

Chemsex & Consent What the law says



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Consent & Chemsex - What the law says

This factsheet is part of a series for men who participate in chemsex and who want to know more about consent in a chemsex context. The factsheet provides information on what the law says about consent and some of the issues around ensuring consent within chemsex spaces. The factsheet will also provide information on how to get help if you've experienced sexual assault whilst in a chemsex environment.



When we talk about sex in this leaflet, we mean any sort of sexual contact for example oral sex, sexual touching, penetrative sex, and other sex acts.

Galop believes that everyone taking part in chemsex has a right to choice and control over their body and sexual experiences – and a right to clear information about consent.



This factsheet is seeking to promote consensual sexual behaviour in a chemsex context by giving men clear information about consent and an understanding of the experience of survivors of sexual violence and other crimes taking place in the chemsex scene.



Galop believes that men who have experienced sexual violence in a chemsex context should be able to get informed support that can facilitate their access to help, counselling and criminal justice, should they want it.

Key Facts about Consent

- Consent is the act of stating your agreement – saying or indicating ‘yes.’
- It is the way people communicate that they are happy to proceed with something and want to take part.
- Consent does not have to be in words.
- When having sex with someone, we all have the responsibility to make sure the other person/people want to have sex, want to do what we want to do, and are making a free, informed choice about it.
- If you are not sure that someone wants to do what you want to do, ask them very clearly. Give them the freedom not to agree and respect their choice.
- If they are not sure if they want to agree - or you are not sure of their answer – then do not continue to have sex.
- If they cannot answer you because they are unconscious or asleep, then they cannot consent. Do not have sex with them.

Capacity to consent

The law says you must have the capacity to consent. This means you have to be able to make an informed decision – to know what you are doing and agree to do it.

In chemsex situations, or any situation where drugs or alcohol are present, it is easy for people to lose the capacity to consent. If someone is asleep, unconscious, or so 'out of it' that they cannot make a decision for themselves, then they cannot consent. If someone has sex with you while you're unable to consent, this is sexual assault.

Most sexual assault takes place in a chemsex context because one person does not pay attention to the fact that the other person is not in a fit state to consent – or disregards the other person's wishes. Some men tell us that they believe they have been given GHB/GBL without their knowledge, or deliberately overdosed, so that sexual assault or other crimes can take place.

If you have sex with someone without their consent, you are breaking the law.

People who are asleep, unconscious or out of it on drugs or alcohol, cannot consent.

If you are not sure if someone is consenting, then don't have sex with them. If you are reported to the police for this, you may be arrested and charged with a sexual offence. This can have many and severe consequences: For example, you might go to prison, be put on the Sex Offenders Register, and have the sexual offence disclosed to an employer under the Disclosure and Barring Service process.

These statements may be difficult to read, but this is the reality and we believe men involved in chemsex have the right to clear information about what the law says.

Consent is not just about the law, it is about the quality of relationships between people. It is about respect for each person's right to have choice and control about their body and their sexual life. It is about having positive sexual experiences that all parties [want](#).

Consent can be withdrawn

Consent is not permanent - it can be withdrawn at any time. Once someone says they do not want to have sex, then sex should stop.

Meeting somebody for sex does not mean you have consented to any sexual act with anyone. Whatever you might have said beforehand or wherever you are, the law says you can change your mind.

If someone changes their mind, you must stop having sex with them. Chemsex drugs enhance libido. This can be a positive experience, however it is very easy to focus on your own desires and not to pay attention to the person you want to have sex with.

Having sex requires each of us to pay attention to the other person so we do not proceed without consent. The consequence of not doing this is potentially sexual assault, which has impacts for everyone involved.

Freedom to consent

Consent has to be given freely. If you are threatened, coerced, frightened or forced into saying, 'yes', then you are not giving your consent freely. This makes your 'yes' invalid and means that the person/people having sex with you are committing a crime.

The age of consent

Sex under the age of 16 is illegal.

Whilst 16 and 17 year olds can legally have sex, they are also still legally children, so any laws about the protection of children apply to 16 and 17 year olds.

The police and most agencies, including Galop, consider 16 and 17 year olds to be at a higher risk from sexual exploitation than adults, so even if they have consented to sex, the offences of grooming and exploiting a child for sex might still apply.

Galop also has concerns about 16 and 17 year olds having sex with adults who are much older than them, as the interaction and relationship is unlikely to be equal due to the imbalance of experience and confidence to challenge uncomfortable situations. Young gay men taking part in chemsex may be searching for community and sexual experiences but they can be vulnerable to being persuaded or forced to do things that they are not sure they want to do.

See factsheets:

[Consenting to sex](#)

Getting help

It can be devastating to be the victim of sexual assault and violence. If you feel something wrong or bad has happened to you, or you've experienced sexual violence or assault or you're not sure but worried, then talk to Galop. Galop provides a free, confidential and independent service to all LGBT+ people across London who have experienced sexual assault, abuse or violence, however or whenever it happened.

If you want to discuss something that has happened to you, or want some support and advice, then please contact us confidentially:

Galop's London Advice Line:

020 7704 2040

Email

referrals@galop.org.uk

Always dial 999 if it is an emergency and you think you are in immediate danger.

If you would like support around your own behaviour in a chemsex context:

Club Drug Clinic:

www.clubdrugclinic.cnwl.nhs.uk

London Friend:

www.londonfriend.org.uk

56 Dean Street:

www.dean.st/chemsex-support

More information:

Safety in a chemsex context:

www.gmfa.org.uk/pages/category/safer-chems

About the police response:

www.met.police.uk/advice/advice-and-information/cs/chemsex

For friends and families supporting a chemsex user:

www.adfam.org.uk/our-work/supporting-families/chemsex



About Galop

Galop is the UK's specialist LGBT+ anti-violence charity. Since 1982 we have been providing advice, support and advocacy and campaigning to end anti-LGBT+ violence, abuse and discrimination. Our mission is to make life just, fair and safe for LGBT+ people. Galop works around 3 key areas: hate crime, domestic abuse and sexual violence. We also have specific projects to support trans victims of crime and young LGBT+ people at risk.

Our services free and confidential and enable people to achieve positive

changes in their lives through emotional and practical support that develop empowerment and resilience, and engage with their communities to build lives free from violence and abuse.

Galop works at a strategic level to advocate for the concerns, experiences and needs of all LGBT+ people in the development of law and policy around violence and abuse. We continue to retain the trust and confidence of the LGBT+ community by remaining an independent, community-centered organization.