may also vary by the type of sexual act, the gender of the participants or other considerations, such as involving a position of trust; some jurisdictions may also make allowances for minors engaged in sexual acts with each other, rather than a single age. Charges and penalties resulting from a breach of these laws may range from a misdemeanor, such as 'corruption of a minor', to what is popularly called statutory rape.

There are many "grey areas" in this area of law, some regarding unspecific and untried legislation, others brought about by debates regarding changing societal attitudes, and others due to conflicts between federal and state laws. These factors all make age of consent an often confusing subject and a topic of highly charged debates.

Telephone call recording laws

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Telephone call recording laws are legislation enacted in many jurisdictions, such as countries, states, provinces, that regulate the practice of telephone call recording. Call recording or monitoring is permitted or restricted with various levels of privacy protection, law enforcement requirements, anti-fraud measures, or individual party consent.

Sexual consent in law

jurisdictions do not define what sexual consent is, almost all jurisdictions in the world have determined an age of consent before which children are deemed

Sexual consent plays an important role in laws regarding rape, sexual assault and other forms of sexual violence. In a court of law, whether or not the alleged victim had freely given consent, and whether or not they were deemed to be capable of giving consent, can determine whether the alleged perpetrator is guilty of rape, sexual assault or some other form of sexual misconduct.

Although many jurisdictions do not define what sexual consent is, almost all jurisdictions in the world have determined an age of consent before which children are deemed incapable of consenting to sexual activity; engaging in sex with them thus constitutes statutory rape (see laws regarding child sexual abuse). Many also stipulate conditions under which adults are deemed incapable of consenting, such as being asleep or unconscious, intoxicated by alcohol or another drug, mentally or physically disabled, or deceived as to the nature of the act or the identity of the alleged perpetrator (rape by deception). Most disagreement is on whether rape legislation for otherwise healthy adults capable of consent should be based on them not having given consent to having sex, or based on them being forced through violence or threats to have sex. Some legislation determines that, as long as no coercion is used against them, people capable of consenting always automatically consent to sex (implied consent), whereas other laws stipulate that giving or withholding consent is something which only capable individuals can do on their own volition (freely given or affirmative consent). The 2000s and 2010s have seen a shift in favour of consent-based legislation, which was increasingly considered as providing better guarantees for the legal protection of (potential) victims of sexual violence.

Age of consent in Europe

age of consent for sex outside of marriage varies by jurisdiction across Europe. The age of consent – hereby meaning the age from which one is deemed

The age of consent for sex outside of marriage varies by jurisdiction across Europe. The age of consent – hereby meaning the age from which one is deemed able to consent to having sex with anyone else of consenting age or above – varies between 14 and 18. The majority of countries set their ages in the range of 14 to 16; only four countries, Cyprus (17), the Republic of Ireland (17), Turkey (18), and the Vatican City (18), set an unrestricted age of consent higher than 16.

The highlighted age is that from which a young person can lawfully engage in a non-commercial sexual act with an older person, regardless of their age difference. If a participant in a sexual act is under 18 but above the age of consent then sexual acts with another person who is at or over the age of consent may still be

illegal if the older participant is in a position of authority over the younger, as in the case of a teacher and their student or a police officer and a civilian. Sexual acts may not be legal if those engaging are blood relatives, regardless of age, though the legality of incest varies between European countries.

Some countries have close-in-age exceptions, allowing partners close in age of whom one or both may be below the standard unrestricted age of consent to be able to both legally consent to engage in sexual acts with each other. The lowest minimum age of consent for a close-in-age exception to apply in Europe is 12 (in Hungary), providing their older sexual partner is under 18.

Age of consent in the United States

from sexual predators. Depending on the jurisdiction, the legal age of consent is between 16 and 18. In some places, civil and criminal laws within the

In the United States, each state and territory sets the age of consent either by statute or the common law applies, and there are several federal statutes related to protecting minors from sexual predators. Depending on the jurisdiction, the legal age of consent is between 16 and 18. In some places, civil and criminal laws within the same state conflict with each other.

