

## **CONCLUSIONS OF THE SEMINAR:**

**“Sexual consent  
and chemsex.  
Cultural aspects  
and legal  
implications”**

**Canal Salut  
> Drogues**  
Drogues.gencat

**/Salut**



**Generalitat  
de Catalunya**

Some rights reserved

© 2024, Generalitat de Catalunya. Department de Salut.



The contents of this work are subject to a Attribution-NonCommercial-NoDerivs 4.0 International license.

The license can be consulted on the Creative Commons website.

**Coordination:**

Elena Adán Ibáñez  
Joan Colom Farran  
Ana I. Ibar Fañanás  
Laia Gasulla Suriol  
Oriol Segovia Minguet  
Raúl Soriano Ocón

**Edit:**

Subdirectorat-General for Substance Abuse, HIV, STIs and Viral Hepatitis. Public Health Agency of Catalonia

**First Edition:**

Barcelona, juny de 2023

**Editorial plan 2024:**

Register number: 10706.

**Language advice:**

Language Planning Service of the Department of Health

*CONCLUSIONS OF THE SEMINAR: "Sexual consent and chemsex. Cultural aspects and legal implications"*

Accessible template design 1.03: Communication Office. Corporate Identity.

*CONCLUSIONS OF THE SEMINAR: "Sexual consent and chemsex. Cultural aspects and legal implications"*

# Summary

Summary .....	4
Introduction.....	5
Methodology of the seminar.....	5
Frame of reference .....	6
Key aspects identified during the seminar.....	8
Conclusions and proposals.....	10
Participants.....	14



# Introduction

This seminar is one of the actions that the Subdirectorate-General for Substance Abuse, HIV, TSIs and Viral Hepatitis rolled out within the framework of so-called chemsex, and connects further actions to unpack with public policies as set out in the document **CHEMSEX: prevention, screening and approach in Catalonia.**

There is an increasing concern for chemsex, as it goes in tandem with a type of recreational use of substances. In particular, chemsex consists of a sexualized use of drugs by gay and bisexual men, other men who have sex with men and trans and non-binary persons who belong in the 'culture of casual sex or sex without strings attached'. Among the possible circumstances that this may give rise to there is the impact on sexual consent and, therefore, on sexual assault.

It is because of this that the Subdirectorate took the initiative of organizing a joint group of work and debate on the topic of sexual consent and chemsex with expert professionals in the subject and with chemsex users themselves.

## Methodology of the seminar

To carry out this activity, key agents who could make relevant contributions to analyze the situation and appraise the available evidence were summoned to assess if the context in Catalonia is such as needing to take measures in this direction and, that being the case, which the priorities would be.

Among the guests in the seminar were professionals with various profiles, including government representatives in matters of health, addictions, gender and LGTBI+, representatives of the Public Health Agency of Barcelona, LGTBI+ persons community entities and chemsex users.

The proposal was that the first seminar session served as a first approach on the situation. An analysis of available data was shared and reflections and discussions ensued. However, the second session shifted its workings to offer proposals to intervene consequently on chemsex, while identifying aspects that the group considered were of

first need. The activities developed in the months of May and June 2023, counting with two discussion sessions of two hours each.

Objectives searched were:

- Generate a space specific to technical reflection and dialogue about sexual consent in the context of chemsex, with the participation of community and institutional agents who must play a key role.
- Establish a common frame of reference sharing: definitions, available evidence about the magnitude of the situation, the legal implications, and the role of cultural aspects.
- Generate a discussion that may allow to advance in the diagnosis of the situation.
- Compile proposals and measures of use for the different agents involved.
- Facilitate the discussion about these proposals with a view to attain a consensus about necessary steps, priority measures, responsibilities and a work calendar

## Frame of reference

According to the amendment of the Criminal Code, introducing article 178 of Organic Law 10/2022, of 6 September, of integral guarantee of sexual freedom, sexual assault must be understood in the following lines (3): *“1. Anyone who performs any act that infringes on the sexual freedom of another person without that person's consent shall be punished by imprisonment for a term of one to four years as a perpetrator of sexual assault. Consent shall only be deemed to exist when it has been freely expressed by acts which, in view of the circumstances of the case, clearly express the will of the person concerned.”*

Therefore, all sexual intercourse must start from the explicit consent of the persons who take part in it.

