



‘We Won’t Keep Quiet’ protocol

**Fighting sexual assault
and harassment in privately
run nightclubs**

Barcelona City Council

Improved support and training



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1

What is the ‘We Won’t Keep Quiet’ protocol?

It’s a guide that brings together expertise and strategies to prevent, detect and address non-consensual acts and violations of individuals’ sexual freedom in privately run nightclubs.

The ‘Definitions’ section explains the situations covered in this protocol.

The protocol was created in 2018 thanks to the Directorate of Feminism and LGBTI Services at Barcelona City Council.

It was initially applied in 8 leisure venues and there are currently over 37 venues that have joined this protocol.

Legal and social changes since 2018 have made it necessary to update this protocol. These changes include the widespread use of the concept of ‘violence’ and the need to apply the appropriate measures based on the severity of each situation.

1.1 What are the goals of the new protocol?

- > To train and raise awareness among staff at festivals and nightclubs to help them better detect, assist and support people whose sexual and gender freedoms are violated and refer them to the appropriate services.
- > To raise awareness so that people can recognise if a situation is violating their sexual and gender freedoms. To explain how the 'We Won't Keep Quiet' Protocol can help you if you need support. To lay out the steps to take to improve the victim's assistance and experience. This means reaching out to them, listening to them and offering them information so they can take their own decisions and help them to recover from the impact.
- > To improve the language used and how the facts are determined and to avoid jumping to conclusions by using legal concepts in a way that influences and confuses victims. For example, referring to sexual assault in cases of discrimination.

2

Legal framework

To update the protocol, we are using the definition of 'sexual violence' contained in the Act on the Right of Women to Eradicate Gender Violence, which states:

'Sexual violence is any act that violates the sexual freedom and personal dignity of women by creating conditions or taking advantage of a context in order to directly or indirectly impose a sexual practice without the woman's consent, regardless of any bond formed between the woman and the perpetrator'.

This definition does not differentiate between cases based on severity; it could refer to rape or an off-colour comment.

Furthermore, the definition only identifies women as possible victims. In contrast, the 'We Won't Keep Quiet' protocol considers anyone a possible victim of sexual violence.

Additionally, given the broad scope of the definition, it is useful to establish different approaches depending on the severity of the case.

The legal framework for prosecuting sexual violence is found in the Criminal Code, in legislation on equality and in legislation on labour relations.

Recently, the Spanish Criminal Code has incorporated certain changes regarding behaviour considered to violate sexual freedoms.

For example:

- > There is no longer a difference between abuse and assault. All these kinds of behaviour will be treated as sexual assault.
- > The definition of affirmative consent is included to refer to the individual's clear will to engage in each sexual act.
- > Aggravating factors, such as acting in a group, using weapons, or the involuntary consumption of substances or chemicals, are also considered.

The Criminal Code also includes behaviours that violate people's dignity.

For example:

- > It includes a new crime of sexual harassment for sexual behaviour or comments that are humiliating or hostile for the victim. Acts that violate a person's integrity and dignity are still considered sexual harassment.
- > When the behaviour is not criminally prosecuted, some cases of sexual harassment can be addressed with administrative sanctions.

3

How does ‘We Won’t Keep Quiet’ define different situations?

The definitions in this protocol help to identify cases of gender violence and especially sexual violence, so they can be better addressed.

We must recognise that how we approach a given situation influences the experience, recovery and reparation of victims and other individuals affected.

To assess the severity of the situations, the following factors should be considered:

- > whether the behaviour is persistent/ongoing,
- > the impact on the victim,
- > any force or violence used,
- > the risk posed,
- > if the conditions are especially humiliating,
- > the number of perpetrators and their intentions.

These are not legal definitions, but rather tools to assist victims and help them to recover.

The protocol divides cases into two main categories:

- 1. Sexual violence**
- 2. Minor harassment, discrimination and behaviour that prevents equality.**

When the perpetrator is a partner or former partner, it should be determined whether the behaviour is isolated or persistent.

Below, we explain each situation.

3.1 Sexual violence

The main situations which entail violations of sexual freedom are the following:

- > Sexual acts carried out using violence, intimidation or induced or forced drug ingestion.
- > Abuse of a situation of clear and practically insurmountable superiority, or of the victim's state of severe vulnerability.
- > Sexual acts performed on people who are unconscious or unable to decide for themselves.

