



National Defence

Défense nationale

Deputy Minister

Sous-ministre

National Defence Headquarters
Ottawa, Ontario
K1A 0K2

Quartier général de la Défense nationale
Ottawa, (Ontario)
K1A 0K2

The Honourable Dean Allison
Chair, Standing Committee on Public Accounts
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Allison,

As agreed upon in the Government Response to the Sixty-First Report of the Standing Committee on Public Accounts entitled *Report 5, Inappropriate Sexual Behaviour – Canadian Armed Forces, of the fall 2018 Reports of the Auditor General of Canada*, National Defence submits its response to Recommendation 2. This submission delivers on our commitment to provide a response to the Committee by 30 April 2020.

Sincerely,



Jody Thomas

Enclosures: 1

Canada 

**Response to the Standing Committee on Public Accounts'
Report 5, Inappropriate Sexual Behaviour – Canadian Armed Forces, of the
fall 2018 Reports of the Auditor General of Canada**

Recommendation 2

That, by 30 April 2020, the Canadian Armed Forces present the House of Commons Standing Committee on Public Accounts with a report outlining A) the implementation of the new national approach to victim support to ensure that it fully addresses the needs of any member who is affected by inappropriate sexual behavior; and B) how it ensures that members have access to a consistent level of service and specialized support regardless of where they are serving.

Background

Victim support continues to be a top institutional priority at National Defence. National Defence is taking a comprehensive approach centered on a seamless continuum of care from the time an incident occurs until victims no longer need support.

In its Management Action Plan, National Defence committed to developing a national approach to victim support, comprised of: 1) a national victim support plan, and 2) a comprehensive case management service. National Defence stated that its expected final completion date for the new national approach would be 1 April 2020.

Current status of the National Victim Support Plan

While structural and strategic changes in the governance process have caused delays in the release of a complete National Defence plan (explained in detail below), these changes will lead to outcomes that more closely align with the Auditor General's recommendations.

For example, the Sexual Misconduct Response Centre assumed full responsibility for the strategy, now called "Support Strategy for Canadian Armed Forces Members Affected by Sexual Misconduct", from the Canadian Armed Forces in June 2019. The Sexual Misconduct Response Centre is now drawing on its own expertise in victim support to draft a comprehensive plan. National Defence made this change in direct response to the Auditor General's recommendation to review and clearly define the roles and responsibilities of the Sexual Misconduct Response Centre to improve efficiency and avoid the duplication of effort of other organizations.

Further, the CAF-DND Sexual Misconduct Class Action Settlement, approved by the Federal Court of Canada in November 2019, has had an important and positive impact on National Defence efforts to create a victim support strategy. This settlement created a consultation group comprised of class member representatives to provide advice to the Sexual Misconduct Response Centre on the victim support strategy and on other support-related policies and plans. The consultation group held its first formal meeting on 26 February 2020, and will continue to provide meaningful input into a new strategy.

National Defence is consulting a diverse group of stakeholders to inform and refine the strategy. These stakeholders include survivors, experts, deployed personnel, and National Defence's Advisory Groups representing women, the LGBTQ2S+ community, Indigenous peoples, visible minorities, and persons with disabilities.

The current COVID-19 crisis has significantly limited progress on the strategy and implementation plan, as well as the work of the class action consultation group. As a result, National Defence will require additional time to establish the plan, depending on the duration of the current crisis. Nonetheless, National Defence remains committed to implementing the Auditor General's recommendations and providing Canadian Armed Forces members with the highest level of victim support. National Defence will update the Committee on its progress and revised timelines by 31 December 2020.

Current status of the Comprehensive Case Management Service

The case management service, now named the Response and Support Coordination Program, will complement existing services offered by the Sexual Misconduct Response Centre and the Canadian Armed Forces, ensuring victim support and advocacy from the time the victim contacts the Sexual Misconduct Response Centre until the needs of victims have been fully supported and addressed.

In its Management Action Plan, National Defence stated that it would implement the program in stages throughout 2019 and 2020. Consistent with these timelines, following a successful pilot which began in January 2019, National Defence launched the program publicly in August 2019 and continues to roll out the service.

