

Corroboration, Consent, and Credibility in Sexual Violence Prosecutions: Evidentiary Barriers and Opportunities for Criminal Justice Reform

Adiba Fairouz¹

¹ Southern University, Bangladesh

ABSTRACT

Background: Sexual violence prosecutions often turn on evidentiary questions that are formally distinct but practically intertwined: whether independent corroboration exists, how consent is legally and factually evaluated, and whether the complainant is treated as credible. Attrition research shows that these questions can be contaminated by expectations about resistance, prompt reporting, consistency, intoxication, relationship status, demeanour, and the availability of forensic evidence. **Objectives:** This review examines how corroboration, consent, and credibility shape criminal-justice decision-making; identifies recurring evidentiary barriers across investigation, charging, and trial; compares selected legal reforms; and develops an auditable framework for reform that preserves the presumption of innocence and proof beyond reasonable doubt. **Methods:** A structured evidence review integrated 28 peer-reviewed empirical and synthesis studies published through 2024 with comparative doctrinal analysis of England and Wales, Canada, Scotland, and New South Wales, Australia. Evidence was coded across corroboration, consent, credibility, downstream jury anticipation, victim engagement, and procedural safeguards. **Results:** Formal abolition of corroboration requirements does not eliminate “shadow corroboration”: decision-makers may continue to treat forensic or third-party evidence as an informal authenticity threshold. DNA and medical-forensic evidence can materially strengthen cases, but their probative value is issue-specific and may be limited when identity or sexual contact is not disputed. Consent reforms increasingly emphasize free agreement, communication, and reasonable steps, yet empirical trial research shows persistent force-and-resistance narratives. Credibility remains a central gatekeeping construct; delayed reporting, inconsistencies, alcohol use, prior conduct, emotional presentation, and anticipated juror reactions repeatedly influence case advancement. Recent prosecution studies indicate that even when trained investigators reduce direct reliance on rape myths, prosecutors may reproduce them indirectly through “ideal case” and convictability assessments. **Conclusion:** The review proposes the Corroboration-Consent-Credibility Evidence Integrity Framework (C3-EIF), which separates issue-specific evidentiary sufficiency from stereotype-prone heuristics and embeds suspect-centred investigation, rape-shield discipline, trauma-informed interviewing, reasoned charging decisions, and structured review. Reform should improve the quality and transparency of evidence assessment, not lower the criminal standard of proof.

Keywords: sexual violence; rape prosecution; corroboration; consent; credibility; rape myths; evidentiary reform; prosecutorial decision-making; attrition

1. Introduction

Sexual violence presents a recurring challenge for criminal evidence because the most legally decisive facts often arise in private interactions. The identity of the accused may be undisputed, physical injury may be absent, biological material may prove contact rather than non-consent, and the complainant’s account may be the principal direct evidence of the contested event. Criminal justice systems therefore face a structural tension: they must protect the accused from wrongful conviction while avoiding evidentiary practices that effectively recreate obsolete requirements of resistance, immediate complaint, or external corroboration.

Three concepts sit at the centre of this tension. Corroboration concerns whether evidence independent of the complainant supports a material proposition. Consent concerns the legal boundary between voluntary sexual agreement and prohibited conduct, together with the accused’s state of mind where relevant. Credibility concerns the weight or reliability attributed to a witness and to particular parts of an account. The concepts should be analytically distinct. In practice, however, they frequently collapse into one another: the absence of physical evidence may be interpreted as a credibility deficit; the absence of resistance may be treated as evidence of consent; and perceived inconsistency may prompt investigators or prosecutors to search less intensively for corroborative evidence.

Longstanding prosecution research demonstrates that sexual assault is vulnerable to selective attrition at several points. Prosecutors assess not only the evidence available at charging but also how a future fact-finder is expected to respond. In classic studies, assessments of “convictability” incorporated victim characteristics and behaviours alongside legally relevant case strength [1,2]. Later work found that credibility concerns remained salient even in specialized prosecution structures [3], and that police and prosecutors could be influenced by discrepancies, reporting patterns, victim conduct, alcohol use, and relationship context [4-6].

Forensic evidence is important but not self-executing. Sexual assault nurse examiner documentation, injury evidence, toxicology, digital records, and DNA can corroborate particular propositions, identify an offender, or challenge an account. Yet a DNA profile may have little capacity to resolve consent when sexual contact is admitted. Research on medical-forensic evidence therefore cautions against both extremes: under-valuing evidence because it does not “prove rape,” and over-valuing it as a universal credibility marker [7-9].

Consent law has also changed substantially. The Sexual Offences Act 2003 in England and Wales defines consent through choice, freedom, and capacity. Canadian law combines an affirmative subjective inquiry into voluntary agreement with restrictions on the

accused's reliance on belief in consent and with statutory controls on sexual-history evidence. New South Wales introduced reforms intended to strengthen communicative consent and address misconceptions after the NSW Law Reform Commission's 2020 review. Scotland defines consent as "free agreement," but retains a general corroboration requirement, making it a valuable comparator for examining how formal evidentiary doctrine interacts with sexual-offence proof.

Legal reform alone does not necessarily change courtroom narratives. Trial and mock-jury research shows persistent expectations about "real rape," physical resistance, emotional presentation, intoxication, and prompt reporting [10-13]. Systematic reviews likewise show that rape-myth acceptance can shape fact-finding [14,15]. More recent prosecutorial research strengthens the concern: case notes can reveal an "ideal" prosecutable rape case aligned with anticipated jury expectations, even where specialized investigators themselves display fewer direct stereotype effects [16].

The central policy problem is therefore not whether criminal justice should demand reliable evidence; it must. The problem is how to distinguish legitimate evidentiary reasoning from stereotype-contaminated shortcuts. A defensible reform agenda must increase the amount and quality of probative evidence, clarify consent-focused legal reasoning, improve credibility assessment, and preserve defence rights. This review addresses that problem through an integrated evidence-and-doctrine analysis.

1.1 Study objectives

Objective 1: Examine how formal and informal corroboration expectations affect investigation, charging, and trial reasoning in sexual violence cases.

Objective 2: Compare contemporary consent models and assess whether reforms shift evidentiary attention from resistance and complainant behaviour toward communication, context, and the accused's reasonable belief or steps.

Objective 3: Identify credibility-related assumptions most consistently associated with attrition, charging decisions, and juror evaluations, including delay, inconsistency, intoxication, demeanour, relationship context, and continued cooperation.

Objective 4: Develop a practical, rights-consistent criminal-justice reform framework that improves evidence integrity and reviewability without diluting the prosecution burden or the presumption of innocence.

1.2 Research questions

RQ1. How do corroboration rules and practices shape investigation and charging when sexual violence occurs without eyewitness, injury, or decisive forensic evidence?

RQ2. How do legal models of consent affect evidentiary reasoning, and to what extent do they redirect attention from resistance toward communication, context, and the accused's conduct?

RQ3. Which credibility-related assumptions most consistently influence case attrition, charging, and juror evaluation, and how do they interact with formal evidence?

RQ4. Which reforms can reduce stereotype-contaminated decision-making while preserving the presumption of innocence, disclosure obligations, and proof beyond reasonable doubt?

1.3 Study contribution and novelty

The principal contribution is the Corroboration-Consent-Credibility Evidence Integrity Framework (C3-EIF). Existing literatures usually study these domains separately: prosecution studies examine convictability and case advancement; forensic research examines evidence yield; consent scholarship analyses doctrinal definitions; and jury research examines rape myths. C3-EIF integrates them as a single decision system and identifies a recurrent feedback loop in which perceived credibility shapes evidence collection, the resulting evidentiary record shapes consent interpretation, and anticipated jury responses feed back into

charging. The framework is operational rather than merely conceptual: it proposes issue-specific evidence mapping, explicit stereotype checks, reasoned non-charge decisions, re-review triggers, and measurable implementation indicators. Its novelty lies in preserving rigorous evidentiary thresholds while making the reasoning used to apply those thresholds more transparent, proposition-specific, and auditable.

