



LEGAL EXPERT COUNCIL

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CONVERSATIONS
ON
CONSENT



WE NEED

CONVERSATIONS ON CONSENT

Social and cultural norms around the world normalise sexual and gender-based violence. Excuses are made for perpetrators, while victims are blamed for their own assaults.

Through **Conversations on Consent** (CoC) we get people to speak about consent to foster a new norm based on empathy for one another.

The **Legal Expert Council** plays an important part in this endeavour.



Defining Consent

in Sexual Criminal Law

This comprehensive model consent law was put together based on the research and a number of workshops held by the Legal Expert Council.

To ensure sexual integrity and bodily autonomy, consent must be obtained during honest, respectful, genuine, open communication. Consent must be obtained for each sexual act between the parties. Consent can be withdrawn at any time. Consent must be obtained for sexual activity in the digital realm to ensure the right to privacy, confidentiality and non-defamation. Consent must be informed, voluntary, free without monetary compensation, retractable and unequivocal. Consent can only be given when one has capacity.

It will be assumed that consent can neither be obtained nor given in the context of power imbalance unless the defendant proves otherwise. This includes cases of inequality between the parties, for example, one of the parties has limited access to networks, resources and/or knowledge resulting in any legal, economic, social or other vulnerabilities.

The defendant can never obtain consent through threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or dependency. Consent cannot be obtained through insistence, manipulation, emotional threats, blackmail, or making the victim feel guilty for an action and presenting sexual behaviour as a way of compensation. Within this context, coercion is defined as intimidation, compulsion, domination, or control. Deception or false pretence may include but is not limited to evoking, taking advantage of and failing to correct the victim's misunderstanding about the defendant's identity or their situation, or the nature of the act.

It will be assumed that consent cannot be given through silence or inactivity unless the defendant proves otherwise. It cannot be given by someone who is unable to exercise free will, including being in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability, which impedes the giving of such free consent. Everyone has the right to exercise their free will, bodily and mental integrity, autonomy and self-determination irrespective of sexual orientation, gender identity, gender expression or sex characteristics.



Legal Expert Council

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Désirée Attard

Ministry for Justice, Malta

Désirée Attard is a lawyer, legislative drafter, and human rights activist based in Malta. For the past seven years, she has been leading the legal team within the Ministry for Equality responsible for Malta's leap in LGBTIQ+ rights, and has pushed forward important legal reforms, including the criminalisation of conversion practices, the

introduction of marriage equality, and the full transposition of the Istanbul Convention in Malta's national framework. She holds a Doctors of Law degree from the University of Malta, where she successfully defended her thesis, titled Abortion in Malta: Reviewing the Legal Stance from a Pro-Choice Perspective.



Avani Bansal

Avani Bansal finished her Masters in Law from Harvard Law School and B.C.L. and M.Phil in Law from University of Oxford. She is currently practicing as an Advocate in the Supreme Court of India, New Delhi and is Founder of an eponymous chamber – Avani Bansal Chambers (ABC). She had earlier worked with Senior Advocate, Harish Salve.

She won eight gold medals at Hidayatullah National Law University (Raipur, India). At Harvard, she received the Dean's Award for Community Leadership and was the elected LL.M. Class Representative. At Oxford, she presided over Oxford Lawyers Without Borders, while being an Associate Editor with the Oxford University Commonwealth Law Journal. Avani is passionate about gender issues and women rights in India. She is the Founder of India's first digital newspaper for women – The Womb (www.thewomb.in).

As part of her legal awareness drive, she presents 'Hamara Samvidhan' – on 'The Wire'



– a weekly show where she explains the Indian Constitution in Hindi. She also runs her own legal awareness YouTube channel 'Hamara Kanoon'. She appears regularly on Live Law – India's biggest legal platform and writes regularly for Bar and Bench, Live Law, The Leaflet, Times of India amongst others. She is also a Tedx speaker.