This could be based on their situation of chemical or psychological vulnerability.

The protocol covers 3 types of sexual violence:

- a.** Sexual assault with intimidation, violence or drugs
- b.** Sexual assault under psychological pressure
- c.** Sexual harassment

a. Sexual assault with intimidation, violence or drugs

Situations that violate the victim's will in different ways:

- > By using force or violence.
- > By taking advantage of a situation of serious psychological vulnerability.
- > By using drugs to obtain sex or sexual contact.

Acts committed with the intent of having sex with the victim through the use of violence or intimidation, or by taking advantage of vulnerability due to the use of drugs or other substances.

These are usually situations where the perpetrator has a clear intent and the victim and those around them are in danger.

The following are considered serious aggressions with intimidation, violence or drugs:

- > **Rape or attempted rape:**
When sex is sought or obtained through violence, intimidation, threats or forcibly ingested drugs, or by taking advantage of someone in a vulnerable state.

Rape is when the sexual assault consists of sexual intercourse, whether vaginal, anal or oral, or the insertion of body parts or objects in the vagina or anus.
- > Violent **touching or groping**,
threats, intimidation, taking advantage of vulnerability or drug ingestion.

b. Sexual assault with psychological pressure

Sexual assault is when the perpetrator(s) pressure or bribe the victim or create a coercive situation such that they cannot freely choose whether or not they want to have sexual relations.

c. Sexual harassment

Sexual harassment is defined as any situation where one person addresses another with sexual expressions, behaviour or propositions that create a humiliating, hostile or intimidating situation for the victim.

3.2 Minor harassment, discrimination and behaviour that prevents equality

Individual or group actions

Unpleasant, sexist or discriminatory sexual comments that are unpleasant, abusive and hostile for the victim and prevent them from enjoying the nightclub.

For example:

- > Insults and unpleasant, derogatory or discriminatory comments about someone's appearance or sexuality.
- > Indecent exposure or masturbation in public spaces in front of adults.
- > Occasional or brief touching or groping.
- > Acting insistent, angry or offended when the other person says 'no' or sets a boundary.
- > Following someone or blocking their path to try to flirt with them.
- > Being insistent about touching or hugging someone who clearly doesn't want to or is not comfortable.

Reports of such behaviour are increasingly common, and they are often resolved with administrative fines.

We believe that in many cases, they can be addressed through dispute resolution and prevention/education work.

Structural or organisational actions

Everything that promotes sexism, inequality and violence against women or sexual- and gender-diverse people.

These actions are not perpetrated by any specific individuals, but are a broader responsibility that necessitates organisational changes.

For example:

- > Using images of socially normative girls on social media and at festivals and nightclubs in order to attract heterosexual men.
- > This may happen in exclusive zones.
- > Selling tickets at different prices depending on gender.
- > Establishing a dress code to enter the venue.
- > A lack of toilets and spaces that are inclusive of sexual and gender diversity.
- > Disproportionate, sexist inspections.
- > Using women with normative bodies to work as dancers in nightclubs and failing to properly recognise or respect their rights.
- > Lack of diversity in programming in terms of the type of artist, gender, sexual and racial/cultural background.
- > Imposing a dress code for staff, especially if it is associated with the person's gender.
- > Perpetuating power roles and workplace differences between men and women.
Men often hold positions of greater responsibility and enjoy better wages and working conditions than women.

4

What are the principles of the protocol?

> **Prioritising care for victims.**

In the event of an assault, prioritise properly caring for the victim first and foremost, before addressing the crime or confronting the perpetrator.

In cases of rape or serious assault, make sure not to leave the victim alone, [unless they request this] and that they receive a proper response.

> **Respecting the victim's decisions.**

Offer all guidance and information necessary, and respect their decisions, even if they are hard to understand.

> **Presenting all possible courses of action and ways to address the situation.**

Explain how criminal procedures work and what is involved in reporting the case. This process is sometimes painful for victims and may not have the desired outcome.

Additionally, present alternative courses of action that may complement possible criminal proceedings and may help the victim.

- > **Opposing assault in all its forms.**
Avoid any sign of sympathy for the perpetrator, and make it clear that you disapprove of their actions. Convey this to their social circle as well, if the perpetrator came with friends.