2. Materials and Methods

2.1 Review design

A structured evidence review was combined with comparative doctrinal analysis. The design was selected because the research question spans heterogeneous empirical designs (case-file studies, investigator/prosecutor interviews, mock-jury studies, trial observations, forensic studies, and systematic reviews) together with legal rules that cannot be pooled statistically. The review was intentionally not represented as an exhaustive PRISMA systematic review. Instead, it used transparent, theory-led identification and appraisal of high-relevance evidence, followed by structured coding and comparative legal synthesis. The evidence cut-off was 31 December 2024.

2.2 Search strategy and source identification

Searches targeted peer-reviewed literature and authoritative legal materials. Empirical search concepts combined sexual-offence terms (rape, sexual assault, sexual violence) with criminal-justice terms (police, prosecutor, charging, attrition, case advancement, conviction, juror) and evidentiary terms (corroboration, DNA, forensic evidence, credibility, inconsistency, delayed reporting, consent, intoxication, resistance, rape myths). Publisher databases, PubMed-indexed records, Office of Justice Programs/National Institute of Justice records, and citation chaining from major review articles were used to verify bibliographic details and identify foundational and recent studies. Legal sources were drawn from official legislation, law-reform bodies, court/judiciary materials, and authoritative international instruments.

2.3 Eligibility criteria

Empirical studies were eligible when they directly examined sexual-offence investigation, charging, prosecution, attrition, evidentiary assessment, or juror evaluation of credibility/consent, and when their findings had a direct bearing on prosecutorial evidence assessment. Peer-reviewed systematic or structured reviews were eligible as synthesis evidence. Studies were excluded when they addressed prevalence or survivor outcomes without a criminal-justice evidentiary component, focused only on sentencing after conviction, or provided purely doctrinal commentary without empirical or comparative value. The final empirical/synthesis corpus contained 28 studies. Foundational legal scholarship and statutory/policy materials were analysed separately and were not counted as empirical included studies.

2.4 Comparative legal selection

Four common-law systems were selected to maximize legally meaningful variation. England and Wales represents a freedom-and-capacity consent model with statutory restrictions on sexual-history evidence and no formal corroboration requirement. Canada provides explicit statutory rejection of corroboration warnings in sexual-assault cases, a consent framework centred on voluntary agreement, a reasonable-steps component in belief-in-consent analysis, and a strong rape-shield regime. Scotland is a critical contrast because general corroboration remains a formal requirement while consent is defined as free agreement. New South Wales represents recent affirmative/communicative consent reform coupled with jury directions aimed at correcting common misconceptions. The comparison is functional rather than encyclopaedic: it asks how legal architecture influences the three evidentiary domains.

2.5 Data extraction, coding, and quality approach

For each included study, data were extracted on jurisdiction, sample/data source, design, justice-process stage, central evidentiary domain, and principal finding. Coding was then conducted across eight non-exclusive categories: credibility/stereotype effects; corroborative/forensic evidence; consent/resistance/intoxication; victim engagement/cooperation; downstream jury anticipation; reporting delay/inconsistency; jury education/directions; and specialized/organizational practice. Quality was appraised pragmatically according to directness of the criminal-justice outcome, transparency of the sample or experimental design, and proportionality between data and conclusions. Because the corpus is heterogeneous, no pooled effect estimate was calculated. The 2023 systematic review and meta-analysis by Lapsey, Campbell, and Benitez served as a higher-level triangulation source for focal-concerns findings.

3. Results

3.1 Evidence profile

The 28-study corpus spans more than two decades and covers four interconnected levels of decision-making: police investigation, prosecutorial charging, trial presentation, and juror interpretation. The largest group examined credibility and stereotype effects, followed by corroborative/forensic evidence, consent-related reasoning, victim engagement, and downstream orientation. This distribution is substantively important. It indicates that evidentiary barriers are not confined to rules of admissibility; they develop through a chain of discretionary assessments that can shape which evidence is collected, how a file is written, whether a case is referred or charged, and how the complainant is framed at trial.

Across the corpus, formal legal evidence and extra-legal heuristics were often intertwined rather than mutually exclusive. Strong independent evidence increased case advancement in many studies. At the same time, credibility proxies such as consistency, prompt reporting, relationship to the accused, alcohol use, resistance, or continued cooperation influenced decisions. Recent synthesis evidence supports a focal-concerns interpretation: decision-makers consider blameworthiness/seriousness, protection/community concerns, and practical constraints, including anticipated conviction difficulty [17].

3.2 Corroboration: formal rules versus “shadow” corroboration

In many modern legal systems, a complainant’s evidence does not require corroboration merely because the allegation is sexual. Yet the empirical record shows that an informal expectation of corroboration can remain. This review uses the term “shadow corroboration” to describe decision-making in which independent evidence is not formally required by law but is treated as a practical threshold for believing the complainant or predicting conviction. Shadow corroboration is most visible where prosecutors discount otherwise chargeable cases because they anticipate that jurors will be unwilling to convict without injury, DNA, an eyewitness, a prompt complaint, or a “clean” behavioural narrative.

The problem is not the pursuit of corroborative evidence. High-quality investigation should actively seek it. The problem is treating absence of a particular evidence type as equivalent to proof of unreliability. Campbell et al. [7] demonstrate the potential value of medical-forensic evidence, and Henry and Jurek [8] show that prosecutors attach considerable importance to DNA. But DNA is proposition-specific: when identity is disputed, it may be highly probative; when sexual contact is admitted, DNA may corroborate contact while doing little to distinguish consensual from non-consensual intercourse. Similarly, injury can support force but its absence cannot logically establish consent. The evidentiary reform task is therefore to map evidence to the proposition it proves rather than to use a generic “corroborated/un-corroborated” case label.

Medical-forensic examinations may also influence institutional beliefs about credibility. Yu et al. [9] found that police and

prosecutors discussed the exam as a signal affecting credibility as well as a source of evidence. That creates a double-edged dynamic: access to a SANE/SAMFE pathway may support evidence preservation, documentation and victim care, yet decision-makers may over-read the absence of expected findings. A rights-consistent approach should document both the value and the limits of each forensic finding.

Scotland demonstrates the distinct effect of a genuine corroboration doctrine. The Scottish Jury Manual states that, as a general matter, crucial facts require corroborative evidence, although corroboration is assessed across the whole evidentiary picture and specific propositions can be supported by circumstantial evidence. In sexual-offence cases, the complainant may be the principal source on sexual activity and absence of consent, making the search for independent support especially consequential. This formal requirement is analytically different from shadow corroboration in jurisdictions that have abolished special corroboration rules, but both can produce similar investigative pressure to locate independent evidence.

3.3 Consent: from resistance to communicative responsibility

Contemporary consent law increasingly rejects the assumption that non-consent must be manifested through physical resistance. England and Wales defines consent in terms of agreement by choice with freedom and capacity. Canadian doctrine centers on the complainant’s voluntary agreement to the specific sexual activity and restricts reliance on mistaken belief where legally required steps have not been taken. New South Wales reforms, effective from 2022, were designed to strengthen communication-based consent reasoning and added jury directions addressing misconceptions such as the fact that a person may not resist or may respond in varied ways. Scotland defines consent as free agreement under the Sexual Offences (Scotland) Act 2009.

Empirical evidence nevertheless shows that doctrinal change can be undermined by persistent narratives. Finch and Munro [10] found that alcohol affected blame and consent assessments in mock-jury reasoning. Burgin’s [13] analysis of Victorian rape trials showed that force and resistance narratives persisted despite affirmative-consent-oriented reform. Dowds [18] similarly demonstrates that professionals may support communicative models while recognizing social ambivalence and ambiguity about how communication operates in real sexual interactions. Thus, reform should not merely change the statutory definition; it should alter the evidentiary questions asked by investigators, prosecutors, and fact-finders.

