



## ADDRESSING SEXUAL MISCONDUCT IN THE CAF

Updated June 2022.

If you have watched the news lately, you will have seen coverage of sexual misconduct in the Canadian Armed Forces (CAF). Like all big organizations, the Canadian military has had its share of bad behaviour among its personnel and over the years there have been incidents of sexual misconduct. It has been stated on numerous occasions that this behaviour is unacceptable.

Abusive behaviour by personnel reduces the effectiveness of the military forces as a whole, and is contrary to the tradition of honour in the CAF. It is also contrary to the desire expressed in the 2017 defence policy *Strong, Secure, Engaged* to increase the number of women in the CAF. If women are to join the CAF, they must not be subjected to a workplace that harms or demeans them. Women must know that misconduct will be taken seriously and they must feel able to report incidents without a negative impact on their career progression.

The problem of sexual harassment in the CAF was recognized in the late 1980s. Attempts to address it were made but incidents continued to be reported. In the late 1990s, the CAF implemented more intense training in an attempt to address the problem. The early training programs were a start, but sexual misconduct continued. In 2014, the CAF was back in the media. In the wake of media reports about sexual misconduct, then-Chief of the Defence Staff, General Tom Lawson, announced an external, independent review of the military. Former Supreme Court Justice Marie Deschamps was asked to investigate and make recommendations on an action plan. In 2015, Deschamps released her report and recommendations. Shortly after the report was released, the incoming Chief of the Defence Staff, General Jonathan Vance, initiated *Operation Honour*, with the goal to eliminate inappropriate sexual behaviour in the CAF. The report's 10 recommendations were later enshrined in *Strong, Secure, Engaged* (Initiative #18).

Both *Strong, Secure, Engaged* and *Operation Honour* emphasize that support for CAF personnel is essential to creating an effective military. As *Op Honour* stated “[a]ny attitudes or behaviours which undermine the camaraderie, cohesion and confidence of serving members threatens the CAF’s long-term success.”<sup>1</sup>

*Op Honour* took action in four areas – understanding, supporting, responding and preventing. The focus of the operation was to: improve support for CAF members who had been affected by sexual misconduct; modify harmful behaviours; and increase understanding and vigilance at all levels of leadership and training.<sup>2</sup> Addressing abusive behaviour is not a simple process. There are three main elements of change – institutions, processes and attitudes.

After the implementation of *Op Honour*, a number of institutions/agencies to support victims were set up within the CAF. In 2015, the Sexual Misconduct Response Centre was established to provide counselling and advice, and Victim Support Services (VSS) were expanded to assist CAF members who have been affected by harmful/inappropriate sexual behaviour.

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<sup>1</sup> *Operation Honour*, available at <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/operation-honour/about-operation-honour.html>.

<sup>2</sup> *Ibid.*

A variety of response teams have been formed: in 2016, the Sexual Offence Response Team was formed as part of the Canadian Forces Military Police; the Director of Military Prosecutions created the Sexual Misconduct Action Response Team (SMART); and there is the CAF Strategic Response Team on Sexual Misconduct. The Sexual Offence Response Team investigators are specially trained and dedicated to supporting the investigation of criminal sexual offences throughout the CAF and Department of National Defence.

A necessary element of the plan to address sexual misconduct is having data. Until recently, the CAF did not collect information on the scope of the problem and no standardized reporting or tracking system was in place. Since 2016 monthly tracking has enabled the organization to ascertain the rates and locations of incidents. The CAF sexual misconduct tracking protocol and the Operation Honour Tracking and Analysis System (OPHTAS) began operating in 2018. Better data, including regular Statistics Canada CAF-wide surveys, enable enhanced understanding of sexual misconduct, as do research initiatives that have been undertaken.

Processes have also been implemented to encourage victims to report unacceptable behaviour and to shepherd them through the complaint process. Victim Support Services, for example, provides advice/options for reporting, guides victims through the reporting, investigative and judicial proceedings, and provides a network for support. The Integrated Complaint and Conflict Management System (IC2M) was developed to address recommendations of the Deschamps report to simplify the harassment complaint and conflict resolution processes. It became operational in 2017. In 2018, the Integrated Conflict and Complaint Management (ICCM) service was implemented to help CAF members submit, track and resolve complaints.

These were all positive steps, but it was discouraging when the media reported in January 2021 that General Vance – the guardian of *Operation Honour* – was himself being investigated for allegations of sexual misconduct. His replacement Admiral Art McDonald stepped aside from his position only weeks after he was appointed after allegations of misconduct on his part.

