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Chair

Mr. Rick Norlock

Standing Committee on National Defence

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•(1100)

[English]

The Chair (Mr. Rick Norlock (Northumberland—Quinte West, CPC)): Good morning, ladies and gentlemen.

We'll begin our meeting.

Let me advise those from the media that since this proceeding is being televised, there is currently no need for cameras. I would ask you to depart, if you would. Thank you very much.

We're here to discuss sexual assault in the military. It's our pleasure to welcome the Chief of Defence Staff, General Thomas J. Lawson.

Also present today with General Lawson is Rear Admiral Jennifer Bennett, chief of reserves and cadets and champion for women in defence; Major General Blaise Cathcart, Judge Advocate General; Major General David Millar, chief of military personnel; and Colonel Robert P. Delaney, Canadian Forces provost marshal.

Before we begin, General, you have the condolences of this committee and I'm sure of all members of Parliament for the loss of Lieutenant Colonel Daniel Bobbitt, and our wishes for a speedy recovery for the two members who were also injured in that accident.

Gen Thomas Lawson (Chief of the Defence Staff, Department of National Defence): Thank you very much, sir. I'll pass it on.

The Chair: General, as per usual, you will have about 10 minutes to broach the topic, and then we'll begin with questions and answers.

You have the floor, General.

Gen Thomas Lawson: Thank you, Mr. Chair and committee members, for giving me and my colleagues the opportunity to speak to you today about an issue that clearly is of deep concern to us all.

[Translation]

Like you, I have read and reread the articles recently published in *L'actualité* and *Maclean's* on sexual misconduct in the Canadian Armed Forces.

[English]

Like you, I am disturbed by the allegations this article contains. Certainly, no one should have to go through what these individuals have described they went through. My heart goes out to anyone who has been a victim of sexual misconduct of any kind. To speak out in such a situation takes great courage.

Regarding these articles, as hard as they were for me and for all members of the Canadian Forces to read, I recognize that their

publication both highlights my responsibility and provides me with an opportunity to explain our existing policies and procedures on sexual misconduct, to re-examine them, and to improve them wherever needed.

[Translation]

Above all, these allegations merit a strong response from me as the Chief of the Defence Staff, and from the entire leadership of the Canadian Armed Forces.

[English]

First, let me say that I do not accept from any quarter the notion that sexual misconduct is simply part of our military culture. Sexual misconduct of any kind is wrong, it is despicable, it is corrosive, and it runs utterly contrary to everything the Canadian Forces stand for. Our primary mission, as you know, is to defend Canada and Canadians and Canadian values on behalf of the citizens of this country, and we have pledged to do so with our very lives.

[Translation]

For our service and sacrifice to be meaningful and effective, we must be exemplary citizens ourselves, embodying Canadian values such as respect for all persons, while maintaining the highest standards of personal conduct.

•(1105)

[English]

In order to operate as a cohesive and effective team in operational settings here in Canada and abroad, we must be able to trust and rely on each other as brothers and sisters in arms, regardless of gender, age, ethnicity, religion, or any differences. We need to be able to foster a culture of respect with a view to avoiding any incident in the first place. But if an incident occurs, we must address it properly.

[Translation]

That is why the Canadian Armed Forces and the Department of National Defence put a high emphasis on harassment prevention and resolution.

[English]

First, our harassment prevention and resolution policy was put into place in 1988. It was followed a decade later by mandatory harassment prevention training for all of our members. Then, a defence ethics program and conflict resolution programs were established in 2001. Each of these aimed to raise awareness on ethical issues and to encourage best practices to resolve problems early, before they have a chance to escalate.

I believe our efforts in these areas have proven themselves well. In fact, the latest Canadian Armed Forces workplace harassment survey, conducted in 2012, shows that harassment of all types, including sexual harassment, has substantially diminished over the past 15 years.

That said, preliminary analysis from the same 2012 survey also indicates that designated group members, including women, remain more likely to experience harassment than others. The analysis also suggests that they may be less likely to report harassment, whether for fear of career repercussions or due to a belief that their complaints may not be taken seriously. This is an important finding and one which indicates that more action is required on my part.

[Translation]

Our policies are clear. The chain of command must take all complaints seriously and act on them appropriately. That includes providing support to complainants without fear of reprisal.

[English]

If there's an issue with respect to under-reporting, this could suggest that there may be a gap between our official policies and procedures and the reality on the ground. If such a gap exists, no matter how wide, it must be addressed at the highest levels of the chain of command.

[Translation]

The military is a hierarchical, top-down organization, structured so as to succeed in an operational setting. And this affords both a challenge and an opportunity.

[English]

If leadership is complacent, our pyramidal leadership structure could be a roadblock to positive outcomes, but where leadership is committed, as I usually find it and observe it to be, it can drive quickly and effectively to desired outcomes.

I want to further stress that any allegation of sexual assault must be brought to the appropriate authorities for investigation. Sexual assault is a crime in both civilian and military justice contexts, and those Canadian Armed Forces members accused of such a crime are liable to prosecution in either system.

Now, as you're aware, Canada maintains a separate and parallel system of military justice. The Supreme Court of Canada and three independent reviews from respected jurists have recognized that this system is necessary. It allows us to enforce disciplinary standards that are higher for Canadian Armed Forces members than for the general public.

Canada's military justice system is continuously updated to ensure it reflects Canadian legal standards and values as contained in the Canadian Charter of Rights and Freedoms. Whenever allegations of behaviour contrary to the code of service discipline are brought forward, including allegations of sexual misconduct, an investigation is undertaken and, if warranted, charges are laid either at the unit level or by members of the national investigation service.

[Translation]

Members of this unit have the mandate to investigate serious and sensitive matters—such as sexual assault—and they have the authority to lay charges independent from the chain of command.

• (1110)

[English]

I should also note that the Canadian Forces military police group, including the national investigation service, also has a victim services program to provide complainants with immediate and ongoing support, including referral to other agencies where needed.

Where charges are referred for trial by court martial, an independent director of military prosecutions reviews the file, and an independent military judge appointed by the Governor in Council adjudicates the case with or without a panel, a process quite similar to that of the civilian system. Every step in a serious and sensitive matter such as sexual assault—investigation, prosecution, and adjudication—is designed to be free from any influence by the chain of command.

[Translation]

Sexual misconduct is abhorrent and repugnant.

[English]

As the highest-ranking officer in the Canadian Armed Forces, I've pledged to show strong leadership on this issue, and I demand that all others in uniform do the same.

I need to know if barriers exist in reporting incidents of sexual misconduct or sexual harassment, and I need to be certain that the chain of command is reacting to complaints appropriately.

I want to understand the full scope of any problems, and I want to resolve them, so I've called for engagement on this issue at every level of the organization. I have sent a clear message to all members of the Canadian Armed Forces that sexual misconduct goes against the entirety of our military ethos and will not be tolerated. I've ordered an internal review of our workplace programs and policies, and I have committed now to conducting an external, independent review into how the Canadian Armed Forces deals with issues related to sexual misconduct and sexual harassment.

As findings emerge from these reviews, I'll consider all options to resolve any problems that we identify, including making improvements to Canadian Armed Forces policies, procedures, programs, and education.

[Translation]

I will not accept our sisters and brothers in arms to be betrayed by their own.

[English]

I will continue to make it clear to every member of the Canadian Armed Forces that each of us is responsible for fostering a healthy work environment and that we will do this only by treating everyone with respect, by reporting any alleged service offence, and by supporting victims of misconduct.

Mr. Chair, thank you.

Merci.

The Chair: Thank you very much, General.

We begin our questioning for seven minutes.

Ms. Gallant, you have seven minutes.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Mr. Chairman.

On April 26 of this year, it was reported that the Chief of the Defence Staff announced an internal review of Canadian Armed Forces workplace, programs, policy, and leadership engagement. The public did not react positively to an internal review, so we are pleased that three days later it was reported that an independent external review of the same subject would take place. Has this review commenced?

Gen Thomas Lawson: The internal review, ma'am, was designed to provide me what I believed was faith in a set of policies that had been indicated to have decreased harassment of all kinds greatly since 1998. With the publication of recent articles, I needed to be sure that these policies were in place.

What came forth from that was an indication that there may be some systemic barriers in place that may be keeping individuals who felt they had suffered from sexual harassment or sexual misconduct of any kind from coming forward. There were also indications that there may be room to standardize the way the chain of command responded to any allegations.

So with that, I decided that we would put in place the terms of reference for an external review, and we're moving forward on that piece.

Mrs. Cheryl Gallant: How will the entity that is independent and external be selected to conduct this review?

Gen Thomas Lawson: We're looking for a distinguished Canadian, hopefully with judicial background, who would be willing to take this review on.

Mrs. Cheryl Gallant: How does the military presently enforce its policy on sexual harassment and monitor its members?

• (1115)

Gen Thomas Lawson: Our policies are firm. They're very clear, and the individuals we have on the ground to look after all of our men and women in uniform are our commanding officers. Everybody who is operating out there belongs to a unit that is commanded by a person who has responsibility for them. One of the things that those commanding officers are responsible for is a healthy workplace. Part of the nurturing of a healthy workplace is ensuring that all of our harassment policies are well educated and fundamentally well supported.

