



## **Summary of the Caroline Peters' Case (Criminal Procedure Act)**

### **1. The case**

Brought by the Women's Legal Centre and Caroline Peters before the Western Cape High Court, this case challenges specific provisions of the Criminal Procedure Act that trigger an automatic media and public blackout the moment someone is formally charged with a sexual offence or extortion. The contested sections of the Criminal Procedure Act are 335A and 154(2)(b) of the Criminal Procedure Act, which prohibit the media and public from publishing any information that might identify the accused or the complainant in sexual offences and extortion cases from the time an alleged offence is reported, the person is charged, or formally pleaded in court.

### **2. Peters' Personal Experience**

Gender activist Peters had experienced firsthand how the law protects perpetrators of sexual offences while gagging survivors. In the course of her community work supporting survivors of domestic and sexual abuse, she spoke out publicly about a specific criminal case to raise awareness about local safety risks and systemic failures in policing. However, because the accused person had not been formally charged, her public statements were deemed to be in violation of Section 154(2)(b), and she was charged.

### **3. Why CFE Intervened?**

The state initially defended the provisions by claiming that a total reporting ban is necessary to protect vulnerable victims from public exposure. However, this sweeping approach causes deep harm and fails the very people it claims to protect.

As co-applicants, Campaign For Free Expression (CFE) and Moxii Africa (formerly Media Monitoring Africa) challenged this logic on the following three fronts:

- It Strips Away Survivor Autonomy

The current ban is automatic and completely ignores what the victim actually wants. If an adult survivor, or an activist like Peters supporting them, actively chooses to partner with the media to tell their story, expose their attacker, or find a sense of justice, this law turns that survivor into a criminal.

- Undermines Open Justice

In a democracy, court proceedings must be open to the public by default. The Constitution guarantees freedom of expression and the press, Section 34 guarantees a public hearing for disputes, and Section 35(3)(c) entitles every accused person to a public trial. The Constitutional Court has made it clear that open justice is a vital shield against high-handed judicial behaviour and secret justice. It is impossible to hold a government accountable when it operates in secrecy.

- Equality

Women are, in the majority, survivors of sexual offences, and these provisions create inequality by silencing them more than men, who are mostly the perpetrators.

### **4. Relief Sought by CFE and Moxii?**

- A court order declaring the impugned provisions invalid and unconstitutional.
- Pending confirmation by the apex court, CFE and Moxii Africa sought interim relief ensuring the bans do not apply where a complainant elects to reveal their own identity or a third party doing so.

### **5. Where the Matter Stands**

The matter was fully argued before the Western Cape High Court in March 2026. The court has reserved its judgment.