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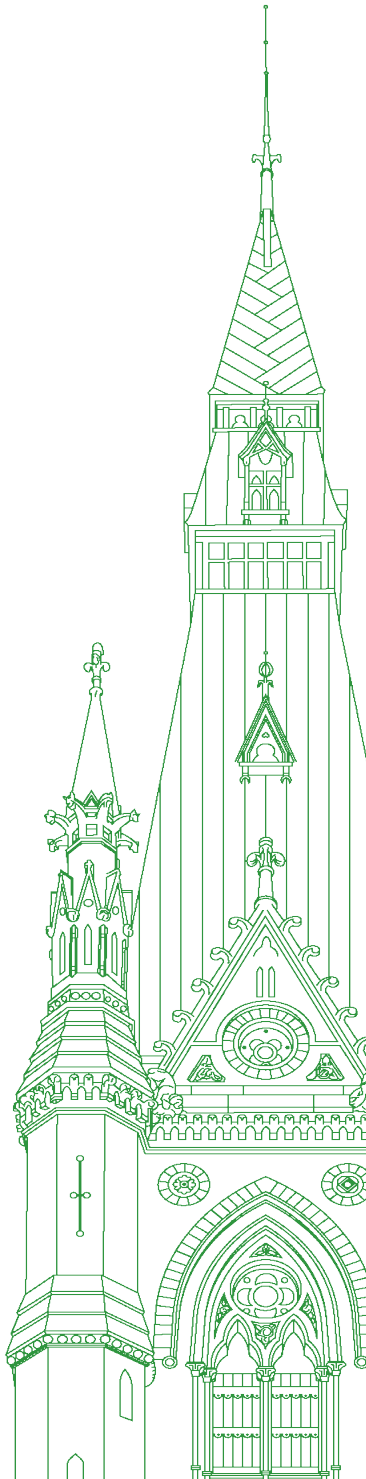

Chair: Ms. Marilyn Gladu

Standing Committee on the Status of Women

Tuesday, April 13, 2021

● (1100)

[*English*]

The Chair (Ms. Marilyn Gladu (Sarnia—Lambton, CPC)): I'd like to call this meeting to order.

Welcome to meeting number 25 of the House of Commons Standing Committee on the Status of Women. Today's meeting is taking place in a hybrid format pursuant to the House order of January 25, 2021. The proceedings will be made available via the House of Commons website. The webcast will always show the person speaking, rather than the entirety of the committee.

Today the committee is resuming its study on sexual misconduct within the Canadian Armed Forces.

Let me make a few comments to our witnesses. When you are ready to speak, you can click on your microphone icon to activate your mike. All comments should be addressed through the chair. If you would like to have interpretation in the video conference, there's a button at the bottom, and you can choose English or French or what is being spoken. When you are speaking, please speak slowly and clearly for our interpreters. When you are not speaking, your mike should be on mute.

Now I'd like to welcome our witness. Today we have the Canadian Forces provost marshal, Brigadier-General Simon Trudeau.

[*Translation*]

Welcome. You have five minutes to make your presentation, and you can begin right away.

[*English*]

Brigadier-General Simon Trudeau (Canadian Forces Provost Marshal, Department of National Defence): Madam Chair, good morning. My name is Brigadier-General Simon Trudeau. I am the Canadian Forces provost marshal and the commander of the Canadian Forces military police group, a position I have held since May of 2018.

I appreciate the opportunity to speak with you today about the important role that the provost marshal plays in the Canadian Armed Forces and the work of my organization related to the very important subject you are studying in this committee.

I will provide as much information as possible, noting that I will not be able to provide comments or details on active investigations. With over 1,800 personnel, the military police group is among the 10 largest police services in Canada. We provide professional policing, security and detention services to the Department of National Defence and the Canadian Armed Forces across the full spectrum of military operations in Canada and abroad.

I'm extremely proud of the women and men who serve in the military police group. These are professional police officers, and I want to take this opportunity to recognize their outstanding contributions to safeguarding our bases and wings across Canada and to supporting Canadian Armed Forces operations worldwide.

The Canadian Forces national investigation service, the CFNIS, is an independent unit under my direct command, responsible for investigating, reporting and laying charges in cases of serious service and criminal offences and sensitive matters within national defence, including complaints of sexual misconduct.

Like any police service, we adapt based on recommendations from outside experts and best practices. In response to the Deschamps report recommendations, the CFNIS established the sexual offence response teams known as SORT. Since 2016, these teams of dedicated investigators have provided subject matter expertise on conducting sexual offence investigations. SORT teams increase the ability of the CFNIS to protect and support victims of sexual misconduct by identifying, investigating and helping prosecute persons found responsible for criminal sexual offences.

The CFNIS also operates its own victim services program, which provides assistance to victims of crime by referring them to appropriate resources and ensures that victims stay informed throughout the investigative and court processes. Last year we made a decision to staff the CFNIS victim services program with full-time civilian positions to ensure that those victim services were optimized and that victims would feel safe and supported.

While I do report to the vice-chief of the defence staff for the overall management of the military police program, our investigations are carried out independently to ensure investigative integrity and due process for both the victims and the subjects. The provost marshal remains an independent actor within the military justice system. We ensure that the women and men of the military police and the CFNIS have the support and resources to fulfill their core policing mandate.

As a police chief, I want to ensure members of the committee and all DND CAF personnel that they can be confident in the independence of our process and the professional capabilities of the military police.

We are a learning organization, continuously striving to improve our processes, better support victims and serve the defence community. I want to encourage anyone who is thinking of coming forward to do so, knowing that our organization will be there to ensure due process.

I thank you for the opportunity to appear before you and welcome your questions.

The Chair: We'll begin our rounds of questioning with Ms. Sahota for six minutes.

Ms. Jag Sahota (Calgary Skyview, CPC): Thank you, Madam Chair, and thank you, General, for being here and for your presentation.

You spoke about investigations. My questions are going to be in line with that.

How do you know when to begin an investigation?

BGen Simon Trudeau: Thank you for the question.

We will begin an investigation if a complaint is made to the military police or the CFNIS. We can also become aware of an issue to be investigated as part of an ongoing investigation where you find other aspects that need to be investigated. It can also be directed by me and also by the CO of CFNIS.

● (1105)

Ms. Jag Sahota: Can someone make you aware of the possibility of wrongdoing without evidence, and you would look into the matter?

BGen Simon Trudeau: If I understand your question, it's "can someone can refer an allegation or a concern to the military police?" Of course. Anybody can make a complaint or refer an allegation to the military police. At that point, it is assessed. If the matter requires investigation, we will gather the facts, analyze the evidence and lay charges as required.

Ms. Jag Sahota: What if the possibility of wrongdoing is there, but there's no evidence at that point? Would you look into the matter?

BGen Simon Trudeau: Any allegations or complaints referred to the military police are investigated in a comprehensive and deliberate way. It's a process. In the process of gathering facts and analyzing the evidence, there's a determination at the end of the investigative process, for example, if charges are warranted or not.

Ms. Jag Sahota: Who determines if a matter is worthy of investigation?

BGen Simon Trudeau: For those complaints referred to us, to the military police, it's assessed by the military police if an allegation warrants a police investigation. A matter could be referred to the military police that would be better investigated or looked at by the chain of command, for example, or another process in the Canadian Armed Forces.

Ms. Jag Sahota: How is it determined that an investigation has been fully investigated?

BGen Simon Trudeau: When the investigations are comprehensive—it's a process, as I explained before—all investigations and all cases go through a rigorous vetting and quality control process, and quality control is assured that way.

Ms. Jag Sahota: Can you speak a bit to the review process to evaluate the effectiveness and thoroughness of an investigation?

BGen Simon Trudeau: Thank you for the question.

The complaint is made. It's assigned to an investigator. The investigator goes through his investigative process. There is regular interaction with the different supervisory levels. Then there is a rigorous process within the CFNIS to review every aspect of an investigation, from the investigation plan to the investigation itself, and to the determination at the end if charges are required or not.

Ms. Jag Sahota: The media has reported that investigations under the purview of the Canadian Forces national investigation service have been "interfered" with by senior officers. Is that possible?

BGen Simon Trudeau: The CFNIS is completely independent from the chain of command.

Also, as the provost marshal, it was clear in 2011, when the CDS amended the command and control structure of the military police and adjusted the authorities, responsibilities and accountabilities of the provost marshal. They were pretty explicit in regard to the CFPM having full command over all MPs involved in policing duties and functions. Also, as the head of the military police, the position of CFPM is independent of the chain of command.

Ms. Jag Sahota: Typically, what are the ranks of the members assigned to your team who conduct investigations?

BGen Simon Trudeau: It will range from master corporals to sergeants to warrant officers. You can also have MWOs, and there are also some officers within the structure.

Ms. Jag Sahota: Are there protocols for what rank you assign to what investigation?

BGen Simon Trudeau: There is no specific protocol. It depends on the investigative expertise and the experience in certain investigations, ranging in the whole gamut of investigations that the CFNIS investigates.

Ms. Jag Sahota: As the Canadian Forces provost marshal, you're a brigadier-general. How does that affect your ability to investigate allegations against generals and admirals?

● (1110)

BGen Simon Trudeau: It does not, as indicated in my opening statement a few moments ago. I'm independent from the chain of command. We do investigate. It's a process. We investigate regardless of rank or status. All investigations are conducted the same way.

The Chair: Now we'll go to Ms. Dhillon for six minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Good morning, Brigadier-General.

