



Commission for Gender Equality
A society free from gender oppression and inequality

23 March 2023

Media Statement

To: All Media Houses

CGE JOINS THE COKO V STATE AS AMICUS CURIAE

On the 17th of October 2021, the Makhanda High Court in the Eastern Cape overturned paramedic Loyiso Coko's conviction and sentence for raping his then girlfriend. The Court found that there was implied/tacit consent on the basis that the complaint allowed the accused to perform oral sex on her.

The National Prosecuting Authority has lodged an Appeal before the Supreme Court of Appeal because they are of the view that engaging in oral sex does not imply consent for penetration. The Commission has recently been admitted as Amicus Curiae in the matter and will advance substantive arguments that will contribute towards the discourse pertaining to implied/tacit consent in rape matters.

With the scourge of gender-based violence in South Africa, the Commission believes that dismantling the concept of implied/tacit consent in rape cases is critical not only to educate the broader society but also development of jurisprudence that will nuance judicial decisions around gender-based violence in South Africa.

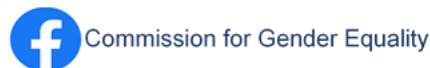
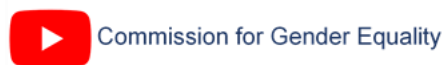
End,

Issued by Commission for Gender Equality

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The Commission for Gender Equality is established in terms of Section 187 of the Constitution of the Republic of South Africa to promote respect for gender equality and the protection, development, and attainment of gender equality.

Toll Free Number: 0800 007 709. GBV Toll Free Number: 0800 428 428, Stop Gender Violence: 0800 150 150 Witness, Survivors and victims of GBV can send Please Call Me at *120*7867#