### Available evidence

At present, little evidence exists about sexual assault in the context of chemsex. In the seminar we had a systematic revision of Ricardo Paniagua and Víctor Dujo (4) on the

prevalence of sexual crimes in the context of chemsex. The conclusions of the analysis were as follows:

- 47.2% of users of chemsex (n = 233) pointed out that their sexual partners did not respect their limits.
- 15.5% of users of chemsex stated to have suffered sexual violence, and 17.7%, that their sexual partners gave them drugs without their consent.
- The prevalence of sexual assault facilitated by chemical submission in the context of chemsex shows that it is rather frequent.
- The stigmatization and fear of secondary and tertiary victimization counters the probability of making a complaint, and that explains the low report figures.
- Chemical submission affects mainly vulnerable persons, who are victims of sexual assaults in an opportunistic and/or mixed way and, less frequently, in a predatory way.

The study "Fuck Violence: violence in contexts of chemsex" was also presented (5). This study focused on 455 gay, bisexual men and other men who have sex with men with problematic or non-problematic chemsex practices (445 took a questionnaire and 10 took part in a focal group). 18.7% responded to have suffered sexual assault, 7% severally and 1% quite a lot of times. 6.2% stated to have sexually assaulted somebody on one or more occasions. This percentage rises up to 11.2% among those who have chemsex sessions of one day or longer. There is a direct relation between the duration of sessions and the suffering or exercising of sexual violence.

# Key aspects identified during the seminar

Next comes a synthesis of the ideas and reflections shared during the two sessions of the seminar.

**For the analysis of chemsex it is paramount to take the view of the persons who practice it:**

- Fear to recognize themselves as victims of sexual assault
- Difficulty to give or withdraw sexual consent at any which given moment
- Feelings of guilt and loneliness
- Sensation that the episode was not real
- Lack of credibility and empathy when assaults are reported. They feel judged and challenged by the care services. Therefore, they demand acknowledgment of sexual violence, more awareness and training for professionals assisting the victims of sexual assault, and specialized psychological assistance.

**For the analysis of chemsex it is also necessary to take the following aspects into account:**

- The importance of the specific cultural codes that are used to give sexual consent in the context of the gay sexual culture.
- The influence in this context that the patriarchal culture plays in the way personal relations are established. It is capital to point out that the gay culture is crossed also by male chauvinism, which causes, for example, internalized LGBTBI+-fobia. Therefore, sexual violence occurring in environments of chemsex stands within the framework of a patriarchal society and of chauvinistic violence. It might be the case that in relations between persons habitual to environments of chemsex, behaviors influenced by this cultural undertow have become almost 'natural'.
- As for the several forms that sexual violence may take, the priority is to identify more of those and not just violence per se. The use of apps and social media, for example, gives rise to a huge range of possible digital sexual violences (sextortion, among others). It is a pressing need to identify them.



- Obstacles that hamper the detection of cases of assault to men and other sex identities, preventing an accurate dimensioning of chemsex, no less because of the difficulty in acknowledging and identifying violence even on the part of the very same victims.
- The current deficit of specific informative resources about sexual consent and chemsex.
- Lack of specific professional care to men and other sex identities who have been victims of sexual assault.
- The crux of the legal aspects and the complexity of the technical terminology used to refer accurately to cases of sexual assault, as well as aspects such as chemical submission arising in the context of chemsex.

**To promote a better community awareness and prevention of chemsex we need to:**

- Streamline sexual assaults in all the LGTBQ+ community, not only in environments of chemsex practice.
- Drive awareness to the importance of sexual consent in the context. Streamline experiences and witnesses, promoting a community debate about the issue in the social media.
- Foster mutual care as a reference value in the community.
- Drive accountability persons and employees working in the LGTBQ+ leisure sector in the awareness campaign about sexual consent.
- Promote the establishment of community rules related to consent for chemsex sessions (known as 'chills') both for organizers and for guests.
- Propose to establish viable codes of communication among participants so they can exercise their consent.
- Set up models and referents who do put into practice measures of prevention and selfcare (e.g. persons with a certain vital itinerary who have already gone through a whole personal process and have experience in the field).
- Favor the improvement of knowledge of the legal aspects about sexual consent throughout the LGTBQ+ community and, more specifically, among chemsex users, since they are more exposed to sexual assault when under the effects of drugs.
- Take into account that premises for chemsex practices are variegated (private houses, saunas, hotels, cruising areas, etc.), so for preventive messages

(related to sexual consent and the prevention of sexual violence) to reach the target population it is necessary to find dissemination channels suitable and diverse.

