

# Sexual Misconduct and Cultural Change in the Canadian Armed Forces

---

## Moving Forward the Care and Support of Women Veterans

We would express our appreciation to Captain (RCN) (Ret'd) Andrea Siew, former President of the Canadian Military Intelligence Association (a member-organization of NCVA) and a former co-chair of the Ministerial Policy Advisory Group, for her outstanding contribution to this critically important position paper which represents a high priority concern of NCVA's Legislative Program.

### Introduction

In 2021, NCVA provided a position paper and a high-level overview of the 30-year history of sexual misconduct in the CAF, including a summary of the findings of the previous investigations into the issue, the resulting recommendations, and the government response to address this unacceptable and abhorrent behaviour.

This report provides an update to the progress being made to achieve enduring culture change and to prevent and eradicate harassment and sexual misconduct in the CAF. This update will highlight progress being made to implement the recommendations of the Honourable Louise Arbour's Independent

External and Comprehensive Review (IECR), as well as activities to ensure the DND/CAF achieve meaningful culture transformation to prevent and eradicate sexual misconduct and harassment in the CAF.

We will also highlight the recent parliamentary Standing Committee on Veterans Affairs (ACVA) study on the experience of women veterans, titled "Invisible No More. The Experiences of Canadian Women Veterans," and the gaps in the support and care provided by VAC for ill and injured women veterans. We will conclude with an assessment of the NCVA recommendations for change.

### Background

Since 2021, the CAF has been working to ensure meaningful and comprehensive cultural transformation in DND and CAF. This change started with the establishment of Chief Professional Conduct and Culture (CPCC)<sup>1</sup> and the appointment of (now) General Jennie Carignan to lead this transformation.

Key to transformation, in April 2021, and in response to allegations of significant sexual misconduct, the Government launched

---

1 <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/dm-cds-directives/cds-dm-initiating-directive-professional-conduct-culture.html>

an IECR of current policies, procedures, programs, practices and culture within the DND/CAF, and engaged former Supreme Court Justice Louise Arbour to undertake this review. The resulting comprehensive report, released on May 30, 2022,<sup>2</sup> detailed the causes of the continued presence of sexual harassment and misconduct in the CAF and provided 48 recommendations to prevent and/or eradicate sexual harassment and misconduct. Those areas ranged from the CAF's definitions of sexual misconduct and harassment to the Sexual Misconduct Response Centre (SMRC)'s mandate and activities, to issues around recruitment, military training and colleges, and included internal and external oversight mechanisms. The report's recommendations were thorough and, if fully implemented, would ensure long-lasting and enduring change to prevent and eradicate harassment and sexual misconduct.

On October 24, 2022, the Government appointed Madame Jocelyne Therrien as the External Monitor to oversee the DND/CAF efforts to address sexual misconduct and harassment in the CAF and monitor the implementation of the 48 recommendations of the IECR.

On May 2, 2023, Jocelyne Therrien provided her first progress report.<sup>3</sup> The report concluded that, while progress was being

made, she stated there needs to be an overall strategic plan to ensure that resources are aligned to priorities.

The second progress report was released on November 20, 2023. The report confirmed continued progress of the implementation of all 48 IECR recommendations.

### 2024 Progress

Over the last year there has been significant progress that responds to the NCVA concerns to achieve enduring culture change and to prevent and eradicate harassment and sexual misconduct in the CAF.

### IECR Update

The third status report by Jocelyne Therrien was released on May 8, 2024. The following highlights the progress made in 2024 to implement the recommendations in the IECR.<sup>4</sup>

- (i) The independent review of the Royal Military Colleges, recommendation 29 of the IECR, was announced on December 6, 2023. The review committee includes five independent/external expert members and two internal executives, and it will have 12 months to complete the review.<sup>5</sup>

---

2 <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/report-of-the-independent-external-comprehensive-review.html>

3 The May 2023 progress report is available here: <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/external-monitor-report-first-status-report-may2-2023.html#toc1>.