Mrs. Cheryl Gallant: What format or method will be used in conducting this review?

Gen Thomas Lawson: What we will do once we've identified the individual is to bring them in and make very clear that within the freedom that we will provide for them to speak to anyone across our bases and wings and ships, we will need an assessment of our processes and procedures, our policies, any barriers that may seem to exist between those who feel transgressed against and them bringing that forward, and then an assessment of how we carry out our

processes in protecting complainants and making sure their complaints are well investigated, and then, as necessary, prosecuted.

In that process, once they have signed on to those terms of reference, they will be allowed free rein in how they carry that out.

Mrs. Cheryl Gallant: So the individual will be permitted to speak to the victims of these assaults.

Gen Thomas Lawson: As required.

Mrs. Cheryl Gallant: Currently the victims are forbidden from speaking to anyone outside the chain of command, so that order will be lifted.

Gen Thomas Lawson: That's right.

Members in uniform may only speak outside the chain of command when authorized to do so by the chain of command. This individual would be working completely with the support from the chain of command.

Mrs. Cheryl Gallant: What is the reporting procedure for a person who has been sexually assaulted? Are they to go to their immediate superior, contact the military police...?

Gen Thomas Lawson: There are actually many ways that someone who feels they've suffered a sexual misconduct of any kind can report that. If they find themselves in danger, of course, immediately they have access to 911, as do all Canadians. They also have access to civilian police if they're off a base, and civilian medical facilities.

On base, or within the Canadian Forces workplace, if it's outside of hours, they have a 1-800 assistance program; the military police, who have victims services available to them; the chain of command; or health services on base as well. All of these, both civilian and military, are available to anyone who believes they've suffered sexual misconduct.

Mrs. Cheryl Gallant: What happens when a report is made, both on base, perhaps, and in theatre? Is the perpetrator separated from the accuser, or are they required to work together until enough evidence has been gathered to lay charges?

Gen Thomas Lawson: That depends very much on the nature of the complaint. In fact, if the complainant needs to be protected from that individual, there may need to be a separation of those parties. Or, if that individual believes this can be dealt with at a lower level, through an harassment resolution process, then there would be no requirement to separate them. There's a range of possibilities.

If it's a sexual assault, this is a crime. This must be investigated. I have the provost marshal with me, if we would like to get into those details a little more.

Mrs. Cheryl Gallant: Well, we only have a minute left. I may go into that further if I'm given the opportunity.

What measures have been taken, at the troop level, since these reports initially surfaced in April about the widespread issue of sexual assault in the military?

Gen Thomas Lawson: Immediately upon reading these articles, one of the things that was most upsetting for me as the Canadian Chief of the Defence—

•(1120)

The Chair: General, we'll have to continue that line of thought at a later time.

Mr. Harris, for seven minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thank you, General, for joining us with your colleagues today.

I listened carefully to what you said, sir, about your deep concern and your being disturbed by the allegations. I guess, as a Canadian, I'm more than concerned and disturbed. I'm quite angry to find from these reports that the military hasn't responded appropriately when individuals were victims of, as you quite rightly referred to it, criminal acts, and find themselves revictimized by the military.

I'm looking at *Maclean's* magazine here, and of course *L'actualité* did the research on this. Inside this magazine they also show a similar account, back in 1998, using similar phrases. "Our military's disgrace" is the headline here, and before it was "Rape in the military", "Speaking out", etc.

I have a real sense of déjà vu, sir, given that 16 years have passed since these allegations were made. At that time the response of the military was that we can handle this internally; we can fix this problem, and we will. Why hasn't that happened?

Gen Thomas Lawson: Thank you, Mr. Chair.

In fact, I remember those articles, as will you and many around the table, and certainly all of us in uniform, when they came out. Since 1998 a tremendous number of policies, programs, and education opportunities have been put in place that have bolstered and nurtured the workplace environment in a way that data points and evidence indicate that the workplace is a far more positive place for women, for minorities, for people of all races and ethnicities to work in. That was one of the reasons these articles were more surprising and shocking to me than even those articles back in 1998.

Mr. Jack Harris: General Baril at the time, the CDS, admitted that we had a problem. Are you prepared to go that far and suggest that we have a problem? Your explanation seems to be that all the procedures seem to be in place.

Gen Thomas Lawson: No, I believe that any organization like ours that requires men and women to work in close quarters, both in offices and out in operations, will always deal with problems of sexual misconduct. I think that there is more to be done in that area. What I would like to say is that the characterization of very little being done from 1998 through to 2014 would be inaccurate.

Mr. Jack Harris: I didn't suggest that, sir. I suggested that we still have a problem.

If I may, to try to see if we can find out what the size of the problem is, we have a suggestion in these articles that perhaps five sexual assaults a day occur within the military, based on extrapolation from reported sexual assaults. And I'm focusing here on sexual assaults as opposed to sexual misconduct in a general way. Sexual assaults, of course, are criminal, and one would expect in a hierarchical organization such as yours, where you are the commanding officer and you tell people when to get up and what to wear and what to do, that you would be able to prevent crime or punish it very easily.

I'm interested in the reporting. I have a report in front of me that was tabled—quietly—on March 19, 2014—well, I couldn't call it tabled, as the House wasn't in session at the time. It's the latest report of the Judge Advocate General for the period ending March 31, 2011. It was tabled on March 19, 2014, three years after the date in question.

First of all, this is contrary to subsection 9.3(3) of the National Defence Act, which requires annual reports to be made and tabled in the House. Does it bother you that we don't have reports for 2012, 2013, 2014 and we're relying on a report that's now three years old?

•(1125)

Gen Thomas Lawson: Mr. Harris, you're talking about the general report by the—

Mr. Jack Harris: The Judge Advocate General's report, that's right.

Gen Thomas Lawson: In fact, reports have been filed for those years and are in the middle of being processed. The one you were referring to is our most recent report and contains a tremendous amount of data, which helps us improve on the process.

Mr. Jack Harris: So are you suggesting that the other three reports are with the Minister and haven't been tabled in the House?

Gen Thomas Lawson: I have the Judge Advocate General with me, who can update you—

Mr. Jack Harris: But my question is, does it bother you that we don't have these reports tabled annually in the House as required by the National Defence Act?

Gen Thomas Lawson: I have what I require from the reports to move ahead and improve the processes and policies for the Canadian Armed Forces.

Mr. Jack Harris: So it's up to the Minister to see whether the law is enforced. Is that your position?

Gen Thomas Lawson: I believe that all laws would be as put forward to us by the House of Commons and the government, yes.

Mr. Jack Harris: I guess we'll have to ask the Minister about that.

In the most recent report of the Judge Advocate General, one of the things that I find confusing is that sexual assaults, which used to be dealt with separately, are now on the summary conviction side lumped in under a heading called, "Conduct to the Prejudice of Good Order and Discipline". In 2010-11 there were 691 charges under this conduct prejudicial to good order and discipline, which includes misconduct of a sexual nature and misconduct related to drugs and alcohol. So we can't tell how many of them are actually sexual assaults or other forms of sexual misconduct.

In the previous year, for 2009-10, 68 were identified, and 37 for the year before—showing a significant increase. In cases that went to the court martial, there were 12 charges in 2010-11, and 12 in 2009-10—so it's a very small number of charges. Of the charges—

The Chair: Mr. Harris, you'll have to complete that question in the next round.

Ms. Gallant, go ahead for seven minutes.

Mrs. Cheryl Gallant: Thank you.

When a person reports having been sexually assaulted and the perpetrator is known—he or she identifies him—and the assault is of a severe nature, yet there is no physical evidence, and that person who is accused of committing the assault is a superior to the accuser, what happens?

Gen Thomas Lawson: I think the best thing to do is to come right to our expert here, who is our provost marshal.

Could I ask you, Colonel Delaney, please to answer Ms. Gallant?

Col Robert P. Delaney (Canadian Forces Provost Marshal, Department of National Defence): Certainly, sir.

Good morning, ma'am.

With respect to any complaint of sexual misconduct, whether that be sexual assault or otherwise, and certainly in your scenario of a sexual assault that has occurred, regardless of rank, the military police will investigate that offence to the fullest extent possible. That may include arresting the subject or the accused. That will include collecting all evidence and all witness testimony, and compiling all facts in the matter, and then from that point forward, determining whether or not charges would be warranted.

To get back to your previous point about whether that might potentially impact whether or not these individuals need to be separated, yes, that would be a consideration, certainly, with respect to how we would deal with that situation. On top of that, and of primary importance, is the victim and ensuring that we have immediate victim services support for the victim, and ensuring that we have continued victim support throughout the process, whether that be internal or referring to additional agencies of support that might be in our communities.

Mrs. Cheryl Gallant: How is it determined who will be separated? You have a person who's higher in a chain of command—they need to be there—yet the accuser has been victimized but still wants to do his or her job. How is the determination made? Who is going to be separated from that workplace?