- > **Acting responsibly when sharing information.**
Protect the victim's privacy to avoid prejudice and false rumours.

Be careful with accusations towards the person identified as being the aggressor.

- > **Education.**
The people implementing this protocol must have had the established training on sexual violence and sexist, racist and discriminatory behaviour at nightclubs. This will equip them with the tools to do their job properly.

- > **Preventing and raising awareness of sexual violence.**
This protocol is a tool to support victims and to prevent, raise awareness and intervene in cases of sexual violence in nightclubs.

- > **Serving as an additional tool.**
This protocol does not replace or preclude police or legal proceedings. It can be one of many tools, or the sole tool if this is what the victim wants.

5

Before intervening, what do I need?

- > A quiet place to assist the victim.
- > A person trained in the protocol tasked with intervening and taking action.
- > A map or selection of resources where you can refer the victim or the perpetrator.
- > A network of people who can provide support and assistance, if needed.
- > Printed materials with the steps to take if the victim wants to file a report.

6

What do I need to know to assist somebody who has suffered one of the situations described?

Here are some tools that may be useful in providing initial care to the victim and avoiding any prejudice that may affect the support they receive:

- > Avoid perpetuating the misconception that the victim won't be able to recover from or overcome what has happened.

Everyone experiences situations differently. Some people may be more visibly affected than others. Understand and analyse the victim's state and avoid paternalistic or overprotective behaviour.

- > Control your emotions. It's important to show empathy without overreacting or appearing more affected than the person who actually experienced the situation.
- > Turn to the victim's circle. Help them find their friends if they're lost.

- > Respect their decisions,
even if they're not the decisions you would make.
- > While providing assistance, analyse your own prejudices
towards both the victim and the perpetrator.
For example: racism, classism, ableism or cyprianophobia.
- > Help the person identify what happened
in a clear, balanced and accurate manner.
Help them to come to terms with what happened
in the least painful way possible.
- > In cases involving drugs,
it can be very hard to tell if the perpetrator
took advantage of drug use
or forced the victim to ingest these substances.

We will only intervene in cases in which
there is also assault, harassment or discrimination
in addition to drug-induced vulnerability.

In all other cases, act preventively
to protect the victim
and help to reduce their exposure to violence,
if they request this.

7

What do I need to know in order to confront the perpetrator?

Here's what you should bear in mind when addressing the perpetrator of actions covered in this protocol:

- > Our goal is to protect victims
- > and take a firm stance against gender violence, but we must also be respectful and safeguard the rights of the accused.
- > Do not use violence or humiliation when addressing the accused person; stick to your role.
- > Your approach must be proportional to the severity of the situation.
- > In cases of discrimination and mild harassment, try to resolve the conflict and help the individual reflect on what they've done so that they can take responsibility.

The goal is for them to change their behaviour and make sure it doesn't happen again.

Getting their social circles involved can be very helpful in this regard.

8

What steps should I take to detect cases of assault, harassment or discrimination?

8.1 Before we start

If you don't know the person's gender identity, you can ask their name and pronouns.

People may sometimes be uncomfortable with this question. In these cases, you can apologise and, if necessary, inform the other protocol managers.

8.2 Detecting serious assault

Addressing the victim

- > Make sure they are not in immediate danger and assess their physical and emotional state and whether or not they have been using drugs.
- > If they need urgent medical care, alert the venue's medical services or call 112.
Alert the protocol manager.
- > If the person is conscious and doesn't need urgent medical care, look for a quiet, separate place and alert the protocol managers so they can assist the victim.
- > When speaking with the managers, keep calm and convey information clearly and succinctly.
- > If you saw the perpetrator, try to remember any distinctive features and inform security staff.

When you describe the person,

avoid prejudices, and question yourself.

Try comparing the situation and ask yourself if you would say 'it was a white man'.

- > If the person being assisted wants to leave, respect their decision. Offer to have the protocol managers accompany them, recommend that they leave with other people and offer help finding people they trust.

Addressing the perpetrator

- > First, tell public or private security staff what happened.

If you saw the perpetrator, pay attention to key identifying details, such as clothing, hairstyle, piercings or tattoos. Avoid features associated with race or social class that may lead to prejudice towards others with the same features.

