



Muskoka / Parry Sound Coordinated Sexual Assault Services

Media Release:

In July of 2016, the public saw a conviction for sexual assault in the R v Ururyar case in the Canadian criminal justice system. In a public statement at that time, complainant Mandi Gray (R v Ururyar), who waived a publication ban on her name, remarked upon the 18-month endeavour:

*"I am tired of people talking to me like I won some sort of rape lottery because the legal system did what it is supposed to [that is, Ontario Court Justice Marvin Zuker announced a guilty verdict]," Gray said in response. "If we are told to be grateful for receiving the bare minimum, and that we should simply allow for social institutions to further...violate our rights, I am incredibly concerned"*¹.

Aligning with Gray's comments, days after the conviction, Ururyar's defence team appealed the conviction and asked for bail, which was granted.

Last week Ontario Superior Justice Michael Dambrot said the original trial judge's assessment of Mustafa Ururyar's evidence appeared coloured by "rape literature", and ordered new trial for Ururyar.

Justice Dambrot's suggestion that academic texts on rape introduced in the original case may have fostered "pernicious assumptions about men and their tendency to rape" is unmerited. Muskoka Parry Sound Sexual Assault Services affirms that *much evidence exists on both the systemic and gendered nature of sexual violence around the world, as well as well-documented study into traumatic impacts of sexual violation upon victims*. For example:

- The World Health Organization (WHO) notes that many prevailing societal attitudes justify, tolerate, normalize and minimize sexual violence against women and girls². As a consequence, prevalence and common misconceptions of sexualized violence reflects these patterns, and it remains a crime clearly differentiated by gender and other elements of social location³
- In a 2004 report, males made up 29% of child victims, 12% of youth victims and 8% of adult victims⁴. For males, being under 12 years old heightens their vulnerability to being targeted for sexual offences⁵. The remaining percentages of victims, respectively in the above (71%, 82% and 92%), are women and girls
- Most incidences of sexual coercion fall outside of clear physical evidence of sexualized crime. Instead, coercion *fosters or exploits existing social contexts* that are commonly physically invisible, such as social contexts and consequences: sexual violence targets

¹ Gray, M. (R v Ururyar), Public Statement. July 2016.

² World Health Organization. *Understanding and addressing violence against women*. Online: http://apps.who.int/iris/bitstream/10665/77433/1/WHO_RHR_12.35_eng.pdf

³ While gender differences are significant, this author notes that men and boys can also be the target of sexualized violence. For males, being under 12 years old heightens their vulnerability to sexual offences (see: *Measuring Violence Against Women: Statistical Trends 2006*, Statistics Canada).

⁴ Juristat Canadian Centre for Justice Statistics. *Sexual Offences in Canada*. 2004: 1

⁵ *Measuring Violence Against Women: Statistical Trends 2006*, Statistics Canada

are commonly “ashamed or embarrassed, or want to avoid incrimination of people they know”⁶

- The World Health Organization notes that sexual victimization can lead to health outcomes such as depression, anxiety and post-traumatic stress; as well as negative behavioral outcomes⁷.

Data like the above has been collected and vetted over many decades by reputable researchers, including the World Health Organization, Statistics Canada and numerous individual trauma scholars from all walks of life.

All this flies in the face of Gray’s efforts of reporting, testifying and engaging experts in her case — and Zuker’s verdict. As rape-survivor advocates, we are not surprised by these developments in the *R v Ururyar* case. Nor do we believe that the appeal of the case, nor the granting of the offender’s bail, suggest any indication of his innocence. Justice Zuker found Gray “very credible and trustworthy”, while Ururyar’s version of what happened was noted as “a fabrication, credible never”⁸.