4 The third status report by the independent monitor, Jocelyn Therrien, was released on 8 May 2024. The status report confirms that progress is being made on all 48 of the Arbour recommendations. <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/external-monitor-report-third-status-report.html>

5 <https://www.canada.ca/en/department-national-defence/news/2023/12/minister-blair-announces-establishment-of-canadian-military-colleges-review-board.html>

- (ii) On March 21, 2024, the minister of national defence announced amendments to the National Defence Act – Bill C-66 (the Military Justice System Modernization Act). The amendments proposed a suite of targeted changes to modernize the military justice system by addressing key recommendations made in the independent and external reviews conducted by former Supreme Court Justices Louise Arbour and Morris J. Fish. The most significant of these changes is the amendment to address Recommendation 5 from the IECR to definitively remove the CAF’s jurisdiction to investigate and prosecute Criminal Code sexual offences committed in Canada. The proposed legislation provides exclusive jurisdiction to civilian authorities to investigate and prosecute such offences committed in Canada. It is important to note that this amendment is only for the investigation and prosecution of offences committed in Canada. This is a significant gap and the way forward for offences committed outside of Canada is unclear. The proposed legislative amendment is still under review by Parliament.

Under this amendment, victims no longer have a choice in how their case will be investigated or prosecuted. Also, there is an issue in the length



of time it takes for investigation and prosecution in an already overcrowded civilian justice system. There have already been cases that were moved from the military justice system to the civilian system and then discontinued because of the delay between charge and trial.

While this is a positive step forward in modernizing and enhancing the military justice system, there is more work to be done, especially in the area of resolving how the investigation and prosecution of sexual offences committed outside of Canada will be conducted as well as ensuring that the needs of victims of military sexual trauma come first.

- (iii) On May 8, 2024, Madame Jocelyne Therrien released her third status report of the progress made by the DND/CAF in implementing the IECR recommendations. In this latest report, she provides an update on the implementation of recommendations based on her regular discussions

with Minister Bill Blair and DND/CAF officials – as well as review of documents, policies and processes. She notes there is a strong desire to bring about the change that will re-establish trust in the CAF as a professional, inclusive workplace – but she also notes there is still a lot of work to accomplish – and that the institution needs to move faster on implementation. The status report highlights several advancements, including:

- (a) Introduction of legislation to modernize the military justice system (Bill C-66);<sup>6</sup>
  - (b) Transformation of the complaints system, including grievances;
  - (c) Appointment of the Canadian Military College Review Board;
  - (d) Improvements to the enrolment and recruitment process; and
  - (e) The creation of additional Captain (Navy)/Colonel positions in specified support and specialist occupations, which will provide more pathways to the General Officer and Flag Officer ranks for women.
- (iv) On June 27, 2024, the minister of national defence provided an update on the implementation of recommendations to advance meaningful culture change in the DND/CAF including:

- (a) In response to Recommendations 1 and 2 in the IECR, the CAF is issuing interim policy guidance to abolish the definition of “sexual misconduct” from its policies and to include sexual assault as a standalone definition, referring to the Criminal Code as the applicable law. In response to these recommendations, the term “sexual misconduct” will be replaced with three new terms:
  - i. Conduct deficiencies of a sexual nature;
  - ii. Harassment of a sexual nature; and
  - iii. Crimes of a sexual nature.
- (b) “Sexual assault” will also be included as a distinct definition in relevant policies. These changes will provide better coherence and clarity, reduce confusion and better capture the range of inappropriate conduct.
- (c) In response to Recommendation 11 of the IECR, the repeal of the Duty to Report regulations will come into effect on June 30, 2024. Last summer, the DND/CAF launched the process of repealing the Duty to Report regulations, after the IECR found that it had created unintended negative

---

6 <https://www.parl.ca/legisinfo/en/bill/44-1/c-66>

consequences for survivors by taking away their agency and control in the reporting process. The IECR stated, “the duty to report had not achieved its intended purpose and, worse, served only to terrorize and re-victimize those it was meant to protect.” Repealing the Duty to Report requirement will not limit a CAF member’s ability to report their own experiences of misconduct, nor will it prevent appropriate reporting. This change simply removes the general legal obligation of CAF members to report misconduct, thereby providing space for a more survivor-centric, responsive and evidence-informed approach. Removing the obligation to report will create a safe space for members to exercise discretion and choose their best path forward.