A consent-centred evidence plan should identify what was communicated before and during the sexual activity, the situational constraints affecting freedom, the accused’s words and actions, steps taken to ascertain consent where the law makes them relevant, and contextual evidence bearing on capacity or coercion. It should avoid using injury, resistance, delayed reporting, or relationship history as substitutes for the consent inquiry. In practical terms, the legal shift is from “why did the complainant not do more?” toward “what evidence establishes voluntary agreement, lack of agreement, and the accused’s legally relevant state of mind?”

3.4 Credibility as a gatekeeping construct

Credibility was the most recurrent domain in the review. Prosecutors cannot ignore witness reliability: contradictions, motive, capacity to perceive, prior inconsistent statements, and objectively verifiable conflicts may be legally important. The difficulty is that sexual-offence credibility has historically been assessed through behavioural expectations that are weakly connected to truthfulness. Spohn and Holleran [2] found that victim characteristics mattered particularly in nonstranger cases. Beichner and Spohn [5] reported effects associated with alcohol use, criminal history and other behavioural or moral-character

indicators. Alderden and Ullman [4] found that officer-noted discrepancies affected several stages of case processing.

Experimental and observational research explains why prosecutors may anticipate jury skepticism. Ellison and Munro [11] showed that mock jurors used assumptions about resistance, immediate reporting and emotional reaction to assess credibility. Dinos et al. [14] found that rape myths affected juror decision-making across reviewed studies. Temkin et al. [12] observed myth use in actual English rape trials, including attempts to distance complainants from the culturally constructed “real rape” case. Parsons and Mojtahedi [19] further found that rape-myth acceptance affected evaluation of third-party evidence. These findings show how jury anticipation can become a downstream mechanism through which cultural assumptions enter charging decisions.

The most recent studies make this mechanism unusually visible. Fansher and Welsh [20] found that continued cooperation and prompt reporting predicted prosecutor case acceptance in a large US sample. Ropp et al. [16] found comparatively few rape-myth predictors at the police stage where investigators had specialist training, but qualitative prosecutor notes still reflected an “ideal case” comparison and concern about how a jury would interpret case facts. The implication is not that conviction probability should be ignored; prosecutors must consider sufficiency and likely admissible proof. The reform target is the content of that prediction: anticipated jury bias should not become a reason to reproduce the same bias at the charging gate.

3.5 Reporting delay, inconsistency, and trauma-related reasoning

Delayed reporting and inconsistency appeared repeatedly. These features can sometimes matter: a delay may affect preservation of evidence, and a material contradiction may undermine a proposition. But they are not self-interpreting. Sexual violence may be reported after fear, shame, coercive control, relationship dependence, uncertainty, or trauma; memory can be fragmented around peripheral details; and repeated interviews may produce wording variation. The correct evidentiary question is therefore whether a discrepancy is material, whether it concerns a central proposition, whether it has a plausible contextual explanation, and whether independent evidence can resolve it.

Hohl and Stanko [21] found that inconsistencies and markers suggesting previous false allegations were associated with attrition in England and Wales. Campbell, Menaker, and King [22] found that investigators regarded credibility as especially central when independent corroboration was absent. Lovell et al. [23] demonstrate a potentially important organizational feedback loop: the language, tone, and detail of police reports predicted downstream case progression, while negative “signalling” about the victim corresponded with earlier case stalling. If early skepticism produces a thinner investigation and a more negative report, later prosecutors may perceive the resulting file as objectively weak even though some weakness was institutionally generated.

3.6 Victim engagement and the distinction between evidence and accessibility

Victim engagement is one of the strongest practical predictors of case advancement, a finding reinforced by the 2023 meta-analysis. This must be interpreted carefully. Continued participation affects the availability of direct evidence and trial feasibility, but “cooperation” is also shaped by system design: delay, repeated interviews, fear of retaliation, privacy concerns, work and childcare burdens, lack of information, and adversarial treatment can all affect continued engagement. Treating disengagement as a static victim characteristic can therefore obscure institutional causes.

The reform implication is to separate two questions. First, is the complainant’s evidence legally necessary for the case as charged? Second, if participation is necessary, what preventable barriers are affecting it? Specialist advocates, timely communication, safety planning, predictable scheduling, privacy protection, and trauma-

informed interaction may improve continuity without coaching testimony or changing the burden of proof. The objective is evidentiary sustainability, not prosecutorial pressure on complainants.

3.7 Comparative doctrinal findings

The four comparators illustrate different ways to structure the C3 domains. Canada is the clearest statutory example of separating corroboration from credibility: the Criminal Code provides that no corroboration is required for specified sexual offences and prohibits a special warning merely because corroboration is absent. It also restricts sexual-history evidence offered to support prohibited inferences about consent or credibility. England and Wales has no general special corroboration requirement and defines consent through choice, freedom and capacity, while section 41 of the Youth Justice and Criminal Evidence Act 1999 restricts sexual-history evidence. New South Wales combines a communication-oriented statutory model with jury directions intended to correct misconceptions. Scotland uniquely retains general corroboration while defining consent as free agreement, producing a different evidentiary baseline.

3.8 Reform opportunities derived from the integrated synthesis

The evidence supports a reform package built around five operational principles. First, investigation should be suspect-centred and proposition-specific. Instead of asking whether the complainant “looks credible,” investigators should identify the elements and disputed propositions, then search systematically for evidence relevant to each: communications, location data, CCTV, witness observations, admissions, toxicology, medical findings, financial/transport records, post-incident conduct, and prior statements. Second, charging decisions should distinguish evidentiary insufficiency from predicted stereotype effects. A decision may properly conclude that admissible evidence is insufficient; it should not simply state that a jury is unlikely to believe a complainant because she drank alcohol, delayed reporting, continued a relationship, or did not resist.

Third, consent analysis should be explicitly separated from injury and resistance. Templates and legal training should require prosecutors to identify the evidence of communication, freedom/capacity, coercive circumstances, and the accused’s conduct or reasonable belief. Fourth, credibility reasoning should be proposition-specific. A contradiction about a peripheral time estimate is not equivalent to a contradiction about identity or the central sexual act. Fifth, organizations should make discretionary reasoning reviewable. Written reasons, second-level review of selected non-charge decisions, and periodic audits can identify recurring reliance on disallowed or weak proxies without replacing professional judgment with mechanical scoring.

4. Discussion

4.1 Principal findings

This review identifies a coherent evidentiary problem across investigation, prosecution and trial. Corroboration, consent and credibility are legally distinguishable, but the criminal process frequently fuses them. In the absence of independent evidence, the case may be reframed as “just one person’s word”; the resulting credibility inquiry may draw on resistance, reporting, intoxication or relationship stereotypes; those stereotypes may then influence the interpretation of consent. The feedback loop is reinforced by downstream orientation: police anticipate prosecutors, prosecutors anticipate jurors, and each stage may adjust its threshold to assumptions about the next.

The empirical literature does not support a simplistic conclusion that evidence strength is unimportant. Quite the opposite: legal and practical evidentiary strength is consistently relevant to advancement. The key distinction is between probative evidence and heuristic proxies. DNA linked to an unidentified suspect, an

admission, contemporaneous communication, location data, a witness to post-assault distress, or a toxicology result may be directly probative. By contrast, an assumption that a truthful complainant would have fought, reported immediately, remained emotionally distressed, avoided alcohol, ended all contact with the accused, or recalled every peripheral detail consistently is not a substitute for evidence.

4.2 The C3-EIF contribution

C3-EIF advances the literature in three ways. First, it reframes “corroboration” as an issue-mapping task rather than a binary case label. This makes it possible to value independent evidence without treating its absence as a universal credibility deficit. Second, it treats consent as its own evidentiary proposition. The framework asks what was communicated, what contextual constraints existed, what the accused did to ascertain consent where relevant, and what evidence supports those findings. Third, it requires credibility reasons to be tied to a specific proposition and tested for stereotype content. This prevents a global assessment such as “poor witness” from concealing a bundle of weak assumptions.

