

# Understanding Sexual Assault and Consent



Sexual assault is defined as “any sexual contact or behavior that happens without clear, voluntary, and informed consent”(rainn.org). According to a report by Kadir Has University, over 40% of women have experienced physical or sexual violence at least once in their lives, and 93% have been subjected to sexual and gender-based harassment in Türkiye. This is an extreme humanitarian and safety issue which must be tackled in the near future, as young women and girls now feel unsafe in their home country. Every woman deserves the right to feel safe and comfortable where they live and should not feel fear every day they leave their house, or even while they are in their place of residence.

The difference between sexual acts in general and sexual assault relies on the existence of an extremely important term; consent. Consent can be defined as permission given willingly and clearly for something to happen or to agree on something. In the case of sexual acts, consent can be described as “an unambiguous, affirmative and conscious decision by each person to engage in mutually agreed-upon sexual activity”. This article will elaborate on sexual assault in Türkiye and consent.

## Sexual Assault and Harassment in Türkiye’s Context

According to the Turkish Penal Code (TCK) article 105, the penalty for sexual harassment is imprisonment from three months to two years or a judicial fine upon the complaint of the victim. If the act is committed against a child, the predator is sentenced to imprisonment from six months to three years.

Sexual assault has two versions according to the TCK; simple and aggravated. Simple sexual assault occurs when the act involves unwanted physical contact not rising to sexual intercourse. Aggravated sexual assault involves contact including sexual intercourse. The penalty for aggravated sexual assault is significantly higher compared to simple sexual assault. Those charged with simple sexual assault may receive 5 to 10 years in prison while those charged with aggravated sexual assault would receive a minimum of 12 years in prison.

It is also significant to determine and understand the difference between sexual harassment and assault. The simplest way to describe the differences would be to say that sexual harassment does not require physical contact, while assault does.

## Consent

As previously mentioned, one of the most important concepts in determining if an act was sexual assault or not is understanding if the proper consent was given. Consent is giving clear and proper permission for something, in this case being sexual acts. The words “clear” and “proper”

are given in the definition to specify and highlight the fact that both people should be 100% sure that the other is willing to do the act. If someone is intoxicated or has taken drugs prior to giving consent to something, this deems their permission unreliable.

Also, pressuring someone into committing a sexual act is called "coercion" and falls under the umbrella of harassment and assault. Being silent, being unsure, or being afraid are never signs of consent and should not be taken as such.

There are also myths and beliefs in our society and Turkish women that should be debunked. A woman or girl's clothing, behaviour, personality does not equal consent. Unfortunately, many young women in Türkiye are still pressured by these harmful ideas. In reality, assault is never about what someone wore or how they behaved. It is about one person taking away another's freedom of choice. For example, if someone feels pressured to say "yes" because they are scared of losing a relationship, this is not real consent. Similarly, silence is not consent. Only a clear and voluntary "yes" counts.

## Conclusion

Sexual assault and harassment are not only crimes under Turkish law but also serious violations of human dignity and safety. At the center of understanding these violations is the concept of consent, which must always be clear, voluntary, and free from pressure. Clothing, behavior, or silence can never replace true consent, and harmful societal myths should never excuse abusive actions. By recognizing the importance of consent and challenging these misconceptions, young women and girls in Türkiye can be better protected, and society can move toward greater fairness and security for all.

## *Bibliography*

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