Any team member can restrain the perpetrator during the act or just before they carry it out.

However, we recommend leaving this to specialised staff members.

- > Private security staff will follow the protocol and their specific training and rules.

8.3 Detecting sexual harassment

Addressing the victim

- > Make sure the harassed person feels they have been harassed and needs intervention.

If they don't reach out themselves, you can go over and ask if they're okay or if they need support.

Assess their state and choose the best moment to approach them.

- > If they say they're okay and don't need support, tell them they can reach out to the team at any time if they need to.
- > If the person confirms that they feel they are being harassed, tell them about the protocol and explain that there is a team to assist them.

If they ask for support, contact the designated person as quickly as possible. Calmly tell this person what you need.

- > It may be the case that the victim is in a vulnerable state due to the use of a drug or another substance.

If they are in this state and you think they may be a victim of harassment, immediately tell the protocol director.

If there are no signs of harassment, alert medical staff and offer the person support if they are alone or disoriented.

- > Sometimes, the person being assisted may change their mind and decide to leave. Respect their decision.

You can recommend that they leave with other people and help them to look for the people they came with.

After the conversation is over, alert the protocol director so they can properly record what happened.

Addressing the perpetrator

- > Once the harassment has been confirmed, assess the case: severity, intensity, risk, perpetrator's intent and the possibility of it happening again.

This way you can alert the protocol director and, if necessary, security staff.

- > In serious cases, immediately tell the protocol director, and calmly explain what happened so they can coordinate with the security team. They will make the appropriate decisions for the intervention.

Make sure to provide a reliable and detailed description of the perpetrator, without being influenced by prejudice.

8.4 Detecting minor/isolated harassment, discrimination and unpleasant behaviour

Addressing the victim

- > Make sure that there is a case of discrimination or unpleasant behaviour where intervention is needed.

If the victim doesn't reach out themselves, you can go over and ask if they're okay or if they need support.

Assess their state and choose the best moment to approach them. Decide whether it's necessary to intervene or whether the person can resolve the conflict on their own.

- > If they say they're okay and don't need support, tell them they can reach out to the team at any time if they need to.
- > If the person confirms that they feel discriminated against, tell them about the protocol and explain that there's a team available to listen if they need it.

If the person asks for support and someone to listen, contact the designated person as quickly as possible. Calmly explain what happened.

- > It may be the case that the victim is in a vulnerable state and limited in their ability to decide for themselves due to the use of a drug or another substance.

If they are alone or disoriented, offer help finding the people they came with.

- > If the person changes their mind and decides to leave, respect their decision.

Remind them that there's a team available to listen and help them if they need it.

After the conversation is over, alert the protocol director so they can properly record what happened.

Addressing the perpetrator

- > If you can speak with the person, inform them that they have violated the victim's rights and sexual freedom.
- > Offer information on the protocol so that they can reflect on their behaviour. Use a firm yet pedagogical tone.
- > If you see the conflict between the victim and perpetrator getting worse, immediately tell the protocol director, and the security team. They will decide how to intervene.

9

What steps should I take to assist people and intervene?

9.1 Before we start

If you don't know the person's gender identity, you can ask their name and pronouns.

People may sometimes be uncomfortable with this question. In these cases, you can apologise and, if necessary, inform the protocol managers so they can help you.

If the assault was perpetrated by a partner or former partner, investigate whether this is isolated or recurring behaviour.

Recurring behaviour must be treated as a possible case of intimate partner violence.

9.2 Addressing serious assault

Addressing the victim

- > First, attend to the victim and make sure they are not in immediate danger.

Accompany them to a quiet space and alert the protocol managers.

They will assist the victim and assess their state.

If the person is unable to receive information, transport to a medical facility will be activated.

The designated facility in Barcelona is the Hospital Clínic.

If the person is able to receive information, follow the steps in the protocol.

- > If the victim needs medical care, alert the venue's medical services or call 112. Tell the medical staff what happened so they can provide proper care.
- > Ask the person if they came with anyone. Help them find their friends so they can provide support.
- > Keep calm. Focus on listening to the person and taking in how they share their experience.

Invite them to talk and help them to connect and regulate themselves.

In this way, you'll be able to determine if they are disoriented or aware of what happened, and to what degree.