Col Robert P. Delaney: The initial thing is we need to consider the victim's concerns in our determination of which route we're going to take in terms of separating the individuals. It may be that the victim himself or herself wants to be removed from that workplace and relocated to another workplace whilst the investigation takes its course. There have been cases in the past in which commanding officers have been relieved of their command pending the outcome of these investigations. So it is quite possible that the superior—the senior officer or the senior individual—would be removed from the workplace, pending the outcome of that investigation. It really is situationally dependent.

• (1130)

Mrs. Cheryl Gallant: Okay.

In cases where a person is arrested and the case actually reaches the media, we see that afterwards other victims come forth. Why is it

that it's only after someone comes out first reporting that they've been assaulted that you see other people coming forth regarding the same person?

Col Robert P. Delaney: I certainly can't speculate as to the mindset of the other victims, but what we've experienced in cases in which we've had multiple victims with the same offender is that once information comes to light that this individual has been charged and will be tried for sexual offences, other victims at that time are more comfortable coming forward because they believe their story will potentially have more weight. It's also quite possible that their recollection of events becomes much more solidified after hearing others come forward, as they recall what's occurred to them. They think, "this possibly is an offence and I need to come forward and speak to the authorities about this".

Mrs. Cheryl Gallant: When an assault occurs, what distinguishes the process in the military from what would happen under civilian circumstances?

Col Robert P. Delaney: I would suggest to you that our processes within the military police system are fundamentally the same as they are in any other jurisdiction across Canada. So from a policing perspective, we handle those complaints in the same manner that any other police agency would.

Now, we have an additional mechanism within the military, of course, which is that chain of command that the Chief of the Defence Staff has spoken of. In those cases—and we've seen a number of examples where the chain of command is the one that comes forward with allegations of sexual misconduct or sexual assault. It's that third-party complaint that the military police will then take and investigate to the fullest extent. That is a mechanism, of course, that doesn't exist within civilian society.

Mrs. Cheryl Gallant: So is it the case with this sort of misconduct that the offender is given the choice between a trial or court martial?

Col Robert P. Delaney: The decision in terms of which route this goes, whether it goes through the civilian court system or through the military courts martial system, takes into account several factors.

One of these factors is the subject, the accused; if they are not military, there's no courts martial system for them. A civilian offender on military property would be dealt with through the civilian court system. In other cases we've seen civilian infractions on defence establishments against other civilians. Again, that's something that would be dealt with through the civilian system.

Where we get into a court martial situation is when we have military accused, military victims, occurring on military establishments. That's certainly within the clear confines of the military's judicial system. Of course, the JAG would probably like to expand on this answer, if he so chooses.

There are a number of mechanisms that come into play here in determining which route the charges, if warranted, will be heard.

Mrs. Cheryl Gallant: So with two military involvements, both the victim and the offender, when they're in the military, it's not a choice of whether they go to a civilian court. It's automatically handled within the military.

Col Robert P. Delaney: It's not necessarily automatically. You could also have military, military, and a civilian jurisdiction, if the offence occurs downtown involving two military people. So you can see how complicated it can become. There are a number of factors that need to be taken into account.

Of course, the prime concern here is to ensure that justice is served, and that justice can be served either in the military justice system or the civilian justice system. There's a dialogue that must occur within the prosecutorial service to determine which route it is going to go.

The Chair: Thank you very much, Colonel.

Ms. Sgro, for seven minutes.

Hon. Judy Sgro (York West, Lib.): Thank you very much for being here, and thank you for your contribution to our country.

I have to say, General Lawson and others, about 18 months ago, we sat in this very room with Commissioner Paulson and a group of RCMP officials. Some of your folks testified at a later time.

I listened to Commissioner Paulson and his great intentions, with a box of charts of all of the different ways they were going to be ending the sexual harassment issues and how they were going to make a significant change. And, you know, I believed him. I actually bought his story. He was maybe sincere that day, but it went straight downhill from there.

Bill C-42 clearly put a muzzle on all of the members in the RCMP. As a result of Bill C-42, they are no longer allowed, through a regulatory process, to talk to politicians or the media. They are not allowed to say anything negative that would disparage the RCMP. That put a muzzle on any of the current members. I have a list of several people who have a year or two before they leave, and at that time they are prepared to go public.

You have people in National Defence who have to get permission from the chain of command to talk publicly. How can we possibly have confidence as elected officials who want to make sure we have an organization that attracts women who want a career in it? How can we possibly assure them of anything, when no matter which organization we're talking about, you put a muzzle on them and they can't talk, and you tell them that there are all kinds of things to protect them and all the rest?

It was the exact same thing that I heard from the RCMP. Not one thing has changed in that organization, other than the fact that they can no longer talk at all. Within your organization, you have a chain of command that forbids them from doing that. In order to really get an understanding of where to go forward and how big a problem that is, have you thought of just not punishing people for coming forward with these kinds of complaints? Take off that permission from the chain of command and take off that muzzle, and let's finally find out how big a problem we have and how we're going to fix it.

I know you want to fix it. I think Commissioner Paulson wanted to fix it. But the steps he took were not significant enough to shake up an organization into understanding that no one is going to tolerate sexual harassment in any of these particular military services—none. Until you get a real shakeup at the top, nothing will happen. It gets covered up, and people are victimized and afraid of the reprisals.

Our own DND ombudsman testified at committee in 2012 that there was a fear of reprisals. You're not going to remove that unless you have a complete shakeup in this organization, which is maybe what the external review might show you. It's not a new problem.

I'm sad today to be sitting here. It infuriates me that our daughters and children, the females, aren't necessarily going to want to join National Defence or the RCMP.

What are you going to do to the perpetrators, other than transfer them or promote them, and penalize the women? Sorry for my rant, but it's an issue I care about, and I'm not impressed today whatsoever.

• (1135)

Gen Thomas Lawson: Okay, ma'am. Thank you. That means that I probably haven't been successful in expressing my concern as well.

But I also think we should recognize that in the most recent survey, the climate survey we did, 98.5% of the respondents—it's one of the largest surveys we've ever done—reported that they did not suffer sexual harassment of any kind over the reporting period. That still means that 1.5% did, so we still have work to do, but these rates are far below where they were, certainly in 1998 when these articles came out, and continue in a trend that goes downwards.

So I think, ma'am, that there is some heartening news there that suggests women are finding a nurturing workplace. We have with us a champion for women's issues in the military, Rear-Admiral Bennett, who can speak a little more to this later, but I think there are some very heartening things.

One other data point that I think you can take as heartening is that our attrition rate of women out of the Canadian Armed Forces is below the attrition rate for men, which also suggests as a data point that they're finding it to be a nurturing and healthy workplace for them.

I do accept your concern and your anger. I mirror your anger. In fact, it's something I live with every day when I find out that in fact someone believes they have been a victim of sexual misconduct and did not find themselves able or free to come forward, and maybe even worse, when we've had individuals who have come forward who then found a process that wasn't entirely supportive. Those are two areas that I know we can improve.

• (1140)

Hon. Judy Sgro: If you have this confidence level, why is the military seeking permission to lower the recruiting targets for women?

Gen Thomas Lawson: I have the Chief of Military Personnel with me. I'll move on to his ground just momentarily. As you will know, ma'am, the Canadian Armed Forces has kind of been leading our NATO partners through the 1980s, the 1990s, and the 2000s in opening up our various occupations—combat operations—to women. What we've been finding is that we've been quite successful in hitting targets in non-combat occupations but are having difficulty filling our targets in combat occupations.

However, when we do see women move into these areas, we find them doing extremely well and moving into commands of warships, commands of combat units, and commands of flying squadrons, which is also a heartening thing.

Hon. Judy Sgro: It's not because women aren't capable. It's because it's not desirable for women to join these military-style organizations unless they have a certain kind of personality that is prepared to put up with and cope with whatever they have to do to advance their careers.

The Chair: Thank you very much, Ms. Sgro.

We'll move on to Mr. Williamson for five minutes.

Mr. John Williamson (New Brunswick Southwest, CPC): Thank you, Chair.

General Lawson, thanks to you and your team for being here.

I appreciate your coming before us today and, in particular, your statement acknowledging that, from the 2012 survey, there remains more to be done. What struck me in your comments today is that you talked about addressing the problem and about prevention and resolution. You even concluded by saying that you will be treating people with respect, reporting any alleged service offence, and supporting victims of misconduct.

But I think there is also the aspect of justice and punishment. I too am struck by the lack of a focus on ensuring that those who behave improperly, who sexually assault their comrades, are punished, and I do think the accent needs to be put on that. I say that because some people think that in an organization the idea of a "chill" is a bad thing, but in some circumstances it's a very good thing.

If people behave inappropriately, I'm wondering if perhaps you need more concrete policies when it comes to allegations in order to immediately separate people. That's one of the things that struck me both in your conversation and in the *Maclean's* report that I read. Policies are in place, but they don't necessarily send a signal to the rest of the unit, or the CAF, or the public, a signal that rings right through the organization that this behaviour, while we say it is "unacceptable", will not be tolerated.

I'd like your comments on that, please, particularly on the aspect of punishing those people, not moving them, not trying to fix it, and not trying to talk through it, but actually dealing with it, which results not only in the individuals knowing that they're going to be punished, but in the rest of the unit and the organization itself knowing.

