



Dublin Rape Crisis Centre

Key Recommendations to Joint Committee on Justice on Victim Testimony in Rape & Sexual Assault Cases

23 March 2021

1. Victim/survivors of sexual offences should have access to the use of **special measures** in every courthouse, at every level to enable them give their evidence and reduce the risk of being re-traumatised;
2. Judges in sexual offence trials should provide guidance to jurors on the realities of sexual violence and provide instruction on setting aside preconceived ideas of what constitutes a 'real rape' or a 'real victim'. This would ensure that jurors on such trials receive information around **rape myths** and stereotypes which can lead to conscious and unconscious bias;
3. In so far as counselling notes should be part of the trial at all, the current **disclosure** regime for counselling records should be extended to include all personal records. In addition, a robust informed consent process must be introduced to ensure that victims do not consent to the disclosure of their counselling records without full knowledge of their entitlement to object to it and to let the judge decide on what, if any, disclosure should be made;
4. The need for **training** both general and specific for all legal practitioners and professionals who come in contact with victim/survivors of sexual crime is of paramount importance. Judges and other legal personnel working within sexual offence trails must receive appropriate training on best practice in the treatment of victim/survivors;
5. The **Sentencing Database** commenced some years ago should be reinstated and maintained for reference by judges, practitioners, accused, victims and the public. Having the ability to review the outcomes in sexual offence trials would ensure that they are consistent and commensurate with the gravity of the offence(s);
6. **Separate legal representation** for victim/survivors in sexual offence trials should not be limited to questioning of their previous sexual experience. Legal representation should be made available for victim/survivors throughout;
7. Legal advice and representation should not be limited to the trial process only. Follow-up **aftercare** would ensure that victims have the advice and support they need after the trial has concluded.