- > The person may be highly distressed as a result of the experience. Apply emotional containment and regulation tools such as breathing techniques.

If you need to, alert the medical services so they can support you as you assist the victim.

- > In cases of rape or serious assault, avoid adding to the victim's suffering.

Be careful with the information you ask for and make sure they don't have to keep repeating what happened.

Don't question what they're saying, and avoid interrupting or making value judgements regarding what happened.

- > If you think they need some kind of contact, you can ask, for example, if they want you to hold their hand.
- > Recognise that what happened is serious, but control your emotions. Don't appear more distressed or outraged than the victim themselves.

Help them process what happened with a focus on recovery.

- > Avoid puritanical rhetoric about sexuality and women's bodies. This does not help to empower victims.
- > Given that what happened is a crime, inform the person of the steps they should follow if they want to file a report.

Once they have all the information, they'll be able to assess it and make the decision for themselves.

Give them the leaflet with the following information:

- Whether or not you decide to file a report, you have the right to receive medical and psychological support.
- You can go to a medical centre for support and to record evidence of the assault.

The first hours after the assault are crucial for collecting evidence of what happened.

Please do not shower or change clothes.

In cases of oral rape, we recommend not drinking or eating anything before your medical appointment.

If you believe the perpetrator drugged you or used other substances, you will be tested for traces of these substances.

- In cases of rape and sexual assault, DNA evidence is the most objective.
- For those over the age of 16, the designated medical facility in Barcelona is the Hospital Clínic, at the following address:
Carrer Villarroel, 170, 08036, Barcelona.
Telephone: 932 275 400, extension 2137.
- For minors under the age of 16, the designated medical facility is Vall d'Hebron.
- If you're in hospital and decide not to file a report, please be aware that the medical staff is under the obligation to inform a court of any kind of sexual assault, with or without your consent.

This does not mean that you have to file a report. Legal proceedings against the perpetrator will only be initiated if you file a report.

- If you're in hospital and decide to report, the staff will send an injury report to the corresponding duty court.
They will also alert the Mossos d'Esquadra police force and a forensic doctor for an examination.
- If you decide to file a report outside of hospital, you can go to the nearest police station or a duty court.
You'll need to bring the doctor's report.
You have the right to request and receive the support of a lawyer, who will ensure that the process is conducted properly.
Please be aware that this process may be difficult and does not always result in a fair ruling, but it's the only way to confront the perpetrator and avoid impunity.
- Here are a couple of resources with services where you can receive further information and support:
Feminism Services:
<https://ajuntament.barcelona.cat/dones/en/bcn-antimasclista>
Guàrdia Urbana City Police Victim Support Service:
https://ajuntament.barcelona.cat/dretssocials/ca/noticia/pas-enda-vant-de-la-guardia-urbana-contra-les-violencies-masclistes_1119750
- Even if your papers are not in order, you have the right to free healthcare, to have an interpreter and to file a report.
We also recommend that you reach out to a specialised organisation that can advise you properly.
- You are free to choose whether or not to file a report.
If you wish, you can also choose other courses of action for your recovery.
- You have time to file a report.
You can go to hospital for care and to get the medical report but file the criminal report later.

- > It may be the case that the victim want to file a report without the police or emergency services present.

In this case, recommend that they leave with someone else and have a person they trust accompany them to file the report as well.

If they want, you can call them a taxi.

The service coordinator can accompany them to the hospital and to file the report.

- > The priority is for the victim to recover, regardless of whether they file a report.

Prioritise the victim's needs and make sure they take their time. They can file a report now or later.

Whatever they decide, provide them with the Feminism Services leaflet so that they can use these resources if needed.

There they'll receive emotional, psychological or other kinds of counselling.

They will also receive information on other services and resources in the network that can provide support.

Addressing the perpetrator

- > Any team member can restrain the perpetrator in the act or just before they commit the assault.

If you saw the perpetrator, pay attention to key identifying details, such as clothing, hairstyle, piercings or tattoos.

Tell security staff what you saw, but avoid features associated with race or social class that may lead to prejudice towards others with the same features.

- > Security staff must stop the perpetrator or suspect and turn them over to the Mossos d'Esquadra.
- > If the assault is not detected right away, you can ask the victim to describe the perpetrator: type of clothing, friends, hairstyle, accessories, etc.