**To promote a better care of chemsex victims we need to:**

- Improve the specialized training of professionals involved in the care of persons who suffer sexual violence in this context.
- With respect to attention and intervention with men, trans persons and other identities victims of sexual violence, it is deemed necessary to identify and adapt existing protocols or create specific ones to offer them the professional care they need.
- Improve the skills for the handling of these situations on the part of the professional teams of services relevant. Value judgements and blaming the victim of a sexual assault must always be banned, especially challenging the gender expression and doubting whether the assault took place under the effect of drugs.

## Conclusions and proposals

### Awareness and prevention

In accordance with discussions during the seminar, sexual consent has not been approached sufficiently in the general context of the full LGBTBIQ+ community. It is considered necessary to roll out awareness and prevention campaigns about sexual violence and sexual consent for the whole of the LGBTBIQ+ community.

More specifically, and since the available evidence indicates that sexual assaults are present in the context of chemsex, concrete measures must be rolled out addressed to chemsex users:

- It is recommended to rise awareness of the need to make sexual consent explicit in chemsex practices, while making room for the introduction of 'limits' and 'consent'.

- Edit a guide addressed to persons who already practice chemsex to generate and disseminate messages of awareness and prevention of sexual violence, taking into account:
  - importance of sexual consent and of establishing sexual practices and the limits that a person can or is up to sustain in a session ever before it starts.
  - how to care for each other to favor that spaces are safe,
  - how to help somebody when in a situation of vulnerability,
  - the legal consequences of a sexual assault (since not everybody is fully aware when a crime is being committed or when he is being a victim),
- procedure in case a person suffers a sexual assault, including services and resources available.
- Approach this issue and all contents in the guide (former point) in points of care with active users, individually as well as in group therapy. Disseminate key messages in different ways and through various dissemination channels so that they reach the target population.
- Enhance collaboration between the public administration and the gay leisure sector like in pubs, discotheques and festivals, to rise awareness to this reality and to encourage adhesion to protocols against sexual assault.

As for channels and supports to disseminate messages of awareness, prevention about sexual violence, sexual consent and chemsex, as well as to inform persons who have been victims of sexual assault of the available care resources to attend, these are the proposals:

- Online dissemination, social media and webs of community organizations, leisure companies targeting the gay public and public institutions.
- Dissemination messages through contacts applications.
- Distribution of physical information like postcards, triptychs, condom packaging, etc. that may be handed out at LGBTIQ+ leisure venues, services of community organizations and points of care servicing this population.
- Cooperation with the pornographic industry to settle collaborations whereupon actors take up messages that refer to sexual consent.

## Care attention

- Revision of the protocols of attention of the sanitary network to persons who have suffered sexual violence to guarantee that they include care to this profile.
- Regarding immediate attention to potential situations of sexual assault in venues of leisure (like pubs, discotheques or festivals), some sort of figure is foreseen to offer counsel and information about protocols and available services to cover these situations and to channel care on the part of the relevant public services.
- Possibility to intervene in cruising zones of chemsex practice, so that community organizations may serve as entry point for care services regarding both sexual health as well as addictions or security.

## Training

Offer, in particular to professionals who work in services relevant to approach chemsex, training about sexual consent and sexual assault possibly arising in the environment of chemsex:

- Generally, these issues should be included at large in training about chemsex and sexual violence.
- More specific training about these is proposed targeting key professionals, like those working at hospital emergency services and other resources working with sexual assault victims, including forensics, physicians, social workers, psychologists, jurists, etc.
- Cooperation between the LGBTBIQ+ leisure sector, the community organizations and the institutions of public health should be promoted, including chemsex training sessions tackling sexual assault, targeted at entrepreneurs and employees at businesses and establishments in the sector.

## Monitoring

- The convenience is established to update the systems of information which allow for the register and data exploitation of the evolution of cases of sexual assault in chemsex contexts.



# Participants

Centre LGTBI of Barcelona

Public Health Agency of Barcelona

Ministry of Equality and Feminisms

Ministry of Health

BCN Checkpoint

Energy Control - ABD

Gais Positius

Stop