I'm going to start with a question about 2017. The Canadian Forces national investigation service conducted a review of sexual assault cases concluded as "unfounded" between 2010 and 2016. Can you please tell us what led to this internal review?

BGen Simon Trudeau: Thank you for the question.

This was launched in 2018. We called it the sexual assault review program. It was as a result of articles that I believe came out in The Globe and Mail that unfounded sexual assault cases were regularly not coded properly by police services.

We looked at a model from an external review team to review our cases. We had 126 unfounded-coded sexual assault cases ranging from 2010 to 2018. We set up an external review team to review those cases independently. The members of the external review team were comprised of a victim advocate, a civilian prosecutor with experience in sexual assaults, a trauma-care nurse, a representative of the SMRC and also a representative of the RCMP.

Over the course of the review, the review team commented that the investigators developed very good rapport with the victims. That also validated for us the training that was proactively adopted by the NIS in 2016: trauma-informed interviewing.

Calling the external review team was a successful model for us, and it's a model that we can replicate when required.

Ms. Anju Dhillon: Thank you for elaborating on that.

Further to that, you mentioned that it's because they were not coded properly. Can you talk to us a little about the coding process and what it entails? Thank you.

BGen Simon Trudeau: I'm not an expert in those coding offences, but I'll try to speak broadly.

The Canadian Centre for Justice Statistics has a system of coding offences. Following the unfounded cases reviewed by many police services, the CCJS reviewed how offences are coded. When police report statistics, there is a specific, uniform code report that needs to be assigned to every offence.

Ms. Anju Dhillon: Okay, and there were errors when it came to recording that.

BGen Simon Trudeau: There was some general error, I think, from a misunderstanding at the time about what “unfounded” meant. That's what led to some cases being coded “unfounded”, but they were not really unfounded.

Ms. Anju Dhillon: Okay.

Based on the internal review of 179 unfounded cases, 23 were identified for further investigation. What does the outcome of this review tell you about how these cases were being investigated to begin with?

BGen Simon Trudeau: It's hard for me to get into specifics on the 23, but what it meant, when the external review came in, was that there were aspects, because of the coding, that needed further review.

We learned some valuable lessons, and we received some good advice from the external review team on policy development, training development and other advice on how to refine some of our processes, in particular in sexual assault investigations. We saw it as a learning experience and as a good opportunity to consult broadly with external experts on how to get better in our investigations.

Ms. Anju Dhillon: How does the secondary investigation process take place, and what are some of the updated criteria for investigations?

● (1115)

BGen Simon Trudeau: Could you clarify? I'm not sure I understand the question.

Ms. Anju Dhillon: Of the 179 unfounded cases, for example, 23 were identified for further investigation. How did the secondary investigation process take place? What were some of the criteria to allow these 23 cases to be cited for further investigation and more clarification?

BGen Simon Trudeau: Thank you for the question.

I don't know the specifics, but certainly when they were recommended for further investigative processes, they would be assigned to an investigator who would do a complete review of the file and then address the elements that were perhaps found to require additional investigation. Then their investigation was reopened and completed as per CFNIS protocols.

Ms. Anju Dhillon: I have 30 seconds left. With this external review you said you got some productive advice and good feedback regarding the old procedure and the one that was reviewed. Can you please tell us a little bit about the biggest marked differences, in 15 seconds?

Thank you.

BGen Simon Trudeau: The biggest marked differences for us were certainly on the coding and making sure that we really used the right coding for the offences. Also, from a policy perspective, now any unfounded cases or final reports must be signed by the CO of that unit and reviewed by the CO, so there's extra quality control and oversight, let's say, into those cases that are coded as being unfounded.

[*Translation*]

The Chair: That's excellent.

I will now give the floor to Ms. Larouche for six minutes.

Ms. Andréanne Larouche (Shefford, BQ): Thank you, Madam Chair.

Thank you, Brigadier-General Trudeau, for joining us today on this important study.

In the Standing Committee on the Status of Women, we are trying to figure out how victims can receive more support. That is the goal of our study. From a more feminist point of view, it is a matter of determining how women can take their place in the army.

You talk about process, collaboration and communication. How does the armed forces ombudsman or the military police communicate with you as the provost marshal? How can the collaboration between you be established?

Can the ombudsman come to see you when he receives sexual misconduct complaints, for example?

BGen Simon Trudeau: Thank you for your question.

No official relationship exists between the ombudsman and my office, my position. However, like any other organization within the Armed Forces, the ombudsman could refer a complaint or elements of a complaint to the military police or to the Canadian Forces National Investigation Service, where elements of the complaint would be evaluated and where it would be determined whether an investigation is necessary.

Ms. Andréanne Larouche: What kind of an evaluation are we talking about?

BGen Simon Trudeau: When the military police or the National Investigation Service receives a complaint or any kind of an allegation, they determine whether the complaint or the information meets the threshold required to trigger a police investigation. That may not be the case.

Ms. Andréanne Larouche: We are trying to understand what problems affect the sexual misconduct reporting process in the army.

Do you have anything else to add regarding that reporting process? For example, do people know where exactly to submit their complaints?

BGen Simon Trudeau: Thank you for your question.

As chief of police, I think it is very important for members of the Armed Forces and the Department of National Defence to know how to contact us and how to relay information. That is why many of our contacts are provided on the web. That information is easily accessible.

I talked about this at length, but I think it would be beneficial for my team and me to find ways to increase our communication efforts even more and to inform members of the defence community how to reach us, either to talk to us about their problems or to submit a complaint.

● (1120)

Ms. Andréanne Larouche: A communication issue may be at play, as you just said.

BGen Simon Trudeau: I am sure that our information and the way to report are fairly well understood on the police side, but I feel that we could always improve.

Ms. Andréanne Larouche: Regarding the need to identify victims, what information do they have to reveal if they want to go further in the process and know where to submit their complaint, for instance?

BGen Simon Trudeau: Are you talking about a victim who would like to remain anonymous?

Ms. Andréanne Larouche: Yes.

Is it necessary for the victim to identify themselves to the Privy Council Office or another organization? What must they reveal? How far do they have to go?

BGen Simon Trudeau: A victim can file an anonymous complaint. They don't have to identify themselves.

Ms. Andréanne Larouche: Okay.

What flaws do you think exist in the sexual misconduct reporting process in the army when it comes to victims' efforts? Do you have any examples for us?

BGen Simon Trudeau: You are talking about system flaws. For me, as chief of police, the important thing is to ensure that people trust the process and know how to provide information to the military police and refer a complaint.

I would like to take a moment to mention an aspect that is not always known. Victims can access a military police liaison officer through the Sexual Misconduct Response Centre. An officer with a great deal of investigation experience is permanently available through the Canadian Forces National Investigation Service, or CFNIS.

Victims or complainants can remain anonymous. That officer explains to them the investigation process and helps them decide whether to go ahead or not and whether to file a complaint. If the individual is ready to submit a complaint to the police, the military police liaison officer coordinates the complaint, which is then sent to the CFNIS detachment in charge of the investigation.

[*English*]

The Chair: Now we'll go to Ms. Mathyssen for six minutes.

Ms. Lindsay Mathyssen (London—Fanshawe, NDP): Thank you, Madam Chair, and thank you, Brigadier-General.

You said, right off the bat, that your office is entirely independent, yet you do report to the vice-chief of the defence staff, who, of course, then reports to the chief of the defence staff.

What happens in a case where those are the accused? Who do you report to if they are the accused?

BGen Simon Trudeau: Thank you for the question.

If there's an allegation against the vice-chief of the defence staff or the CDS, then, being independent from the chain of command, the investigation takes place as it would for anybody else, regardless of rank or status.

Ms. Lindsay Mathyssen: You don't have an obligation to report at that point.

BGen Simon Trudeau: Being independent, I don't have an obligation to report.

Ms. Lindsay Mathyssen: Okay.

One of the things we heard in previous testimony from Stéphanie Raymond was that she tried to go forward with complaints on several occasions, but she didn't receive any information about her own case. In fact, she heard in the hallways her case being discussed by her commanding officer and by others involved, but not directly with her.

Can you explain why that would be the case, why that would happen?

BGen Simon Trudeau: Certainly, from my perspective, what I can speak to is that we have our own systems to protect information regarding a complaint referred to the military police, and access to that information or the investigative details is only allowed to members of the military police. It's important for us to protect that information for the integrity of the investigation and due process.

● (1125)

Ms. Lindsay Mathyssen: How would her commanding officer have found out that information? I think you mentioned that you do report to commanding officers. Is that correct? You said you report to COs?

BGen Simon Trudeau: No, I do not report personally to commanding officers.

Ms. Lindsay Mathyssen: How would that commanding officer have known? How would they have found out?

BGen Simon Trudeau: It depends sometimes on the complaint. If the reporting was done through the chain of command, then sometimes we receive complaints to the military police that were first disclosed to the chain of command and then referred to us. However, from the point the information enters into military police responsibility, we have our own systems to manage that information, and we protect that information to ensure the integrity of the investigation and due process.

Ms. Lindsay Mathyssen: I'm concerned, because we've heard a great deal about the toxic culture that exists, the fear of reporting because ultimately there will be retribution. There will be some form of punishment or singling out, which will force a lot of these women, as we've seen, to eventually give up their entire careers.

You speak of all of this independence, this protection of complainants and this independence, but that actually isn't the case on the ground. How do you explain that?

BGen Simon Trudeau: Certainly my priority, from a police perspective, when a complaint is made is to offer victims support, to ensure the integrity of the investigation and then to ensure due process for all involved.

