



Protocol “We won’t keep quiet” campaign against sexual assault and harassment in private night-time leisure venues

Barcelona City Council

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01

Introduction

Night-time leisure venues, discos, concert halls, bars, music bars, festivals and so on are spaces for meeting and interacting which, like many other such places, sometimes become a backdrop for forms of behaviour that prevent everyone from having an equally good time. Sexual violence, or the threat of it, is one of the priority reasons for limiting access to public spaces to ensure equality for women.

The 2017 Catalan Gender Violence Survey shows that sexual assaults on women by individuals whether, or not known to the victim (and not a present or former partner) occur in different areas (on public transport, in public places, sports centres, schools, workplaces, night-time leisure venues etc.) So, an analysis of the data obtained from this survey shows that in 2016, according to type of assault, all cases of attempted rape on women took place in their home; 56.69% of cases of rape occurred in public spaces; 55.52% and 29.29% of cases of sexual touching with violence were committed in public spaces and leisure venues respectively. Finally, as for cases of sexual touching without violence, 42.34% occurred on public transport and 31.03% in leisure venues.

These figures show that night-time leisure venues, just like the places we live in, are areas where sexual assaults and abusive forms of sexual behaviour can occur. Sexual assaults, however, can occur above all where people gather and get close together, such as in public spaces, on public transport or in the home, the most common sites for such examples of gender violence.

This explains why the protocol reserves a role for the people in charge of or working in night-time leisure venues that involves detecting potentially dangerous or uncomfortable situations and attending to victims following an assault, to ensure these spaces play an active role in combating gender violence, just as the city's other social, cultural and political players do. To achieve this key aim, it is essential that:

- 1** The business sector **acts jointly and consensually** to establish forms of action and prevention that are effective and useful for the sector, to enhance the quality of the services they offer.
- 2** The business sector knows that many of the types of sexual assault and abuse that we list in this protocol are **offences that feature in the Penal Code** and that responsible action is therefore required from the night-leisure business players.

It is because of all the above that the Councillor's Office for Feminism and LGBTI at Barcelona City Council has designed a Protocol to combat sexual assaults and harassment in private night-time leisure venues and has compared and assessed its feasibility in collaboration with several of the city's night-time leisure spaces and associations, to guarantee its implementation.

02

Sexual violence: conceptual and legal framework

2.1 Sexual violence as a punishment for breaking norms

Night-time leisure venues have been places for people to interact, have fun and freely express their unorthodox pleasures, desires and lifestyles. Night time was, and still is, a refuge for breaking norms and creating communities that are often incomprehensible in the light of day. Unfortunately, not everyone can enjoy such places in equal conditions. Women, although they are not alone here, have historically been excluded from the freedom to legitimately enjoy public life, a status that has put them in a more vulnerable situation with regard to violence in this context. Traditionally confined to private spaces, women have been punished through forms of gender violence, mainly where they were thought to have made an unconventional use of their freedoms. The presence of women in public places at night has been interpreted as a transgression of their gender role and that is the reason why even today they remain at risk of being assaulted through various forms of sexual violence. Even so, as several studies reveal, non-white women, working-class women or women with a non-normative sexuality are more at risk of falling prey to violence and stigmatisation.

The technical definition of sexual violence and the acts it is associated with do not always find a response in today's legal frameworks. For this reason, in this protocol we have included forms of sexual assault that constitute offences as well as others which, while not offences, are forms of illegitimate interference in the sexual freedoms of people and may constitute preparatory steps towards future and more serious sexual assaults.

2.2 Legal framework

The World Health Organization has defined sexual violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work” (WHO, 2011).

As for the specific acts that are considered forms of sexual violence, WHO establishes that they range from “verbal harassment to forced penetration, and an array of types of coercion, from social pressure and intimidation to physical force...” (WHO, 2013).

Catalan Act 5/2008, on the right of women to eradicate gender violence, similarly establishes that the definition of sexual violence and abuse includes any act of a sexual nature that has not been consented to by women, including: exposure, stalking and imposing sexual relations through violence, intimidation, dominance or emotional manipulation, irrespective of the fact that the assailant may have a marital, partner, affective or kinship relationship with the woman or minor.

Under Spain's legal framework, sexual violence is mainly categorised in the Penal Code, as well as other pieces of legislation on equality and the regulation of employment relations.