Avoid asking about features associated with facial features or social class to avoid causing prejudice or suspicion towards others with these features.

Make sure that the victim is calm enough to be able to talk about the perpetrator.

- > Inform security staff using clear and objective language.
- > It can sometimes be difficult to find the perpetrator, and this can be distressing or upsetting.

Caring for the victim must be the priority.

Focusing on the crime may lead to unintended situations, such as the violation of the right to the presumption of innocence or the right to privacy, as well as illegal arrests, etc.

9.3 Addressing sexual harassment

First, assess the incident:
severity, intensity, risk, intent
and the possibility of it happening again.

Also pay attention to the degree to which
both the victim and the harasser
may be affected by the
consumption of drugs or alcohol.

Addressing the victim

- > Look for a quiet place away from the party so that you can attend to them confidentially. Listen to them and provide unprejudiced support.
- > Ask them about what happened and assess the degree to which they are affected and the severity of the situation.
- > In the case of discrimination by venue staff, determine who it was in order to address the group or the individual.
- > In cases of sexual harassment, tell them they can file a report. Provide a description to the security team, who will act in accordance with the protocol.
- > If the person doesn't want to file a report but asks for the harasser to be removed from the venue, refer the case to the security team.

They will remove the individual
and consider taking action to help them take responsibility
and ensure that the behaviour does not happen again.

- > If the person wants to return to the party, make sure they can do so accompanied by their friends.
- > If they're alone and need help, help them find their friends.
- > If you believe that the victim is under the influence of alcohol, offer them a free soft drink or water and let them recover in a quiet place.

If they are severely intoxicated, alert the medical services and stay by their side.

Addressing the perpetrator

- > Give them the chance to learn about the protocol so that they can reflect on their behaviour. Use a firm yet pedagogical tone.
- > Inform them that their behaviour may result in a criminal complaint from the victim and removal from the venue.
- > If the person is an employee, tell them that you will speak with their boss.
- > If the person seems willing to take responsibility for what happened, offer them a space to reflect on it and make sure it doesn't happen again.

You can also provide them with resources to work on their behaviour after leaving the venue.

Despite the perpetrator's willingness, the victim still has the choice to file a report.

- > The security team will be in charge of taking action in cases of a criminal complaint, an aggressive attitude and removal of the perpetrator from the venue.

9.4 Addressing minor/isolated harassment, discrimination and unpleasant behaviour

Addressing the victim

- > Offer them a quiet space to talk.
If they want, they can bring people they trust.
- > Ask them about what happened and assess the degree to which they are affected and the severity of the situation.
- > In the case of discrimination by venue staff, determine who it was in order to address the group or the individual.
- > Present the 3 courses of action:
 - Spend time in a quiet place to recover from what happened, and seek out friends or someone they trust to return to the party or go home.
 - Seek the mediation of venue staff to confront the perpetrator of the discrimination and help them to take responsibility.
 - Initiate the process of reporting the perpetrator of the discrimination.
In this case, contact the security staff so they can intervene, following the protocol.

The protocol manager must take note of what happened and decide whether to address the group or individual who committed the act to prevent it from happening again.

Addressing the victim's circle

- > We recommend addressing the group in order to guarantee support for the victim and help them to recover.

The goal is to create a safe, supportive and non-judgemental space.

- > It is important to respect the victim's decisions.
- > Remembering positive experiences they've had in leisure spaces can help them recover from the situation.

Addressing the perpetrator

- > Explain the protocol and how it relates to their actions.
- > Inform them that their behaviour may lead to a fine or administrative penalty.
- > If the person is an employee, tell them that you will speak with their boss.
- > If the person seems willing to take responsibility for what happened, offer them a space to reflect on it and make sure it doesn't happen again.

They can also choose mediation, if the conditions for mediation are met.

Despite their willingness, the victim still has the choice to file a report.

Addressing the perpetrator's circle

- > We recommend addressing the group to make sure it doesn't happen again.
- > Show your disapproval of the behaviour and try to make the individual or group aware of the impact of their actions.
- > If the person is open to reflection, create a discussion space where they can share what led to this behaviour.

The person should be able to make sure it will not happen again.

- > Help their social circle to find a balance between disapproving of the behaviour and facilitating a space of reflection to change it.