Gen Thomas Lawson: Thank you, Mr. Williamson.

Mr. Chair, I'm in complete agreement with Mr. Williamson in the belief that we need to ensure that when an investigation shows sexual misconduct, it has to be prosecuted. I'll ask the Judge Advocate General to comment, but there is evidence, both among our neighbours to the south and in Canada, that military justice prosecutes these allegations more aggressively than parallel civilian justice systems.

On your other comment about being quicker to act while ensuring that we protect those potential victims or those people who have come forth as victims and make sure they've got all the support they need, I think we also have to be very careful about jumping to

conclusions and making sure that the process indicates exactly what happened.

Could I ask the Judge Advocate General to respond to my comment regarding the aggression?

• (1145)

MGen Blaise Cathcart (Judge Advocate General, Department of National Defence): Yes, thank you, Chief, and thank you, Chair. It's an honour to be here to address these issues.

To focus on the question of punishment, again, it's a real challenge, particularly as the superintendent of the military justice system, where my role is to ensure that this justice system—if that's the focus of the punishment aspect of your question—is balanced both in terms of the victims of offences and those accused of offences.

I would be very cautious, both with Canadians and our allies, to make it too simplistic, that punishments and convictions equal success in dealing with sexual assault. I'm not aware of any empirical data that would support that supposition. As superintendent, at the end of the day what I'm most concerned about is that justice is done, whether that's in terms of punishment and convictions or in terms of acquittals.

Mr. John Williamson: I take your point, but surely you would agree that this problem as it's been reported now and in the past isn't going to be solved through respect, reporting, and support of victims alone. There is the requirement to root this out, and, frankly, to change the culture. Clearly, there are positive examples.

We can note from the *Maclean's* article that in one instance where it appeared the process wasn't moving along well, a higher ranking officer heard about it and acted. That's what we want to see.

The Chair: Mr. Williamson, we'll have to end your question there and have a response later.

[*Translation*]

The floor now belongs to Ms. Michaud, for five minutes.

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Thank you very much, Mr. Chair.

I want to thank the witnesses for coming here to answer our questions. This issue is extremely unsettling for all of us.

General Lawson, I would just like you to answer with a yes or no. I have several questions to ask and would appreciate it if you kept your answers very brief.

Earlier, you talked about the internal review process. That was not clear for us. Has this process begun, yes or no?

[*English*]

Gen Thomas Lawson: Thank you, ma'am.

Mr. Chair, that process has been completed. The chief of military personnel completed it for me, and it was based on those findings, that we've moved forward with the plan to get an external review to look at some of the findings he brought forward.

[Translation]

Ms. Éline Michaud: Thank you. I will quickly come back to an issue my colleague, Mr. Harris, brought up.

The latest report of the Judge Advocate General mentions 691 cases of conduct to the prejudice of good order and discipline. When I read the article in *L'actualité*, several questions were raised in my mind.

An incident took place close to where I live in the Quebec City region—more precisely, in Valcartier, which is in my riding. Military police handled the case. A young woman, Stéphanie Raymond, was sexually assaulted during an evening she spent in a mess. She reported the incidents that had occurred. Since no actual penetration had taken place, the investigating police officers decided to reject the complaint and drop the investigation. That is one of the cases.

Another case mentioned in the article is that of a female military member deployed to the Middle East. She was raped by five men. She was given the option to quit, be sent home or stay with the rapists and complete her assignment.

There is no prosecution in these kinds of cases. Are they included in the statistics found in the report?

[English]

Gen Thomas Lawson: Can I ask you, JAG, to speak to the statistics that appear in your report?

[Translation]

MGen Blaise Cathcart: Thank you for the question. This is very important.

[English]

I can't get into the specifics. I've read the article, of course—

[Translation]

Ms. Éline Michaud: I am not asking you to tell us about specific data. I am giving you some examples of cases where matters were not taken any further. In Ms. Raymond's case, she wanted to lay a charge, but the police officers rejected her complaint. Will a rejected complaint appear in your statistics? Do you feel this is a case of conduct to the prejudice of good order and discipline, or does the case end there and is excluded from the statistics in the absence of legal proceedings?

[English]

MGen Blaise Cathcart: Oui. Well, there are different statistics that we're dealing with.

As the provost marshal indicated, we're dealing with actual complaints of sexual misconduct or sexual assault that are tracked. Those are largely in the sphere of the police, and the provost marshal can address those. Once a charge for an incident is laid, that's where we, as superintendents of the military justice system, track those particular cases until their disposition—

• (1150)

[Translation]

Ms. Éline Michaud: The cases mentioned in the article and those we still do not know about will not be part of the picture you

will paint of the situation. That is how I understand your comments. I do not have any other questions on the matter.

MGen Blaise Cathcart: Okay.

Ms. Éline Michaud: I will continue in another vein.

You don't have to respond, but this is confirmation that the figure of five sexual assaults a day is unfortunately plausible. It is difficult to get a real picture of the situation. Honestly, the reporting procedure and the unit commander's power in that regard will further reduce our ability to get a real picture of the situation.

It was said that, if the criminal nature of the actions taken is considered to be less clear, the unit commander can decide to impose administrative penalties on the accused. These actions may include touching over clothing.

General Lawson, do you think it is acceptable for sexual touching, without penetration, to result in simple administrative penalties? In the civilian world, when someone pleads guilty to a lesser offence, they end up with a criminal record, and traces of their actions remain. In the case we are discussing, with an administrative penalty, the accused will not have to suffer any long-term consequences. The unit commander, who does not necessarily have the legal expertise to decide what kind of a charge should be laid, has a great deal of power over what will happen to the offender and over the way the victim will feel in the aftermath.

I would like to hear your thoughts on that. I think this aspect of the system is an aberration.

[English]

The Chair: Unfortunately, your response will have to wait.

I'll just mention to all the witnesses, as well as you, General, that should a question be posed to you that you don't have time to respond to, you may do so by contacting the clerk with a full response to any question that you may not have been able to answer. That way, the member and the committee will have benefit of that response.

Mr. Leung, you have five minutes.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Chair.

Thank you for attending, General Lawson and staff.

I want to follow up on a question that Mr. Harris mentioned earlier. Could you please clarify what are the outstanding annual reports that you were supposed to present? Have these been given to the minister? I'm thinking more of the years between 2011 to 2013.

Gen Thomas Lawson: I will have to get back to you, Mr. Chair, with that data.

I'm not sure of the status of the most recent reports.

Mr. Chungsen Leung: Thank you.

Let's move on to another topic, and that has to do with how in Canada we pride ourselves on the equality of sexes and the equality of our diversity and our multiracial and multicultural society. I also understand that the military culture, the military structure itself, is an extremely well-defined structure. As such, it's very much a pinnacle, with a head, a chief, or a general who controls the entire structure.

In hearing your testimony, I feel that there is a lot of reactive response to the issue of sexual assault and sexual harassment. It's always.... When we punish these events, this is one way of dealing with it, but what I'd like to hear is, how do we look for and proactively handle this issue? What are we putting in place? What are your thoughts?

Because what has passed has passed; it's easy to say that, but what I mean is that we know what the issue is. We know that these things have been perpetrated, but then let's look at our side. Because we cannot recapture that time, but we can look forward to making this a better organization, a strong organization. Please share your views with us.

Gen Thomas Lawson: Thank you, Mr. Leung, and Mr. Chair.

I am in absolute agreement that being proactive as opposed to reactive is a far more comfortable place to be. In fact, about a month and a half before the articles came out in *L'actualité* and *Maclean's*, we had reacted to our most recent climate survey from 2012 that, although the indications were that it had receded tremendously in recent years, sexual harassment wasn't acceptable. I came out with my statement to my commanders and to all men and women in uniform that we needed to do better in this area. Also, given the indications that there might be some barriers there and some lack of standardization in the way we respond, I indicated that we needed to work in those areas as well.

In fact, the chiefs of defence before me had a list—I won't take the time to provide it to you—of proactive programs put in place: victims services programs in 2000; a harassment resolution policy in 2001; the members' assistance program in 2002; sexual misconduct reporting in 2008; and prevention of violence in the workplace. Each of these bolsters a healthier workplace and gets the chain of command directly involved in providing not only the sense of a healthy workplace but also one in which he and his subcommanders and non-commissioned officers provide the example.

• (1155)

Mr. Chungsen Leung: All right, let's follow on that line of thought.

I recognize the fact that for 12 years we've been engaged in Afghanistan, and in a combat role the military has a very different psyche about it. Now we've come out of that. We're going into a period of peacetime military activity.

How do we balance that? It's a very different military culture in a peacetime environment than it is in a combat situation. Perhaps you could share that with us too.

Gen Thomas Lawson: Thank you. I would like to think that is not the case, that the Chief of Defence and his key leaders back here, while developing our combat readiness and capabilities, were also able, with the support of others who were very much focused on military personnel and workplaces, to develop policies that increased the quality of that as well.