Below we list only the categories provided for in the Penal Code because this is where sexual assaults are described under the framework of affective, social and community relationships.

As for forms of **behaviour classed as criminal**, we find the following, which interfere with sexual freedom and integrity:

- > Sexual assault is defined under Article 178 of the Penal Code as acts which interfere with sexual freedom through violence or intimidation.
- > Rape is defined under Article 179 as a serious sexual assault that involves sexual intercourse through the vagina, anus or mouth, or the introduction of body parts or objects into the vagina or mouth.
- > Sexual abuse is defined under Articles 181 and 182 as forms of behaviour that interfere with sexual integrity without the use of force or intimidation, but without the victim's consent. Other forms of non-consensual sexual abuse include sexual acts that are committed through deception on children older than 13 but younger than 16 or on people who lack awareness or have a mental disorder or people whose willpower has been overridden under the influence of medicines, drugs or similar substances.

Forms of behaviour that undermine the dignity of people are classed as follows:

- > Sexual assault is defined under Article 184 of the Penal Code as sexual acts intended to harm the victim's integrity and dignity, in the context of an employment, educational or business relationship.

2.3 Conceptualisation of the protocol

In line with the forms of behaviour classed as criminal under the definitions given by the UN and Catalan Act 5/2008, on the right of women to eradicate gender violence, the terminology for and classes of sexual assaults and harassment in night-time leisure contexts under the protocol are as follows:

Sexual assaults, rape and sexual abuse

Below is a list showing the forms of behaviour that come under this protocol, also classed as criminal, and on which grounds victims may choose to report them to the Catalan police.

- > **Sexual assault:** Acts that interfere with sexual freedom using violence or intimidation. This section includes intimidatory slandering, stalking and cornering carried out for the purposes of sending out sexual messages to victims or indulging in unsolicited touching. This section also includes situations where assailants do not act on the body of the victim but force them to carry out a sexual act on their own body or with third parties [Cf. Article 178 of the Penal Code].
- > **Rape:** A form of sexual aggression that involves sexual intercourse through the vagina, anus or mouth or the introduction of body parts or objects into the vagina or anus [Cf. Article 179 of the Penal Code].

> **Serious sexual abuse:** There are two categories of serious sexual abuse that need to be distinguished: one where there is a lack of consent and the other where the consent is declared null, irrelevant or invalidated. Invalidated or invalid consent are of vital importance in cases of serious sexual abuse, where victims are regarded as lacking the capacity to understand the meaning or implications of their decisions, because they lack awareness or because they have been exploited or induced under the influence of medicines, drugs or any other natural or chemical substance. It needs to be borne in mind that the Supreme Court's own case-law establishes that lack of awareness does not require the victim's total or absolute lack of consciousness, but will be sufficient where there is a loss or inhibition of the victim's relevant faculties for assessing the importance of their decisions over their sexual behaviour [STS 5568/2013]. Sexual abuse includes, among other things, especially offensive touching; sexual intercourse through the vagina, anus or mouth or the introduction of body parts or objects through the vagina or anus, and the incitement to carry out sexual acts on their own body or the body of the abuser or a third party, where the latter exploits the effects on the victim's consciousness caused by their consumption, whether induced or self-initiated, of medicines, drugs or any other natural or chemical substance [Cf. Article 181 of the Penal Code].

Minor-degree sexual assaults and abuse

Below is a list of the forms of behaviour which, while not described as punishable criminal offences under the Penal Code, are nevertheless subject to regulation under the protocol and against which it shall be mandatory for those in charge of night-time leisure venues to take action, where the victim so requests.

- > **Sexual harassment:** We shall consider sexual harassment to include unsolicited verbal, non-verbal or physical forms of sexual behaviour with the aim or effect of interfering with people's dignity, in particular where an intimidating, hostile, demeaning, humiliating or offensive atmosphere is created. Such forms of assault include stalking and repeated unsolicited conversations or attempted seduction for the purposes of establishing sexual contact or sending sexual messages, where such actions are intimidatory.
- > **Minor-degree sexual abuse:** We consider minor-degree sexual abuse to include not just unexpected touching but also forms of sexual harassment that exploit the effects on the victim's consciousness caused by their consumption, whether induced or self-initiated, of medicines, drugs or any other natural or chemical substance, to ensure further impunity for harassing behaviour.

