

## Editorial

# One More Time: Sexual Misconduct in the CAF

As a woman, I'm discouraged that we keep hearing about sexual misconduct in the Canadian Armed Forces (CAF). This behaviour has been acknowledged for years, indeed since women began joining the military in significant numbers. Training programs have been instituted, and studies and reports have been undertaken. And yet here we are. After reports in 2014 of wholesale problems, former Supreme Court Justice Marie Deschamps was asked to investigate and make recommendations on an action plan. She released her report in 2015. Shortly after this, the incoming Chief of the Defence Staff (CDS), General Jonathan Vance, initiated *Operation Honour*, with the goal of eliminating inappropriate sexual behaviour in the CAF. As well, the Deschamps recommendations were included in *Strong, Secure, Engaged: Canada's Defence Policy* in 2017. And, yet, once again, here we are.

Some positive changes have been made. The military now takes complaints more seriously, there are new processes, organizations and training. There are agencies for victim services and support, and military police have received training in how to investigate sexual misconduct. As well, new systems within the military were implemented to ensure allegations and complaints are investigated more rigorously. So the past few years have not been wasted. But

due to some highly publicized cases at the top levels of the CAF, *Op Honour* has come to an ignominious end (in the awkward phrasing of the acting CDS, the operation 'has culminated'). And sexual misconduct is still in the news.

This is a difficult subject with many elements and underlying currents. It is particularly difficult in the military because of the long traditions that personnel value deeply, the long history of being a male environment, the ethos of military comradeship, and the strong hierarchical command structure. But, it should be noted, there is also a long tradition of 'duty with honour' in the military, and there is nothing honourable about sexual misconduct.

There are areas of this topic that are black and white, and many areas that are grey. An area that is absolutely black and white is the issue of violence. There is far too much violence against women in society. No one should have to work in an environment that is degrading, toxic or violent. No one in a hierarchical organization should be allowed to take advantage of their rank and power to harm or abuse subordinates. The military should stress over and over again that no violence is acceptable. Any service member who uses physical violence against a woman (or a minority, or anyone else (outside of combat situations,



Credit: Cpl Stuart Evans, Borden Imaging Services

Members of NRU Asterix and HMCS Regina's Air Detachment conduct training with a CH-148 Cyclone helicopter during *Operation Projection* in the Pacific Ocean, 7 July 2019.



Major General, now Lieutenant General, Jennie Carignan is seen here in Baghdad during a ceremony at which she assumed command of the NATO Mission Iraq on 26 November 2019. Carignan will lead a new organization within the Canadian Armed Forces to oversee professional conduct and culture.

of course)) should know that they will be released forthwith. But to avoid uncertainty and confusion, there needs to be clear differentiation among types of behaviour – for example, differentiating between a violent sexual assault and making a joke or sexual comment – and severity of punishment which should range from criminal charges to administrative penalties.<sup>1</sup>

However, we should remember that in Canada we have a legal tradition of innocent until proven guilty. Complaints must be thoroughly investigated and should not be treated as a political piñata. Until allegations have been examined, and proven, we should stop the character assassination of people, some of whom have spent their lives in the service of their country.

This brings us to another black and white issue – the complaint process. As noted, under *Op Honour* new processes and agencies were formed. But all the complaint systems in the world will not help if a woman has to complain up the chain of command, particularly if the person up the chain of command is the person who is responsible for the misconduct in the first place. The Deschamps 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..."<sup>2</sup> This was not implemented. There has long been resistance in the military to this. But it must happen – complaints cannot be handled within the military. Neither the CAF nor the Department of National Defence (DND) should be relied upon to address this issue. An independent body, perhaps reporting directly to Parliament, should be given a regular oversight and monitoring role. In response to pressure, in March 2021 the government announced that an external independent body would be formed to investigate allegations of sexual misconduct in the CAF. This is a good start, but adequate resources and trained personnel must

be allocated – it is not enough to form an independent body if you starve it of the resources to make it effective.

But for all the black and white issues, there are many grey issues. It's discouraging that the men at the top of the CAF have complaints against them but it's also not surprising. The military has traditionally been male-dominated and changes occur only slowly. Big organizations – in both the public and the private spheres – are inherently resistant to change. So, while sexual mores change and ideas about acceptable behaviour change, big organizations are slow to do so. Women are still working their way up to positions of power. In essence this means that oftentimes men are given the lead on this, and in some cases their enthusiasm for pushing to change the organizational culture has been underwhelming.

The question of leadership is key in any organization. Canada has been at peace for many years but that doesn't mean that war will not happen. We need the best people at the top of the military but how should 'best' be defined? Some have argued that military personnel should be promoted based, not on successfully completing their missions, but on how they treat their people.<sup>3</sup> Do we want the top echelons of the military to be populated with people whose claim to fame is that they have not offended anyone throughout their career? Being good at your job should be the defining element, but how you treat your subordinates is obviously part of that. Good leadership has many elements but right now a firm commitment to ending sexual misconduct has to be one of them.