Avani has authored a book - 'Life At Law School' which is published by Eastern Book Company, wherein she shares her experience of eight years spent at law schools, including Oxford and Harvard. She extensively lectures students across colleges and schools in India, sharing tips on cracking Ivy league universities.

She is also currently the National Spokesperson of Indian Youth Congress & National Legal Aid Coordinator of Mahila Congress.

She can be contacted at advocateavanibansal@gmail.com.



Müge Demirkır

Müge Demirkır is since 2001 involved in human rights as a gender equality specialist for several NGOs in Turkey, including assisting abused children, women, and LGBTQI+ on legal issues. In addition, she has a background in project management, research, policy development, and governance in multicultural ecosystems. She

works in English, German, French and Turkish. She holds a Master's degree in Public Law and has published a book on "Violence and Domestic Violence Against Women," which mainly deals with the articles of the Istanbul Convention. She has an article titled "Rape As a Political Tool and As a Weapon of War," published in the Journal of Rule of Law, Transitional Justice, and Human Rights, Sarajevo, in 2018.



Katja Dunkel

DUNKEL RICHTER

Katja Dunkel works as a lawyer in media and copyright law in Berlin. Together with Rebecca Richter, she founded the law firm DUNKEL RICHTER Rechtsanwältinnen, which focuses on supporting women and people from the queer community in all questions of media law. Katja mainly deals with copyright and film law, but also advises on press law

related matters in the field of sexualized violence.



Kate Ellis

Centre for Women's Justice

Kate is a solicitor at the Centre for Women's Justice and represents clients in public and private law challenges against public authorities. She has developed a particular interest in challenging policy failings within the criminal justice system that disproportionately affect women and girls who have been subjected to male violence.

This has included monitoring and challenging the unprecedented decline in the volume of public prosecutions for rape since 2016, and assisting victims of abuse or exploitation who have themselves been wrongly criminalised by the state. Since working for the Centre for Women's Justice, Kate has acted in a number of legally significant and high-profile cases.



Thordis Elva

NORDREF

Thordis Elva is a writer, speaker and chairperson of the Nordic Digital Rights and Equality Foundation, a Nordic organization that works to expand equality and democracy online through research, legislation, policy reform and awareness-raising about digital violence and human rights on the internet. Thordis Elva has

extensive knowledge of gender-based violence, having written award-winning films and books that have been translated into 12 languages, as well as being an expert advisor to governments on violence against women, online and offline. Her TED talk, which outlines her own experience of sexual violence and was performed in collaboration with her perpetrator, has been viewed over six million times. Thordis Elva's violence prevention work towards gender-equality earned her the title Woman of the Year in 2015. As an expert speaker, she has delivered keynotes at events hosted by the UN, the Nordic Council of Ministers, the Council of Europe, the European Union and the Nordic Council.



Jonathan Herring

Oxford University

Jonathan Herring focuses on how the law interacts with the important things in life: not money, companies or insurance; but love, friendship and intimacy. In his work he seeks to develop ways the law can recognise and value the goods in activities such as carework and sex, while protecting people from the harms that so often result. He draws

particularly on feminist ethic of care and relational theory in developing my thinking. In Family Law, he has written a popular textbook on this subject and edited several books on theoretical issues in family law. His recent book, Law Through the Life Course, examines how the law is based on particular understandings of the different



stages in life. Domestic Abuse and Human Rights is a powerful call to understand domestic abuse as a breach of human rights. He has also discussed children's rights; the law of naming; and the nature of marriage. Jonathan Herring was a member of the Human Fertilisation and Embryology Authority and an editor of the Child and Family Law Quarterly. He has written a leading textbook in Medical Law and is particularly interested in the regulation of pregnancy and childbirth; legal responses to depression; and issues around mental capacity. He has co-edited with Camilla Pickles books on obstetric violence and intimate examinations during labour. In criminal law, he has produced two best-selling textbooks on criminal law and has researched the law on sexual offences. In elder law, he has written a leading monograph on the law's treatment of older people and edited a collection of essays on issues surrounding dementia. In care law, his book, *Caring and the Law*, explores the law's treatment of caring and how adopting an ethic of care could transform the law. *Law and Vulnerability, Vulnerable Adults and the Law* explores the nature of human vulnerability and its relevance to the law. In *Vulnerability, Childhood and the Law*, he has explored the law's conception of childhood vulnerability. His most recent book, *Law and the Relational Self*, explores how the law could be reshaped to focus on relationships rather than individual rights. His text, *Legal Ethics*, is a popular textbook on professional ethics for lawyers.