2.4 To whom the protocol applies

Numerous studies provide figures that show sexual violence is carried out practically exclusively by men and that the vast majority of victims of sexual attacks are women. There are also men, to a lesser extent, who are sexually assaulted by other men and these men encounter many difficulties to raise awareness of this.

This protocol will therefore only apply to cases where the assailants are men. It can be used without distinction whether the victim is a woman or a man.

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Protocol against sexual assault and harassment in private night-time leisure venues

3.1. The protocol's guiding principles

Priority assistance for victims

Where an assault is detected or witnessed, the priority must be to attend to the victim rather than prosecute the offence or the assailant. We need to ensure the victim receives appropriate assistance and is never, in the event of assault, rape or serious sexual abuse, left alone at any time unless they ask to be alone.

Respecting the decisions made by the victim

It is essential we respect the victim's capacity to make decisions. Everything possible needs to be done to ensure they receive the necessary information and correct advice and that, ultimately, the decision has to be made by the victim, even when it appears incomprehensible.

Non-centralisation in criminal proceedings

It should be borne in mind that the criminal proceedings which result from reporting a sexual assault are complex and hard for the victim and very often do not end up the way the victim wished. This can cause frustration for the victim, which is why people need to be informed and it should be taken into account that there are other channels available for dealing with the situation and importance should be attached to the victim's recovery process.

Attitude for rejecting assailants

We need to avoid any show of complicity with the assailant, even if the aim is to reduce tension. It is important to demonstrate a clear rejection of his attitude and get people around the assailant to join in that rejection.

Rigorous information

We need to respect the privacy of the victim and the accused assailant's presumption of innocence too. For this reason, it is advisable not to give information that does not come from reliable and objective sources or to spread rumours about assaults or false accusations of assault.

The protocol's three cornerstones, which we set out below, are based on the following principles:

PREVENTIVE ACTIONS

Designing the necessary tools for promoting places where sexual freedom is respected, especially that of women and people with a non-normative sexuality or gender.

INSTRUCTIONS FOR DETECTING

Identifying situations, actual or potential, of sexual harassment, assault or abuse.

INSTRUCTIONS FOR ASSISTANCE AND REFERRALS

Acting, having the necessary tools, in the wake of assaults, abuse or harassment with each of the individuals involved. Knowing and conveying the optimum referral circuit for immediate or subsequent assistance following a situation of assault, abuse or harassment.

1. Specific measures for controlling access to venues

1.1 Non-use of discriminatory or sexist access criteria to the venue (explicit or implicit). These would include the following:

- > Different access prices for men and women or discounts in the form of drinks, free entry for new visitors to the venue etc.
- > Different rules for men's and women's dress codes.
- > Arbitrariness on the part of the people in charge of controlling access where they give women access on the basis of their personal image and attractiveness.

1.2 Establishing a stable and visible way for limiting access to anyone who sexually harasses or assaults and to anyone who has shown signs of harassing or disrespectful behaviour towards other users outside the premises.

- > This measure can be justified through a rigorous application of general limits of access to recreational and leisure premises established under Decree 112/2010¹, approving the Regulations on public shows and recreational activities.

2. Communicating the protocol to users

2.1 There are specific posters available that explain that the venue has signed up to the protocol from the "We won't keep quiet" campaign.

- > The posters will explain the venue, festival or venue's involvement and commitment to promoting sexual freedom and explain that it has a protocol for responding to assaults that may occur. Example: "These premises champion free and consensual sexual relations. Inform a member of staff in the venue if you have experienced any kind of sexual harassment or assault.
- > There will be two types of posters (in four languages), one with information for the toilet area and another with more visual information for the venue's other areas [see the posters in annexe 1].

3. Specific monitoring in particularly dark areas of the venue

3.1 All premises must evaluate any areas which are dark, hidden or put users in a situation where they are vulnerable or alone.