The framework also makes downstream orientation reviewable. Prosecutors may legitimately consider how admissible evidence will function at trial, but they should distinguish likely evidentiary weaknesses from anticipated prejudice. Where a case is declined because a future jury is expected to apply a misconception, the system faces a policy choice: reinforce the misconception by filtering the case out, or address it through lawful directions, expert evidence where permitted, focused presentation, and public/legal education. C3-EIF favours the latter where the evidentiary threshold is otherwise met.

4.3 Corroboration reform without forensic overreach

The strongest corroboration reform is not to minimize forensics but to use them with greater precision. Police and prosecutors should create a proposition matrix distinguishing identity, sexual contact, timing, capacity, coercion, consent and accused state of mind. Each item of evidence should be mapped to the propositions it supports or undermines. Such a matrix helps avoid familiar errors: treating an absent injury as evidence of consent, treating DNA as proof of non-consent, or treating a lack of biological material after delayed reporting as evidence that the allegation is false.

This approach is also compatible with exculpatory investigation. A suspect-centred model does not mean a guilt-centred model. Investigators should actively test alternative hypotheses, preserve defence-relevant material, and document evidence that weakens the prosecution theory. The goal is a more complete evidentiary record. Where that record remains insufficient, non-charge is appropriate and defensible because the decision rests on the missing proposition, not a stereotype about what a victim “should” have done.

4.4 Consent reform and the limits of statutory language

The comparative evidence suggests that legislative modernization is necessary but insufficient. Statutes can define consent as free agreement and can require attention to reasonable steps, but courtroom actors may continue to narrate cases through force, resistance and post-assault behaviour. Burgin’s findings are particularly instructive because they show that affirmative-consent language can coexist with older trial scripts. Effective reform therefore needs implementation tools: police question design, prosecution case theory, pretrial rulings, jury directions, practitioner education and appellate correction of myth-based reasoning.

Care is also required to avoid converting communicative consent into an unrealistic script. Dowds [18] emphasizes that sexual communication is context-dependent and social actors may be ambivalent or confused. A sound model does not require ritualized verbal consent for every act unless the governing law does so. Rather, it rejects passive assumptions and asks what the accused reasonably understood from words, conduct and circumstances,

while maintaining the prosecution burden as defined by the jurisdiction.

4.5 Credibility reform: from global character judgments to reasons

Credibility cannot be removed from prosecution because many cases depend on testimonial evidence. Reform must instead improve the quality of credibility reasoning. A prosecutor should identify whether a concern involves perception, memory, communication, motive, objective contradiction, or prior inconsistency; whether it concerns a material fact; whether it has been tested; and whether its significance depends on a disallowed stereotype. This structure converts an intuitive global judgment into reasons that can be reviewed.

The approach is particularly important for alcohol, delayed reporting, emotional presentation and relationship context. These facts may be relevant to capacity, memory, opportunity, or chronology, but they are not generic markers of untruthfulness. Likewise, sexual-history evidence should be admitted only under the governing legal exceptions and not used to support prohibited propensity or credibility inferences. Canada’s statutory model and the rape-shield structure in England and Wales illustrate how doctrine can define these boundaries, but consistent pretrial enforcement is essential.

4.6 Organizational implementation and accountability

Specialization can improve expertise, but the evidence does not support the assumption that a specialized unit automatically removes bias. Beichner and Spohn [3] found persistent credibility concerns across specialized and non-specialized structures. Ropp et al. [16] similarly show that trained investigators may be less directly influenced by rape myths while prosecutorial decision-making still incorporates anticipated juror responses. Institutional design should therefore combine specialist knowledge with decision review, data feedback, and standardized reasoning prompts.

A practical audit need not measure success by conviction rate, which can create counterproductive incentives to select only easy cases. Better indicators include the completeness of evidence mapping, documentation of material inconsistencies, use of rape-shield procedures, quality of non-charge reasons, timeliness of victim communication, prevalence of stereotype-coded rejection reasons, and outcomes of blinded supervisory re-review. These are process-quality measures, not quotas.

4.7 Fair-trial safeguards and the risk of over-correction

Reform must be rights-consistent. The criminal standard of proof should not be lowered because sexual offences are difficult to prosecute. Nor should trauma-informed practice be used to immunize a complainant from legitimate cross-examination, to explain every inconsistency automatically, or to transform social-science generalizations into proof that a particular allegation is true. Expert or judicial education should explain that a behaviour is not diagnostically inconsistent with victimization; it should not tell the fact-finder that the behaviour establishes victimization.

C3-EIF therefore includes explicit guardrails: evidence must remain admissible and proposition-specific; exculpatory material must be pursued and disclosed; the accused retains the presumption of innocence; credibility may be challenged on lawful grounds; and prosecutorial review should not operate as a target to charge a predetermined proportion of cases. The framework changes the quality of reasoning, not the location of the burden.

4.8 Policy implications

For policing, the highest-yield reforms are early evidence preservation, specialist interviewing, digital evidence capacity, and report-writing standards that distinguish fact from credibility commentary. For prosecution services, written charge analyses should separate legal elements, evidentiary sufficiency, credibility, admissibility, and anticipated trial issues. For courts, robust rape-

shield adjudication and misconception-focused jury directions can reduce the downstream pressure that encourages prosecutors to filter out stereotype-discordant cases. For health and advocacy systems, timely access to medical-forensic services and victim support should be understood as evidence-quality and access-to-justice infrastructure as well as care.

Legislatures should avoid symbolic reform unsupported by implementation resources. Consent modernization is more likely to affect outcomes when paired with practitioner training, model directions, evaluation, and data systems capable of tracking case attrition. In formal-corroboration systems, reform debates should distinguish the value of independent evidence from the categorical requirement for multiple evidentiary sources. In non-corroboration systems, policy should explicitly address shadow corroboration in charging guidance and training.

4.9 Limitations

This review has four principal limitations. First, it is a structured rather than exhaustive systematic review, and its purpose is integrative theory and policy development rather than estimation of a single pooled effect. Second, much of the empirical prosecution literature comes from the United States and England, limiting direct generalization to inquisitorial, mixed, or lower-resource systems. Third, concepts such as “victim cooperation,” “credibility challenge,” and “evidentiary strength” are operationalized differently across studies. Fourth, legal rules evolve, and the comparative analysis is bounded by the 31 December 2024 evidence cut-off. Jurisdiction-specific implementation should therefore verify current law before adoption.

4.10 Research agenda

Future research should test whether structured prosecutorial reasoning changes case outcomes and decision quality. Priority designs include randomized or stepped-wedge evaluations of evidence-mapping templates; blinded re-review studies comparing reasons before and after stereotype-focused training; natural experiments following affirmative-consent and jury-direction reforms; and linked police-prosecution datasets that measure how early report language affects later decisions. Researchers should also distinguish the effect of victim support on continued participation from the evidentiary strength of the underlying case.

A second priority is fairness measurement. Studies should examine false-positive as well as false-negative risks, appeal outcomes, disclosure compliance, defence perceptions of procedural fairness, and whether reform affects demographic disparities. The strongest evidence base will not treat victim protection and defendant rights as zero-sum outcomes; it will test whether better evidence collection and more explicit reasoning improve both accuracy and legitimacy.

5. Conclusion

Sexual violence prosecutions are difficult not because they are exempt from ordinary evidentiary principles but because three distinct questions—corroboration, consent and credibility—are repeatedly allowed to substitute for one another. The reviewed evidence shows that independent forensic evidence can be highly valuable, yet its absence may become an informal credibility threshold; that consent law has moved toward freedom, communication and reasonable responsibility, yet force-and-resistance narratives persist; and that credibility judgments continue to absorb expectations about reporting, consistency, intoxication, demeanour, relationships and cooperation. These mechanisms help explain why attrition can persist even after substantial doctrinal reform.