Some accounts indicate that women in the CAF are seething with anger. I don't know if this is the case but, as a woman, I would understand if it was. It is infuriating to have to deal with demeaning, degrading and confidence-destroying behaviour – never mind violence – from male colleagues. I'm sure most women have at some point been

dispirited as their authority and confidence are undermined. We must, however, be prepared for blowback. Will male service members form a seething group of resentment at women and minorities who are seen to be treated differently than they are? The government is encouraging greater recruitment of women into the CAF, but will men take a pass? And, even more worrisome, will it lead to the growth of right-wing extremism in the military?

I'm sorry to raise this, but we cannot talk only about men behaving badly. Women too can succumb to power and abuse it. Abuse of power has no gender. As well, women can sexually harass people. I've been with female friends who have laughingly made disparaging or sexual comments to/about male staff in various circumstances. I can see that men might see a double standard at play here – the behaviour I've witnessed in women would be completely unacceptable if a man did it.

At the end of April 2021, two changes were announced by the Minister of National Defence. First is the establishment of the Chief, Professional Conduct and Culture, a position to be held by Lieutenant-General Jennie Carignan, “to lead a fundamental transformation in the way systemic misconduct is understood and addressed in the Department of National Defence (DND) and the Canadian Armed Forces (CAF).”<sup>4</sup> We will have to wait and see what happens with this. And, second, (another) former Supreme Court Justice, Louise Arbour, was appointed to undertake (another) independent review of sexual misconduct in the CAF and make recommendations (again), this time about an independent reporting system. While I'm a fan of Madame Arbour, this sounds like the same tune that was played in 2014. Excellent reports are written, insightful recommendations are made, and the government of the time and CAF leaders say some nice words. Then the government/Minister of Defence and the CAF pick and choose among the recommendations, ignoring the inconvenient ones, half-heartedly implement them, and a few years later sexual misconduct is back in the media. One more time, with feeling.

Bottom line? The CAF must do something about this problem. We cannot keep revisiting it. It is demoralizing for everyone. In financial terms, if nothing else, the government cannot afford to keep ignoring the problem – it is now paying \$900 million to settle claims going back to the 1980s.<sup>5</sup> It may not be possible to eradicate 100% of the behaviour, but the CAF must do better. *All* CAF members – and civilians working for the CAF – should be treated with respect. The solution should not be to claim that *Op Honour* has been a failure and begin to re-invent the wheel. Whatever replaces *Op Honour* should not throw the baby out with the bath water, it must keep the good



Credit: Government of Canada

Former Supreme Court Justice Marie Deschamps led an external review into sexual misconduct and harassment in the Canadian Armed Forces in 2015. Her report recommended a series of changes that have been implemented to varying degrees.



Credit: Remy Steinegger, World Economic Forum

Former Supreme Court Justice Louise Arbour is seen while President and CEO of the International Crisis Group in 2011. She was appointed in April 2021 to lead the latest external review into sexual misconduct in the Canadian Armed Forces.

elements of the program. What we need is leadership in the CAF on this – *real* leadership; in other words, military leaders who are committed to pushing for change. The CAF must ensure that addressing sexual misconduct is part of the package from the time of recruitment, through training and throughout careers. A complaint process outside of the chain of command must be established and given sufficient resources to function. It must be scrupulous in investigating all claims but it must not be glacially slow (hence the need for sufficient resources).

I'm a political scientist, I'm watching as democracy is under threat and authoritarianism flourishes and becomes more aggressive. We cannot afford to ignore the small flames that are starting to flicker around the world. We need to get this sorted out so the CAF can rebuild trust, both internally and externally, and form an esprit de corps that includes all members.

I really hope that we will not be revisiting this topic again in five years. 🇨🇦

Dr. Ann Griffiths  
Editor, Canadian Naval Review

#### Notes

1. See Tony Battista, “Investigative Independence and Accurate Terminology,” *Frontline*, 7 April 2021.
2. Marie Deschamps, “External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces” (Deschamps Report), 27 March 2015, Recommendation #3.
3. For a discussion of this, see Lee Berthiaume, “Canadian Armed Forces Misconduct Allegations put Spotlight on Hostile Sexualized Culture,” *The Canadian Press*, 13 March 2021.
4. See Department of National Defence, “Chief, Professional Conduct and Culture,” 29 April 2021, available at Chief, Professional Conduct and Culture - Canada.ca. See also the Statement by the Minister of Defence on “Culture Change in the Canadian Armed Forces and Department of National Defence,” 29 April 2021.
5. See David Pugliese, “Approximately 4,600 File Claims of Sexual Misconduct or Discrimination against Canadian Military,” *Ottawa Citizen*, 14 April 2021.