



PREVENTION OF SEXUAL VIOLENCE IN A NIGHTCLUB

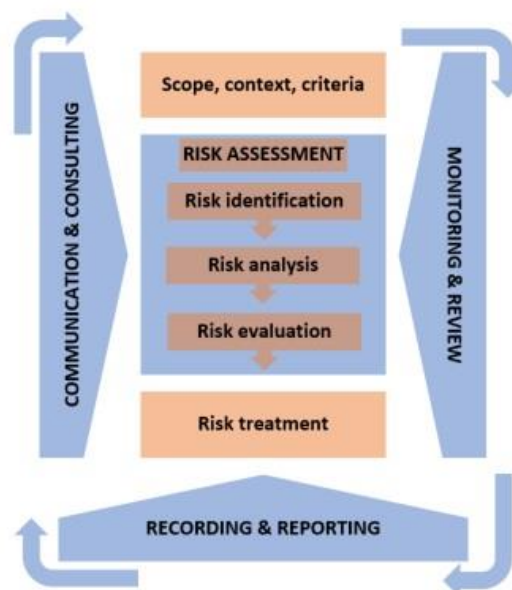
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ABSTRACT

Risk assessment in relation to prohibited acts of a sexual nature, such as sexual harassment, sexual aggression and rape in crowds and large events such as nightclubs or music festivals, involves not only private security but also public authorities. This article examines best practices for improving safety and minimising sexual violence in a nightclub. Therefore, it is relevant to adapt the risk assessment according to ISO 31000 to the specific law applied. The article is based on the protocols on the “WE WON’T KEEP QUIET” and the “Security protocol against sexual violence in leisure spaces” of the Government in Catalunya.

Link to ISO 31000

ISO 31000 processes: Scope, context, criteria, risk analysis, risk evaluation and risk treatment.



1. Introduction

Nightclubs, festivals and other large gatherings where alcohol and drug use are common have been statistically shown to be places where prohibited sexual activity such as harassment, sexual aggression and rape occurs. In recent years there have also been cases of chemical submission. The World Health Organization (WHO) defines 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” (World Health Organization [WHO], 2010).



In a high percentage of cases, the alleged victim is a woman, and the alleged perpetrator is a man. A gender perspective is therefore essential. The immediate, rapid, and efficient action of the organisation can be crucial for the criminal justice process in order to quickly locate the alleged perpetrator.

Prevention is essential in order to protect the individuals who support the event, to avoid reputational and economic damage to the company/organisation, and to avoid criminal, administrative and civil liability for the company/organisation.

The Prevention Protocol will apply to all types of acts related to sexual violence, whether or not they are criminal offences.

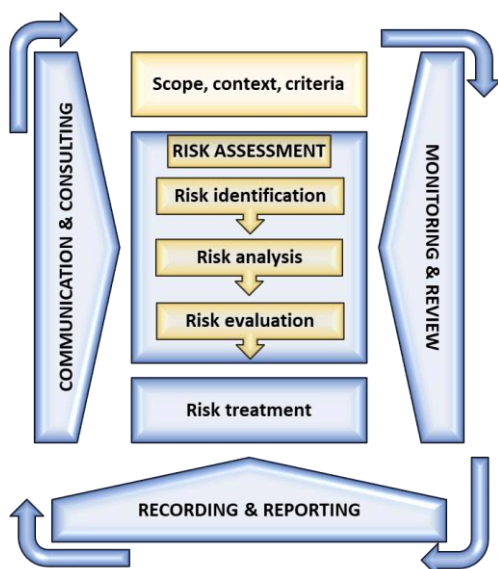
2. Case

A local nightclub company, located in a town in the province of Barcelona, requests a general risk assessment regarding prohibited acts of a sexual nature, such as harassment, sexual abuse/aggression, etc. From their direct experience, such prohibited acts have recently increased, especially in the nightclub's toilets, and they now have a bad reputation in the media and are facing the opening of administrative proceedings against the nightclub. As a direct result, the nightclub has lost female customers, which has had a negative economic impact. The company has a policy of free entry for women and paid entry for men. The general age of the company's customers is between 18 and 25 years. The club is generally open every Friday and Saturday between 00.00 and 6.00.

