

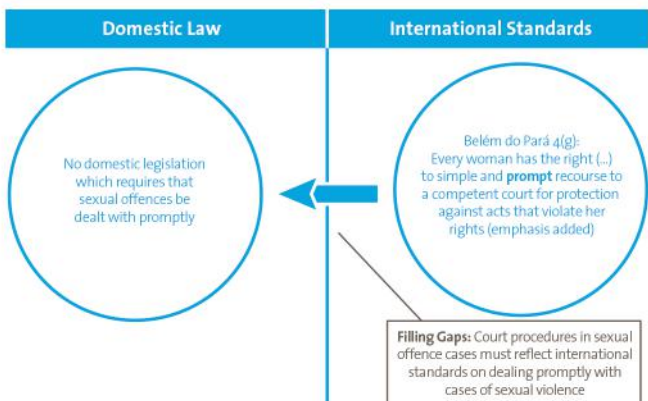
SEXUAL OFFENCES

Judicial Officers are advised to:

- **Protect the rights of the complainant in sexual offence cases by:**
 - o Referring complainants in sexual offence cases to counselling, which will assist the complainant with healing and prepare him/her for the rigours of a trial;
 - o Requesting that complainants in sexual offences be given adequate information on legal procedure and how to fully exercise their rights.

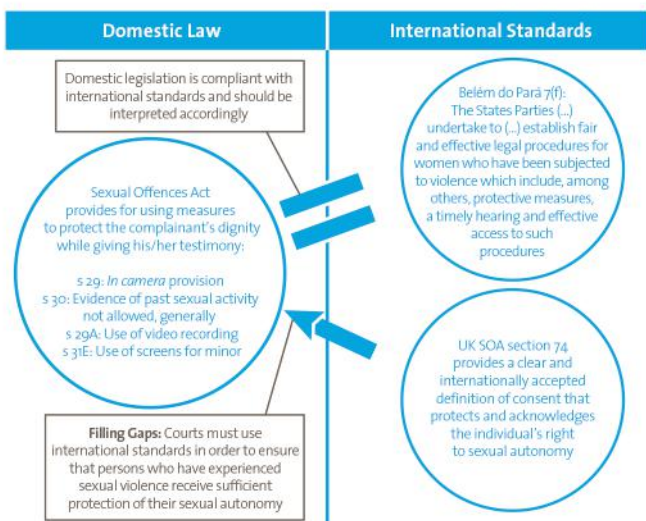


- **Employ fair and effective legal procedures by:**
 - o Giving priority to cases of sexual assault on the case management list;
 - o Dealing with cases of sexual assault within a reasonable time to ensure that complainants are readily available and able to give more reliable evidence at trial;
 - o Utilizing appropriate measures to neutralise any threats of publicity from the media, including social media, may pose to the fair administration of justice or the accused's right to a fair trial.

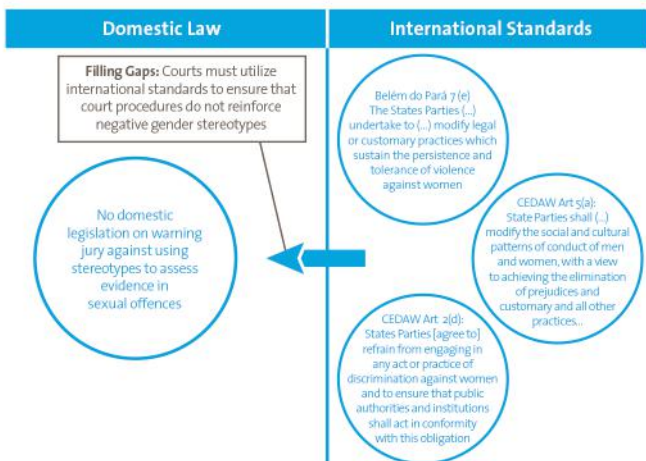


SEXUAL OFFENCES CHECKLIST

- Offer complainants in sexual offence cases legitimate protection by:
 - o Providing separate waiting areas for the complainant and accused in order to prevent the use of intimidating tactics;
 - o Hearing all sexual offence cases in-camera;
 - o Using video recording and screens for vulnerable witnesses such as children;
 - o Preventing repetitive questions and character assassinations, “which serve no useful purpose apart from traumatising victims” during cross examination;
 - o Only admitting evidence of a complainant’s sexual history where it is necessary to safeguard the accused’s right to a fair trial;
 - o Ensuring that the use of evidence relating to the complainant’s sexual history does not lead to gender discrimination by, for example, promoting stereotypes regarding women’s sexual activity or history;
 - o Clearly explaining to the jury that the choice to engage in sexual activity must (1) be freely given (not constrained in any way) and (2) the complainant must have the capacity (age and/or understanding) to make that choice.



- Change traditional notions of sexual violence by:
 - o Warning the jury about relying on stereotypes of female and male sexuality when determining the credibility of the accused and the complainant.



SEXUAL OFFENCES CHECKLIST

- Ensure adequate protection to the complainant in sexual offence cases by:
 - o Not granting bail to the accused if it puts the complainant or witnesses in danger of being harassed and/or there is a real possibility that the accused will commit a similar offence.