We have our own victim services program. As I indicated, we're staffing it with full-time civilian positions. We're going to work on standards and policies. We'll develop and get better at those, because we care about victim support and we know it's an important part of our process.

From a victim perspective, one of the roles of the victim services is to keep them informed of the investigation process and even court processes.

Also, when we look at our orders, we have proactively embedded in our orders the provisions of Bill C-77 and some of the elements of the Victims Bill of Rights. It's in our new orders for the victim services program. We have entered those obligations that come with Bill C-77 into our orders, from a proactive perspective. Those obligations are to keep victims informed of the process so that victims have a voice throughout the process and they understand each step of the process, from the time a complaint is lodged to the time of the court processes.

Ms. Lindsay Mathyssen: What I'm trying to understand, though, is how there is a significant disconnect between.... Having all of those processes in place and ensuring the independence of your office, your officers, those who investigate, obviously is key, yet that's not happening, or it hasn't happened in the past. We have many examples of that. If that is the case, how do you see going forward to better that?

The Chair: I'm sorry, but that's your time.

We're now going into our second round of questions, with five minutes for Ms. Alleslev.

Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you very much, Madam Chair.

Thank you to the witness for being here today.

I'd like to continue on that, if I could. We've heard from the commander of CFNIS and now from you. If feels as though you want to leave us with the impression that everything is working as it should, that the system is effective and that those who perpetrate sexual assault, sexual misconduct or abuse of authority are independently investigated, charged and held accountable commensurate with the seriousness of the offence committed.

However, we have the allegations surrounding General Vance, Admiral McDonald and Admiral Edmundson, and the other victims who have come forth, which show us that there has been a pattern over a number of years that this may very well not be the case.

Can you confirm for us today that it's your position that everything is working exactly as it should, and there is no accountability on your part for anything since May 2018 that should have been done differently?

● (1130)

BGen Simon Trudeau: Thank you for the question.

I can't speak to the whole system in place, but I can speak to what I know, which is the military police group. You mentioned independence. I am functionally independent from the chain of command. When we receive information and we investigate, we investigate independently from the chain of command. I do not report details of active investigations to anyone, in my role as provost marshal, that are related to policing duty and functions.

We've made some changes in the process. We made changes to our victim services program with the creation of the SORT, those teams. That's one example, as a direct result of the Deschamps report, to increase capability, knowledge and expertise in investigating sexual criminal offences. We are a learning organization, and we've made some changes to policies and programs, but from an independence perspective, I can assure you that our investigations are conducted independently.

Ms. Leona Alleslev: Your recommendation to this committee is that no changes, no accountability and no structural review of any kind with respect to the provost marshal and the police forces of the Canadian Forces needs to occur, because everything is working exactly the way it should, and we don't need to address it in any way.

BGen Simon Trudeau: I've had an opportunity to discuss this with Justice Fish a few weeks ago, who is conducting an independent review of the National Defence Act, and I've shared with him some perspectives to reinforce the MP independence in the legislative framework. I'm looking forward to his recommendations in his important work in reviewing the National Defence Act.

Ms. Leona Alleslev: This committee doesn't need to make any recommendations because another body is doing so.

BGen Simon Trudeau: No, what I'm saying is that Justice Fish was doing a review of the National Defence Act and aspects of military policing and the legislative framework pertaining to the Canadian Forces provost marshal, and I've shared some perspectives with him on how the legislative framework reinforces MP independence.

Ms. Leona Alleslev: If we could go back to investigating the chief of the defence staff, let's say someone brings a rumour to you or to your organization. Please walk us through the process of how you would address that allegation, without a complaint—a rumour, a possibility of wrongdoing.

BGen Simon Trudeau: Thank you for the question.

First of all, we would receive the allegation to the complaint. You say it pertains to the chief of the defence staff?

Ms. Leona Alleslev: Yes.

BGen Simon Trudeau: That allegation would be referred to.... If it is referred to me or the CFNIS, then an assessment of the allegation would be made, and then, if the allegation or the information meets the threshold, an investigation would be launched.

Ms. Leona Alleslev: And then—

The Chair: That's the end of your time.

Now we're going to Ms. Sidhu for five minutes.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Madam Chair.

Thank you for joining us today, General.

I hope the testimony we hear in this committee will guide us and the government as it works to reform the armed forces response to reports of assault.

General, your office began a review of cases that were initially deemed unfounded. What are some of the important recommendations that have been highlighted by the external review team so far?

BGen Simon Trudeau: I don't have in front of me the specific recommendation, but broadly the recommendation was on some policies and on some training also for the investigators. However, it certainly validated some of the things we're doing, like trauma-informed care. That was important. There were also a few recommendations that were more on what to train on and what to look for in some of the cases. Then those recommendations were made to the CO of CFNIS. They were referred to him, and he would certainly consider those and implement them.

● (1135)

Ms. Sonia Sidhu: As a follow-up, General, can you clarify what type of training is given to the officers so that they are able to appropriately handle reports of sexual assault and survivors of this trauma?

BGen Simon Trudeau: When CFNIS members come into the unit, they go through a one-year internship program. They take some foundational training that every CFNIS member takes. They do an MP investigator course that lasts about six weeks at the academy. Then there are various sexual investigation courses and interviewing techniques.

This year what the commanding officer started to do in his indoctrination week is provide all the new NIS investigators with some training on trauma-informed interviewing, with the intent of rolling it out to all the NIS investigators. We see value in that training.

Ms. Sonia Sidhu: In addition to having representatives from the Department of National Defence and the Canadian Armed Forces, the external review team also includes a survivor advocate and a victim services representative from the sexual misconduct response centre. What are some of the benefits of having victim advocacy experts on the review team? What feedback have they provided?

BGen Simon Trudeau: I don't have the specific feedback, but from my perspective it was highly valuable. The NIS welcomed the comments. The victim advocates also help us understand things from a victim's perspective. They certainly provide an understanding of how a victim feels and some of the needs of a victim. They certainly also help with trauma-informed interviewing and how to interview victims from a trauma perspective.

Certainly, as we move the victim services program forward with a new coordinator and manager, who has been hired and will start next week, I certainly would look at consulting externally with SMRC or other organizations to really integrate best practices into our program.

Ms. Sonia Sidhu: Thank you.

How do agencies under your supervision collaborate with the sexual misconduct response centre?

BGen Simon Trudeau: As I explained earlier, we have an MP liaison officer embedded with SMRC, so there is a link there. We've certainly exchanged best practices with them and we are in regular contact with SMRC.

Ms. Sonia Sidhu: General, do you have any other recommendations that you want to give this committee?

BGen Simon Trudeau: For me, I guess a recommendation for the committee would be to better explain the role of the military police to the defence community and to communicate more about what we do and our independence in order to break down barriers to reporting.

[*Translation*]

The Chair: Thank you.

Ms. Larouche, go ahead for two and a half minutes.

Ms. Andréanne Larouche: Thank you very much, Madam Chair.

Provost Marshal, thank you very much for joining us today. You are saying that there are very limited problems. In fact, you are saying that there aren't really any problems and that your department can respond to and immediately follow up on all complaints. That is my understanding of your comments.

So where do you think the problem lies?

For instance, in the Vance case, had the victim come to see you, would the proceedings have been successful?

● (1140)

BGen Simon Trudeau: Thank you for your question.

Anyone can submit a complaint to the military police. As I previously explained, we are independent from the chain of command. We would have evaluated the complaint and decided to launch an investigation.

Ms. Andréanne Larouche: Earlier, you talked about coding problems, especially in terms of cases deemed unfounded.

What proportion of sexual misconduct complaints result in a guilty verdict?

Is the number low? If so, what explains that? What obstacles are behind most complaints not leading to a guilty verdict?

BGen Simon Trudeau: I would like to clarify something about the coding I talked about earlier. It applies to offences, not necessarily to the result of judicial processes.

As a police service, we investigate, we evaluate the facts and the evidence, and we lay charges. The outcomes of judicial processes are not my purview. The reasons a prosecutor would reach a verdict of not guilty or a decision of the court would go in that direction are out of my area of expertise.

Ms. Andréanne Larouche: The threshold of—

[*English*]

The Chair: I'm so sorry. That's the end of your time.

Now we're going to Ms. Mathyssen for two and half minutes.

Ms. Lindsay Mathyssen: Thank you so much.

You said that there are issues with the system of course, and you want to make better the ease of reporting for women, for them to know the system better, that there is that independence, that they have those options.

Again, because we heard it so recently and it was so powerful, I want to return to the testimony of Ms. Raymond here in this committee. She said the only reason she was able to get proper justice was by going outside the military.

If that's the case, are there ways you can help better facilitate victims to go that route?

BGen Simon Trudeau: A victim can make a complaint to any police service: civilian police or military police. At that point, if it's made to the civilian police, then they would go through the same process that we do to establish jurisdiction and who would investigate.

However, a victim can make a complaint to any police service that they wish.

Ms. Lindsay Mathyssen: Are there cases where you would advocate for that or involve yourself in that way? If they've gone to you first, would you advocate for them to follow another path?

BGen Simon Trudeau: It's difficult for me because every case is different and there would have to be an investigative assessment and discussion within the investigative team as jurisdiction is assessed.

Ms. Lindsay Mathyssen: Just to follow up on what my colleague was trying to get to in terms of...and then we come back to my questioning on the fact that ultimately you report to the vice-chief of the defence staff and the chief of the defence staff. If there's a complaint against them and you find something inappropriate, where do you go with that?

Obviously you report to them, so where do you go with that after that, if you are truly independent?