- (d) The DND/CAF also released the Comprehensive Implementation Plan (CIP)<sup>7</sup> five-year roadmap that indicates how the institution will address recommendations from four key external review reports. The release of the CIP comes after

the External Monitor, Jocelyne Therrien, recommended in 2023 the creation of an “overall strategic plan” setting out how the organization would move from one phase of the culture change effort to the next. This plan will help the DND/CAF to ensure a deliberate, co-ordinated and effective approach to addressing 206 recommendations from four key reports, including:

- i. The IECR, led by the Honourable Louise Arbour (May 2022);<sup>8</sup>
- ii. The Third Independent Review of the National Defence Act, led by the Honourable Morris J. Fish (April 2021);
- iii. The Final Report of the Minister of National Defence Advisory Panel on Systemic Racism and Discrimination (January 2022);<sup>9</sup> and
- iv. The No. 2 Construction Battalion National Apology Advisory Committee Report (May 2022).<sup>10</sup>

---

7 <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/conduct-culture/comprehensive-implementation-plan-2023-2028.html>

8 <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/acts-regulations/third-independent-reviews-nda.html>

9 <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/mnd-advisory-panel-systemic-racism-discrimination-final-report-jan-2022.html>

10 <https://www.canada.ca/en/army/services/events/2-construction-battalion/apology-advisory.html>

This June 2024 summary confirmed that the DND/CAF has addressed 65 of the recommendations in the CIP, including 19 recommendations from Madame Arbour’s IECR. The statement projected that all recommendations from the IECR will be addressed by the end of 2025.

### ACVA Study

In June 2024, the Parliamentary Standing Committee on Veterans Affairs (ACVA) tabled their study on the experience of women veterans, titled “Invisible No More. The Experiences of Canadian Women Veterans,” in the House of Commons.

This landmark report, the largest study ever carried out by the committee, records for the first time the lived experiences of over 60 women veterans with service from today to over the past 40 years. Their testimony documents the horrific sexual abuse women CAF and RCMP members and veterans endured, the abuse of authority and the discrimination they suffered. Their testimony overwhelmingly highlighted how women veterans have encountered barriers and challenges to have their service-related injuries recognized by VAC for access to care, support and benefits. The lack of acknowledgment of the physical and mental injuries resulting from their service left many women feeling invisible and that they are not a veteran.



The 42 recommendations in the report provide a starting point for the CAF, RCMP and VAC to finally be held accountable for the experiences and lifelong injuries that women veterans have endured. Now the Government must implement these recommendations and begin the process to ensure that all women who have served, are serving and who will serve Canada receive the care and support to meet their unique health needs as a result of injuries from their service.

This report is long overdue and must not, like the many other reports of this committee, sit on a shelf collecting dust. It is too important. Women who serve need to know that they matter, that abuse will not be tolerated, that they will receive care and support if injured, and that the process to receive that care and support shows compassion and respect.

The number of women veterans has increased since 1988 as a result of the Canadian Human Rights Tribunal decision to begin the full integration of women into all roles (except

submarines). Today, there are almost 100,000 women veterans, the largest growing group of veterans in Canada.<sup>11</sup> However, the ACVA report provides evidence to confirm that Canadian women veterans' service-related needs and care is inequitable in health and well-being outcomes to that experienced by other veterans and that they face unique issues and barriers when accessing VAC programs and services. Research shows that women veterans face different mental and physical health issues than men veterans, such as higher rates of mental health issues, chronic pain and gastrointestinal disorders.