Canadian Armed Forces members who contact the Sexual Misconduct Response Centre and provide their consent are assigned a dedicated coordinator to offer on-going support and assistance. This support remains in place until the members no longer require services, withdraw their consent, or transition to civilian services. Services offered by the program include the provision of information and support, case coordination, advocacy, accompaniment, and assistance with workplace arrangements. The program is currently available to all Canadian Armed Forces personnel, regardless of where they are serving, including those deployed on operations.

In the coming months, National Defence will staff Sexual Misconduct Response Centre employees at regional centres across Canada, allowing greater access to in-person services. National Defence will ensure that staff possess the necessary education, training, and language skills to provide members the best support possible. The Sexual Misconduct Response Centre will continue to make every effort to improve the program and align its future strategy with the evolution of best practices in victim support.

Ongoing efforts to support victims

National Defence is ensuring that the future strategy and the case management service are complemented by a wide range of efforts focused on victim support. Through Operation HONOUR, National Defence continues to address the threat of sexual

misconduct and work towards institutional change. This work includes developing a culture change strategy, comprised of a campaign plan and a performance measurement framework, to directly address the Auditor General's recommendations and ensure victims are supported in a comprehensive and systematic way.

National Defence also continually improves directives, policies, procedures, and training to ensure that affected members are fully supported. For example, the Sexual Misconduct Incident Management Decision Tree guides Canadian Armed Forces leaders through the administration and disciplinary process, while providing extensive direction on how to best support and respect the wishes of victims. Efforts under Operation HONOUR are undertaken in close cooperation with, and based on the expert advice of, the Sexual Misconduct Response Centre.

Any Canadian Armed Forces member known to have medical limitations resulting from inappropriate sexual behavior is fully supported whether they choose to remain in the Forces, choose to release, or are unable to continue service. The Chief of the Defence Staff has assumed the sole authority to approve the release of members in these cases, in order to prevent premature or unwanted releases, and to ensure that victims are provided every opportunity to continue their service and are supported in their recovery. In the case that members choose to release, a coordinated, respectful, and seamless transition to civilian life and civilian support, when members are ready, is a priority.

Victim support is also a focus in the military justice system. For example, the Office of the Judge Advocate General supported the Minister of National Defence in the passage of Bill C-77, which introduces the Declaration of Victims' Rights into the Code of Service Discipline within the *National Defence Act*. Once fully in force, this change will strengthen support for victims of service offences by providing clear statutory rights to information, protection, participation, and restitution. The Sexual Misconduct Response Centre will work with victims who seek their support to ensure that they are aware of their rights under this legislation, including the right to a Victim Liaison Officer.

The Canadian Forces National Investigation Service, within the Canadian Forces Military Police Group, investigates all sexual offences. Members of its Sexual Offence Response Team receive specialized training to ensure professionalism and impartiality in investigating cases and compassion in working with victims. Each regional office of the National Investigation Service is also supported by a Victim Services Coordinator, who serves as the link between investigators, support services, and the victim, playing an important role in victim support.

The Office of the Judge Advocate General works with key organizations within National Defence to develop the policy instruments needed to support victims. For example, the Office of the Judge Advocate General provides advice to ensure that victims' views are considered in determining the appropriate means of addressing sexual misconduct, is leading the effort to implement the Declaration of Victims' Rights, and is aiding in the development of a new military justice performance monitoring system to provide insight into victims' perspectives of the military justice system.

Further, the Director of Military Prosecutions has also comprehensively reviewed all prosecution policies to better account for victims' perspectives during the prosecution process. These changes promote the flow of information between the Prosecutor and the victim, and ensure that the concerns of victims are solicited, considered, and addressed. Accordingly, it has further enhanced its specialized training on sexual misconduct prosecutions for each of its prosecutors.

National Defence will continue to work tirelessly to ensure a fulsome, victim-centered approach to addressing inappropriate sexual behavior, in line with the recommendations of the Auditor General. In May 2020, National Defence will update the Committee on its revised approach to reporting obligations when incidents of sexual misconduct occur.