3.2 Such areas must be established as a maximum priority for the venue's indoor monitoring.

4. Listening to users

4.1 Having an email address that users can use to report situations of sexual assault or harassment.

¹ These regulations establish that: Art. 52(1): Owners of establishments open to the public, organisers of public shows and recreational activities or those who are put in charge of them, are under a legal obligation to deny access to the following : b) People who display violent attitudes or publicly incite others to hatred, violence or discrimination on the grounds of birth, race, sex, religion, opinion, disability, sexual orientation, gender identity or any other social or personal condition or circumstance, and, above all, people who behave aggressively or cause disturbances outside or at the entrance, people who carry weapons or items that can be used as weapons and people who wear clothes, items or symbols that incite others to violence or act as apologists for activities that go against the fundamental human rights recognised in the Constitution. Article 147(c) of the same regulations states that people in charge of such places may be committing a serious offence where they fail to act to avoid the creation of dangerous situations or public order disturbances, which include: c.1) Displaying symbols, wearing clothes or items and adopting forms of behaviour that publicly incite others to hatred, violence or discrimination on the grounds of birth, race, sex, religion, opinion, disability, sexual orientation, gender identity or any other social or personal condition or circumstance. c.4) Disrespectful behaviour towards the establishment's other spectators, artists or staff.

5. Promotional activities and images that incite sexism and discrimination against women

5.1 No promotional activities should be carried out or images displayed that encourage gender inequality or show a lack of respect towards people on the grounds of gender or sexual diversity. Activities that can be included in this ban are as follows:

- > Establishing separate mandatory dress codes based on sex or gender.
- > Holding dance activities that discriminate on the grounds of sex or gender.
- > Designing promotional posters for the premises or its activities which present women only as objects of sexual desire, as well as all the images that show them in positions that are demeaning or subordinate or which incite violence.

Other possible actions

In addition to the five basic mandatory actions for applying the prevention protocol, premises that sign up to it can go further and ensure gender fairness by applying the following recommendations:

- > Promoting parity between men and women in accessing positions of responsibility.
- > Promoting sexual and gender diversity of the people scheduled to perform in the night-time venue as the protagonists of musical, recreational and artistic activities.
- > Establishing a way for night-time leisure workers to leave, when their shift ends, to ensure they are safe.

DETECTION INSTRUCTIONS

General aspects that need to be implemented:

- > All members of staff must have minimum training to be able to detect and distinguish the various types of sexual assault and aggression and know the internal referral circuit and the role that each of the venue's professionals plays.
- > The protocol reference materials should be available in the same place.

Detection instructions according to type of assault:

In the event of sexual assault, rape or serious sexual abuse:

- > Direct referral to the person **in charge of assistance** at the same venue and implementation of the steps established in the following assistance stage.
- > In such cases detection is not a task requiring special training. However, it should be borne in mind that any sexual contact where the victim's consent is invalid due to lack of consciousness from induced or self-initiated consumption constitutes an offence and is included under this category.

In the event of minor-degree sexual abuse where chemical vulnerability has been exploited:

It should be borne in mind that the person affected is not capable of giving valid consent in such cases, which are therefore the most delicate to deal with when it comes to detection.

A If someone with sexual intentions approaches another person who has consumed too much alcohol or drugs and insists on establishing contact with that person:

1. Go over to the person affected.
2. Unless they are suffering from a very serious lack of awareness, act as you would in the event of sexual harassment.
3. If they are suffering from a serious lack of awareness, inform the person in charge of assistance at the venue.

B If you see someone who has consumed too much alcohol or drugs, look for their friends and make sure that they are not alone and do not leave the venue on their own.

In the event of sexual harassment:

A Where detected by the venue's staff or reported by the venue's users or friends of the person harassed:

1. Ask the person harassed if they feel comfortable in the venue.
2. If they are uncomfortable with the insistent or harassing behaviour of another person:
 - > Give the alleged harasser their first warning. They will be removed from the venue on their second warning.
 - > Where necessary, offer the person who has been harassed the care that is stated in the assistance instructions.

B Reported by the person who has been harassed:

- > Give the alleged offender their first warning. They will be removed from the premises on their second warning. Where harassed persons have defended themselves or responded to their harassment with a shove, slap, insult and the like, under no circumstances must their behaviour be compared to the harasser's and they will simply be reminded that the venue's staff are there to take the appropriate measures.
- > Where necessary, offer the person who has been harassed the care that is stated in the assistance instructions.