BGen Simon Trudeau: As investigations are ongoing, I would refrain from commenting on that matter.

Ms. Lindsay Mathyssen: There's no—

The Chair: Now we go to Ms. Alleslev.

We will give two and a half minutes each to Ms. Alleslev and then Ms. Zahid.

Ms. Leona Alleslev: Thank you very much.

I would like to get an answer. We're not looking for information on the ongoing investigation. If it were found through your investigation that charges needed to be laid regarding a CDS, how would that happen?

● (1145)

BGen Simon Trudeau: That determination would be made at the end of the investigation.

Ms. Leona Alleslev: Yes, so, by whom and how would they be laid?

BGen Simon Trudeau: The decision to lay charges is made by the CFNIS.

Ms. Leona Alleslev: They wouldn't need to inform anybody. They would lay charges against the CDS on your authority?

BGen Simon Trudeau: The CFNIS is a charge-laying authority.

Ms. Leona Alleslev: Okay, so they wouldn't have to inform anybody. They could just go ahead and do it.

BGen Simon Trudeau: Generally, depending on the outcome of the investigations, some aspects of an investigation will become public. For example, when charges are laid after an investigation, some details become public.

Ms. Leona Alleslev: Yes, but the charges would be laid by your organization, and because you're independent you wouldn't need to inform anybody. You could just lay charges on the CDS if your investigation justified that to occur.

BGen Simon Trudeau: CFNIS is an independent charging authority. They do not need to ask permission to do so.

Ms. Leona Alleslev: Who audits the CFNIS to make sure that the investigation was conducted, that appropriate actions were taken and that the allegations were reviewed appropriately?

Who audits that to make sure that they were independent and that it was fully investigated?

BGen Simon Trudeau: As I explained before, regardless of rank or status, it's the same process. We will ensure that there's a full—

Ms. Leona Alleslev: That's not what I asked. You need to check. Who double-checks to make sure, regardless of rank or process, that it was conducted appropriately? Who audits it?

BGen Simon Trudeau: As I stated before, investigations go through a rigorous vetting process through the supervisory chain. The same process applies to everyone, regardless of rank or status.

Ms. Leona Alleslev: But sometimes mistakes are made. I want to know who audits.

The Chair: I'm sorry. That's the end of your time.

We're going to Ms. Zahid, for three minutes.

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you, Madam Chair.

Thanks, Brigadier-General Trudeau for appearing before this committee and providing your input as we continue this study.

In 2018 you launched the sexual assault review program, which serves as an open and transparent case review mechanism of the unfounded sexual assault files investigated by the Canadian Forces military police. The sexual assault review program uses an external review team to review its cases. Why do you think it is important to have an external review team to do the sexual assault investigations?

BGen Simon Trudeau: Thank you for the question.

It felt important to have an open and transparent process to come and help us review this. Certainly, they are experts in the field of sexual assault. We wanted to learn where we could improve and get advice from external bodies on how we can better serve the community and certainly better support the victims over time.

Mrs. Salma Zahid: Can you provide some details on these individuals, who they are, those who do the reviews? Are they members of the Canadian Armed Forces?

BGen Simon Trudeau: Among those individuals, we had a member of the SMRC, a trauma care nurse from National Defence, a member of the RCMP and a victim services advocate from Ottawa, I believe. There was also a Crown prosecutor with experience in sexual assault. We had a phase of the review where we had a case involving children. In that case, we had a child services expert to help us in the review of the case.

The external review team model is made so that, depending on the cases we want to review, we can customize the expertise that we need to help us review the case.

● (1150)

Mrs. Salma Zahid: Do you provide them with any training before they do the reviews? What kind of training is it?

BGen Simon Trudeau: We provide them with training on privacy. We consulted the Office of the Privacy Commissioner before undertaking this program.

We give them training on the format of our police reports. As part of the review, they have access to the complete police report. We have to train them in some of the SOPs of the military police in how we structure our reports. Then we let them do the review and come up with advice.

The Chair: I have to apologize to the committee. I don't know what I was thinking when I was looking at the clock. We actually did have time for your full five-minute session.

We'll go back to Ms. Alleslev for two minutes and then Ms. Zahid for two minutes, so you get your full time in.

Ms. Alleslev.

Ms. Leona Alleslev: Thank you. I was wondering what was happening there.

Thank you to the witness.

I wonder if you could give us some information about the statistics that you keep. Do you keep a record of all the allegations or complaints that are brought to your attention? Do you categorize them by the nature of the allegation?

Do you keep a record of how many are referred from your organization back to the chain of command, as well as the number of cases where charges are laid or where lesser charges are laid than what was indicated at the beginning of the process?

BGen Simon Trudeau: The Canadian Forces provost marshal produces an annual report that is publicly available. As part of that report, there's an annex that makes public all our investigative statistics for all the offences and the crimes that we investigate.

Ms. Leona Alleslev: Is that even the ones that you deem are not worthy of investigation? I didn't see that information.

BGen Simon Trudeau: If a complaint or an allegation is referred to the military police and it doesn't meet the threshold, then we're not investigating that offence.

Ms. Leona Alleslev: You don't keep a record of the number that didn't meet the threshold versus the number that did.

BGen Simon Trudeau: I believe that information would be captured in our database.

Ms. Leona Alleslev: We also heard that there had been cases where evidence has been lost, tampered with or charges have had to be dropped because of issues around evidence. Do you keep a record of that as well?

BGen Simon Trudeau: Certainly there's policy around evidence. Yes, our evidence is tracked into our records.

The Chair: Now we'll go to Ms. Zahid for three minutes.

Mrs. Salma Zahid: My colleague Anita Vandenbeld will take those two minutes.

The Chair: Very good.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you.

Thank you for being here as a witness and for answering our questions.

You mentioned Bill C-77 in some of your testimony. I know some are saying it hasn't come into force yet, but many elements are already in place. You referred to some of them, including of course, Bill C-77's primary objective, which is the declaration of victims rights.

I was wondering if you could tell us a little about how Bill C-77 is being implemented and rolled out, and what changes are being made accordingly.

The Chair: I think he's frozen.

Ms. Anita Vandenbeld: Did he hear my question?

The Chair: I don't think he is still connected. I think we lost him.

Let's suspend.

● (1150)

_____(Pause)_____

● (1155)

The Chair: We lost the brigadier-general. I wanted to thank him, but we'll move on to our second panel.

I'm very pleased to welcome Allan English, who is an associate professor in the department of history at my alma mater, Queen's University; and Alan Okros, who is a professor in the department of defence studies at the Royal Military College.

Each of you will have five minutes for your remarks. We will begin with Mr. English.

Dr. Allan English (Associate Professor, Department of History, Queen's University, As an Individual): Madam Chair and members of the committee, thank you for the opportunity to speak today.

I teach Canadian military history in the history department at Queen's University. I have also taught senior officers at the Canadian Forces College in Toronto. I served for 25 years in the Royal Canadian Air Force and the Canadian Armed Forces as an air navigator.

The acting chief of defence staff, Lieutenant-General Wayne Eyre, has stated that Operation Honour is finished and that the CAF would "develop a deliberate plan to go forward". Today I will briefly examine four actions that Lieutenant-General Eyre indicated would be part of that plan: an external review of the CAF and its culture; increased training; improved recruiting; and re-establishing "trust where it has been broken".

Justice Deschamps' 2015 external review into sexual misconduct and sexual harassment in the CAF, followed by government reports, as well as numerous academic papers and presentations have made abundantly clear the nature of the problems and their solutions. The issue now is not identifying the problems with another external review or, as Lieutenant-General Eyre put it, listening and learning, but in actually addressing the problems.

Lieutenant-General Eyre said that the CAF would increase training until there is "a constant drumbeat of reminding our members what rights look like". However, an evaluation of CAF training on inappropriate sexual behaviour by the Auditor General in 2018 reported the following:

> We found that the chain of command delivered briefings and training that did not increase members' understanding of how to respond to and support victims, but instead created confusion, frustration, fear, and less camaraderie.

These findings have been confirmed by personal accounts of some current and former female CAF members. They stated that training was often delivered by unqualified senior members of the unit, who used it to criticize aspects of Operation Honour and to blame female unit members for causing trouble or undermining unit cohesion.

Lieutenant-General Eyre also reiterated past CAF commitments to improve recruiting processes to increase the number of women in the CAF, the latest target being that females should make up 25% of the CAF by 2026. However, a 2016 Auditor General report noted that with no targets or strategy, the CAF was unlikely to achieve this goal. The report also documented long-standing failures in the CAF recruiting and retention system, dating back almost 20 years, that the CAF has failed to correct.

Finally, Lieutenant-General Eyre said that new efforts would be made to "re-establish trust where it has been broken." However, one of the goals of Operation Honour was to "win back members' trust". With Operation Honour, the CAF tried to address sexual misconduct in its ranks through "the direct, deliberate and sustained engagement by the leadership of the CAF and the entire chain of command". Recent revelations about the sexual misconduct of some senior CAF leaders suggest that they have forfeited the trust of their subordinates, and will, therefore, be unable to make future change without effective external oversight.

In conclusion, the actions that need to be taken to address sexual misconduct in the CAF are well known. However, to be successful they must be subject to sustained and active oversight by a truly independent body. That body should be external to both the Department of National Defence and the CAF, as DND's senior leadership includes many retired former CAF members who were part of the problems in the past. While the detailed planning and implementation of solutions to problems of sexual misconduct in the CAF must involve CAF members, their actions should be subject to the scrutiny of an independent body with the power to require compliance with its directives.

