

Claire Hoy ? Falsely accused are victims, too

Not long ago, the media reported on the case of two Ancaster sisters who were ordered to pay their uncle \$125,000 in libel damages because they had earlier sent e-mails to their family members accusing the uncle of sexually assaulting them when they were young girls.

It was one of those cases which attracted attention, of course, because it so rarely happens that even when the courts find accusations of sexual abuse are false ? which, to be sure, doesn't happen frequently ? the accusers more often than not get away without any punishment.

But the Toronto Star ? not alone in its approach to this story ? ran its main front-page headline on the case by declaring: '?Chilling' ruling in sex abuse.'

The story, apparently, is not that a man's relationship with his family was irreparably harmed by accusations that the court found to be false, but that because the judge fined the accusers it might have a '?chilling effect?' on '?victims?' of sexual assault, dissuading them from coming forward.

Surely there is something terribly wrong about taking this angle on the story.

But it's become the dominant theme in sexual accusations of all kinds that, once the accusations are made, the accusers are automatically viewed as '?victims,?' and anything short of sending the abuser off the nearest jail is viewed as an outrage.

It is certainly true that the courts are often far too lenient ? at least for my tastes ? with their sentencing of real sexual abusers.

But it is also true that just the very act of being accused ? guilty or not ? has a profound impact on a person's life. And if the accusations turn out to be false, then surely the '?victim?' here is the person who was accused and not the accusers.

The two sisters, Patricia and Sara Vanderkooy, who are now in their 30s, claimed that their uncle Jack Vanderkooy abused them during sleepovers at his farm in Simcoe when they were 4 and 6 years old. In 2006, according to The Star story, they confronted him and asked for an apology. When he refused, they sent e-mails to their family and friends giving details of the supposed abuses.

As you'd expect, their uncle quickly was seen as a pariah by most of the family members.

Judge Andrew Goodman, in his judgment, wrote that the sisters '?did not like their uncle?' and sent the e-mails so they could '?vindicate?' their historical claims of abuse. The judge also found that their memories of the abuse were '?not of the clear and cogent nature required?' in order to substantiate them.

He also found that the uncle would have had no reasonable opportunity to commit the acts because the sisters would have been sleeping in a small room which two cousins also shared.

?In order to commit the sexual assaults, Jack would have to stealthily and gingerly manoeuvre himself around the other children and not make a sound to avoid waking up the other children.?

And so it went.

While the reasons for dismissing the accusations and fining the girls were indeed reported, the fact is that part of it was buried way down in the story. The emphasis was not on this man's innocence or the harm the accusations had done to him, but rather on fears from people in the sexual assault industry that the ruling would dissuade '?victims?' of sexual assault to come forward.

That's just plain wrong.

Lawyer Elizabeth Grace, who specializes in sexual abuse ? but was not involved in this case ? was quoted in The Star saying, '?Predominately, the courts have wanted to encourage people coming forward with their allegations of abuse.'

She's right, The courts should encourage people to come forward if they've been sexually abused.

But they should also make damn sure that the accusations are true and, if they're not, do more than simply shrug, leaving the falsely accused to fend for himself.

Vanderkooy himself was quoted as saying that his victory in court was bittersweet because it '?has done a lot of damage in our family.'

He said there must be a balance between encouraging victims and protecting people from false accusations, adding '?it's my perspective that this balance has tipped in the opposite direction.

?People in my situation typically are not believed ... When men are accused today in our society, it's very difficult for us to defend ourselves.?

And even when they do, alas, the media doesn't give the man a fair shake. Instead of the horror of a false charge, it's all about '?chilling?' future charges.

Nothing fair and balanced about that.