General aspects that need to be implemented:

- > First of all it is crucial to convey the idea that **the initial assistance has to be separated** (responsibility of the venue) **from the investigation** (responsibility of the Spanish State's security forces and judicial bodies).
- > Where a police presence is required for initiating legal proceedings through a reported offence, the police must be the **Mossos d'Esquadra** [Catalan regional police].
- > Venues must have a **specific person** for providing initial emergency assistance and managing the situation, who should have received training [4 hours] in this document's specific contents and recommendations.
- > Venues must have a **room where assistance can be provided to a person** who has been subjected to a sexual assault, rape or serious sexual abuse. A space can be offered in all other cases, where the level of harm is considered to require this, but this will be avoided in any case to prevent victimisation. The room does not have to be a specific place, but rather any area can be prepared and reserved for staff or other uses, provided that it guarantees the necessary peace and isolation.
- > The venue's specialist must know the resources to which the case can be referred within the assistance circuit for sexual assaults and abuse

Instructions for assistance according to type of assault:

In the event of a sexual assault, rape or serious sexual abuse:

Provide assistance to the person who has been assaulted

- A** Attend to the victim as soon as possible, speak to them and make sure they are not in any immediate danger.
- B** Inform the person in charge of assistance at the venue and accompany the person who has been assaulted to the area provided for such circumstances.
- C** If the person in charge finds that the person who has been assaulted is fit to provide information:
 1. Ask the person who has been assaulted if they have any friends in the venue who can accompany them during the support process.
 2. Ask them whether they wish to request assistance from the emergency medical services or Mossos d'Esquadra [Catalan regional police] (tell them that doing so does not imply any official accusations, only professional assistance).
 3. If emergency health care is required, call 112 to request the emergency medical services. Where necessary or if the victim so wishes, the emergency services will transport them to Barcelona's Hospital Clínic.
 4. If they do not want the emergency services or Mossos in the venue, tell them that they are entitled to receive emotional and medical support and that you can arrange for a taxi to take them to the city's benchmark medical centre (Hospital Clínic) if they prefer.

5. If they do not want the emergency social services or the Mossos, ask them if they want to report their assailant to the police and hand them the information leaflet [see Annexe 2] in any case.
6. If they decide to report their assailant, but refuse assistance from the emergency medical services or Mossos, make sure they do not leave on their own and advise them to go and report their assailant with someone they trust. If they wish, arrange a taxi for them [call the company connected with the protocol using the specific call code] and try to get a friend of theirs to accompany them.
7. Get them to understand that the priority is respect for their time and needs. Explain that the information leaflet they have been given includes a link where they can find out about all the available City Council assistance and recovery services they can turn to should they need any emotional or psychological counselling or guidance.

D If the person in charge believes the person who has been assaulted is not fit to provide information: Call 112 and ask for the emergency medical services.

Action towards the assailant:

A Assailants can be arrested by any citizen or member of the venue's team provided they are caught committing or about to commit a criminal offence of assault, sexual abuse or rape. Security guards are under an obligation to arrest assailants, although they can also arrest a suspect for immediate handover to the Mossos [Article 32 of Act 5/2014, on private security].

B If the assailant is not caught committing or about to commit the criminal act, but the person who has been assaulted is able to provide a very clear description of them, search for them on the premises and hand them over to the Mossos. This procedure may only be carried out if, on the one hand, you have a clear description of the person and you believe they can be easily found and, on the other, you have sufficient staff to accompany and correctly attend to the assaulted person at all times and that the latter is calm enough to provide a description.

C Remember that during the assistance process, the priority is attending to the victim, and not the prosecution of the offence.

In the event of minor-degree sexual abuse where chemical vulnerability has been exploited

Assist the person assaulted

A Look for and notify their friends.

B Notify the person in charge of assistance at the venue, who will then offer to take them away to an area where they can be assisted and recover.

C Offer them, where necessary, a non-alcoholic drink.

D If you have found their friends your role ends here. If you have not found them or they do not take any responsibility, make sure the person who has been assaulted stays in the reserved area until they recover.

E If necessary, and the assaulted person so wishes, accompany them to hail a taxi or offer to phone someone they trust to come and collect them.

Action towards the assailant

Act as you would in the event of sexual harassment (following section).

In the event of sexual harassment:

The person attending to the victim should preferably be the person officially in charge of assistance at the venue, although all trained members of staff who know the protocol can also provide such assistance.