C3-EIF offers a practical alternative. It requires investigators and prosecutors to map evidence to disputed propositions, analyze consent independently of resistance stereotypes, give proposition-specific reasons for credibility assessments, identify and mitigate system-created barriers to participation, and make key decisions reviewable. The framework does not presume that more cases

should be charged, nor does it weaken proof beyond reasonable doubt. Its purpose is narrower and more defensible: cases should advance or terminate because of the quality of admissible evidence and lawful inferences, not because obsolete expectations have been repackaged as common sense. That distinction is central to evidence-based criminal justice reform.

Declarations

Ethics approval

Not applicable. This study analysed published literature, legislation, case law, and public policy materials and involved no human participants or identifiable private data.

Consent to participate

Not applicable.

Funding

No external funding was received for this study.

Competing interests

The authors declare no competing interests.

Data availability

All evidence analysed is contained in the cited published and public sources. The structured coding framework can be reproduced from Table 2 and the stated analytic domains.

References

- Spohn C, Beichner D, Davis-Frenzel E. Prosecutorial justifications for sexual assault case rejection: Guarding the “gateway to justice.”. *Social Problems*. 2001;48(2):206-235. doi:10.1525/sp.2001.48.2.206
- Spohn C, Holleran D. Prosecuting sexual assault: A comparison of charging decisions in sexual assault cases involving strangers, acquaintances, and intimate partners. *Justice Quarterly*. 2001;18(3):651-688. doi:10.1080/07418820100095051
- Beichner D, Spohn C. Prosecutorial charging decisions in sexual assault cases: Examining the impact of a specialized prosecution unit. *Criminal Justice Policy Review*. 2005;16(4):461-498. doi:10.1177/0887403405277195
- Alderden MA, Ullman SE. Creating a more complete and current picture: Examining police and prosecutor decision-making when processing sexual assault cases. *Violence Against Women*. 2012;18(5):525-551. doi:10.1177/1077801212453867
- Beichner D, Spohn C. Modeling the effects of victim behavior and moral character on prosecutors' charging decisions in sexual assault cases. *Violence and Victims*. 2012;27(1):3-24. doi:10.1891/0886-6708.27.1.3
- Tasca M, Rodriguez N, Spohn C, Koss MP. Police decision making in sexual assault cases: Predictors of suspect identification and arrest. *Journal of Interpersonal Violence*. 2013;28(6):1157-1177. doi:10.1177/0886260512468233
- Campbell R, Patterson D, Bybee DJ, Dworkin ER. Predicting sexual assault prosecution outcomes: The role of medical forensic evidence collected by sexual assault nurse examiners. *Criminal Justice and Behavior*. 2009;36(7):712-727. doi:10.1177/0093854809335054
- Henry TKS, Jurek AL. Identification, corroboration, and charging: Examining the use of DNA evidence by prosecutors in sexual assault cases. *Feminist Criminology*. 2020;15(5):634-658. doi:10.1177/1557085120940795
- Yu L, Walsh K, Zweig JM. The link between the sexual assault medical forensic examination and police perceptions of victim credibility. *Feminist Criminology*. 2022;17(1):26-49. doi:10.1177/15570851211012468
- Finch E, Munro VE. Juror stereotypes and blame attribution in rape cases involving intoxicants: The findings of a pilot study. *British Journal of Criminology*. 2005;45(1):25-38. doi:10.1093/bjc/azh055
- Ellison L, Munro VE. Reacting to rape: Exploring mock jurors' assessments of complainant credibility. *British Journal of Criminology*. 2009;49(2):202-219. doi:10.1093/bjc/azn077
- Temkin J, Gray JM, Barrett J. Different functions of rape myth use in court: Findings from a trial observation study. *Feminist Criminology*. 2018;13(2):205-226. doi:10.1177/1557085116661627
- Burgin R. Persistent narratives of force and resistance: Affirmative consent as law reform. *British Journal of Criminology*. 2019;59(2):296-314. doi:10.1093/bjc/azy043
- Dinos S, Burrowes N, Hammond K, Cunliffe C. A systematic review of juries' assessment of rape victims: Do rape myths impact on juror decision-making? *International Journal of Law, Crime and Justice*. 2015;43(1):36-49. doi:10.1016/j.ijlcrj.2014.07.001
- Leverick F. What do we know about rape myths and juror decision making? *International Journal of Evidence & Proof*. 2020;24(3):255-279. doi:10.1177/1365712720923157
- Ropp JW, Lee JG, King LL, Growette Bostaph LM. A prosecutor's “ideal” sexual assault case: A mixed-method approach to understanding sexual

- assault case processing. *Criminology*. 2024;62(4):704-738. doi:10.1111/1745-9125.12386
17. Lapsey DS, Campbell BA, Benitez I. Focal concerns theory and case advancement in sexual assault cases: A systematic review and meta-analysis. *Journal of Criminal Justice*. 2023;86:102032. doi:10.1016/j.jcrimjus.2023.102032
18. Dowds E. Redefining consent: Rape law reform, reasonable belief, and communicative responsibility. *Journal of Law and Society*. 2022;49(4):824-847. doi:10.1111/jols.12395
19. Parsons J, Mojtahedi D. Can jurors be biased in their evaluation of third-party evidence within cases of rape? *International Journal of Law and Psychiatry*. 2022;85:101837. doi:10.1016/j.ijlp.2022.101837
20. Fansher AK, Welsh B. A decade of decision making: Prosecutorial decision making in sexual assault cases. *Social Sciences*. 2023;12(6):348. doi:10.3390/socsci12060348
21. Hohl K, Stanko EA. Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European Journal of Criminology*. 2015;12(3):324-341. doi:10.1177/1477370815571949
22. Campbell BA, Menaker TA, King WR. The determination of victim credibility by adult and juvenile sexual assault investigators. *Journal of Criminal Justice*. 2015;43(1):29-39. doi:10.1016/j.jcrimjus.2014.12.001
23. Lovell R, Klingenstein J, Du J, Overman L, Sabo D, Ye Y et al. Using machine learning to assess rape reports: Sentiment analysis detection of officers' "signaling" about victims' credibility. *Journal of Criminal Justice*. 2023;88:102106. doi:10.1016/j.jcrimjus.2023.102106
24. O'Neal EN, Tellis K, Spohn C. Prosecuting intimate partner sexual assault: Legal and extra-legal factors that influence charging decisions. *Violence Against Women*. 2015;21(10):1237-1258.
25. Pattavina A, Morabito MS, Williams LM. Examining connections between the police and prosecution in sexual assault case processing: Does the use of exceptional clearance facilitate a downstream orientation? *Victims & Offenders*. 2016;11(2):315-334. doi:10.1080/15564886.2015.1046622
26. Morabito MS, Pattavina A, Williams LM. "It all just piles up": Challenges to victim credibility accumulate to influence sexual assault case processing. *Journal of Interpersonal Violence*. 2019;34(15):3151-3170. doi:10.1177/0886260516669164
27. Wentz EA. Funneled through or filtered out: An examination of police and prosecutorial decision-making in adult sexual assault cases. *Violence Against Women*. 2020;26(15-16):1919-1940. doi:10.1177/1077801219890419
28. Brewis B, Jackson A. Sexual behaviour evidence and evidence of bad character in sexual offence proceedings: Proposing a combined admissibility framework. *Journal of Criminal Law*. 2020;84(1). doi:10.1177/0022018319891260
29. CEDAW Committee. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. United Nations; 2017.
30. Criminal Code, R.S.C. 1985, c. C-46 (Canada), ss. 273.1, 273.2, 274, 276.
31. Ellison L, Munro VE. Turning mirrors into windows? Assessing the impact of (mock) juror education in rape trials. *British Journal of Criminology*. 2009;49(3):363-383. doi:10.1093/bjc/azp013
32. Frohmann L. Convictability and discordant locales: Reproducing race, class, and gender ideologies in prosecutorial decisionmaking. *Law & Society Review*. 1997;31(3):531-556. doi:10.2307/3054045
33. Judicial Institute for Scotland. Jury Manual: Corroboration generally (updated 4 December 2024). Judiciary of Scotland. 2024.
34. Lovell R, Klingenstein J, Du J, Overman L, Sabo D, Ye Y et al. Using machine learning to assess rape reports: "Signaling" words about victims' credibility that predict investigative and prosecutorial outcomes. *Journal of Criminal Justice*. 2023;88:102107. doi:10.1016/j.jcrimjus.2023.102107
35. New South Wales Law Reform Commission. Consent in relation to sexual offences (Report 148). NSWLRC. 2020.
36. *R v Barton*, 2019 SCC 33 (Canada).
37. *R v Ewanchuk*, [1999] 1 S.C.R. 330 (Canada).
38. Sexual Offences Act 2003 (UK), c. 42, ss. 74-76.
39. Sexual Offences (Scotland) Act 2009 (asp 9).
40. Youth Justice and Criminal Evidence Act 1999 (UK), c. 23, s. 41.
41. Council of Europe. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), CETS No. 210, art. 36. 2011.
42. Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021 (NSW).