● (1200)

Over five years, the CAF's leaders were unwilling or unable to deal effectively with sexual misconduct in its ranks. Therefore, external oversight is the next logical step to take to confront this issue. Otherwise, the CAF is about to head down the same path to failure that it has followed in the past.

Thank you.

The Chair: Thank you.

Before we go to Mr. Okros, I see that the brigadier-general is back.

Thank you so much. We lost you there. I will give you the opportunity for a final comment in response to Ms. Vandenbeld's question.

BGen Simon Trudeau: Thank you, Madam Chair.

Could you please repeat the question?

Ms. Anita Vandenbeld: Yes. It was about how Bill C-77 is being implemented.

BGen Simon Trudeau: On Bill C-77, as it's being implemented, I don't know the status of where it is in implementation, but what I can say is that we've proactively included in our policies, orders and SOPs aspects of the Victims Bill of Rights.

The Chair: Excellent.

I want to thank you very much, Brigadier-General, for being with us on our panel and for answering the questions. If you want to stay, we're going to have a very exciting discussion.

We're going to go now to Professor Okros for five minutes.

Dr. Alan Okros (Professor, Department of Defence Studies, Royal Military College, As an Individual): Thank you, Madam Chair. We all appreciate the joys of connectivity these days.

I am speaking to you from Toronto, the traditional territory of the Mississaugas of the Credit, the Chippewa and the Wendat peoples.

I've been engaged on issues of harassment in the CAF for over 40 years, both in uniform and as an academic. I see strengths and weaknesses in the current version of the movie.

We know that Operation Honour has not had the results intended. You want to know why. The reason has been an incomplete understanding of the issues, which has led to incomplete solutions, underpinned by an unwillingness to critically analyze certain aspects of CAF identity and culture.

The first problem is that the issue has been framed as being about sexual misconduct. Yes, there are CAF members who annoy people with overtures, but the key issue is not about sex. If I hit you with a shovel, you wouldn't call it inappropriate gardening. It's about power. It's about sexually and racially coded language to create and police social hierarchies about who is important and who is not.

This death of a thousand cuts damages an individual's self-worth, identity and sense of belonging. You heard last week that military sexual trauma represents a deep moral injury.

The path starts to expand the framing of the problem. It acknowledges that there are cultural factors that can increase incidents of sexual misconduct, but the door is opened only very slightly. The key omission is the continued reluctance to name power and militarized masculinities. This requires a careful and critical analysis of how the military constructs the soldier, sailor, aviator and equally the leader and commander. We need to examine the institutionalized and systemic processes that shape military identity and ask how much of one's identity they have to give up in order to be successful in the CAF.

Most of those leading the CAF have not had to think about this. Left-handed people know they live in a right-handed world, but right-handed people don't. It isn't apparent to us when the world is constructed to fit us. The CAF was a good fit for most seniors. They continue to use terms and narratives that they believe resonate with all but that actually serve to accentuate the dominant identity, and hence increase the social hierarchies and leave some feeling isolated, ignored or not valued for who they are.

As part of analyses, I highlight the 2016 U.S. equal opportunities commission report that identified 12 factors that increase the risk of workplace harassment. The CAF is at the high end for several: significant power disparities, encouraging alcohol consumption, a young workforce, use of coarse language, single-gender dominated culture, and a homogeneous workforce. Only two are reflected in the current path.

Proper considerations of institutional and systemic factors that create the conditions where sexualized language is used to diminish others requires the CAF to shift away from the current focus on the individual. Harassment incidents and lack of reporting are not because people haven't read the definition or don't know how to file a report. Strong social factors, which are intentionally created by the CAF, set these conditions. Addressing these factors means challenging some central tenets of the profession, things that are key to success but can create unhealthy conditions: obedience to authority, normative conformity and group loyalty, the use of power, and the practice of judging others to see if they measure up.

Finally, it has become clear that some seniors have not dealt with sexual misconduct issues effectively. There are examples of some becoming ethically mute and morally numb, but there are also CAF members living in parallel universes. We have men who honestly do not understand how women or diverse folk navigate their careers, their workplaces or their teammates. They assume that all others have the same experiences they do. They haven't critically examined issues of privilege and advantage. They have not seen how others are shunned, marginalized or disadvantaged. They can't see the informal social mechanisms that those subject to harassment use to get the message to the idiot to stop.

● (1205)

Seniors may hear that there was an incident in the mess but learn that the two parties talked it over and settled it all—no harm, no foul. They don't recognize that the most the offended party can hope for is a grudging apology that leaves them still harmed, still looking over their shoulder and still carrying that moral injury.

Some seniors honestly say, “I’ve never seen incidents of sexual misconduct.” That’s because they're wearing cultural glasses with blinders that allow them not to see it. This is a key element of the culture change that the CAF needs to embark on.

My question for this committee is this: What guidance are you going to provide CAF leaders to do so effectively?

I look forward to your questions.

The Chair: We're going to start our first round of questioning with Ms. Wong for six minutes.

Hon. Alice Wong (Richmond Centre, CPC): Thank you very much.

I'm so proud to be among historians, because formerly, as a professor, I used to teach world history and also do a lot of research on culture, so this is really hitting home.

Dr. English, on February 26 you appeared before the national defence committee as a witness for their recently now shut down study on sexual harassment in the CAF. In your opening remarks in that appearance, you indicated that over the last 30 years the CAF has consistently failed to implement “comprehensive cultural change”.

Operation Honour was the CAF's most recent attempt at such a change. In your opinion, do you think Operation Honour was a success? In what way has Operation Honour failed? You did mention that in your opening remarks, but I would like to ask you to shed more light on that.

Thank you.

Dr. Allan English: Thanks. I'm glad to be here as a historian. I'll let Professor Okros speak for himself, but he's not a historian.

An hon. member: Oh, oh!

Dr. Allan English: At any rate, that's okay.

Basically, I think the main failure of Operation Honour was simply.... Justice Deschamps' primary recommendation was that the cause of most of the bad behaviour was the culture of the CAF, this toxic, highly sexualized culture, and she called for “comprehensive culture change”.

From the very beginning, the first response was from General Tom Lawson, who was CDS at the time, who said, “I do not accept from any quarter that this type of behaviour is part of our military culture.” That has continued right through the latest sexual response strategy, “The Path to Dignity and Respect”, which only calls for cultural realignment, as though it's sort of minor.

I think the major failure of all these activities in the last 30 years has been that the CAF is unwilling or unable to change its culture.

● (1210)

Hon. Alice Wong: Thank you.

Again, this is a question addressed to you, Dr. English. Are there any parallels you're able to draw between Operation Minerva and Operation Honour, be they failures, lessons, successes or approaches, etc.? This is a pretty open question, Dr. English.

Dr. Allan English: Thanks for that. I'm a history prof. I'm used to open questions.

Operation Minerva was part of a group of responses to what Maclean's characterized as the rape crisis in the Canadian Armed Forces in the nineties, and it was also part of the gender integration of the Canadian Forces required by the Canadian Human Rights Commission. For Operation Minerva, there's actually a chief of review services report that's still available online and documents how it failed.

It failed in almost exactly the same way as Operation Honour. There was no real commitment on the part of senior leadership to carry it out. The actions were many but ineffective. There was no ongoing evaluation of it, which has been a huge problem with Operation Honour. In the end, it went exactly like Operation Honour. An original first team set up to execute it was absorbed back into the organization and down-ranked continuously until it just faded away.

I suggested in a 2016 report that I wrote for the strategic response team on sexual misconduct that, actually, if they just read the chief of review services' 1998 report on Operation Minerva, they'd know exactly what things to avoid. I'm not sure if anybody did, but that's the short answer.

Hon. Alice Wong: Thank you, Dr. English.

You noted that Operation Honour lacked a “guiding strategy”. Who would be responsible for creating such a strategy? Would this be something the minister's office would be involved in? What role, if any, do you view the Minister of National Defence playing in the establishment of such guidelines? Was there a role for the minister in ensuring Operation Honour met its goals?

Dr. Allan English: My understanding of this was simply that the minister delegated that responsibility to the chief of the defence staff. The chief of the defence staff, in Operation Honour, on August 15, 2015, directed that the vice-chief of the defence staff write a strategy for Operation Honour within 45 days, by September 30, 2015. That was never done. Without any external oversight or anyone seeming to notice internally, Operation Honour never had a strategy, even though the CDS directed that it be written.

Hon. Alice Wong: Dr. English, you also mentioned in previous testimony that leadership “buy-in” is essential to Operation Honour succeeding. You also mentioned that a “lack of acceptance” permeated through leadership in the CAF.

Given the testimony of other witnesses both at national defence and here—specifically the ombudsman—it would appear that a lack of leadership “buy-in” is not limited to just the CAF. The minister—

The Chair: I'm sorry, but that's your time.

We're going now to Ms. Hutchings for six minutes.

Ms. Gudie Hutchings (Long Range Mountains, Lib.): Thank you, Madam Chair.

I'd like to thank both witnesses for being here today. The knowledge that you're sharing with us is certainly invaluable.

Professor Okros, the committee has a unique opportunity to study sexual misconduct using gender-based analysis, as well as a survivor-centric and trauma-informed lens. You've done considerable work to enhance military operational effectiveness with research on women and diversity.

Can you share how policy and culture change on sexual assault can directly impact operational effectiveness in the military?