Assisting the person assaulted

A Ask them if they're on their own. If they are but want help, accompany them to look for their friends.

B If their friends are no longer in the venue or cannot be found, and they wish to leave the premises, offer to make a phone call and request a taxi (give priority to companies that have signed up to the campaign).

C If they are under the influence of alcohol or other drugs, offer them a free non-alcoholic drink and the use of a specific place where they can stay without being disturbed and recover.

Action towards the assailant

A Inform them that if their attitude persists they will be removed from the premises.

B Keep watch of them, and if you detect their persistence or receive a new harassment complaint against them, have them removed from the premises and prevent them from returning for the rest of the night.

C They will have to be removed from the premises by the people in charge of security or the access-point control or the person in charge of the premises. If they refuse, you can call the Mossos for assistance, as provided for under 112/2010.

D Once the assailant is outside the premises, make sure they do not use further violence or threats in the venue's immediate surroundings against anyone, especially those who reported them.

04

Communication

This protocol is accompanied by the “We won’t keep quiet” campaign. Night-time leisure contexts require the availability of communication materials giving venue users information on the protocol. Such materials and the communication strategy that results from them have to be aimed at convincing users to sign up to an alternative message for promoting sexual and gender freedom. Users that sign up to this message in the venues which subscribe to it, will benefit from considerable added value in their criteria for choosing a night-time leisure venue. Such a situation, which is ethically sustainable, also creates benefits for the managers themselves, for whom the application of this protocol and subscription to the communication campaign can contribute positive elements in the form of prestige and economic benefits.

Framework ideas for the communication strategy

- > Firstly, we need to change the view that night life inherently incorporates sexual harassment and situations where women’s sexual freedom is invaded. In this regard, **the communication proposal** is to create messages that specially encourage women to identify forms of unwanted sexual interference while promoting **women’s sexual freedom and enjoyment**. Secondly, promoting the importance of women’s sexual freedom can be an extremely important tool for incentivising radical ways of defending this very freedom and arguing against all the forms of behaviour that undermine it.
- > The campaign must **not be centred on the idea of creating safe spaces**. Our starting point is that total safety is not possible; however, the notion of safe spaces for women pushes women into choosing safety over freedom, something we would have to regard as controversial at the very least. What is more, focusing the campaigns on the safety perspective will elicit rejection from a good many night-time leisure users, for whom nights are connected with fun, freedom and risks. It may also create problems for night-time leisure entrepreneurs, given that the notion of having to guarantee the existence of completely safe places can encourage expectations towards the people responsible for leisure venues that would be unachievable for any social player.
- > Thirdly, we need to **use caution when dealing with the idea of consent (for example, “no means no”)** according to various supporting arguments. The idea of consent can prove problematic in cases of chemical submission, involving situations where, despite an explicit refusal not having been given, consent is not valid because of the level of influence the person is under.
- > Fourth, an extremely important element is the need for tackling the **sexualisation of night-time leisure venues**. Sexualisation of women is perceived as an element that implies sexism and encourages sexual harassment and assaults, although this is not always the case; we need to tackle this belief with care, to avoid criminalising the explicit sexuality of women.

> Lastly, we need to take account of the **problems that arise from campaigns put together explicitly against sexual violence**, which focus on banning this kind of behaviour. Such campaigns have a problem: they create crime-associated types that no one would want to identify with (stalker, harasser, rapist or victim, passive sex object, etc.)

Because of all that, and to conclude, we need to work on promoting forms of sexual relationships based on freedom, empathy and shared pleasure. We need to look for **shared, respectful and free relation and seduction codes through positive models**. Founded on a commitment made by everyone (premises, venues, festivals and users) to the “We won’t keep quiet” slogan, this protocol aims to make visible and respond to such forms of behaviour.

05

Monitoring and assessing the protocol

There has to be a qualitative monitoring and assessing of the protocol's implementation. Venues that subscribe to the protocol will hold three monitoring and assessment meetings on the protocol's implementation during its first year of introduction. From the second year on, an annual monitoring session that is also qualitative will be held, where cases that have been detected and attended to as well as the available materials and other key elements of the protocol will be assessed. It will be through this assessment that Barcelona City Council, working in conjunction with the venue, will determine whether the protocol is to be continued. As for festivals, every year will see a preliminary assessment of how the protocol has to be deployed before the festival is held and a second assessment just after it has finished.