Table 1. Alignment of research questions, objectives, and analytic domains

Research question	Linked objective	Primary analytic domain	Output
RQ1	Objective 1	Formal corroboration; “shadow” corroboration; medical/forensic and digital evidence	Corroboration barrier map
RQ2	Objective 2	Consent definition; communication; reasonable belief/steps; force and resistance narratives	Comparative consent analysis
RQ3	Objective 3	Credibility; delay; inconsistency; intoxication; demeanour; relationship; cooperation	Credibility evidence synthesis
RQ4	Objective 4	Investigation quality; charge review; rape-shield discipline; jury directions; accountability	C3-EIF reform architecture

Table 2. Characteristics and principal findings of all 28 included empirical and synthesis studies

Study	Jurisdiction / sample	Design	Primary domain	Principal finding relevant to prosecution
Spohn, Beichner & Davis-Frenzel [1]	USA; 140 Miami-Dade sexual-battery cases cleared by arrest	Case-file/prosecutorial rejection analysis	Credibility; convictability	Charging rejection reflected assessments of conviction likelihood in which evidentiary strength and victim/case characteristics could interact.
Spohn & Holleran [2]	USA; 259 Kansas City + 267 Philadelphia arrested cases	Comparative charging analysis	Credibility; relationship	Victim-character/behaviour factors mattered especially in acquaintance/intimate-partner cases, consistent with "real rape" expectations.
Beichner & Spohn [3]	USA; Kansas City vs Miami prosecution systems	Comparative case-file study	Specialization; credibility	Specialized prosecution changed some processes but did not remove victim credibility as a central charging concern.
Finch & Munro [10]	UK; mock-juror pilot involving intoxicants	Experimental/mock-jury study	Consent; intoxication	Intoxication and sociosexual assumptions influenced blame and consent reasoning beyond the formal legal question.
Campbell et al. [7]	USA; sexual-assault cases with SANE medical-forensic evidence	Case-outcome analysis	Forensic corroboration	Medical-forensic evidence, including DNA when relevant, was associated with prosecution outcomes; value depended on the proposition proved.
Ellison & Munro [11]	UK; volunteers viewed 9 mini rape-trial reconstructions	Mock-jury deliberation study	Credibility	Lack of resistance, delayed reporting and calm demeanour affected credibility and verdict reasoning.
Ellison & Munro [11]	UK; mock-jury education experiment	Mock-jury intervention study	Jury education	Targeted education/judicial explanation could reduce some stereotyped reasoning, although effects were not uniform.
Alderden & Ullman [4]	USA; police/prosecution sexual-assault case records	Multistage case-processing analysis	Attrition; inconsistency	Only a small proportion reached charges; recorded discrepancies in victim statements influenced multiple decision points.
Beichner & Spohn [5]	USA; 666 sexual-assault case files	Prosecutorial charging analysis	Credibility; victim conduct	In nonstranger cases, alcohol, prior record and other character/behaviour indicators could affect charging.
Tasca et al. [6]	USA; 220 sexual assaults reported in one Arizona city	Police identification/arrest analysis	Credibility; evidence	Both legal and extralegal factors influenced suspect identification and arrest, affecting the pool available to prosecutors.
Campbell, Menaker & King [22]	USA; interviews with 44 sexual-assault investigators	Qualitative investigator study	Credibility; downstream orientation	When corroboration was limited, perceived victim credibility became especially important; investigators anticipated later prosecutorial/jury concerns.
Dinos et al. [14]	International; 9 juror studies	Systematic review/meta-analysis	Rape myths; juries	Higher rape-myth acceptance was associated with more defence-favourable assessments and not-guilty judgments.
Hohl & Stanko [21]	England; large representative Metropolitan Police rape sample	Attrition analysis	Credibility; inconsistency	Inconsistencies, prior "false allegation" markers and stereotype-related indicators were associated with attrition.
O'Neal, Tellis & Spohn [24]	USA; 47 intimate-partner sexual-assault complaints referred to prosecutors	Qualitative charging analysis	Consent; credibility	Prosecutors used legal evidence but also considered extra-legal expectations relevant to credibility and convictability.
Pattavina, Morabito & Williams [25]	USA; multi-agency sexual-assault case processing	Case-flow analysis	Downstream orientation	Police case-closing practices and anticipated prosecutorial expectations were connected, illustrating cross-stage filtering.
Temkin, Gray & Barrett [12]	England; observation of 8 rape trials	Trial observation	Rape myths; credibility	Rape myths were used in multiple ways to challenge complainants; prosecution/judicial correction was inconsistent.
Burgin [13]	Australia (Victoria); rape trial transcripts, 2009–2015	Thematic trial-transcript analysis	Consent; resistance	Force and resistance narratives persisted despite affirmative-consent-oriented statutory reform.
Morabito, Pattavina & Williams [26]	USA; LAPD and Sheriff sexual-assault cases	Arrest/case-processing analysis	Cumulative credibility challenges	Credibility challenges accumulated; their combined presence reduced case advancement in context-dependent ways.
Wentz [27]	USA; 231 adult sexual-assault cases	Police/prosecutor case-flow analysis	Evidence; reporting/resistance	Evidence collection mattered, but timely reporting and resistance-related variables also remained associated with decisions.
Henry & Jurek [8]	USA; interviews with 38 experienced prosecutors	Qualitative prosecutor study	DNA; corroboration	DNA was highly valued but interpreted differently depending on whether identity, sexual contact, or consent was disputed.
Yu, Walsh & Zweig [9]	USA; focus groups with police/prosecutors	Qualitative study	Medical-forensic evidence; credibility	The medical-forensic exam influenced credibility judgments as well as evidentiary evaluation, demonstrating risk of overgeneralized corroboration.

