



Ontario Coalition of
Rape Crisis Centres

Telephone: 905-299-4428
Website: www.sexualassaultsupport.ca
Email: ocrcccoordinator@hotmail.com

In August 2013, a case of sexual assault, highlighted in the Hamilton Spectator and the Toronto Star came to our attention.

We learned that in a civil case, Superior Court Judge Andrew Goodman ordered two sisters from Ancaster, Ont., to pay their uncle \$125,000 in libel damages for allegedly “falsely accusing him of sexually assaulting...when they were children”¹.

Judge Goodman ruled that the sisters’ memories of the incident were “not of the clear and cogent nature”. He also pointed out that the women “did not file a police report and that criminal charges have not been laid”. As victim-survivor advocates, we note that there are many realistic reasons why victims of crime choose not to report to the police; or why historical memories stand unclear.

The erroneous belief that false allegations of sexual abuse are commonplace lurks, unspoken, beneath Goodman’s verdict. It echoes other myths about sexual assault, which posit that innocent men are often accused of sexual assault and women lie about it to get revenge, for their own benefit, or because they feel guilty about having sex². Not surprisingly, [some media outlets piled on](#) to regurgitate old notions and anecdotes, aimed at identifying any woman or child who alleges abuse “as delusional, vengeful, exploitive, or an attention-seeker”³. Little was said about the [realities of sexual assault reporting, and our criminal justice system's effectiveness in holding offenders accountable](#).

Ontario Coalition of Rape Crisis Centres (OCRCC) is very concerned about this ruling. It has profound negative implications for survivors of sexual assault everywhere. We have decided to apply as an Intervenor within the context of the Ancaster sisters’ appeal.

What is an Intervenor?

In law, *intervention* is a procedure to allow a nonparty, called an intervenor, to join an ongoing litigation. The rationale for intervention is that a judgment in a case may affect the rights of others, who ideally should have the right to be heard.

There are several distinct reasons why someone might wish to intervene in a proceeding. As example:

- The intervenor represents a group of people who have a direct concern in the legal issues raised in the case, and the implications of a ruling
- The intervenor is concerned that the court’s decision in a particular case might be so broad as to have additional, even unintended, effects on others

The role of intervenors is to “assist” the court in making a just decision on the dispute at hand.

Why does OCRCC have an interest in intervening in this case?

We can see that the ruling has profoundly negative implications for all survivors of sexual assault.

¹ CBC Hamilton. Ontario sisters must pay uncle \$125K for false sex abuse claims. Online: <http://www.cbc.ca/hamilton/news/story/2013/08/27/hamilton-ancaster-sexual-assault.html>

² Sexual Assault centre Kingston. *Busting Myths*. Online: <http://www.sackingston.com/Default.aspx?pageld=857971>; And The Learning Network. *Overcoming Barriers and Enhancing Supportive Responses: The Research on Sexual Violence Against Women A Resource Document*. May 2012: 14.

³ The Learning Network. *Overcoming Barriers and Enhancing Supportive Responses: The Research on Sexual Violence Against Women A Resource Document*. May 2012: 17.



Ontario Coalition of
Rape Crisis Centres

Telephone: 905-299-4428
Website: www.sexualassaultsupport.ca
Email: ocrcccoordinator@hotmail.com

First, the courts have an important role in supporting victims of crime and this ruling does not ally with the realities affecting survivors of sexual assault. Instead, it draws on (and reproduces) sexual assault myths and misconceptions which *harm* survivors.

Second, the messaging implicit in the ruling conveys a significant lack of knowledge concerning the impacts and contexts of sexual assault and sexual assault reporting:

- Many survivors do not report due to stigma, embarrassment, self-blame, a fear of not being believed, and concern for repercussions in their personal relationships – particularly when the offender is a friend, family member, acquaintance or co-worker
- The majority of sexual assault offenders are in fact known to the victim in some way⁴
- Acquaintances, friends, dates or relatives are more likely to use tricks, verbal pressure, threats, negative consequences, or victim-blaming rhetoric (i.e. “You know you wanted this”; “If you tell about what happened here, you will be in trouble”) during episodes of sexual coercion⁵. This inevitable impacts upon a survivor’s capacity to resist or report what happened
- Too often, a “victims’ apparent lack of resistance becomes the focus of assessment and intervention”⁶. The ruling supports this problematic approach to understanding and substantiating sexual violence
- False allegations of sexual assault are not a common social problem. What *is* a common social problem is (1) the reality that survivors of sexual assault are regularly not believed or supported when they disclose their experiences of violation and (2) offenders are not held accountable for their actions. In reality, the majority of all reported sexual assault cases are simply not reported at all (less than 10%)⁷ – and those that *are* reported are not always resolved through the criminal justice system. Due to the limits of the criminal justice system response, only about 25% of those initially charged with sexual assault actually see convictions⁸

Last, this ruling will have very negative and precedent-setting implications for survivors of sexual violence who choose to talk about their experience of violation. Now – in addition to the myriad other implications of telling their stories – survivors will face the real threat of being sued for libel by their offenders. We believe this will particularly affect the reporting of sexual assault to police.

What will happen next?

OCRCC has secured legal representation. We will apply to intervene in support of the appeal of this case. The court will decide whether or not to allow us to intervene.

An experienced lawyer has offered pro bono support to us at \$5,000. She will support our application to intervene, as well as the intervention itself, should the court approve. During the intervention process, OCRCC will articulate the above information in the context of the case.

What else do I need to know?

⁴ Statistics Canada, 2003, *The Daily*, 25 July

⁵ Hakvag, H. *Does Yes Mean Yes?: Exploring Sexual Coercion in Normative Heterosexuality*. Canadian Woman Studies/les cahiers de la femme. Volume 28, Number 1. York University Publication: 122

⁶ Coates, L. and Allan Wade. “Telling it Like it Isn’t: Obscuring Perpetrator Responsibility for Violent Crime”. *Discourse & Society* 2004: 15, 503

⁷ METRAC. *Sexual Assault Statistics Sheet*. Online: <http://www.metrac.org/resources/downloads/sexual.assault.statistics.sheet.pdf>

⁸ The Learning Network. *The Network Comes to Life*. May 2012: 2. Available online:

http://www.vawlearningnetwork.ca/sites/learningtoendabuse.ca.vawlearningnetwork/files/LN_Newsletter_May_2012_Issue_1.pdf



Ontario Coalition of
Rape Crisis Centres

Telephone: 905-299-4428
Website: www.sexualassaultsupport.ca
Email: ocrcccoordinator@hotmail.com

OCRCC represents a network of 25 sexual assault centres from all across Ontario. OCRCC is funded through membership fees only, and a few other small project grants. As such, we have a very modest funding base.

Most of us are affected by sexual violence at some point in our lifetime: perhaps our sister, mother, partner, friend, co-worker or wife is a survivor of sexual violence, or perhaps you have personally been affected by sexual violence. In this, sexual violence affects all our communities.

We are relying on the support of the community to assist us in raising the \$5000 incurred in legal fees related to this case.

If you want to support OCRCC's efforts, you can do so by going to: <https://www.canadahelps.org/CharityProfilePage.aspx?charityID=s32280> and clicking on Donate Now (red button on the right-hand side). Any amount will make a difference. Please circulate this to other allies who you think may also support this case too!

It's one way that you can make a difference for survivors of sexual violence right now.

I want to more information. Who can I contact?

You can contact Nicole Pietsch, OCRCC Coordinator:

- By phone at 905-299-4429
- Via email at ocrcccoordinator@hotmail.com.