Any venue or festival wanting to adhere to the protocol should send a mail to protocolocinocturn@bcn.cat to receive full information on how to do so.

06

Annexe 1. Materials from the protocol in venues

WE WON'T KEEP QUIET

These premises have an action protocol available to respond to sexual assaults. Speak to a member of staff in the venue if you have experienced any kind of sexual harassment or assault.

NE NOUS TAISONS PAS

Cet établissement dispose d'un protocole d'action pour répondre aux agressions sexuelles. En cas de harcèlement ou d'agression sexuelle, allez voir les professionnels de la salle.



**WE WON'T KEEP QUIET
IN THE FACE OF ANY SEXUAL
AGGRESSION**

Speak to us if you need to!

**NE NOUS TAISONS PAS FACE À
TOUTE AGRESSION SEXUELLE**
S'il le faut, venez nous voir !



WE WON'T KEEP QUIET

These premises champion free and consensual sexual relations. If anyone tries to infringe upon your freedom, through comments, stalking or groping, or forces you to carry out any sexual act against your will, tell a member of staff in the venue.

NE NOUS TAISONS PAS

Cet établissement défend les relations sexuelles libres et consenties. Si quelqu'un porte atteinte à votre liberté, en faisant des commentaires, en vous persécutant ou vous touchant, ou en vous obligeant à effectuer un acte sexuel non désiré, allez voir les professionnels de la salle.



**WE WON'T KEEP QUIET IN THE FACE OF ANY
SEXUAL HARASSMENT OR AGGRESSION**



**NE NOUS TAISONS PAS FACE À TOUT
HARCÈLEMENT OU TOUTE AGRESSION SEXUELLE**

**NE NOUS
TAISONS PAS FACE À TOUT
HARCÈLEMENT OU TOUTE AGRÉSSION SEXUELLE**



#NoCallem

#NoCallem



**WE WON'T KEEP QUIET IN THE FACE OF ANY
SEXUAL HARASSMENT OR AGGRESSION**



Sexual assaults and abuse can occur in night-life venues, as well as other areas of the city (in the streets, on public transport, in private facilities and homes).

It is everyone's responsibility to raise awareness of and respond to such kinds of behaviour, which is why several of the city's venue halls and festivals, including ours, have joined the "We won't keep quiet" protocol.

This protocol champions free and consensual sexual relations. So if someone tries to infringe upon your freedom, through comments, stalking or groping, or forces you to carry out any sexual act against your will, speak to us, we'll know how to act.

Let's enjoy the party and the music!

Dans les espaces de loisirs nocturnes, comme dans les autres espaces de la ville (rue, transports en commun, équipements ou domiciles privés), peuvent se produire des agressions ou abus sexuels.

C'est notre responsabilité à tous et à toutes de rendre visibles et d'apporter une réponse à ces comportements, c'est pourquoi divers festivals et salles de la ville ont adhéré au protocole « Ne nous taisons pas ».

Ce dernier défend les relations sexuelles libres et consenties. Alors si quelqu'un porte atteinte à votre liberté, en faisant des commentaires, en vous persécutant ou vous touchant, ou en vous obligeant à effectuer un acte sexuel non désiré, venez nous voir, nous saurons quoi faire.

Profitez de la fête et de la musique !



07

**Annexe 2. Leaflet for
a person who has been
seriously assaulted**

“We won’t keep quiet”

Barcelona stands up for free and consensual sexual relations. If anyone restricts your sexual freedom, forcing you to carry out or put up with acts you find hostile, degrading or cause you physical harm, you can report them. Find out all about it!

There are eight things you need to know:

1 You should know, first of all, that whether or not you decide to report anyone, you are entitled to receive counselling and medical support and care to deal with the assault you have suffered in whichever way you choose.

2 It is important for you to go to a medical centre as soon as possible to receive emotional support for any harm caused by the assault and to record any evidence of it. The first few hours after a sexual assault are crucial for obtaining evidence and ensuring optimal results from the investigation. And if you suspect your assailant has supplied you with any drug or toxin, you will be given the relevant tests.