Additionally, women veterans have unique health and wellness needs related to their sex and lifecycle, and they experience sex-specific service-related issues including ovarian failure/infertility, urinary incontinence, breast cancer, uterine prolapse, pregnancy complications and postpartum depression. Yet, VAC remains slow to mainstream and incorporate female sex-specific care and supports to ensure that women veterans have access to the care and support they need, and when they need it. The ACVA Report and its 42 recommendations will go a long way to ensure that VAC addresses these gaps in the care and support provided to women veterans. It is time for action. VAC and CAF are obligated to respond back to ACVA on the recommendations in 90 days, which will be around October 10, 2024. The NCVA will be closely monitoring the response.

## Summary

The NCVA remains deeply concerned by the over 30 years of allegations of sexual misconduct in the CAF. The impact in terms of trusting leadership, morale and operational effectiveness is severe. While there has been significant progress, lasting change requires a commitment at all levels and there is still more to be done. NCVA has been monitoring the progress of the cultural change initiatives and participates as part of ongoing stakeholder engagement. We can confidently say we have seen significant progress.

The ACVA report underscores that women veterans' service-related needs or care is inequitable in health and well-being outcomes to that experienced by other veterans, and they face unique issues or barriers when accessing VAC programs and services. It is time that VAC be held accountable to ensure the availability and accessibility to programs and services that meet the unique needs of women veterans.

---

11 <https://www.statcan.gc.ca/o1/en/plus/4932-canadas-veterans-numbers#>

## Recommendations

Significant progress continues to be made to ensure transformational cultural change while at the same time responding to the NCVA recommendations made since 2021 to ensure immediate and enduring change in the CAF. Of the nine recommendations made since 2021, eight have been implemented and one is deemed not implemented. In 2024, the NCVA makes one new recommendation.

The NCVA recommendations and their status include:

The NCVA 2021 Legislative Program made five recommendations to effect immediate and enduring change, and all but one have been implemented.

- (i) There must be immediate meaningful and comprehensive cultural transformation in DND and CAF to restore the trust in the leadership. The men and women who serve our country deserve to work in an environment that is free from all forms of harmful behaviour. (Implemented)
- (ii) There is a requirement for an external and independent reporting and investigation system outside the chain of command. This system must offer a reporting mechanism for incidents of sexual misconduct without reprisal, fear or isolation. (Implemented)
- (iii) There must be accountability for the actions of those who engage in this abhorrent and unacceptable behaviour. (Implemented)
- (iv) There must be the resources and support for all victims of sexual assault including CAF members and veterans. (Implemented)
- (v) Lastly, to effect and ensure meaningful change and oversight, the Government must establish a fully independent Office of the Inspector General of the DND and the CAF reporting to Parliament. (Not Implemented)

The 2022 NCVA Legislative Program made two additional recommendations:

- (i) That the minister of national defence immediately appoint an independent External Monitor, mandated to oversee the implementation of recommendations as required by Recommendation 48 in the Independent External Comprehensive Review. (Implemented)



- (ii) That the minister of national defence not only inform Parliament of any recommendations that the Government does not intend to implement by the end of 2022 (Recommendation 47), but also provide the status, progress and timeline towards implementation of all the recommendations made by Madame Justice Arbour in the Independent External Comprehensive Review. (Implemented)

The 2023 NCVA Legislative Program made two additional recommendations:

- (i) That the minister of national defence extend the appointment of the External Monitor to oversee the DND/CAF efforts to address sexual misconduct and harassment and monitor the implementation of the IECR for at least three years. (Implemented)
- (ii) That the minister of national defence take the necessary action to launch immediately the external review of the two military colleges. (Implemented)

In 2024, NCVA reports that, of the nine recommendations made since 2021, only one remains not implemented:

- (i) To effect and ensure meaningful change and oversight, the Government must establish a fully independent Office of the Inspector General of the DND and the CAF reporting to Parliament.

The NCVA will continue to advocate for the implementation of this recommendation. Additionally, this year the NCVA recommends:

- (i) That the Government take immediate action to ensure the implementation of the 42 recommendations of the ACVA Report “Invisible No More. The Experiences of Canadian Women Veterans” and produce an implementation plan, including a detailed timeline and defined oversight.

The NCVA looks forward to the next report of the External Monitor of the IECR, which is due before the end of 2024, and the report of the review of the military colleges.