● (1215)

Dr. Alan Okros: I have a couple of comments to make. One of the critical ones is that the military gets everything done as a team. The first principle for any leader is to build cohesive effective teams that work together. When we have these kinds of behaviours within teams and when team members are being marginalized, shunned and harmed, you cannot have an effective team. That goes to the core of what challenges operational effectiveness.

To me, we're back to the questions you're asking about what can be done. There should be an emphasis on building inclusive teams so that every team member feels valued and they're able to fully contribute. It goes beyond that as well, because, again, one of the things we recognize is that diversity within teams is a real strength. When we have different people who see things through different lenses and different eyes and bring different lived experiences, it strengthens the team. This a real challenge in the military because part of the professional socialization is to convert the civilian into the soldier, sailor or aviator. Part of that causes everybody to become the same and to think the same, so some of the professional socialization processes actually stunt the diversity that is essential for mission success.

Ms. Gudie Hutchings: Thank you for that, sir.

Professor English, you've researched military culture from a Canadian perspective. Based on your findings, what is a military culture and what are some of the distinctions between sexual assault in the military environment and in civilian cases? How do we address those specific challenges?

Finally, in your international approach to addressing sexual assault in the military, what have you encountered in your research? How would examples from other international approaches inform policy changes in the CAF?

Dr. Allan English: I'll try to be brief.

We could run a two-hour seminar on that.

Basically, culture tells people how things should be done. There's a formal culture: the rules, regulations and whatnot, and there's an informal culture. Someone said culture eats policy every time. It's the informal culture that drives what really happens in the organization. The leaders come and they tell you what they'd like to happen. Then you hear from other people what really happens. That's the key—this informal culture. Everyone learns in every organization that's not really the way we do things here.

The difference between the civilian and the military culture is simply the power of the hierarchy and the power that people have. A commanding officer has the legal right to order someone into harm's way. That's the only profession in Canada where they're allowed to do that so it's incredible power.

As Professor Okros said, it's the necessity of working in teams. As Lieutenant-Colonel Eleanor Taylor said, sometimes it is worse being excluded from the team than to tolerate the sexual misconduct, so sometimes that's what people do.

I'll stop there because otherwise I'll go on too long. I hope that helps.

Ms. Gudie Hutchings: It does.

Do you have a comment about other international approaches to address sexual assault in the military that we could use as examples to inform policy changes at CAF?

Dr. Allan English: Very quickly, we have become most closely attached to the American military culture, which American researchers have found to be even more toxic than the Canadian military culture. It actually encourages and enables sexual assaults within the U.S. military, so they're not a very good model.

I don't know a lot about too many others, other than a little about Australia and the United Kingdom. Their records are no better than ours, so I'm afraid I'm at a bit of a loss there.

Ms. Gudie Hutchings: Let's hope we can be leaders in this.

Professor Okros, given the operational impacts of military sexual assault, what are your recommendations to address the root cause of this? You've talked about the hierarchy and you've talked about power. What are your recommendations to address the root cause?

Dr. Alan Okros: I have a couple of comments with regard to this.

It's knowledge and awareness. This is not education, and it most definitely is not PowerPoint training. It's knowledge and awareness of how people see themselves and how they see others. This is part of what I was talking about in my opening statement. We have too many people in uniform who assume everybody else has the same lived experience as they do. We need to start with their recognizing that others experience their military careers very differently. That's my starting point.

I know time is running out, so I'll stop here.

● (1220)

The Chair: Very good.

We'll now go to Madame Larouche.

[*Translation*]

You have six minutes.

Ms. Andréanne Larouche: Mr. Okros and Mr. English, thank you very much for your testimony. Your historians' points of view remind us that the issue, the culture and sexual assault cases in the Canadian army go back a long way. Some things have been done, but the situation has not changed quickly enough.

There is so much to say on this. First, Mr. Okros, you talked about the culture in the Canadian army. I would like to hear you speak to Operation Honour, the path to dignity and respect.

What concern do you have regarding the criteria for appointing leaders covered in the path to dignity and respect strategy?

Talk to us about the process involving a culture change. What do you think about the path to dignity and respect?

[*English*]

Dr. Alan Okros: Thank you, Madam Chair.

As I indicated, I think two key changes need to be made.

The first, as I mentioned, is a shift to inclusion. The military operates very strongly to socialize people into a single identity, so the military needs to authorize and accept inclusive teams.

The second part is that more emphasis needs to be given to assessing the capacities and the effectiveness of leaders creating effective teams. We have cases where leaders are rewarded because they got the job done, but people don't spend enough time looking at the cost.

We have teams that get left behind that are tired, they're broken and they're not functional. I think part of it is holding leaders accountable for the teams they create and the teams they leave behind when they move on to new positions.

[*Translation*]

Ms. Andréanne Larouche: So there is an obligation for leaders to be accountable, but there is also the matter of training.

I would like to come back to that.

Julie S. Lalonde testified before the committee.

How do you explain what happened to her during the training she provided at the Collège militaire royal de Saint-Jean, where she said she received many disgraceful comments from people participating in the training?

Are you surprised at the reaction of military members while Ms. Lalonde was trying to educate them about assault cases, among other things?

[*English*]

Dr. Alan Okros: One thing I will point out is that, as a member of the department of defence studies, most of my teaching is at the Canadian Forces College rather than the Royal Military College. However, I would suggest, first, that unfortunately the circumstances by which Ms. Lalonde did her presentation were not well set up. I don't think it was well introduced. I don't think it was well understood. I don't think there were senior leaders in the room to ensure that a respectful conversation happened. I think there were lessons learned by officials at the Royal Military College on how subsequent sessions could be conducted more effectively.

Second, I think some of the messages that she wanted to convey to the cadets were new to cadets. She was tackling and naming rape myths, and at most Canadian universities there had been very good conversations amongst students on these issues. I don't think there had been conversations amongst the cadets at RMC on these issues, so I don't think they were well positioned to listen, to hear and to respond to them. I know there have been other subsequent efforts at RMC to ensure the cadets have a better understanding on some of these issues.

[*Translation*]

Ms. Andréanne Larouche: My next question is for Mr. English.

You talked about your objective for 2026 in your presentation. How can it be ensured that this objective is worked on and improved? I would like to hear you expand on recruitment and retention issues.

● (1225)

[*English*]

Dr. Allan English: I based most of my comments on that on the 2016 Auditor General's report on recruiting and retention. That's the one to look at, I think, because it goes into great detail on all of the things that are broken with the Canadian Forces' recruiting and retention system.

It also says we've been reporting on these same problems since 2002, and they haven't been changed. This is why I think external oversight is critical. The forces keeps promising to change, but without any external oversight the changes aren't made, and the Auditor General just makes recommendations. He recommends, but nothing gets done. Right now with the latest figures I have, in 2020, according to the target that was set in 2016, the Canadian Forces should have been up to 19% women. It's at 15.8%—say, 16% now. They're 3% behind, and with a broken system and no plan and no strategy, the Auditor General doesn't think they're going to get there.

[*Translation*]

Ms. Andréanne Larouche: That still creates a lot of gender inequality issues.

[*English*]

The Chair: Now we're going to Ms. Mathyssen for six minutes.

Ms. Lindsay Mathyssen: Thank you so much.

In the testimony that we just heard in the previous session, I'm a bit concerned because the brigadier-general from the provost's office consistently said that he was entirely independent, that his office operated independently from the command structure, and there seemed to be no sense of a need to change that.

However, repeatedly, from Madame Deschamps, from all of the studies that we've seen from the Auditor General, from you both here today, we've consistently heard that independence is key. Can you comment on the disconnect between what we just heard and what we've heard during this entire study—and what we heard from you today—in terms of that independence of the one group within the CAF that could actually lay charges, that can do those criminal investigations on sexual misconduct?

Dr. Alan Okros: Madam Chair, if I may, I'll start and then let my colleague join in.

Based on the testimony that was given by the previous witness, I think we need to recognize that these things don't happen in isolation. When incidents occur, there are commonly other witnesses. There are people that friends talk to. When an individual makes the decision to formally lodge a complaint, it can commonly be with the chain of command. There's knowledge and awareness of an incident prior to it going to CFNIS and a formal investigation.

We also recognize that once investigations get started, despite the caution that investigators may give to individuals, they may be talking to others as a result of an interview. One of the problems in all of this is the rumour mill. These things can never remain completely isolated.

I wouldn't suggest that the issue is the internal processes. I know a lot of work is being done by the military police to ensure they conduct very professional investigations, but I think we need to recognize that they don't happen in a vacuum. I think the broader context of colleagues and superiors who may have some knowledge, who are prepared to talk about things.... I would say, quite honestly, we've seen over the last three months that there's been significant speculation in the public domain about senior officers, despite the fact that an investigation has yet to be completed.

We need to put it in a broader social context, and we go back to culture. Part of the culture needs to be a respect for confidentiality. There need to be people who recognize that it's inappropriate to say anything. When I hear a juicy rumour, I'm not going to pass it on to my friends and post it on Facebook. It's that kind of respect for colleagues that needs to be built into the culture so that we can minimize the harm that is created when people speak up and speak out.

Thank you.

● (1230)

Dr. Allan English: We have to remember that everyone in the military culture is influenced by this informal culture, including the military police officers, military judges, prosectors, everyone. There's so much discretion in the system, in the rules and regulations, commanding officers' discretion, investigators' discretion, supervisors' discretion. If their discretion is influenced by their own lack of belief in the problem, then they're going to exercise that discretion in ways that may be harmful to the complainant.

Ms. Lindsay Mathyssen: Ultimately, they are within the command structure entirely. Even though they say they are entirely outside of the command structure, they cannot be separated. That's what you're....

