



Office of the Children's Commissioner

“Sex without consent, I suppose that is rape”: How young people in England understand sexual consent

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EXECUTIVE SUMMARY



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This research into young people's understanding of consent to sex was conducted by the Child and Woman Abuse Studies Unit (CWASU) at London Metropolitan University for the Office of the Children's Commissioner, as part of its national Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG). How young people make sense of sexual consent emerged as a key issue of concern during the first year of the CSEGG Inquiry (Berelowitz et al, 2012). The aim of this study was to explore young people's perceptions of consent, and what informs, influences and constrains their understandings and decision-making processes.

Young people and sexual consent

A range of studies on sexual violence and exploitation consistently demonstrate that young people, particularly young women, are disproportionately likely to be victimised (e.g. Barter et al, 2009; Berelowitz et al, 2012; Beckett et al, 2012). Research also reveals that some young men report using coercive tactics and techniques (see, for example, Teten et al, 2009). A frequently cited idea is that non-consensual sex is the result of 'miscommunication'. This creates expectations for sex to be refused with a clear verbal 'no', unlike other forms of human interaction where declining is typically much less direct. The evidence base for 'sexual miscommunication theory' is weak (Burkett & Hamilton, 2012). One study found that young men understood non-verbal signals of refusal, yet claimed 'sexual miscommunication' to justify using pressure, suggesting that this idea operates as a new rape myth (O'Byrne et al, 2008). Recent research on consent from both the US (Powers-Albanesi, 2009) and Australia (Powell, 2010) highlights the importance of gender in understandings of how agreement to have sex is negotiated: that young women feel under pressure to submit to unwanted sex, while only young men are perceived to be the 'initiators'. This suggests we are still some way away from a positive model of consent which involves active communication and mutual pleasure. The Sexual Offences Act 2003 places responsibility on both parties to be sure that consent is 'freely given'. Yet few UK researchers have explicitly explored sexual consent with young people. It is especially topical to do so when there is growing concern about the impacts of pornography, sexualised popular culture and technology on young people's social and sexual landscapes.

The Give'n'Get project

To engage with young people in this research, we created eight short films. In seven, a young actor described a scenario about sex which although legally constituting rape, did not fit the stereotype of a 'real rape'. For instance, one film featured a young man talking about having sex with his girlfriend when she was passed out from drinking alcohol, another a homeless young woman who accepted a bed for the night but was expected to have sex in 'payment'. The eighth film functioned as a debrief, with a young man talking about a communicative mode of consent. These films were used in an online survey and in focus groups and interviews with young people to explore if they thought consent had been sought, and given, and whether each scenario represented rape. A total of 497 young people completed the online survey, 87 participated in the focus groups, and 23 in individual interviews. While we do not claim to have a representative sample of young people in England, these 607 responses bring together the understandings of young people aged 13–20 from diverse backgrounds and geographical locations.

In the discussions in focus groups and interviews, we also explored the wider contexts of young people's lives: where they got information about sex; pornography and popular culture; sexting; and peer group norms. The perspectives of the young people who participated are the core of this report.

Their accounts demonstrate that when making decisions about sex, young people must negotiate a complex web of competing influences including: media representations; pornography; peer pressure on boys to have sex to demonstrate their masculinity and on girls, not to have sex, for fear of being labelled a 'slut'.

Below we present our key findings on how young people understand sexual consent, the wider contexts that inform and shape these understandings, and make recommendations drawn from this data.

Key findings: How young people understand sexual consent

In the main young people understand what is meant by *giving* consent to sex, but have a very limited sense of what *getting* consent might involve.

Young people can describe what consent means in theory but real life contexts make a significant difference to their perceptions of what non-consensual sex looks like.

The most significant influence on young people's understanding of consent is constructions of gender, particularly of masculinity. All young people referred to the sexual double standard which rewards young men for having sex while passing negative judgment on young women who do so.

'If a boy goes round having sex with girls, his mates will call him a legend, a player, and all of that. But as soon as you find out about another girl having sex with quite a few lads, it's 'slag', 'sket' or another slur' (Young man, 16, SW-I10).¹

Young men are under pressure to act in certain ways in order to gain the respect of their peers. This code of behaviour was referred to as '*man points*' (see glossary). One of the most important ways that '*man points*' are achieved by young men is having sex.

'If you respected the girl's decision and just said yeah, I'm not going to do anything, then... they would probably just give up and not give you lad [man] points' (Young man, 14, SW-17).

This has crucial implications for understanding how young people negotiate sexual consent. If young men fear losing their status and position within peer groups for 'respecting a girl's decision', then '*man points*' are implicitly equated with forms of masculinity where sexual encounters are not mutually negotiated.

Young women are often blamed if they experience sexual exploitation and/or violence. Their actions are scrutinised, with wearing revealing clothing, drinking alcohol, visiting a man's house or sending sexualised pictures ('sexting') all seen as evidence that they were responsible for what happened to them afterwards.

'She's giving him an open invitation – if she's going to send me photos, why can't I do it in person' (Young woman, 17, LON-I7).

Young women also reported expecting to be pressured into having sex if they are in a relationship.