Informed consent

Informed consent is an applied ethics principle that a person must have sufficient information and understanding before making decisions about accepting

Informed consent is an applied ethics principle that a person must have sufficient information and understanding before making decisions about accepting risk. Pertinent information may include risks and benefits of treatments, alternative treatments, the patient's role in treatment, and their right to refuse treatment. In most systems, healthcare providers have a legal and ethical responsibility to ensure that a patient's consent is informed. This principle applies more broadly than healthcare intervention, for example to conduct research, to disclose a person's medical information, or to participate in high risk sporting and recreational activities.

Within the United States, definitions of informed consent vary, and the standard required is generally determined by the state. As of 2016, nearly half of the states adopted a reasonable patient standard, in which the informed consent process is viewed from the patient's perspective. These standards in medical contexts are formalized in the requirement for decision-making capacity and professional determinations in these contexts have legal authority. This requirement can be summarized in brief to presently include the following conditions, all of which must be met in order for one to qualify as possessing decision-making capacity:

Choice, the ability to provide or evidence a decision.

Understanding, the capacity to apprehend the relevant facts pertaining to the decision at issue.

Appreciation, the ability of the patient to give informed consent with concern for, and belief in, the impact the relevant facts will have upon oneself.

Reasoning, the mental acuity to make the relevant inferences from, and mental manipulations of, the information appreciated and understood to apply to the decision at hand.

Impairments to reasoning and judgment that may preclude informed consent include intellectual or emotional immaturity, high levels of stress such as post-traumatic stress disorder or a severe intellectual disability, severe mental disorder, intoxication, severe sleep deprivation, dementia, or coma.

Obtaining informed consent is not always required. If an individual is considered unable to give informed consent, another person is generally authorized to give consent on the individual's behalf—for example, the parents or legal guardians of a child (though in this circumstance the child may be required to provide informed assent) and conservators for the mentally disabled. Alternatively, the doctrine of implied consent permits treatment in limited cases, for example when an unconscious person will die without immediate intervention. Cases in which an individual is provided insufficient information to form a reasoned decision raise serious ethical issues. When these issues occur, or are anticipated to occur, in a clinical trial, they are subject to review by an ethics committee or institutional review board.

Informed consent is codified in both national and international law. 'Free consent' is a cognate term in the International Covenant on Civil and Political Rights, adopted in 1966 by the United Nations, and intended to be in force by 23 March 1976. Article 7 of the covenant prohibits experiments conducted without the "free consent to medical or scientific experimentation" of the subject. As of September 2019, the covenant has 113 parties and six more signatories without ratification.

Consent management

has expanded to include consent about all electronic information about individuals that include what data is collected, how it is used and provide them

Consent management is a system, process or set of policies for allowing consumers to determine information they are willing to permit their various providers to access. This allows individuals to control their own information privacy and how that information is collected and used, often within the context of digital platforms and data privacy regulations.

It was originally related specifically to health care but has expanded to include consent about all electronic information about individuals that include what data is collected, how it is used and provide them the ability to manage their consent choices.

Age of consent in Asia

unrestricted age of consent is the legal age from which one is deemed able to consent to having sex with anyone else at or above the age of consent, or the marriageable

The legal age of consent for sexual activity varies by jurisdiction across Asia. The specific activity engaged in or the gender of participants can also be relevant factors. Below is a discussion of the various laws dealing with this subject. The highlighted age refers to an age at or above which an individual can engage in unfettered sexual relations with another who is also at or above that age. Other variables, such as homosexual relations or close in age exceptions, may exist, and are noted when relevant.

The unrestricted age of consent is the legal age from which one is deemed able to consent to having sex with anyone else at or above the age of consent, or the marriageable age if they must be married. The lowest unrestricted age of consent in Asia is the onset of puberty, though this is only the case in Afghanistan. The highest unrestricted age of consent is 21, though this age of consent is only the case in Bahrain and the specific instance of females receiving anal sex in Hong Kong. Disregarding these exceptions, the unrestricted ages of consent in Asia range between 13 and 18.

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