Dr. Allan English: They may be outside of the command structure, but they're not outside of the culture. They live and breathe in that culture, and they get ahead or don't get ahead in that culture. That is more influential than any formal wiring diagrams or chains of command.

Ms. Lindsay Mathyssen: One of the things that we heard from Ms. Stéphanie Raymond was the belief and the understanding that those who rise up through the ranks become very popular. They are protected. They are given a great deal of.... We talked about power today, but that power just continues to grow. That's seen from the bottom right through to the very top. As CDS, someone has, one would expect, the most power, the most popularity, and those around him—or, hopefully one day, her—are protected entirely.

You said that there are the formal and the informal cultural influences. Leaders are supposed to speak to at least the formal, but when they don't take that responsibility, what occurs? I'd like to expand that, actually, to political leaders not taking responsibility for some of these actions.

Could you comment on that, both of you?

Dr. Allan English: I can start with the formal and informal. I'm not an expert on political leaders, so you might want to talk to political scientists about that. I'm just going to speak about the military.

In the military, there's also formal and informal leadership, and a lot of the attributes that popular leaders exhibit are ones that conform to the culture, so if you have a toxic, misogynist culture, people who behave that way get ahead and are admired.

Until the culture is changed, unfortunately, with those same kinds of influences, people look up to these leaders. We've had lots of examples where the survivors are intimidated. For the right or wrong reasons, people admire the leaders and they follow them. Until the culture is changed, not much else is going to change, I don't think.

The Chair: All right. We'll go to our second round of questions, beginning with Ms. Sahota for five minutes.

Ms. Jag Sahota: Thank you, Madam Chair.

Thank you to the witnesses as well.

You talked about changing the culture. My question is in line with that. We have heard through the media and testimony at this committee and the national defence committee that unresolved sexual misconduct and abuse of authority allegations remain against serving generals and admirals. You cited the overwhelming power of the hierarchy.

In your opinion, Dr. English, would future CAF culture change attempts be at risk if current senior leaders are not held accountable for past offences?

Dr. Allan English: That's a tricky one. I think I'll speak more to culture change. I think certainly one of the key ways to deal with culture change is to change the demographic. That's the idea of bringing the number of women up to 25% and to change leadership.

It's a long process, and the armed forces are very good at short, sharp activities and not very good at long-term activities like culture change. That's why I think you need an external body to hold these leaders to account. If they say one thing and do something else, the external body should be right there saying, “Oops, you didn't do that,” and be able to tell them—not just be able to report it and have them say, “Sorry. We didn't really mean that. We'll try again.”

That gets us back to, if you have effective, independent external oversight with authority to actually compel change, then you might get somewhere.

● (1235)

Ms. Jag Sahota: Dr. English, you mentioned in previous testimony—and I'm picking up where my colleague MP Wong left off—that leadership “buy-in” is essential to Operation Honour succeeding. You also mentioned that “lack of acceptance” permeated throughout leadership in the CAF. Given the testimony of other witnesses, both at national defence committee and here—specifically the ombudsman—it would appear that a lack of leadership “buy-in” and acceptance is not limited to just the CAF. The Minister of National Defence has staunchly refused to accept any responsibility relating to the endemic culture of sexual harassment in the CAF and has gone so far as to deflect blame onto bureaucrats, which is in stark contradiction to other testimony.

Dr. English, how important was it for the Minister of National Defence to buy in to the recommendations made by Justice Deschamps and be part of “guiding strategy” as it relates to Operation Honour? What issues arise when the minister refuses to accept responsibility for failures under his watch?

Dr. Allan English: I'm going to speak as a historian. We deal with the past. I'm not very good at the present, so you might want to ask my students in 20 years when all the documents are available.

One of the methodologies of historians is to deal with the complete record. Unfortunately, what we often have right now are incomplete accounts of what's happening. Let me just go back to the one time when there really was effective change in the Canadian forces with external oversight. That was after the Somalia affair.

The minister took direct involvement in making change, and he got a lot of resistance from the senior leaders of the armed forces. He brought in a minister's monitoring committee, some of whom had been members of the Somalia commission, and they advised him directly and he directed change. From a historical example, whether it's the minister or some other external body—and maybe that's why it should be entirely external from DND—someone with an interest in making change, historically, has been the kind of person who's made the change.

Ms. Jag Sahota: What we've seen so far from the top, including the minister, are platitudes and policies that don't attack the root cause of sexual misconduct. Of course, the minister's in charge of the management of the entire Canadian forces.

Dr. English, could you comment on what should be done at the most senior management level?

Dr. Allan English: Again, I'm a historian, and as a historian we just don't have enough information on that. Again, you might want to talk to a political scientist. For me that's current affairs, and I don't do current affairs. I'm sorry.

The Chair: Now we'll go to Ms. Vandenbeld for five minutes.

Ms. Anita Vandenbeld: Thank you very much, Madam Chair.

I want to start by echoing the role of historians. I did my doctoral studies with Dr. Bercuson and Dr. Granatstein back in the day, so I'm a historian myself.

My first question is for Professor English.

You've talked a lot about the chain of command and about power disparities. We have heard testimony in this committee that it is really hard, that it is incredibly complex, when you are reporting a sexual assault and the perpetrator, the aggressor, is a superior. I wonder if you could give some of your recommendations that would allow for a better environment for people to be able to come forward.

Dr. Allan English: That's one that I'm not expert on, but let me just say that this is not a problem unique to the armed forces. There have been many examples in the news of other organizations where people are bullied, harassed and prevented from coming forward.

I think the key in this is to have a body that's completely external to the organization to make a complaint to. If you can do that and if that body can actually influence what's going on in the organization, then I think you have a way of making change. That's about all I'll say on that.

Ms. Anita Vandenbeld: I'll put that same question to Professor Okros.

● (1240)

Dr. Alan Okros: Thank you. I would offer two comments.

One of the things that I think is important to do is a bit of a differentiation between formal investigations of sexual misconduct—and I think there have been some clear recommendations suggesting there needs to be greater independence in those processes—and the other part we've talked about, which is the culture piece.

Putting in place mechanisms to allow members of the military, and particularly junior members, to flag that “there's something wrong here”, whether it's toxic leadership, a poisoned workplace or an unhealthy work environment.... Giving people an opportunity to flag that “there's something that isn't right here” and to say “come in and take a look at it” gets at the root causes and actually can get us to the stage where we can prevent the harm in the first place. Then there are other things that can be done and that I think can increase the confidence of victims to come forward and report.

Ms. Anita Vandenbeld: Thank you, Professor Okros.

How important is it to have an independent body of trauma-informed counsellors who can advise the victims, the survivors, through the reporting process?

Dr. Alan Okros: I think those individuals are critical and, as I think was mentioned in the previous testimony, I would suggest that it's not only supporting the victims. This is the part that I think is critical of the education program that is required across the military. Again, my comment was on people who have become ethically numb and morally mute. They're not aware of the consequences of trauma. They don't understand where people are living and what they're dealing with.

I think there needs to be a significant education program down through the chain of command to sensitize people so that they understand the harm and the damage. That's why I referred to it as a “moral injury”. That, I think, is an important part of the education that really needs to be conducted.

Ms. Anita Vandenbeld: I was very interested in what you said in your remarks about what is a good soldier, a good sailor or a good aviator. What makes a good leader or a good commander? What are the characteristics and traits? That goes to how we define things like strength and bravery.

We hear too often things like, “Well, you know, he's womanizer, but he's a good soldier.” You cannot be both of those things. How do you make a culture where the characteristics that define the good soldier cannot include, are exclusive of, things like the kinds of behaviours we're talking about?

Dr. Alan Okros: If I can start with that one, I would point out—and both Dr. English and I are quite familiar with the volume on “Duty with Honour”—that there was a conscious reason why the word “honour” was connected in there. The concept there is that it's not sufficient to get the job done, that it's not sufficient to do your duty. You must do it in a way that earns honour. I think that in some parts of the CAF, unfortunately, that message has been disconnected.

I think the emphasis, the recognition.... The CAF serves Canadians and, at the end of the day, it's Canadians who have to be looking at their military with pride. I think that one of things this committee and Parliament as a whole can do is help to express the will of Canadians in terms of what they are expecting from their military, and I believe Canadians expect their military to earn honour. That is one of the key messages I would want to communicate.

[*Translation*]

The Chair: Ms. Larouche, you now have the floor for two and a half minutes.

Ms. Andréanne Larouche: Once again, I want to thank the two witnesses for appearing. It's very interesting to hear the point of view of historians on the issue of assault within the Canadian Armed Forces.

Mr. Okros, you talked about militarized masculinity. Can you elaborate on that phenomenon? What is your opinion of militarized masculinity?

[*English*]

Dr. Alan Okros: As we know, masculinities and patriarchy are ways in which many societies operate, and they create systems and structures that privilege men and cause challenges and problems for, and discrimination against, women.

As to the reference to militarized masculinities, this is practised in very significant ways within a military context. Again, it goes to the things we've been talking about: the construction of the prototype ideal soldier, the way in which leadership and command are exercised and the way in which power and privilege are accrued and practised. These things are different and unique in a military context. What the extensive literature in this domain tells us is that we need to challenge them. We need to have fundamental changes, and that starts with making sure those who have been accruing these privileges earn self-insight and self-understanding about who they have become and how that has influenced them and the way they see the world.

My last quick comment is that the military is one of the least self-reflective professions of all. In many other professions—medicine, certainly organized religion and others—practitioners are constantly encouraged to reflect on how their professional practice influences how they see the world. That would be a helpful thing for the military to engage in, in a fairly systematic way.