When it comes to rape and sexual assault, ultimately the only objective evidence will be the DNA samples. In the case of sexual abuse through chemical submission, the first hours are critical for detecting specific substances in the victim’s body. Which is why we advise you not to wash yourself or shower and not to change your clothes and, where there has been an oral sexual assault, not to take any medication or drink anything before you go to a medical centre.

3 The benchmark medical emergency service is provided by Hospital Clínic de Barcelona. Emergency Services. C/ Villarroel, 170 08036 Barcelona. Tel: 932 275 400 Ext.: 2137.

4 If you are in hospital and decide to report the offence, that same hospital will be responsible for sending a medical report to the corresponding duty magistrate’s court and for informing the police or Mossos d’Esquadra [Catalan regional police] and the forensic doctor. Alternatively you can report the incident yourself at the nearest police station or duty magistrates’ court. In the latter case, you will have to take the medical report.

5 If you are in hospital and do not wish to report the offence, you should be aware that the medical centre is under a legal obligation, with or without your consent, to inform the judicial authorities of any sexual assault, although that does not imply any legal proceedings will be started.

6 Only by reporting the incident will legal proceedings be started against the aggressor. Criminal proceedings can be tough and there is no assurance of a fair sentence for the assailant, but it is the only way to deal with that person and prevent them from acting with impunity.

7 When you report an offence, remember you are entitled to receive free legal aid at police stations and court offices or you can go private, if you prefer.

We recommend you request a lawyer so they can see to the smooth running of the process. You also have legal organisations and specialist services at your disposal that have extensive experience in sexual assaults.

<http://ajuntament.barcelona.cat/bcnantimasclista/ca/serveis-datencio>

8 Even if you are a migrant in an irregular situation you are still entitled to free access to the emergency health-care services and to have an interpreter and to receive legal aid, if you decide to report the offence.



Ajuntament de
Barcelona



Barcelona champions free and consensual sexual relations. If anyone is restricting your sexual freedom and forcing you to carry out, witness or put up with acts you find hostile or degrading, you can report them.

FIND OUT MORE!

There are 8 things you need to know:

- 1** **Whether or not you decide to report anyone, you are entitled to receive psychological and medical support and care**, in any way you choose, to deal with the assault you have suffered.
- 2** **It is important you go to a medical centre as soon as possible to receive emotional support for the harm you have suffered and record any evidence of an assault.** The first few hours after a sexual assault are crucial for obtaining evidence and ensuring optimal results from the investigation. And if you suspect your assailant has supplied you with any drug or toxin, you will receive the relevant tests.

When it comes to rape and sexual assault, ultimately the only objective evidence is DNA samples. In the case of sexual abuse through chemical submission, the first hours are critical for detecting specific substances in the victim's body. Which is why we advise you not to wash yourself or shower, not to change your clothes and, where there has been an oral sexual assault, not to take any medication or drink anything before you go to a medical centre.
- 3** **The referral medical emergency service is provided by Hospital Clinic de Barcelona.** Contact its emergency service: C/ Villarroel, 170, 08036 Barcelona. Tel: 932 275 400 (extension 2137).
- 4** **If you are in hospital and decide to report someone, that same hospital will be responsible for sending a report with your assault details to the corresponding magistrate's court and informing the police/Mossos d'Esquadra (Catalan police) and the forensic physician.** You can also directly submit your report to the nearest police station or magistrate's court; in the latter case you will have to take your medical report there in person.

- 5** **If you are in hospital and do not wish to report anyone, you should be aware that the medical centre is under a legal obligation to inform the judicial authorities of any sexual assault**, with or without your consent, even though that does not imply any legal proceedings will be started.
- 6** **Reports will lead to the start of criminal proceedings against the assailant.** Criminal proceedings can be tough and there is no assurance of a *fair* sentence for the assailant, but it is the only way to deal with that person and prevent them from acting with impunity.
- 7** **When you report someone, remember you are entitled to receive free legal aid in police stations and court offices, although you can go private if you prefer.** We recommend you request a lawyer to see to the smooth running of the process. You also have specialist legal organisations at your disposal, with wide experience in dealing with cases of sexual assault, that you can consult on the Barcelona City Council website: barcelona.cat/bcnantimasclista
- 8** **If your legal papers are not in order you are still entitled** to free access to the emergency health-care services, to an interpreter and, if you decide to report someone, to legal aid.