So I would reject a sense—and I know you're not putting it forward—that might come from anyone in the military that says we could be lax with the quality of our workplace and the nurturing of the workplace because we're at war.

The Chair: Thank you very much, General.

Before we complete this round, General, after Mr. Harris' questioning, you may be excused, because you are scheduled to be here for the one hour.

Mr. Harris, for five minutes.

Mr. Jack Harris: Thank you, Chair.

I was about to talk about conviction rates of our military prosecutions under courts martial. In 12 charges of sexual assault in the last reported period there was only one finding of guilt. I think I'll explore that with the Judge Advocate General in the next hour because there may be some implications for military justice in that one.

But, first of all, you referred to the completion of an internal review. I want to ask you whether you could provide a copy of that internal review to the committee for our review, so that we could be up to speed as to where you are?

Is that acceptable?

Gen Thomas Lawson: Yes, we can do that, Mr. Harris.

Mr. Jack Harris: I'd also be interested in the statement that you gave in the last month or so, your statement to the chain of command with respect to sexual harassment. Could you give us that as well?

Gen Thomas Lawson: Yes, Mr. Harris.

Mr. Jack Harris: Thanks very much.

The other question I have is regarding the sexual harassment study you referred to. The *Maclean's* article refers to *L'actualité* having reviewed a 2012 study that shows—they said—that of 2,400 respondents, 9% of women and 0.3% of men claimed they were victims of sexual harassment or undesirable sexual contact in the last 12 months.

That seems to contradict what you said. Are we talking about two different reports here, and if so, why would there be such a startling difference in a matter of a year or so?

Gen Thomas Lawson: Actually, I'll get the chief of military personnel who gathered that data for me to speak to that. But just before I do, we are speaking about the same report. The study involved 2,400 respondents, and while 98.5% said they'd suffered no sexual harassment, one of the findings that I included in my opening statement was that there are indications that identifiable groups, such as women, have a higher incidence of sexual harassment, and 9% is an accurate figure.

Mr. Jack Harris: Perhaps General Millar can deal with that again in the next hour, because we only have you for another minute or so.

You talked about changes being made. Again, another item you referred to was the report of the provost marshal's office in 2009 seeking to beef up attempts to get the military to understand how to report a sexual assault, including information about the support that might be available, and instructions on how to make such a report. That was felt necessary because it was apparently lacking, according to them.

The *Maclean's* and *L'Actualité* report suggests that in the recruitment process this is not dealt with properly. Can you comment on that?

•(1200)

Gen Thomas Lawson: I will. The recruitment process is the first chance we have to ensure that those great Canadians we bring into uniform are well enculturated in the discipline, ethics, morality that we require in the Canadian Armed Forces. So there are four groups of 40 minutes dealing with ethics, morale, equity, and sexual harassment. But that is only the start, as commanding officers must address this annually and capture that in a report. For instance, for the five people you see in front of us, during our professional military education as captains, majors, lieutenant commanders, and lieutenant colonels, when we get to command, all professional military education includes modules on this very thing that we're talking about, which ensures that they provide the type of workplace they need to provide.

In 2009, we recognized the need for standardization, because a lot of small units will not see a sexual assault in 10 years. What the provost marshal is talking about there is standardizing it, so that we would have a checklist to help commanding officers and subcommanders.

Mr. Jack Harris: In 2006 the military shut down an anonymous 1-800 line for victims of sexual harassment, a helpline that was then getting between 150 and 190 calls per year. Why did that happen?

Gen Thomas Lawson: The 1-800 number was folded into our member assistance program, and all those calls that used to go to that direct number are now handled among all calls that we receive. We found that to be very effective.

The Chair: Thank you very much for that response.

The chair will use my prerogative and ask you to wait another 30 seconds by making a suggestion. Having come from the civilian enforcement side for 30 years and having worked with the military in my station in Pembroke, I note that there is a protocol between the military police and the civilian police when there are serious allegations.

I'd like to leave you with this thought. As we know, high profile cases tend to involve males, but in policing we noticed over the years that when you remove the stigma of reporting sexual assaults, there is a time period when the numbers go up and everybody thinks it's because there's an increase in it when in fact you are reducing the stigma, you are encouraging people...especially on the male side, as we've seen nationally with hockey players and those athletes in the sports world.

My respectful suggestion would be, especially in a male-dominated environment, where you suck it up if something bad happens, to understand that this is a new era. I think the people of Canada are increasingly demanding a reflection of our society within our military. So anything you can do from your leadership perspective to remove the stigma and to make sure that victims are no longer victimized by chains of command or the old way of doing things, whether it's hazing or however new members are welcome into units, whatever it is, we begin to cease those types of behaviours and really seriously look at them and say, "This is not the way a modern military acts."

Thank you very much, General Lawson.

We will suspend for two or three minutes, and I would ask the General, when the onslaught of media come in, to try to usher them outside the door so we can question your subordinates.

Gen Thomas Lawson: I thank you for the nice words. Thank you very much members.

The Chair: We will suspend.

•(1200)

_____ (Pause) _____

•(1210)

The Chair: We'll resume the meeting.

Mr. Harris was last questioner, so it's over to Mr. Chisu for five minutes.

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Thank you very much, Mr. Chair.

Thank you very much, generals, for being here today and for your testimony on sexual assault in the military. It's an issue that bothers me personally too, having served for 24 years in the military—serving in the reserves, serving in the regular force, and serving in the cadet corps. Obviously what we see reported in this article and others is not making me very happy.

I would like to ask this question. What alternatives are there for a member in the Canadian Armed Forces when they are uncomfortable reporting a case of sexual assault to their chain of command?

MGen David Millar (Chief of Military Personnel, Department of National Defence): Thank you, sir, and thank you very much for your service as part of the Canadian Armed Forces.

We have many mechanisms of voice as part of our programs and procedures that allow members of the Canadian Armed Forces to voice their concerns no matter what the issue may be—sexual assault, sexual harassment, difficulties with the chain of command, or being uncomfortable with their workplace environment.

Over the years, and indeed the last two decades as a continuous-improvement organization, we have put in place the 1-800 member assistance program line, the 1-800 family information line, the direct line to any of our padres who are on base, and the direct line to any of the social workers we have at our military installations and wings. Always you can go to our medical officers.

As well, we actually have harassment advisers at each of our bases and wings, in each of our units, whom you can approach. We have workplace relations advisers on each of our bases as well. We also have a conflict resolution program at each of the bases and wings and regionally, and in NDHQ, where we have a 1-800 line for anonymous or even for separate...outside of the chain of command for our members to refer to.

Always we have our military police and our Judge Advocate General.

Mr. Corneliu Chisu: I understand that the military police are doing a fantastic job. There is no question about it. But what about the Chaplain General? A member of the forces will first see the padre with a complaint, so how do you react? In terms of morale, if you see many people going to the padre, that's an indication that something is going wrong.

Did you involve the Chaplain General in your internal review?

MGen David Millar: Yes, absolutely. I work with the Chaplain General. At each of our bases and wings we do have a chaplain. Any of our members can go directly to the chaplain.

Our Chaplain General does performance measurements. When they feel there is a trend or a tendency, it will be brought to our attention right away. Indeed, some of the mechanisms of voice that we have put in place over the years are as a result of the continual surveys we have done with our members to determine where the trends are so that we can put in the appropriate programs.

Mr. Corneliu Chisu: That is an important aspect, to speak to the padre on a base, because it's the first indication that you have outside of the chain of command. That is one of the matters to go outside of the chain of command, to go to the padre; it's an indication that there is a problem.

I know that soldiers are more confident in the padre sometimes than reporting to the chain of command.

•(1215)

MGen David Millar: Yes, sir, and we do have our spiritual leaders on each of our bases. Even if our members were not necessarily comfortable with going to the padre on that base—once again, because it's still associated with the environment and perhaps the chain of command—we have a 1-800 padre helpline that is active 24/7.

Mr. Corneliu Chisu: I have one other question.

The Chair: You have half a minute.

Mr. Corneliu Chisu: Okay.

How did you deal with these three areas—reserves, regular force, and cadet corps? Did you have events in the reserves or in the regular force? I know that the article is speaking mostly about the regular force component. What about the reserves and the cadet corps?

The Chair: The response will have to await a written response, or wait until another time.

[*Translation*]

Go ahead for five minutes.

Mr. Jean-François Larose (Repentigny, NDP): Thank you, Mr. Chair. I want to let you know that I will share my time with Ms. Michaud.

In 1994-1995, I was a reservist in the forces. The work environment was conducive to the concealment of any issues. We did not talk about them, and nothing surfaced. That was a long time ago, and some improvements have been made. However, I would have expected the situation to be different owing to the huge responsibility of our troops, especially in Afghanistan. Those troops are there to help the locals.

I am worried by the fact that these types of problems still exist. Those people may have relations amongst themselves, but I do not even dare imagine what the situation is when this happens with Afghans, who may not even have the ability to file a complaint. Zero tolerance will have to be implemented eventually. It is not good enough to say improvement have been made in terms of percentages.

Earlier, you mentioned a report. Is that report anonymous? You put questions to military members. You have a report on the number of individuals who file complaints. You say that the percentage is very low.