¹ The codes for each young person who participated are formulated by region (LON/NW/SW), interview or focus group (I/FG) and number.

'I think it's a given now that you are expected if you ever go out with a guy or whatever, it's expected that you are supposed to be having sex with him. Even when you are little [young]' (Young woman, year 11, LON-FG1).

Many young people rely on reading visual signals to know whether someone wants to have sex, rather than communication and discussion. These signals are then interpreted through what they think is appropriate gendered behaviour i.e. what they expect from young men and women.

'I think if a girl didn't want to she would clearly state that... if they didn't want it, that they'd say no, there and then. But if they didn't I think most people would assume it would be alright to carry on' (Young man, 17, SW-14).

However, a minority of young people were clear that directly asking whether or not someone wanted to have sex was essential.

'To know if someone wants to have sex with you, you have to have that conversation. You wouldn't know it without asking, otherwise you're just assuming. I wouldn't just know if a guy wanted to have sex with me, you would have to talk about it' (Young woman, year 11, SW-FG3).

Finally, and importantly, young people tend to perceive rape as forced sex between strangers. For example, if a person was coerced into having sex without wishing to when they were drunk, young people are uncertain as to whether this constitutes rape.

'If you're doing that to someone random, it's rape. But if you're doing that with your girlfriend that's not rape' (Young woman, 16, NW-I4).

Overall our findings indicate that for young people, both consent and coercion are slippery concepts, making the drawing of such boundaries complex and even contradictory. Age also appears to be important in how understandings of consent develop, with 13–14 year olds less likely to recognise non-consensual sex than older age groups.

Key findings: wider social and peer contexts

Pornography plays a significant role in young people's lives, referred to by almost all young men who took part in the focus groups and interviews as a source of guidance about sex.

'I think young people expect sex to be like porn. There's that standard where if it's not like that, then sex isn't good' (Young woman, 18, LON-I3).

Young women and some young men perceive that pornography shapes sexist attitudes and expectations.

'It sort of makes boys fantasies become like real because it's real people. And then they will assume what it's what it's always like... and it can be a bit aggressive, a bit forceful' (Young woman, year 11, SW-FG3).

'It's not realistic, they have very high expectations of what people should look like and what their experiences should be like, and it's very

degrading towards women, so it can make people a little bit sexist towards women' (Young man, 18, LON-I4).

Sexting is widespread. Girls report being pressured and 'nagged' by boys to send sexualised photos, yet being judged as 'sluts' if they do.

'The girl sends the lad a picture, the lad will take advantage and send it round to everyone and then the picture gets out there. He puts it on Facebook and all that' (Young man, 19, NW-I6).

Contemporary socio-cultural landscapes emerged as key to how young people negotiate their understandings, knowledge and expectations of sex. The ubiquity of sexualised imagery in popular culture was also discussed by young people as an influence on perceptions and aspirations.

Yet young people receive little useful help or guidance from either Sex and Relationships Education (SRE) or parents in how to negotiate sex, and want safe spaces to have these conversations. With no consistent and required content for SRE in England, young people's access to accurate information and spaces to explore the complexities of their lives and decision making are limited.

The framework developed by the Office of the Children's Commissioner for keeping young people safe from sexual exploitation (see Berelowitz et al, 2013) has a number of practice points relevant to conversations with young people about their understandings of sexual consent. For instance, it is clearly relevant to prevention to provide young women and young men with a clearer understanding of sexual consent – both giving and getting it – as a foundation that seeks to make mutual negotiation the norm. In terms of support and intervention with children and young people who have been sexually exploited, and their families, exploring the complexities of coercion and pressure can interrupt self-blame and victim blame. Both are important in rebuilding a sense of self, relationships with others and protecting from re-victimisation. Narrow perceptions of sexual consent are not confined to young people, and we know that they have been problematic in responses by professionals to recent child sexual exploitation (CSE) cases. For the multi-agency model of identification and intervention to work effectively, all stakeholders also need to ensure that they share understandings of not only the law on sexual consent, but also the ways in which it is intricately connected to the gendered double standard and forms of victim blame.

Our recommendations reflect the need for conversations with, and between, young people about how understandings of consent as mutually negotiated can be developed and applied in their everyday lives.

Recommendations

- Local action is required for all schools and education providers to ensure that there are opportunities for young people to explore the meaning of consent in the context of relationships and sex education.
- Five aspects should be core to all discussions in educational or youth work settings:
 - that *getting* is as important as *giving*
 - applying ideas about consent to real life situations
 - the gendered double standard
 - positive and active communication that goes beyond expecting partners to 'say no'
 - challenging victim blame.

- Targeted sessions should take place with younger teenagers about the boundaries between consent and coercion to ensure they understand what it means to get and give consent.
- Relationships and sex education should address pornography as an important influence on young people's understandings about expectations of sex and attitudes to women and girls.
- Education and youth settings need to develop policies and practices that enable young people to critically explore gender – what it is to be male and female – and pressures or expectations to act in certain ways that potentially cause harm to others or oneself.
- Guidance on sexting should address not only the behaviours of those who manipulate young women into sending images, but also those that share such images without consent.