Current projects include a co-edited collection on the philosophy of disability law; an edited book on the law on "rough sex" (with Hannah Bows); a book on sexual offences with Michelle Madden Dempsey; co-authoring with Imogen Goold a book *Debating Autonomy*; and a book on suicide prevention.



Sinem Hun

Genderscope

Sinem Hun is the founder & CEO of Genderscope and a consultant with a history of working in the gender, migration, tech and law practice industries. She is skilled in Human Rights, Gender Studies, Legal Writing, Project Coordination, and Non-Governmental Organizations (NGOs) and holds a Master of Science (MSc)

focused in Human Rights from the London School of Economics and Political Science (LSE).



Aslı Karataş

Sebuka

Aslı Karataş, a legal attorney, has completed her undergraduate education in Law at Koç University and completed her master's degree in private law at Galatasaray University. She studied human rights under the program conducted by a collaboration of Sorbonne-Cornell University and took a law and politics course at the London School of

Economics. She is skilled in consulting on human rights violations, advocating, project coordination and reporting. Her main area of expertise is gender studies, gender-discriminatory legislation, sexism in the workplace and gender-neutral parenting. She is the founder of sebuka (that is the abbreviation of "are you a lawyer of these women?") initiative where she conducts training and consultancy on such areas. She has a book published in March 2020 named *Sleeping Beauty has woken up* criticizing gender stereotypes in fairy tales. She is also a representative of Genderscope in Turkey, which is a London based gender consultancy targeting the private sector.



Alena Klatte

Anna Nackt

Alena Klatte is co-founder of the NGO Digital Dignity and the project Anna Nackt, which fights image-based sexual abuse on the internet and supports those affected. A survivor of image-based abuse herself, Alena started the petition #NotYourPorn to demand better regulation of adult content platforms, improvements to German criminal law and

additional resources for victim support structures. The petition reached >180,000 signatures, got picked up by the European Parliament and partially integrated into the draft text of the Digital Services Act. In addition, Alena consults NGOs and UN organizations on the topic of data governance and cyber violence.



Stamatina Liosi

Southampton Law School

Dr Stamatina Liosi completed her PhD at the University of Kent, in Canterbury, with a thesis on the Philosophy of Human and Socioeconomic Rights, before undertaking a Postdoc in Law and Bioethics at UCL Cancer Institute (completed in 2020), and then a Postdoc in Law and Ethics at the Law School of the University of Hull (completed in 2021).

Stamatina Liosi has also worked as Teaching Associate at the Centre of Ethics in Medicine of the Bristol Medical School. She joined Southampton Law School in 2021. Since 2020, Stamatina Liosi has collaborated with the Personal Genome Project (PGP) Harvard as a member of the PGP UK. She has, also, been a member of the UCL Cross-faculty Assay Development Team set up to assess alternative technologies to the COVID-19 technology used by Public Health England (PHE) and has, further, collaborated with the Institute of Population Health at King's College London on COVID-19 ethical and legal standards to be set as guidelines by the Secretariat of the WHO. Stamatina Liosi has, further, worked in Clinical Ethics Committees providing training for clinicians-surgeons in times of crisis. Finally, Stamatina Liosi has an interest in Social Policy and Political Theory.



Mina Morova

Vinson & Elkins LLP

Mina Morova is an international arbitration practitioner based in Dubai, United Arab Emirates, specializing in construction and investor-state disputes. She is a member of the Vinson & Elkins LLP's International Dispute Resolution & Arbitration practice group. Her practice focuses on advising clients on a range of international complex

commercial litigation and arbitration matters. She has broad experience in a number of



sectors, including in disputes related to the energy and construction industries. She holds a Bachelor of Arts in Comparative Literature from Princeton University, a Masters in Law and Economics from Sciences Po Law School and an LL.M. from Harvard Law School.