Table 2. Characteristics and principal findings of all 28 included empirical and synthesis studies (continued)

Study	Jurisdiction / sample	Design	Primary domain	Principal finding relevant to prosecution
Parsons & Mojtahedi [19]	UK; 196 mock jurors	Experimental mock-jury study	Third-party evidence; rape myths	Rape-myth acceptance was associated with defence-favourable evaluation of third-party evidence and verdict tendencies.
Dowds [18]	Northern Ireland; professional stakeholder research after Gillen Review	Empirical socio-legal study	Consent reform	Communicative consent models can redirect responsibility but remain complicated by social ambivalence and "consent confusion."
Fansher & Welsh [20]	USA; 700 sexual-assault cases presented to a district attorney, 2012–2020	Prosecutorial acceptance study	Cooperation; "ideal victim"	Continued cooperation, prompt reporting and selected suspect/case factors predicted acceptance; ideal-victim patterns remained visible.
Lapsey, Campbell & Benitez [17]	International/primarily USA; 46 studies, 1,327 effect-size estimates	Systematic review/meta-analysis	Focal concerns; case advancement	Practical constraints were among the most consistent correlates; victim engagement showed a robust association with arrest/charging.
Lovell et al. [23]	USA; 5,638 rape reports with sexual-assault kits	Machine-learning/sentiment analysis	Credibility signaling	Report tone, length and subjectivity were associated with progression; more detailed/positive reports were more likely to advance.
Lovell et al. [23]	USA; 5,638 rape reports with sexual-assault kits	Machine-learning lexical analysis	Credibility signaling	Language signalling doubt about victims predicted earlier case stalling; prosecution-oriented reports focused more on suspect/offence terms.
Ropp et al. [16]	USA; 175 police files + 52 prosecutor notes	Mixed-method case-processing study	Ideal case; downstream orientation	Trained investigators showed fewer direct rape-myth predictors, yet prosecutors compared cases with an "ideal" case and anticipated juror reactions.

Table 3. Evidentiary barrier matrix: lawful rule, recurrent shadow rule, risk, and reform response

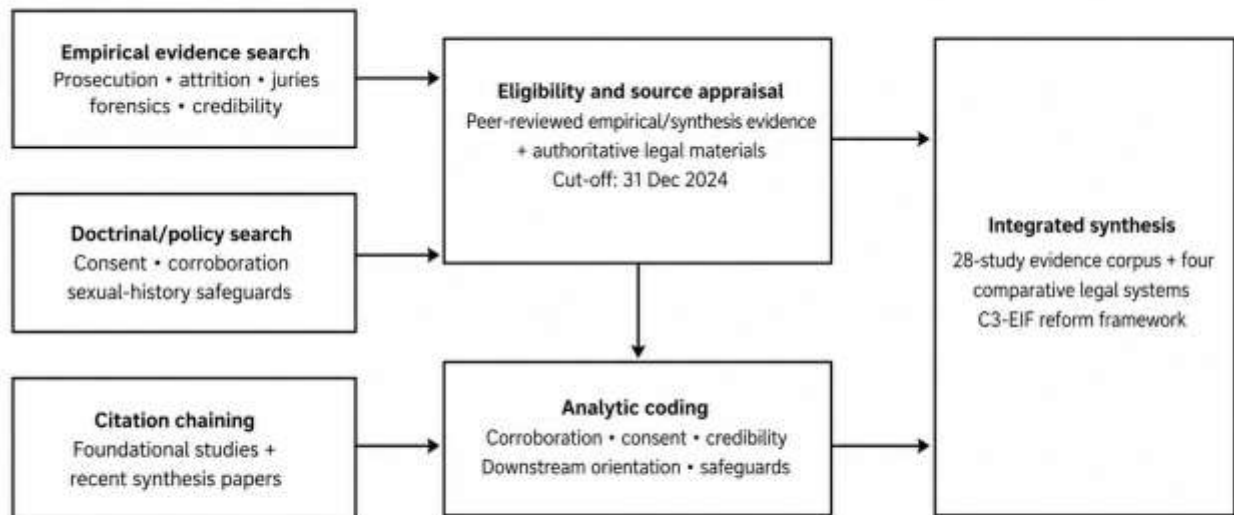
Domain	Lawful evidentiary task	Recurrent “shadow rule”	Primary risk	Reform countermeasure
Corroboration	Independent evidence may strengthen proof; in many jurisdictions sexual allegations do not require special corroboration.	No injury/DNA/eyewitness means the case is inherently unreliable.	Evidence absence becomes a credibility proxy; known-assailant cases are undervalued.	Issue-specific evidence map; record what each item proves and does not prove; active digital/forensic follow-up.
Consent	Determine voluntary agreement/lack of agreement and the accused’s legally relevant belief or steps.	A genuine victim would resist, fight, leave, or immediately complain.	Resistance and injury displace the statutory consent inquiry.	Communication/context checklist; accused-conduct inquiry; targeted jury directions.
Credibility	Assess reliability using material inconsistencies, capacity, objective conflicts and legally relevant impeachment.	Alcohol, prior sexual conduct, delayed report, calm affect, relationship, or imperfect memory indicate untruthfulness.	Stereotypes are repackaged as “common sense” or convictability.	Proposition-specific reasons; rape-shield enforcement; stereotype check; supervisor review for high-risk decisions.
Victim engagement	Participation may be necessary to prove elements; disengagement can affect feasibility.	A reluctant or inconsistent participant is less credible.	System-created barriers are attributed to victim character.	Document barriers; advocacy/safety support; minimize repetition; distinguish availability from truthfulness.
Downstream orientation	Prosecutors may consider admissibility and realistic trial proof.	Anticipated biased juror response should determine charge acceptance.	Jury stereotypes enter charging indirectly.	Separate evidence sufficiency from predicted prejudice; education/directions; written reasons for rejection.
Forensic evidence	Forensic findings have proposition-specific probative value.	A “positive” forensic finding proves the offence; a “negative” finding disproves it.	Overclaiming and underclaiming science.	Forensic proposition matrix; expert limits; avoid binary “forensic case/no forensic case” labels.

Table 4. Comparative legal and policy map for corroboration, consent, and credibility

Jurisdiction	Corroboration position	Consent model	Credibility / misconception safeguards	C3-EIF implication
England & Wales	No special corroboration requirement for sexual offences; ordinary evidentiary sufficiency applies.	Sexual Offences Act 2003, s 74: agreement by choice with freedom and capacity; evidential/conclusive presumptions in ss 75–76.	YJCEA 1999, s 41 restricts sexual-history evidence; judicial directions and case management may address misconceptions.	Reform focus is practical: prevent informal corroboration expectations and keep consent separate from resistance stereotypes.
Canada	Criminal Code s 274 expressly rejects a corroboration requirement and special corroboration warning for specified sexual offences.	Voluntary agreement to the sexual activity; belief-in-consent rules include legal limits and reasonable-steps requirements (ss 273.1–273.2).	Criminal Code s 276 restricts sexual-history evidence used for prohibited consent/credibility inferences; cases such as Ewanchuk and Barton reject rape myths.	Strong doctrinal separation of corroboration, consent and sexual-history credibility reasoning provides a useful model for decision auditing.
Scotland	General corroboration doctrine remains; crucial facts normally require support from more than one evidentiary source, subject to established doctrines.	Sexual Offences (Scotland) Act 2009 defines consent as free agreement and uses reasonable-belief concepts.	Judicial directions and evidentiary doctrine govern credibility; corroboration can include circumstantial evidence and distress in appropriate circumstances.	Formal corroboration makes issue-specific evidence planning essential; reform must distinguish legal requirement from stereotype-based demands for a particular evidence type.
New South Wales	No special corroboration requirement for sexual offences.	Post-2021 reforms strengthen communicative/affirmative features and focus on what was said/done to ascertain consent.	Criminal Procedure Act jury directions address misconceptions including non-resistance and varied responses; NSWLRRC Report 148 drove reform.	Combining substantive consent law with myth-focused jury directions directly addresses the law/practice gap identified in empirical research.