In a hierarchical organization like the military, tying the lines of complaint and investigation to the chain of command is clearly problematic. Investigations are still undertaken within the CAF, culminating in the Minister of Defence, and not by an external body. This illustrates that a crucial element of the Deschamps report had not been implemented. The report's third recommendation was to "create an independent center for accountability for sexual assault and harassment outside of the CAF with the responsibility for receiving reports of inappropriate sexual conduct, as well as prevention, coordination and monitoring of training, victim support, monitoring of accountability, and research, and to act as a central authority for the collection of data."<sup>3</sup> This was not implemented. In March 2021, the acting Chief of the Defence Staff, Lieutenant-General Wayne Eyre, announced that *Op Honour* would end. In his words "Operation Honour has culminated, and thus we will close it out, harvest what has worked, learn from what hasn't, and develop a deliberate plan to go forward."<sup>4</sup>

In April 2021, the Minister of National Defence announced that an Independent External Comprehensive Review into harassment and sexual misconduct in DND/CAF had been initiated, led by another former Supreme Court Justice, Madame Louise Arbour. Madame Arbour was

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<sup>3</sup> Marie Deschamps, "External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces" (Deschamps Report), 27 March 2015, Recommendation #3.

<sup>4</sup> Lieutenant-General Wayne Eyre, quoted in Murray Brewster, "Campaign to end sexual harassment in Canadian Armed Forces shut down," CBC, 24 March 2021, available at <https://www.cbc.ca/news/politics/operation-honour-closed-down-1.5962978>.

asked to examine the handling of sexual misconduct by the military justice system, issues related to leadership, and the recruitment, training, performance evaluation, posting and promotion systems in the CAF. Arbour released her report in late May 2022. While noting that there are personnel who show genuine commitment to solving the problem, the report provides a devastating critique of the actions of the CAF leadership. Reflecting her exasperation, Arbour notes: “the CAF has been unwilling or unable to embrace the intent and vision that came from external sources, choosing the letter over the spirit, often the appearance of implementation over its substance, thereby entrenching their ways of operating.”<sup>5</sup> She also notes in her introductory remarks that, rather than addressing the larger questions,

[T]he focus has been on mapping steps, pathways and activities, and turning to periodic external reviewers (such as Justice Deschamps, Justice Morris Fish, the Auditor General of Canada (AG) and me), whose recommendations are then the subject of lists, charts, inventories and PowerPoint presentations. This formulaic, perfunctory method of operating is ill-suited to the present problem.<sup>6</sup>

According to the report, the flurry of activity introduced by the CAF leadership has not been effective. As Arbour states, “[t]he number of documents, rules, directives, policies and orders is numbing. Indeed, the spirit of the rule of law is eroded, rather than reinforced, by the existence of a multitude of rules but weak compliance with the fundamental ones.”<sup>7</sup>

The report made 48 recommendations, repeating, among other things, that sexual misconduct cases should be removed from the jurisdiction of the CAF – i.e., prosecuted by civilian courts (Recommendation #5) – and that officer training and education at military institutions should be reconsidered (Recommendation #29). Both Minister of National Defence Anita Anand and Prime Minister Trudeau said they agree with all 48 recommendations in principle. But they note that while 17 will be implemented right away, the remaining 31 will go under review in order to determine feasibility and way forward.

What the result of the latest report will be is not yet known. But hopefully the effective processes and agencies that have been developed – for example, enhanced victim services, trained investigative personnel and systematic data collection – will be retained, and the recommendation that cases be heard in civilian courts will (at last) be implemented.

## Conclusions

As can be seen, addressing sexual misconduct in the CAF remains a work in progress. It will require sustained effort over many years. As noted, a number of positive changes have been made, and hopefully they will continue to lead to improvements.

What we have not discussed here is the hardest element – changing attitudes. Institutions and processes can be created with the stroke of a pen but changing attitudes is a long-term

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<sup>5</sup> The Honourable Louise Arbour, “Introduction: Recommendations Ignored or Forgotten,” *Report of the Independent External Comprehensive Review*, 20 May 2022, available at <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/report-of-the-independent-external-comprehensive-review.html>.

<sup>6</sup> Arbour, “Introduction: A Flurry of Activity,” *Report of the Independent External Comprehensive Review*.

<sup>7</sup> *Ibid.*

endeavour. But it's a key element. As Lieutenant-General Eyre wrote in a letter to CAF members in 2021, "[w]e need all of our members to work in an environment characterized by a sense of mutual respect, dignity, safety and truly belonging."<sup>1</sup>

The CAF recognizes that changes must start at recruiting centres and permeate through all training institutions, from junior members to the most senior. Changes must include Bystander Intervention training to encourage CAF members to report incidents they have witnessed. The CAF also says that it recognizes that the change in behaviour and attitude cannot be implemented by the military alone but must be part of larger societal changes. Whether the CAF will adopt the recommendations that have been repeatedly offered is yet to be seen.

In the long term, the hope is to create a culture change. The CAF says that it wants to reinforce the principle of Duty with Honour and incorporate initiatives on diversity, inclusivity, health and wellness to ensure a culture of respect for all its members. Time will tell.

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<sup>1</sup> Lieutenant-General Wayne Eyre, quoted in Hannah Jackson, "CAF will 're-establish trust' after sexual misconduct allegations: Eyre," Global News, 24 March 2021, available at <https://globalnews.ca/news/7717573/caf-wayne-eyre-letter/>