I would like a quick answer please.

MGen David Millar: The report you are talking about [*English*]

is the actual survey, the workplace harassment survey that we do within the Canadian Forces as part of our continuous improvement program. It surveys our Canadian Forces' members anonymously and allows them to report on the workplace culture they find themselves working in. That survey was done in 2012. The results were assessed and analyzed, and they are posted on the Canadian Forces website.

Mr. Jean-François Larose: So why wait so long before doing the survey? If you look at the earlier reports, the numbers were about the same. Why do we have to wait for the media to come out with this for you guys to suddenly wake up and say, look, there's a problem, we have to do this? It's been ongoing.

MGen David Millar: Indeed, it is a continuous process. The survey was completed in 2012. At that time, we started to implement even greater measures. As the Chief of the Defence Staff alluded to, on March 11 he implemented changes and improvements to our harassment program, and that was prior, as a matter of fact, to the recent media events.

Mr. Jean-François Larose: If we speak about prevention, for PTSD you mentioned that you're putting prevention measures in place, screening before members join. Is there anything in that sense for members who would join concerning sexual harassment?

MGen David Millar: In terms of their propensity? Our recruiting standards, techniques, examine certainly—

Mr. Jean-François Larose: Have they changed? Are they changing?

MGen David Millar: Yes.

Have they changed?

Mr. Jean-François Larose: Yes.

MGen David Millar: Yes. Over the last 20 years, yes, they have.

Mr. Jean-François Larose: Are they changing right now? Is that an option that you're looking at right now?

MGen David Millar: We continually looking at how we are assessing our Canadian population as they want to join the Canadian Forces. It is a very scientific approach that is always evolving. So, yes.

[Translation]

Mr. Jean-François Larose: Thank you.

Ms. Éloïse Michaud: General Cathcart, I was saying earlier that the unit commander has a great deal of power because they decide on the consequences or the procedure in cases where charges are laid.

What criteria are used to determine whether sexual misconduct merits administrative penalties or rather a court martial trial? Can you quickly explain this to me?

• (1220)

MGen Blaise Cathcart: Thank you for the question.

[English]

Obviously, each case will depend on the facts, which can come forward in different ways. It can be from individual members who believe they've been the subject of sexual misconduct, which ranges from a low-end activity of harassment to high-end activity of sex assault, and at that point—

[Translation]

Ms. Éloïse Michaud: You are working on a long answer, but I am just trying to obtain...

MGen Blaise Cathcart: I understand, but the issue is very complex. This is not a simple matter.

Ms. Éloïse Michaud: I understand that the situation is not simple, but I am just asking you the following. In the case of touching over clothing, would administrative penalties be imposed or would the offender be court-martialled? You will tell me that it depends on the context—such as whether the individual in question was drinking alcohol or whether the incident took place at a party.

[English]

MGen Blaise Cathcart: First of all, any time there is an accusation of an offence, a service offence or any other type of offence, including sexual misconduct, it's investigated either by the chain of command itself, or in sensitive cases and important cases by the national investigation service. Once the investigation is complete, they then look at the evidence and determine if charges are to be laid. That's in consultation with legal officers who work for me at local bases and wings.

The Chair: Thank you very much, General.

MGen Blaise Cathcart: Okay, we'll get back to it after.

The Chair: In fairness, we have to move on to the next questioner, but you can, as I mentioned before, respond more fully in writing to the committee.

Mr. Miller, for five minutes.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you very much, and to our witnesses, thank you for being here and thank you for your service to the country.

I have the base Meaford training centre in my riding and, obviously, a lot of military presence there. We much appreciate what you do.

Regarding the culture that is talked about in the article that was referred to earlier and what have you, the people who write some of these stories basically try to imply that there is a culture out there,

while there may, in my opinion, be a culture with some individuals, the same as in any group in society.

Could you speak a little on that? Do you think it's actually a culture? I think I know what the answer is, but I'd like to hear your response.

MGen David Millar: Thank you, sir, very much.

Within the Canadian Forces, as we mentioned we're a very proud institution that defines itself with the highest ethical and moral standards. That is institutionalized through our defence ethics program, and indeed transcends through the government and the Treasury Board guidelines, which dictate how that environment will be constructed and the manner in which we treat the men and women in the Canadian Armed Forces.

That program includes policies, leadership, engagement, training, and all the necessary structures that allow for a culture such that any of us should not feel prevented from voicing our opinion, from voicing our concerns. Indeed that is the environment that we have created.

A recent internal investigation that was conducted showed that, yes, we have the policies, the procedures, the practices, the training in place, yet it is very apparent that there are barriers that still exist. Those barriers are the fear of reprisal, and the reassurance that there will be a consistent action taken regardless of the situation that is reported. Those are the sorts of issues need to focus on.

Mr. Larry Miller: Thank you.

You talked about reprisal, and that leads right into my second question on reporting. I wonder if you have any figures on the percentage of allegations of sexual harassment or assault—committed or alleged to be committed—by commanding officers versus just fellow members of the military. Is there any documentation or figure on that?

MGen David Millar: Did you want to comment?

Col Robert P. Delaney: Mr. Chair, thanks for that question.

Certainly, that's data we could drill down and extrapolate based on who the subject is, but we haven't done that analysis per se with that focus in mind. Certainly my experience has been, over the 26 years I've been in this business, that it's not a significant preponderance of the cases we've dealt with.

Mr. Larry Miller: Sure, and I think it's probably been discussed enough here today. I think there's always that fear of reprisal for the victim when it's a commanding officer.

Col Robert P. Delaney: Correct.

Mr. Larry Miller: That's really why I asked that.

My last question is on military family resource groups. I think most bases have them. I know we have a very active one in my area. I'm very supportive of them and what they do. Is there a role that these groups can play? I know they were initiated to help returning veterans and their families, but is there a role that they can play in this issue?

• (1225)

MGen David Millar: Yes, sir, thank you.

Certainly, they do. In each of our wings and bases we have a military family resource centre that is for the families and the member. These centres are another place and another mechanism of voice that a family member can go to should they feel that their military member is experiencing difficulty. The spouse or even the children can go there and identify a concern.

Within the family resource centres we also offer courses and instruction on how to deal with issues like mental health, anguish, managing family problems, the family dynamic, what mental health looks like, what assault and harassment look like. We do that for family members, spouses, and even children as part of our wider education and awareness program.

Mr. Larry Miller: Thank you.

Am I...?

The Chair: You have 10 seconds, so in all fairness, let's head over to Mr. Harris for five minutes, please.

Mr. Jack Harris: Thank you, Mr. Chair.

We had a number of questions before that I was hoping you folks would help us answer.

Since we're talking about the Judge Advocate General and the police, this is an enforcement problem as well. If we have under-reporting, and if we have examples at least reported of either discouraging people from proceeding with a charge or trying to talk them out of it or, in some cases, making veiled threats about their career being at stake, how do you, sir, as the Judge Advocate General in charge of prosecutions, and you, sir, as the police, get past that?

MGen Blaise Cathcart: Thanks, Mr. Chair and Mr. Harris, for the question.

Just to be clear, I'm not in charge of prosecution.

Mr. Jack Harris: Well, you're in charge of the prosecution service—

MGen Blaise Cathcart: No, I'm not.

Mr. Jack Harris: —and in charge of making sure it works.

MGen Blaise Cathcart: I superintend it. I make sure they have all the resources to do their jobs.

Mr. Jack Harris: But you're also in charge of policy.

MGen Blaise Cathcart: Yes. The director of military prosecution is independent from me, independent from the chain of command, and makes his own lawful discretionary choices when dealing with charges. From that perspective, it's quite clear that the prosecution has its own legal obligations and discretion to exercise. It has its own policies that are public. Anybody member of the public can read how the prosecution service goes about determining cases and how to proceed with cases. Those are not just sexual assault cases. Those are all military service offences, which are basically on two grounds—whether there is a reasonable prospect of conviction and whether it is in the public interest to do so.

Mr. Jack Harris: I understand all that, sir. As to whether you have an answer to my question about how you deal with that, you don't.

MGen Blaise Cathcart: I don't deal with prosecutions.

Mr. Jack Harris: All right.

Sir, perhaps you can help us.

Col Robert P. Delaney: Thanks, Mr. Chair.

Mr. Harris, thank you for that question.

The proactive approach of trying to, obviously, prevent any of these occurrences has a police role to it. That's the community policing aspect of what we do. From my perspective and from the perspective of the Canadian Forces Military Police Group, at the grassroots level, and at our detachment level of policing, we need to be out there in that military community developing that trust.

Mr. Jack Harris: Do they complain to you directly, sir, or do they complain to their superior officer?

Col Robert P. Delaney: They could do either. They could come to the military police directly. They can either come to—

Mr. Jack Harris: Does that happen more often than the other way?

Col Robert P. Delaney: I would suggest to you that the majority would come through either the victim themselves or colleagues of the victim, etc.

Mr. Jack Harris: They would come directly to you?

Col Robert P. Delaney: About one quarter of cases would come through the commanding officer or the chain of command. A lot of them are coming indirectly via the victims themselves or the victim's friends or those who they've come forward to. Once that information comes to light, of course, we immediately launch an investigation into it.

