February 17, 2016

Testimony of Yasmin Barak Eriksson
345 Temple St.
New Haven, CT 06511, G20
Co-Chair of the Criminal Justice Legislative Committee, Yale College Democrats

In favor: H.B. 5376
An Act Concerning Affirmative Consent

When I was a freshman in high school, a guest speaker told me in my "health" education class that condoms can't be trusted, because men often go into Walgreens and poke holes in them. That same year, our teachers played a lifetime movie for us of a girl who is stuck in an abusive relationship and is the victim of domestic violence. Safety for me meant a confusing combination of mistrusting contraception and calling the hotline if I was being beat up by my boyfriend. Ok, so rape is bad. Violence is bad. But what about coercion? I did not know what consent meant, let alone affirmative consent.

In my high school, the dress code, which included more constraints on girls' than boys' clothing, was described as necessary to avoid distractions, or anything that could lead to sexual harassment. The emphasis was on what we as girls were doing wrong. Why do we teach youth "don't get raped" as opposed to "don't rape?" There is little responsibility placed on the perpetrator of the crime. With the previous definition of consent, unless there is a firm no, the perpetrator has the right to partake in whatever sexual activity they wish. However, studies show, that the myth of miscommunication is just that—a myth. Humans are biologically adept at picking up on each other's signals. We know when someone is hesitant or incapable of partaking in an activity, regardless of what they say.

During my community & consent education workshop the beginning of freshman fall at Yale, I was taught that consent is **positive**, **voluntary**, and **unambiguous** agreement. In college, being in a nonconsensual situation is so common. It's to be expected. "Did you really want to hookup with him?" "Not really, but he walked me home. So I guess he was expecting something in return." "Oh well."

This should no longer be accepted as a reality that students need to prepare for but one that will no longer be tolerated. Victims often fear the stigma that is attached to having been sexually assaulted or harassed, and this fear can keep them from reporting their assault. Having clear affirmative consent policies encourages and empowers victims of sexual assault to come forward and seek justice and safety from their attacker. Let's stop focusing on the presence of a no, and instead the absence of a clear "yes."