On the contrary, we see this – appeal of sexual assault conviction by the offender, and little to no jail time – as an example of why sexual assault prevalence remains high, yet reporting remains low in Canada. The drudgery, disappointment and implicit victim-blaming that survivor-victims are exposed to within the criminal justice system is often relentless. As example:

- The credibility of victim-survivors is frequently questioned when reporting sexual assault⁹. The Canadian criminal justice system – a system based largely on verbal testimony, physical evidence, and the credibility of the complainant – commonly proves less accessible to those assaulted by an offender that is known to them or in historical cases (the majority of cases)
- Overall, conviction rates are very low, which de-validates the experiences of survivors; and works to suggest that sexual assault is a commonly-falsified or rare crime
- Too often, a “victims’ apparent lack of resistance becomes the focus of assessment and intervention”¹⁰ in court and other reporting procedures. This is an unsuitable approach to understanding and substantiating sexual violence
- According to Canadian research¹¹, 33 out of every 1,000 sexual assault cases are reported to the police, and just 29 are recorded as a crime. These numbers speak volumes about how many assailants actually walk free—and why victims think twice about pressing charges.

We too hear these experiences reflected back to us, by countless survivors of sexual violence. We hear from them frequently at our offices and on our crisis line¹².

⁶ Fasting, K. and Trond Svela Sand. Narratives of sexual harassment experiences in sport. *Qualitative Research in Sport, Exercise and Health*, 2015. Vol. 7, No. 5, 573–588: 575.

⁷ World Health Organization. 2012. *Understanding and addressing violence against women: Sexual violence*. p. 7. Online: http://apps.who.int/iris/bitstream/10665/77434/1/WHO_RHR_12.37_eng.pdf

⁸ Ibid.

⁹ Vopni, V. “Young Women’s Experiences with Reporting Sexual Assault to Police” in *Canadian Woman Studies* 25 (1,2) (Winter/Spring 2006), 110

¹⁰ Coates, L. and Allan Wade. “Telling it Like it Isn’t: Obscuring Perpetrator Responsibility for Violent Crime”. *Discourse & Society* 2004: 15, 503

¹¹ Patel, A. October 30, 2014. for Huffington Post Canada. 460,000 Sexual Assaults In Canada Every Year: YWCA Canada. Online: http://www.huffingtonpost.ca/2014/10/30/sexual-assault-canada_n_6074994.html

¹² In one year alone, Ontario’s sexual assault centres responded to 55,000 crisis line calls.

If something has happened to you, there are people who will believe and support you. You can talk to a trusted friend, family member, or contact a sexual assault centre support line. If you are considering reporting, we can help you think through your options. If you are not considering reporting, that's okay too. You can access a sexual assault centre in our community by contacting Muskoka Parry Sound Sexual Assault Services at 1 800 461-2929.

If you are a friend or family member of someone who is dealing with sexual violence, there are things you can do too. You can be an ally to the person who is victimized, instead of the accused. You can listen to the person's story without judgement, scrutiny or expectations that they formally report. You can help them to find safe places to seek additional support, if needed, too.

"The myths of rape should be dispelled once and for all," Justice Zuker said in his ruling. "It doesn't matter if the victim was drinking, out at night alone, sexually exploited, on a date with the perpetrator, or how the victim was dressed. No one asks to be raped"¹³.

Our justice systems need to do their part to better support our communities to remember just this.

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MPSSAS is a feminist organization dedicated to positively affecting societal attitudes in order to end sexual violence, by offering a creative range of services. We recognize that sexual violence is a community issue – not solely a woman's issue – and therefore strive to develop a strong community response. We honour the experience of survivors and include their voices in the creation of services.

To contact us, 24/7 call our Women's Sexual Assault Helpline at 1 800 461-2929, our Muskoka office at 705 646-2122, or our Parry Sound office at 705 774-9083. Our website is www.mpssas.com.

¹³ The Star. September 15, 2016. Mustafa Ururyar, convicted in Mandi Gray sex assault, granted bail. Online: <https://www.thestar.com/news/crime/2016/09/15/mustafa-ururyar-convicted-in-mandi-gray-sex-assault-granted-bail.html>