The nightclub requests a specialist to carry out an integral assessment where the assailants are men in order to decrease the prohibited acts in its space and to improve its public image.

3. Best practices

SCOPE, CONTEXT, CRITERIA AND RISK ASSESSMENT



Good practice includes prevention and giving an efficient and effective response in cases of crimes against sexual freedom, which will also be crucial in preventing unwanted events in the future.

For prevention, the **context** is a nightclub with young assistants under 25. The assistants may be under the influence of alcohol and drugs.

Social-human origin. The person directly affected is an individual or a group. The assets affected are the health/life, emotional health of the customers on the one hand, and the finances and reputation of the company on the other. The origin of the risk cannot be predicted because the studies show that many factors are involved.



Depending on the **risk identification**, some of the aspects could be a list of previous cases. The company will contact the authorities to gather information and check records. Based on the information, the specialist will try to profile the victim/offender and check whether drugs and alcohol increase the likelihood of the risk. The lack of gender equality policies may also be an aspect to consider.

The information gathered can be used to study the possibilities, especially if there are certain areas where there are more cases, such as the toilets. Therefore, it is relevant to check if there are opportunities created by the different spaces of the nightclub or "black points". The specialist will notice that in the toilets there is a lack of cameras to respect the privacy of the assistants and that this can create opportunities for the perpetrators.

RISK ANALYSIS AND EVALUATION

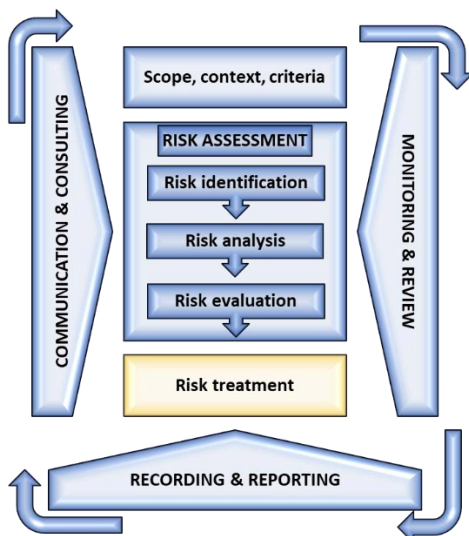
The **risk analysis** will end up with a probability for the not wanted event to happen, the nature and magnitude of the consequence, if there is effectiveness or not of the pre-existent controls, and also what is the level of sensibility and trust.

Therefore, the purpose of the **risk evaluation** is to reduce as much as possible the not wanted crimes in the nightclub.

This is the basis on which risk management will operate on the laws and protocols of the region in which the nightclub is located. In this case, it mainly applies the Spanish Constitution, the Statute of Autonomy of Catalonia, the Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, the Law 5/2014, of 4 April, on Private Security, the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the "Security Protocol against Sexual Violence in Leisure Spaces".

The applicable law changes in each country, except for the General Data Protection Regulation. The student must study the specific legislation applicable to his/her country.

RISK TREATMENT



After the risk assessment, the next step is the **risk treatment**:

PREVENTIVE ACTIONS

In order to minimize the risk, the nightclub will:

Safe space

- ✓ Make the toilets a safer place by making the necessary architectonic changes and installing cameras that can easily identify people going in and out of the toilets.
- ✓ Avoid having areas which put users in a situation of danger because are dark or hidden. And if those are necessary, use video-security.



There will be clear wall post video-security information about the surveillance vigilance, following the applied Law and as a dissuasive method.

Create new policies from a gender respectful perspective.

- ✓ Towards the users:
 - Entrance policies: charging men and women the same entrance fee, not gender discriminatory attitude towards the clothing or look of the users and limiting access to anyone who sexually harasses or assaults while waiting to enter in the nightclub.
 - Prohibiting activities that promote or encourage gender or sexual diversity discrimination.
- ✓ Respectful and non-discriminating dress code for staff.

Creating a point of contact, such as a purple space, in the club to report any act of sexual violence, a WhatsApp telephone number and having an email address that users can use to report situations of sexual violence. There will be wall posters with this information.

Every night there will be a **specific assistance person** in the nightclub in charge of prevention, detection and reaction for sexual violence acts, but it is a general responsibility of all the staff.