Part of my role is making sure they're comfortable bringing that information forward. So we need to be out there active in the communities ensuring that folks understand how we do business and how we nurture the victims of these crimes and how we conduct our investigations in pursuit of justice.

Mr. Jack Harris: Thank you.

General Cathcart, you will note from my questions that I have a concern about reporting. General Lawson seems to indicate that the reports for 2012, 2013, and 2014 have been filed either with him or with the minister, which would mean that the minister hasn't tabled them.

Where exactly are those reports at the moment? Will they be tabled in the House as required by the statute?

MGen Blaise Cathcart: Thank you for that question. I was confused about the question and the response. If you're talking about the annual reports that I'm responsible for as Judge Advocate General, they are not with the minister. Those are my reports. They are still being worked on. They're close to completion. I take full responsibility for not meeting the timeline as set out to do so on an annual basis. I can go into great detail as to the reasons why. The short answer is that there were many other equal military justice priorities, not the least of which you're familiar with, Mr. Harris, dealing with legislation such as Bill C-15.

•(1230)

Mr. Jack Harris: Given all of that, can you tell us when these reports will be presented to the minister?

MGen Blaise Cathcart: I can't give you the exact date, but it will be very shortly.

Mr. Jack Harris: There's some confusion, as I also pointed out, in terms of the recording. There seems to have been more information about sexual assaults per se in the first report you tabled as JAG than in the most recent one. Now, under the summary convictions, they're included with the 691 charges that include events involving drugs and alcohol.

Why would you do that? Isn't it important for us, as legislators and the public, to know the state in the military with respect to sexual assaults and how many prosecutions there are?

MGen Blaise Cathcart: Right.

Again, I thank you for your—

The Chair: With respect to your response, I don't think you'll be able to give it in six seconds, so we'll get that response in writing.

Ms. Gallant, for five minutes.

Mrs. Cheryl Gallant: Thank you, Mr. Chairman.

It was established previously that when a sexual assault occurs between serving members on military property or in theatre, the justice process is court martial.

MGen Blaise Cathcart: Again, it depends on the question. If we're talking about an investigation and then a charge being laid specifically for sex assault, in most circumstances it would be handled by the military justice system, but it could also be handled by the civilian justice system.

Mrs. Cheryl Gallant: How is civilian justice system versus military justice system determined?

MGen Blaise Cathcart: Again, there are two main areas in which it's determined. First is at the initial investigation stage, because particularly in Canada, we have multiple police forces that have jurisdiction. As the provost marshal indicated, if it's two members downtown, for example, then the starting position would be civilian police. If it's on base it's usually ours.

Once the charge is laid there can be further discussion at the prosecutorial level. The director of military prosecutions can chat with the local crown to determine if there are reasons, usually based on a complex series, such as the state of the victim, the best interest of justice, to either have the case heard in a civilian court or in a court martial.

Mrs. Cheryl Gallant: The reason I ask this is that people who have gone through the court martial system—the victims who actually were believed, had the charges go forth and the whole process occur, and the person was found guilty—still believe this process should be taken outside the chain of command.

We've seen that even the highest of ranking officers at a wing has not only been a serial assaulter, rapist, but eventually also a murderer.

When a complaint comes forward, what assurances can you give even the newest, lowest-ranking person who comes forth with such a complaint, and charges are laid, that given the forum of a court martial, their complaint will be taken seriously and with the full force of the law?

MGen Blaise Cathcart: I can give full assurance, as a superintendent of the administration of the military justice system, that our system is the equal and, in some cases, better in terms of resource availability for both victims and accused than the civilian side.

Our standards and the way in which the investigators work, and the police, the judges, are exactly the same as a civilian court would be using.

Mrs. Cheryl Gallant: We've also seen a case in the news where people who are not even recruits yet, who are applying to be recruits, have gone through an experience of sexual assault by the doctor.

At what point are new recruits educated on what is acceptable in the military in terms of misconduct, and what is not, and what they can do if they find themselves in a situation where they have been the subject of an assault?

MGen David Millar: Thank you, ma'am, very much.

Once recruited, as soon as they enter into boot camp, that is our first enculturation of defence ethics. Indeed, that's when the actual formal courses are given to all our recruits. As General Lawson mentioned, there are four sessions in about a nine-week course of boot camp in which that enculturation occurs.

From that point on in your entire career—as an apprentice, as a journeyman, as a lead hand, as a senior NCO, and then finally as a chief warrant officer—you continue to be imbued with our ethics, our culture, and the formal processes of programs that we have to maintain that free and transparent workplace.

So it's throughout your career.

•(1235)

Mrs. Cheryl Gallant: Thank you.

Those are all my questions.

The Chair: Thank you very much.

Ms. Sgro, for five minutes.

Hon. Judy Sgro: Thank you very much.

Can you tell me how long it takes, on average, for these investigations to go on?

Col Robert P. Delaney: Thank you very much for the question.

That's actually a difficult question to answer. It would depend on the complexity of the circumstances.

To give you an appreciation, immediately, if we're talking about an incident of sexual assault, the first order of business is to collect any physical evidence there may be of an assault having taken place. That is obviously done as quickly as possible so that we preserve that evidence and can utilize it later on.

Then comes the point of questioning witnesses who may or may not have seen what occurred. That depends on where those witnesses may be. It depends on the circumstances of where the alleged offence occurred. If it occurred on an operation somewhere abroad, and everybody is now dispersed back to Canada to their home stations, that makes things a little more difficult for us. Certainly, if it occurs on a Friday night and we've collected evidence that night and have got into the stage of interviewing witnesses, that's a case that's going to move a lot more quickly than a historical case would, for example.

Hon. Judy Sgro: Does that mean two years or four years?

Col Robert P. Delaney: I would suggest to you, ma'am, that it's likely a lot less than that in a simple circumstance. But we have had cases that span 30 or 40 years, historical sexual assaults that are brought forward. The legwork that's required to look back into addresses and to individuals from 40 years prior is obviously a lot more complex, but we've got great examples of investigations that our folks have really dug into and tried to get the facts of the matter.

Hon. Judy Sgro: How many convictions have there been? How many firings of senior people in the service have there been in the last five years?

MGen Blaise Cathcart: We can get the exact numbers. I don't have them at—

Hon. Judy Sgro: Give me an idea.

MGen Blaise Cathcart: Again, do you mean senior in terms of rank? In the last year we've had some senior people. We had a base commander at Wainwright, for example, who was a major. We had a case with a lot of notoriety, that of petty officer 2nd class James Wilks. That's a high rank for a non-commissioned member. So again, we go year-by-year and there will be a variety of rank levels involved in such offences.

Hon. Judy Sgro: May I suggest that in the future if you took a couple of really key people as an example and rather than transferring them or slapping their wrists, you gave them really tough penalties it would send a message to an awful lot of people about what's acceptable and what's not acceptable. I appreciate all of the modules and all your fine intentions, but we've heard that before and doesn't give me any level of confidence that it's going to change. I don't know what to suggest to you that's going to change it other than that a shake-up and that message that has to go from the top that we're not going to tolerate any of this. Everybody knows what sexual assault is. Everybody knows that touching a woman or a man.... And we do keep talking about women, but in a recent U.S. study that was done in 2012, yes, there were 12,000 women but there was also 14,000 men who indicated that they were the subject of sexual attention they didn't want. These are very serious issues that you have to find a way to come to terms with. I'm just not sure where we're going with this review. I'm glad we're having it.

There are some pilot projects being done in the U.S. on these issues. Have you been speaking to any of your allies on how they're dealing with this issue?

MGen David Millar: Yes, we have. As a matter of fact, we are part of a type of cooperation working group with New Zealand, the U.K., Australia, and the U.S., where we discuss these very issues. Canada, as you know, was one of the first nations to open its combat roles to women back in 1989 and, indeed, is seen as one of the most

progressive nations, which others are starting to emulate. Jennifer was just in Mexico recently because our allies recognize what Canada has done in integrating women in the Canadian Armed Forces.

Do you want to speak to that, Jennifer, for a second?

• (1240)

RAdm Jennifer Bennett (Champion for Women in Defence, Department of National Defence): I would say that our culture and climate are very different. Our military is set apart from some of our allies. So while there are lessons to be learned from our allies, when making comparisons with them we have to be careful that one size doesn't necessarily fit all. The issue for us in the Canadian Armed Forces is still that the critical mass and sheer numbers of women, the trades in which women can be employed, the method in which they're employed, and our equality is much higher than most of our allies when it comes—

The Chair: Thank you very much, rear admiral. We'll have to go over to Mr. Williamson for five minutes.

Mr. John Williamson: Thank you very much.

One of the remarks that General Lawson made was that there could be a systemic problem within the forces that prevents people from coming forth. That's quite a statement because it suggests there's something going on that you might not even be aware of. How do you deal with this so that we're not back here in five or ten years with other editions of magazines talking about another round of individuals or people who have been assaulted by their colleagues? I find it quite alarming that that is possible in the forces and I think any other organization would want to root it out, and I'm sure you do as well. But how do you tackle that, because that suggests it's there, that you can't see it, that you can't observe it, that you can't study it, and that you can't find it. So how are you going to root it out?