Table 5. C3-EIF implementation package and measurable indicators

Stage	Intervention	Example indicator	Rights safeguard
Investigation	Issue-specific evidence map for identity, contact, consent, capacity/coercion and accused state of mind.	Proportion of files with completed proposition map; digital/forensic follow-up rate.	Does not presume guilt; includes exculpatory as well as inculpatory evidence.
Interviewing	Trauma-informed, non-leading interviewing; distinguish material contradictions from expected variation.	Repeat-interview count; documented materiality assessment of inconsistencies.	Preserves testing of reliability and defence disclosure.
Charging	Written separation of sufficiency, admissibility, credibility reasons and public-interest considerations.	Reason-code completeness; inter-reviewer agreement; reversal rate after supervisory review.	No numerical presumption of charge; prosecutor retains lawful discretion.
Consent analysis	Communication/context checklist and accused-conduct inquiry; no resistance proxy.	Files explicitly addressing statutory consent elements and reasonable-belief/steps provisions.	Burden remains on prosecution; checklist structures inquiry rather than shifts proof.
Corroboration	Record the proposition proved by each forensic/third-party item and limits of negative findings.	Use of proposition matrix; expert limitation statements; fewer generic "no corroboration" rejection codes.	Independent evidence remains valued where genuinely probative.
Trial preparation	Enforce sexual-history safeguards; prepare lawful jury directions or expert evidence addressing misconceptions where permitted.	Rate of pretrial sexual-history rulings; direction use; appeal/retrial issues linked to myths.	Defence may adduce relevant admissible evidence; safeguards target prohibited inferences.
Victim continuity	Advocacy, safety planning, scheduling support, clear communication, privacy and referral pathways.	Withdrawal reasons; time-to-contact; avoidable adjournments; repeated retelling.	Support is not coaching and should not condition charging on compliance.
Organizational audit	Periodic blinded review of declined cases and disparities by evidence pattern, not protected identity as a proxy for guilt.	Decline reasons over time; re-review outcomes; stereotype-trigger frequency.	Audit evaluates reasoning quality, not case quotas or conviction targets.



Structured evidence review: purposive, transparent and theory-led; not represented as an exhaustive PRISMA systematic review.

Figure 1. Structured evidence review and comparative synthesis architecture.

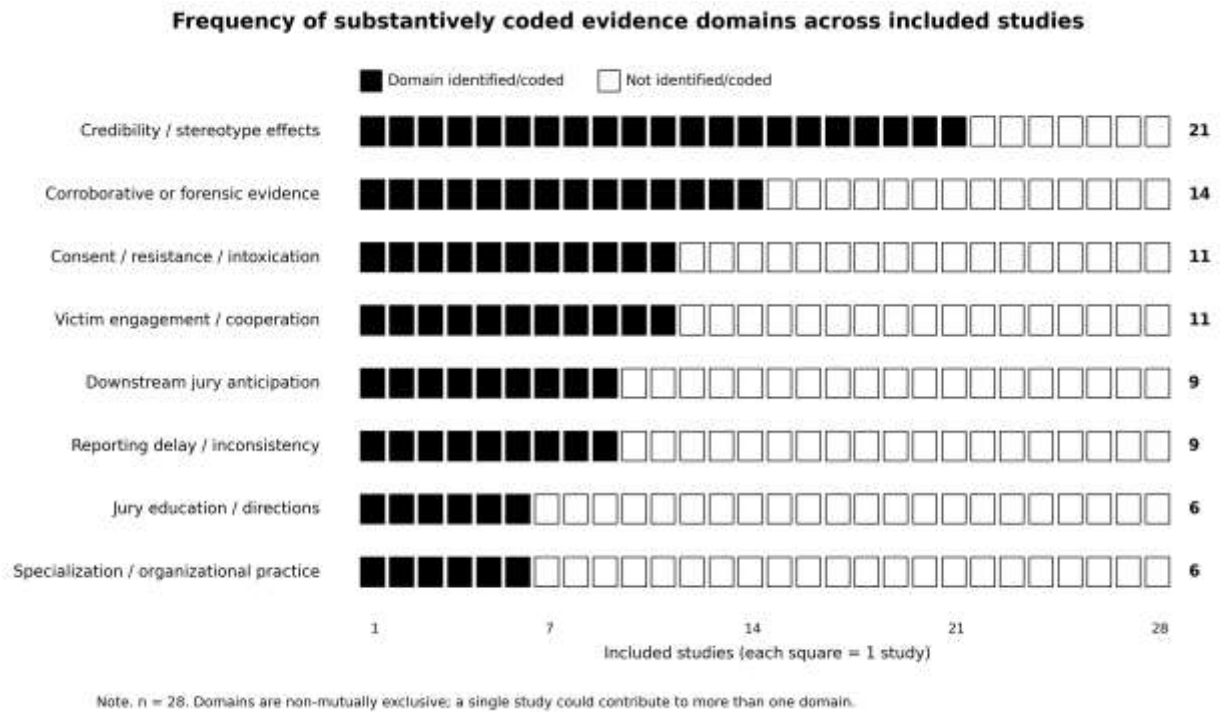


Figure 2. Frequency of coded evidentiary and decision-making domains across the 28 included studies (themes non-exclusive).

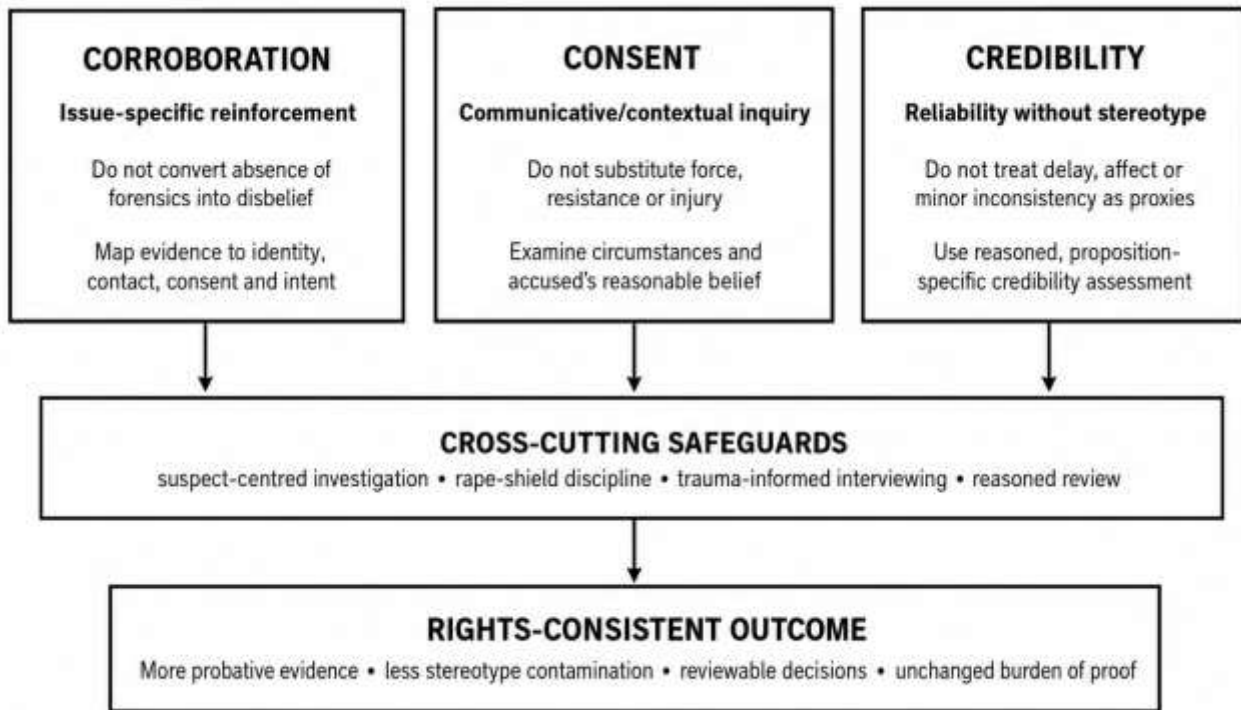


Figure 3. Corroboration-Consent-Credibility Evidence Integrity Framework (C3-EIF).

How to cite: Fairouz A (2025). Corroboration, Consent, and Credibility in Sexual Violence Prosecutions: Evidentiary Barriers and Opportunities for Criminal Justice Reform. *Journal of Multidisciplinary Research and Integrated Sciences*, 5(1), 51-66.

© 2025 Journal of Multidisciplinary Research and Integrated Sciences (JMRIS). Open access under CC BY 4.0.