

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 remains a top institutional priority at National Defence, as the Defence Team continues to make progress in addressing and preventing sexual misconduct. 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 by April 2020.

In April 2020, National Defence updated the Committee on its progress, noting that structural changes in the governance process, the CAF-DND Sexual Misconduct Class Action Settlement, and the COVID-19 pandemic had led to delays in the development of the national victim support plan, now called the “Support Strategy for Canadian Armed Forces Members Affected by Sexual Misconduct.” National Defence promised to update the Committee by 31 December 2020 on its progress and revised timelines for developing the strategy. National Defence is pleased to provide this update below.

Current status of the Support Strategy

In April 2020, National Defence reported to the Committee that the CAF-DND Sexual Misconduct Class Action Settlement had created a consultation group to provide advice to enhance the Defence Team’s resources and support programs for military victims of sexual misconduct, including the support strategy.

The consultation group consists of three Class Member Representatives, three DND/CAF representatives, and three external subject-matter experts. It held its first formal meeting in February 2020, and after an interruption due to the onset of the COVID-19 pandemic, resumed its work in June 2020. The group currently meets biweekly, receiving briefings from organizations within National Defence and Veterans Affairs Canada responsible for providing services to victims, and holding consultations with subject-matter experts in victim support.

The consultation group plans to deliver its final report on its victim support consultations to the Deputy Minister of National Defence and the Chief of the Defence Staff in August 2021. As part of this report, National Defence expects the consultation group to include

formal recommendations, and will consider how to best incorporate the recommendations into the victim support strategy and implementation plan. The consultation group's report, along with the Defence Team's response to any recommendations, will be made public in November 2021. National Defence will provide the Committee with another progress report by 31 December 2021 with a planned completion date for the support strategy and implementation plan.

In addition to providing briefings to the consultation group, and as it awaits the consultation group's final report and recommendations, National Defence continues to develop its support strategy and implementation plan to the extent possible. As noted in April 2020, National Defence is consulting a diverse group of stakeholders to inform and refine the strategy, including survivors, experts, deployed personnel, and its Advisory Groups which represent women, the LGBTQ2S+ community, Indigenous peoples, visible minorities, and persons with disabilities. These ongoing consultations will ensure that the support strategy and implementation plan directly addresses the needs of any member, regardless of where they are serving, in keeping with the Auditor General's recommendations.

Concurrently, National Defence is also working to ensure that its current efforts to support victims are aligned with evolving best practices in the field of victim support, and aligned with Women and Gender Equality Canada's federal strategy to address and prevent gender-based violence.

Current status of the Response and Support Coordination Program

As noted in April 2020, the case management service, now named the Response and Support Coordination Program, is complementing 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.

National Defence continues to roll out the service after launching it in August 2019. Although obtaining feedback from users poses challenges due to the sensitive nature of the service and issues of privacy, the feedback received to date has been positive and is informing continued efforts to improve service provided.

Looking forward, National Defence is still aiming to staff Sexual Misconduct Response Centre employees at regional centres in Canada in the new fiscal year, to allow 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 has continued to support victims through the COVID-19 pandemic and has made substantial progress on a range of efforts which will complement the future strategy and case management service.

In October 2020, National Defence launched *The Path to Honour and Dignity: The CAF Sexual Misconduct Response Strategy*. *The Path* is a comprehensive and long-term plan focusing on the institutional culture change required to prevent and address sexual misconduct. *The Path* directly addresses key recommendations made in the 2015 Deschamps Report on sexual misconduct and harassment in the Canadian Armed Forces, as well as the Auditor General's 2018 report on inappropriate sexual behavior. *The Path* maintains a victim-centered approach and contains a conceptual framework, strategic direction, and a campaign plan to support implementation. It also includes a performance measurement framework to monitor, measure, and report on National Defence's progress in preventing and addressing instances of sexual misconduct.

Further, on November 18, 2020, National Defence issued a new policy: DAOD 9005-1, Sexual Misconduct Response. The policy defines the roles and responsibilities of Canadian Armed Forces personnel and the chain of command in preventing sexual misconduct and fully supporting both victims and affected personnel. It clarifies reporting obligations while ensuring that the views of affected persons are considered and respected to the greatest extent possible. It also provides guidance on how members can seek care and support without submitting a formal report to the chain of command, and highlights options for seeking support after incidents have been reported, including through the Response and Support Coordination Program.

In addition, the Canadian Armed Forces is continuing its work to fully implement the Declaration of Victims' Rights into the Code of Service Discipline within the *National Defence Act*. The Canadian Armed Forces is currently consulting internal organizations and federal partners, including the Sexual Misconduct Response Centre and its External Advisory Council, the class action settlement consultation group, and the Department of Justice's Policy Centre for Victim Issues. To reach as many victims as possible, the Canadian Armed Forces is assessing advice from experts on how best to consult victims directly through an online survey. These efforts will ensure that the Canadian Armed Forces' regulatory framework is effective in supporting victims' rights.

Finally, National Defence has signed agreements to provide funding to six sexual assault centres near Canadian Armed Forces bases which will support victims and their families, including civilian employees. Funding will allow the centres to launch new initiatives and expand existing services. Programming will respond to the needs of a diverse population, including the LGBTQ2S+ community, Indigenous people, visible minorities, and persons with disabilities. National Defence is currently negotiating three additional agreements, and plans to launch a call for a tenth agreement in the new year.

National Defence will continue to work to ensure a fulsome, victim-centered approach to addressing sexual misconduct.