MGen David Millar: I think the Chair, just prior to the end of the last session, characterized it very well as stigma. We've seen it recently on the mental health side, that mental health is characterized by depression, PTSD. A forces member attempts to fix the problem, and when they can't fix it, because we're all type-A personalities, they try harder and harder. They don't want to come forward necessarily because maybe they'll be seen as the weak link in the chain.

As you saw from the recent mental health video, we're changing that. Since that mental health video came out, we're seeing a 10% rise in the number of people coming forward saying, "I do need help and I'm not ashamed to say I do need help."

I don't think this situation is any different, in that we're all proud and professional. Indeed, in our surveys regarding sexual harassment, including the 2012 survey that's posted, the majority of those who experienced sexual harassment came out and said, "I handled it myself". The greatest percentage of our cases of harassment are peer on peer. Because it was peer on peer, many of those who were victimized felt they could address it themselves and did so.

Nevertheless, 17% only reported that they would feel comfortable coming forward, or 17% felt uncomfortable coming forward because of fear of reprisal, and concern that there wouldn't be reassurance of the action to be taken.

As we continue to look at this issue, for us, for me, that is why the next review will shed light on that, as much as we have on mental health.

Mr. John Williamson: I'll hold there, Mr. Chair, thank you.

The Chair: Thank you very much.

[*Translation*]

Ms. Michaud, you have five minutes.

Ms. Éloïse Michaud: Thank you, Mr. Chair. Mr. Harris will use the remainder of my time.

I want to come back to you, Major-General Cathcart.

I am still struggling to understand what would justify a simple administrative penalty being imposed. I am not talking about harassment here, but about sexual contact, physical contact. I will give you the gist of an article published in *L'actualité*, where the unit commander's role throughout the process is discussed:

If he stays out of the police investigations, a commander can still, in some sexual assault cases, get involved in the charges. It all depends on the seriousness of the action.

If the National Investigative Service has determined that it is not its responsibility to prosecute, that responsibility falls to the commander, the accused person's superior. Here is more from the article:

Based on the facts gathered by the police officers, the unit commander decides whether their subordinate will have to answer for his or her actions before military justice or whether simple administrative penalties suffice.

That brings me back to my question.

What is the justification—in the case of sexual touching over clothing—for a unit commander to decide that an administrative penalty applies, while in the civilian world, this is considered a criminal offence?

That is the question I would like you to answer.

• (1245)

MGen Blaise Cathcart: Yes, I understand the question perfectly well. Thank you.

[*English*]

Again, it's based on the facts. I'm not in that situation. I personally agree. I can't see how initially, with those set of facts, a commander would simply say, "Well, that's not sexual assault". If he did, then I would suggest that would be an improper use of his judgment in that case.

That's why in all those cases, we worked very hard both within the military justice system and, as General Millar said, through education and training, so that when those incidents do come to a commanding officer's attention, or anybody else's attention because there's an obligation on all members to report service offences or their belief that a service offence has occurred... When those facts are then presented to investigators and then, potentially, eventually to

prosecutors, I would be very, very surprised if they did not end up in a charge.

[*Translation*]

Ms. Éloïse Michaud: Yet, this has happened. A number of cases have been documented in other articles.

What kind of training do unit commanders receive that enables them to make these types of decisions?

[*English*]

The Chair: The response will have to wait for another time.

Mr. Harris, for three minutes.

Mr. Jack Harris: Thank you, Mr. Chair.

I would add to General Millar's comments about what's necessary. Both women and men who are sexually assaulted have to have confidence that they will be taken seriously, that they won't be re-victimized or their careers jeopardized, and that the perpetrator will be dealt with properly as well. For them to be able to come forward it's not simply a matter of the stigma, but the question of what happens when you they come forward.

I want to acknowledge, by the way, and thank and recognize the work of Noémi Mercier and Alec Castonguay from *L'actualité* for the work they've done in presenting this information to the public. I hope that it will lead to further work by both the military and this committee in trying to address this problem within the military.

I would like, sir, at this time to move the motion for which notice has been given:

That, pursuant to Standing Order 108(2), the Standing Committee on National Defence undertake a study of sexual assault and harassment in the Canadian Armed Forces as soon as possible, and that the Committee report its findings to the House.

I would like to speak to that motion.

The Chair: Thank you.

Go ahead, Mr. Harris.

Mr. Jack Harris: Yes, sir.

I recognize, of course, that there is ongoing activity by the military. We're going to receive General Millar's internal review very shortly, I'm assuming. We obviously want to have an opportunity to look at that and to see what it leads to.

We haven't seen any terms of reference yet. We don't know who's involved, but I think we've had some very interesting questions today from members on both sides of this committee. I think there's a lot more to explore in both the relationship between the military police on the one hand and the civilian forces on the other, issues having to do with the jurisdiction, the changes that were made in 1998, for example, to bring sexual assault into the military for the purpose of prosecution because it wasn't there before. What has been the result of that, the role of the ombudsman, for example, which was created in 1998 partly as a result of the crisis that was identified at that time?

So I think there's a lot of scope for this committee to be involved in this. I don't think it's going to start immediately. The motion says "as soon as possible", so we hope to have an opportunity to deal with this further and remain seized with the question because I think it's an important one. The revelations have concerned and angered a lot of people. Some of them are allegations. Some of them are going to be going to trial, etc., so we know ongoing matters are taking place.

I think this committee, as the representative of Parliament on this issue, should be seized with this, should undertake its own study dealing with the things that have been done so far and whatever else comes before us. But we should agree at this time to continue to pursue the kind of questions we've been pursuing today and, hopefully, get fuller answers and perhaps make our own recommendations as to what might need to be done.

The Chair: Thank you very much, Mr. Harris.

I will note to the committee that generally when we undertake future business we do so after discussion and generally that occurs in camera. Your notice of motion is in order. We can discuss it, but what the committee is seized with is generally done in that fashion.

We'll go to the next speaker, Ms. Sgro, to speak to the notice of motion.

• (1250)

Hon. Judy Sgro: Thank you very much, Mr. Chair.

As you know, I'm not a regular member of this committee, but this particular issue, as I indicated, is of course very important. I'm not sure what your work plan is, but I can say that I think there's nothing more important for this committee than to look further into this issue, as we did with difficulty at the status of women committee. We managed to get some work done on it, but it was really opening the box of a serious issue.

We know that 51% of Canadians are women. We want women to be able to join the military, the RCMP, or any organization they want to, and we want them to feel safe and confident because it's a wonderful career. Why should they be denied those opportunities?

For us not to do something with it, I feel, really lets Canadians down. You've got the military and fine people trying to do the best they can, but this has been going on for years and years, and not only in Canada but elsewhere also.

I think to protect Canada's reputation, but more importantly to protect the integrity of the organization, we should adopt this motion. We should encourage National Defence to remove the muzzle from their members to finally get people talking about this issue, to truly resolve it once and for all. I think we have an obligation to do that. I think this committee would do a fine job of doing some work on this particular issue, as illustrated in the motion.

The Chair: Thank you very much, Ms. Sgro.

Before the chair recognizes Mr. Williamson, I'm looking at the time. This committee has booked some in camera time to discuss some future travel business, etc.

Mr. Williamson, you'll have one minute, and then the chair will excuse the witnesses.

Mr. John Williamson: Thank you.

It touches on the subject matter at hand. At the top of the committee at 11 o'clock, my colleague Cheryl Gallant talked about the external review that was under way.

The Chair: Does this have to do with the motion, sir?

Mr. John Williamson: Yes, it's committee work, and the gentlemen here can answer this. I'm curious to know how long that study will take. How long will that review take, do you anticipate?

MGen David Millar: At the current time, no time limit has been put on it. The terms of reference will be such that it will permit the Independent Review Authority to really look fulsomely at our workplace, our workplace culture, and the programs, policies and procedures, everything from training to reporting, that we have in place to create that environment that—

Mr. John Williamson: Okay. Can you ballpark it? Two years? A mandate? Or will it be the length of a royal commission and take 10 or 12 years?

MGen David Millar: Sir, I cannot ballpark it. That will be up to the Independent Review Authority.

Mr. John Williamson: So potentially in years...?

MGen David Millar: I don't know, sir.

The Chair: Thank you very much, witnesses, for appearing.

As I mentioned, if you wish to complete certain responses or add additional information, that would be greatly appreciated by the committee. Before we adjourn to do the in camera business as per the agenda, I will say that we will discuss this further at the appropriate time and place.

Mr. Jack Harris: Can we vote on it now, sir?

The Chair: As I say, we are well over time now and we can continue this discussion at a later time, because these motions and the work of this committee are generally discussed in consultation in camera. However, we can approach the subject at another time.

Thank you very much once again, madam and gentlemen, for appearing.

This portion of the meeting is suspended. We will go into camera. Please, if there's an onslaught of media, could you help usher them outside the door? We have work that we must complete. Thank you.

[Proceedings continue in camera]

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