Charlotte Proudman

Goldsmith Chambers

Dr Charlotte Proudman is an award-winning barrister specialising in violence against women and girls especially rape, domestic abuse and FGM. Charlotte won Rising Star of the Year 2020, Women in Law Awards and she was ranked as Legal 500's Leading Junior. Charlotte is a pioneer in making legal change to the family court's approach to

rape, domestic abuse and coercive and controlling behavior. She successfully represented Kate Griffiths MP in a well-publicised case in which the family court found that she was raped in her sleep, abused and coercive controlled by her ex-husband, a former disgraced MP. She was instrumental in bringing a general guidance case in the Court of Appeal on behalf of appellant mothers last year, which resulted in the family court outlining its approach to coercive and controlling behavior and clarifying the law on rape (H-N and Others). She has also won several appeals in rape cases in the family courts paving the way for guidance on "sexual history" and special measures.

Having completed a PhD in FGM and the law at the University of Cambridge, Charlotte is author of "FGM: When Culture and Law Clash" published by Oxford University Press. Charlotte is a campaigner for legal change and she was instrumental in changing the law on FGM, criminalising forced marriage, virginity testing and hymenoplasty and she continues to campaign to make child marriage and public sexual harassment a criminal offence. As a Fellow Commoner at Queens' College, Cambridge, Charlotte researches and lectures on gender inequality under the law.



Rebecca Richter

DUNKEL RICHTER

Rebecca Richter is a Berlin based lawyer at her own law firm DUNKEL RICHTER Rechtsanwältinnen with her partner Katja Dunkel. The Law firm specializes in Media Law (IT/Internet Law, Press Law and Freedom of Speech, Copyright Law, Trademark and Unfair Competition Law) and focuses especially on female and queer

clients. Rebecca works, among other things, in the area of press and statements law with clients who publicly speak out in the area of sexualised violence and #MeToo. She also advises and represents clients in the area of revenge porn and hate speech.



Jiyan Rojin

Freshfields Bruckhaus Deringer LLP

Jiyan is a corporate lawyer in the global transaction team in the Berlin office. She has an international background, having worked in London, Brussels and Berlin. She has studied in Brussels (LL.M in Public International Law), Berlin and London and has ample experience in international legal matters and transactions. Her practice

focuses on representing issuers and underwriters in connection with offerings of debt and equity securities, including high-yield bond offerings, IPOs and other corporate finance transactions, across a range of jurisdictions. focuses on representing issuers and underwriters in connection with offerings of debt and equity securities, including high-yield bond offerings, IPOs and other corporate finance transactions, across a range of jurisdictions.



Emily Setty

University of Surrey

Dr Emily Setty is a Lecturer in Criminology at the University of Surrey. Her research focuses on young people's experiences of sex and relationships, in particular regarding the risks and harms they face in online and offline environments. Dr Setty explores issues to do with consent and the realities of young people's sexual consent cultures. Dr

Setty works closely with a range of applied policy and practice stakeholders to understand how best to support young people with the challenges of contemporary sex and relationship cultures. She is skilled in using a range of research methodologies and conducting research sensitively and ethically with young people and stakeholders. Dr Setty is currently leading a review of the Department for Education in England on harmful sexual behaviours in schools.



Gülriz Uygur

Ankara University

Prof. Uygur teaches Introduction to Law, Philosophy of Law, Gender and Law, and Law and Ethics. She introduced the Gender and Law Course and Domestic Violence Clinic and Human Rights Clinic as part of legal education in Turkey (Ankara University, Law Faculty, Undergraduate education program), as well as the course on Legal Ethics in 2006.

She is among the founders of Ankara University the Unit of Combatting Sexual Harassment and coordinator of this unit since 2011.



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