Control of alcohol and drugs. The nightclub can refuse alcoholic beverages to a user who is at a high alcoholic or drugs level.

Appropriate specific training for nightclub staff, especially security staff, to equip them with the skills to prevent, detect and respond to any case of sexual violence and to coordinate with the police.

There will be also **post information on the wall explaining some of the club's policies**, specifically the purple point, and the cameras installed and the total rejection of any kind of sexual violence in the nightclub.

REACTIVE AND INTERVENING MEASURES

Prevention is linked to the correct detection and response in the event of an incident, as the nightclub demonstrates its policy of not accepting prohibited acts on its premises and creates a deterrent effect which has a positive impact on its image. Good practice in response and intervention is essential to avoid secondary victimisation.

The staff will find possible witnesses to the facts and write down the specific period of time to check the images recorded by the surveillance cameras.

The nightclub will have 2 separate secure areas.

Towards the alleged victim:

- A member of staff will meet the alleged victim, offer them a safe place to wait and ask if they have a safe contact person to accompany them.
- The member of staff in charge of the matter shall provide the alleged victim with written information about her/his rights handing him/her an already prepared information leaflet.



- The staff member shall collect all information related to the facts of the case that the victim may verbalises.
- The staff member will contact the police and medical services, respecting the victim's willingness to report or not to report the occurred facts. If the person is not fit to verbalise his/her wished, contact the police and medical services. Nevertheless, it is important for the member of staff 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.

Towards the suspected perpetrator:

- The private security guards of the nightclub will identify the suspected perpetrator(s), gather information and keep him/her in a secure area until the police arrive if the reported act can be a criminal offence, respecting his/her presumption of innocence. If there is more than one person, the private security guards will try to keep them apart.

The private security guards will make sure the alleged victim and the suspected perpetrator won't see each other until the police arrives.

The details of victims and alleged perpetrators will be kept confidential by the nightclub staff.

There will be regular coordination meetings between the nightclub manager, the town hall and the local police. At least once a year, statistics will be analysed in order to improve and adapt the protocol. The effectiveness of the risk management process will be continuously monitored with new accurate data, and the prevention protocol will be reviewed at least once a year.

References

Barcelona Hall Town. Protocol "We won't keep quiet" campaign against sexual assault and harassment in private night-time leisure venues. Last accessed 24.7.2023

https://ajuntament.barcelona.cat/dones/sites/default/files/documents/protocol_oci_nocturn_eng_0.pdf

Government of Catalonia. Department of Interior. Security Protocol against sexual violence in leisure spaces. Accessed 12.7.2023

file:///C:/Users/1319529/Documents/SECUREU_Juliol%202023/PROTOCOL%20GENCAT.pdf

Law 5/2014, of the 4th of Abril, of Private Security. State official newsletter 83 of 5.4.2014, 28975 to 29024

Organic Law 10/1995, of the 23th of November, Criminal Spanish Code. State official newsletter 281, of 24.11.1995, 33987 to 34058

<https://www.boe.es/eli/es/lo/1995/11/23/10/con>

Organic Law 6/2006, of the 19th of July, Autonomy Statute of Catalonia. State official newsletter 172 of 20.07.2006, 27269 a 27310

<https://www.boe.es/eli/es/lo/2006/07/19/6/con>



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Organic Law 10/2022, of the 6th of September, on the comprehensive guarantee of sexual freedom.
State official newsletter 215, of 7.9.2022, 124199 to 124269
<https://www.boe.es/eli/es/lo/2022/09/06/10/con>

Quigga, Z. Biglanda, C. Hughes, K., Duchc, M., Juan M. Sexual violence and nightlife: A systematic literature review. Aggression and Violent Behavior. Volume 51, March–April 2020, 101363

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data

Spanish Constitution. State official newsletter 311 of 29.12.1978, 29313-29424.
<https://www.boe.es/buscar/doc.php?id=BOE-A-1978-31229>
<https://www.boe.es/eli/es/l/2014/04/04/5/con>

WHO. Understanding and addressing violence against women. Accessed 24.7.2023
<https://apps.who.int/iris/handle/10665/77432>

WHO. Preventing violence against women. Accessed 21.7.2023
<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>