● (1245)

[*Translation*]

Ms. Andréanne Larouche: Mr. Okros, in your opening remarks, you talked about equal opportunity and 12 factors that increase the risk of workplace harassment. How do those 12 factors reduce equal opportunities to the detriment of women within the Canadian Armed Forces? Why is it more difficult for a woman to feel protected?

[*English*]

The Chair: We will now go to Ms. Mathyssen for two and a half minutes.

Ms. Lindsay Mathyssen: Thank you, Madam Chair.

Professor Okros, I didn't have a chance to hear from you on my previous question about the different forms of leadership—the formal versus the informal—and what we need to see. You have done an incredibly wonderful job of outlining the different privileges and the powers. I think it's a bit ironic that an institution of privilege and power like Parliament is trying to investigate on the military, so that it can get better at its responsibilities. Could you talk about the leadership that's required from bottom to top?

I mentioned, as did my colleague Ms. Sahota, the requirement of political leadership as well.

Dr. Alan Okros: I will speak to two parts.

When I was in uniform, I was responsible for the team that developed the current leadership doctrine, so I know it quite well. It was developed in 2003-04. At the time, we did seek to inform it using gender perspectives and gender understanding, but I will say it's incomplete.

If we look at the leadership literature these days, work has been done on authentic leadership, inclusive leadership, character-based leadership and understanding the gendered nature of differences in leadership, both in how leadership is enacted and in how diverse people respond to leadership. A lot of work can be done in those domains, and quite honestly, I think this applies to those who occupy senior offices and hold the privilege of serving in public offices. There should be updates and changes. We have traditions that continue to get repeated.

The last quick comment I'll make is that most of us learn how to exercise leadership by watching people do it as we are developing in our careers. When the only role models you can see are men performing highly masculine forms of leadership, it's no surprise that both men and women growing up in that system replicate those models of leadership.

I think the Canadian Armed Forces is working very diligently to develop and promote not only women leaders but those who lead in different ways. I think that's an important thing that needs more attention and more work.

The Chair: That's excellent.

Now we'll go to Ms. Shin for five minutes.

Ms. Nelly Shin (Port Moody—Coquitlam, CPC): Thank you, Madam Chair.

Thank you to both witnesses for joining us today. As a former English teacher, I really appreciate the way you're approaching this issue.

Throughout the questioning in my committee, and also observing what's been happening with the defence committee.... As you know or you may not know, the Liberals have shut down further discussion in the defence committee, and that is concerning to me.

What I want to address with you both today is that we're having these conversations because there's obviously a cultural problem that is retraumatizing women and others who are vulnerable in these kinds of settings. There has been no shift, and I'm glad you're talking about cultural shift and how that really happens on the unofficial culture side.

When I was speaking to the Minister of National Defence in a previous meeting, I kept coming back to how there can be a cultural shift if there's a lack of honesty and owning up to responsibility. I think there's an opportunity here as we're having these very important discussions. It's like when a person has cancer and they go through surgery and that cancer is removed, that tumour is removed, and they're sewn back up. That cancer is removed so they have a better chance of survival.

When these things are being aired out and exposed, there's no point in having these discussions if that tumour won't be removed and this thing gets sewn back up. That cycle won't be broken, so I think there are many opportunities here for the parties who are responsible for this to own up.

I know that, as historians, you study history so that we don't repeat history. That's part of the value of studying history, I think, so that the culture today doesn't repeat that.

Can you speak about what it might look like for the leadership of this country, whether it's the defence minister or the Prime Minister, on how could they be more responsible in this process to humble themselves to break this cycle and bring that cultural shift right from the top?

That's for both of you. Thank you.

● (1250)

Dr. Allan English: I was going to defer to the behavioural scientist because, as a historian, it sounds like current affairs to me.

The metaphor I would use is, if you have a malaria outbreak, it's fine to treat the victims of malaria, but until you drain the swamp and clear away the mosquitoes, you're going to keep having to deal with the problem. I think this is the problem that's happened with Operation Honour and its predecessors. They haven't gotten rid of the cause of the bad behaviour and, until that's done, not much is going to change.

Thanks.

Dr. Alan Okros: The only comment that I think I would make about that is that I've heard a couple of witnesses here and in other committees making assertions or allegations of assuming blame in the middle of something that has yet to be finalized and decided on. I would suggest that it's important for people to be aware of the importance of making sure that, for example, in the present time, investigations are completed.

Realistically, as others have said—and It's Just 700 said, I think, with the communication that they sent out—that what members of the Canadian Armed Forces are looking for is for Parliament to provide some advice and some direction on what Canadians are expecting from their Canadian Armed Forces. I think we're all looking forward to the results in the reports that will be submitted by both committees, because the military can benefit from informed guidance, and hopefully the committee can produce that.

Ms. Nelly Shin: Thank you.

Do I have time for another question?

The Chair: You have 30 seconds.

Ms. Nelly Shin: Very quickly, what would educating those who are engaging in that sort of toxic masculinity culture...? How could they be taught to understand the trauma that a woman goes through so they don't repeat these kinds of offences?

Dr. Alan Okros: Very briefly again, there was a reference previously. General Eyre has referred to the listening phase, and I'll disagree with my colleague slightly. It started last summer as the Black Lives Matter movement went forward. I think senior leaders have recognized that they have not been hearing diverse voices and that they've not been hearing the experiences of many members across the military.

I know they are seeking now to reach out and listen to them, including the defence women's advisory organization and others, and I think more work needs to be done to ensure that there's a constant mechanism for voices, so that senior leaders can hear particularly from those who don't have power in the institution. That would be a critical thing to ensure, so that going forward they don't get disconnected from what some people are experiencing.

The Chair: Ms. Vandenbeld, go ahead for the last five minutes.

● (1255)

Ms. Anita Vandenbeld: Thank you very much.

Dr. Okros, I'm very glad you talked about the kinds of conversations that are happening right now—the consultations, the advisory groups and the consultations with survivors and those impacted at the highest levels. I know that, from the beginning, Operation Honour was just a starting point. It's a constantly evolving series of things, including recently “The Path to Dignity and Respect”, on culture change.

We heard earlier today about Bill C-77, which implements a victim's declaration of rights. We also heard about a review of all of the unfounded sexual misconduct cases that have gone forward and a number of different things, not the least of which, of course, is the advisory panel that the minister has just put together to look at racism, discrimination, sexism and any other form of discrimination and bias.

Dr. Okros, how important is it that this is a constantly evolving way of finding solutions? I know we've heard that the minister is completely open to finding other solutions and other processes, and in fact to the recommendations from this committee, from the more than 30 witnesses and 25 hours we had in the study, and the defence committee. How important is it that this is a constantly evolving process?

Dr. Alan Okros: I have two comments.

First of all, I definitely agree that it is important, and I definitely agree on the evolving. One of the challenges of Operation Honour was that there was an end state. There is no end state to the way in which Canadian society has continued to evolve and, therefore, to how the Canadian Armed Forces has to continually evolve. I think these will be valuable and required processes going forward.

The other comment I would make is that, while there are efforts to reach out, again, we need to understand the consequences of military sexual trauma. We need to understand that there are still individuals who are not able or willing or in a position to come forward and speak. I think part of this needs to be reaching out to the organizations and to the colleagues they are willing to talk to, in order to have individuals bring their voices forward.

The last quick comment I will make is that we need to be very careful about people speaking for others. I cannot speak for members of the armed forces, and I definitely cannot speak for women. I think we have concerns when people choose to speak for other groups.

Ms. Anita Vandenbeld: There's a lot of focus right now on the really overt sexual violence, the prominent cases, but how much of this goes down to what you talked about in terms of the signals people give to one another about power and how they diminish using language? I've seen it here in politics as well, where people will refer to me in the media or in public by my first name rather than than by my title.

In what way do we need to address those kinds of signals, those subconscious ways of indicating or diminishing somebody's status, in order to be able to get to the point where we're preventing all of this kind of behaviour in the first place?

Dr. Alan Okros: Again, I would make two quick comments.

This is part of self-insight and self-understanding. I think the more we can do to facilitate people.... I will say that I'm the best representative on the screen. Old white men like me in particular need to really open up our eyes and start learning. We also need to look at customs and practices that reinforce these things. A simple example is visible in this committee. The speaking order and length of time for questions signal a power hierarchy. We need to be thinking about what message is sent. Who is the least important person on this screen right now? What are the ways in which we can level or address those or make sure that those who perceive they're the least important are still empowered to speak up and speak out?

It's complex. All organizations, all institutions, practice it. It requires open communications. The most critical thing I would go back to is that it needs those who have the weakest voice to be able to be heard the most.

Ms. Anita Vandenbeld: That is very profound.

Finally, how urgent is this?

Dr. Alan Okros: This is urgent. We have people who are still hurting. We have members internally within the military. It's been stated. They have lost trust. That needs to be rebuilt with urgency. Canadians need to have confidence in their military. They need to have confidence that when particularly young women, young men and people of diverse identities choose to serve Canada in uniform, they will be treated with respect and have good, full, meaningful careers. That needs to be something that is communicated effectively.

Thank you.

● (1300)

The Chair: That was well said.

I want to thank both of our witnesses for excellent testimony today, and I want to assure all the members of the committee that you are all very important and you will all get precisely the amount of time you deserve.

Is it the pleasure of the committee to adjourn?

Seeing that it is, this meeting is adjourned. I will see you on Thursday.