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• (1100)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): This meeting is now in session.

Colleagues, I apologize for the shuffling, but this has been a very difficult two hours to put together.

I want to particularly commend our clerk and others who have worked hard to make sure this happens. It's possibly not in the ideal order that we would have wished it to be, but it is what it is, and we thank everyone for their accommodation.

I see that Madam Justice Arbour is on the line and has the proper headset, which, shall we say, has been an internal joke.

Before I ask you for your statement, Madam Justice Arbour, I want to express a personal admiration, as a former practising lawyer, for your work. Over the years, you've been a real credit not only to your profession as a justice but to your profession as a lawyer. I want to express that because I am a big fan of Madam Justice Arbour. Thank you again for your service to our country.

With that, Madam Justice Arbour, as I said, this is not the optimum order, but it is the order. I look forward to what you have to say for the next few minutes. Then we'll turn to rounds of questions.

Thank you.

Hon. Louise Arbour (Lawyer, As an Individual) Thank you very much, Mr. Chair.

[Translation]

Mr. Chair, committee members, thank you for inviting me to answer your questions concerning the report I submitted to the Minister of National Defence last May dealing with sexual misconduct and leadership in the Canadian Armed Forces.

I stress these two aspects because they are equally important. These two issues are also interrelated.

The extent of sexual misconduct in the Canadian Armed Forces, including in senior ranks, was already well documented in sources that include the report by my former colleague Justice Deschamps, the numerous surveys carried out by Statistics Canada, the reports of the auditor general, the Heyder and Beattie class actions, and the many reports in the media. My efforts to update this issue, including by listening to the testimony of numerous members of the Regular Force and the Reserve Forces, active and retired members, pro-

vided unambiguous confirmation of the state of affairs and, unfortunately, the scant progress made to date to remedy the situation.

The second part of my report dealt with leadership development in connection with the persistence of assaults, abuse and all sorts of forms of sexual harassment and discrimination in the organization. That aspect, which had not yet been the subject of any comprehensive external review, became an extremely laborious task consisting of studying detailed, complex practices and procedures relating to recruitment, training, human resources management and, in particular, the performance evaluation and promotion process.

The last area I examined, having regard to previous recommendations on this subject, was the question of external oversight and the accountability of members of the chain of command to civil authorities.

I would like to stress the finding that I feel to be the most important to come out of my review.

Greater openness to the outside world would be a win-win for the Canadian Armed Forces. This is a necessary culture shift, to which there truly seems to be a lot of resistance.

The forces need outside support in many of the functions that are [Technical difficulty—Editor] not unique to [Inaudible—Editor] effective requirements. I am referring, for example, to education, the justice system, and certain aspects of human resources management.

Integrating women into the military in Canada shows how difficult it is for the forces to evolve at the same pace as society on fundamental issues that are, in fact, part of Canada's constitutional framework. History is unfortunately repeating itself for the other underrepresented groups.

The cultural forces that shape the evolution of Canadian society are very slow and can be seen in an organization that is rooted in homogeneity, uniformity, tradition, and autonomy. The hypermasculine and hypersexualized culture whose prevalence in the forces has been exposed by many others is the product of that environment. In fact, in areas in which their performance can be compared to the performance of equivalent civilian actors, the forces do not distinguish themselves particularly laudably.

In this regard, I recommended that criminal sexual offences be prosecuted in civilian courts. I will come back to this in a few minutes. I also recommended that the forces facilitate their members' recourse to the Canadian Human Rights Commission and improve the independence and effectiveness of the services offered to victims.

As a final point, I will tell you about my recommendation concerning the future of the military colleges. I did not have the capacity to examine that issue in depth, but my review identified serious concerns regarding the viability of this model for training military leadership in the modern world, in particular.

Comparing these colleges with the civilian universities, where over half of officers are actually trained, shows a lack of diversity and an orthodoxy that is hardly compatible with how our society is evolving, and, in my opinion, this provides a poor foundation for the basic training of future officers.

• (1105)

[English]

Mr. Chair, I was informed that the minister tabled in Parliament this morning her response to my report. I was provided with a copy of that report yesterday, while I was in New York for meetings at the United Nations, including with the Secretary-General, but you will be pleased to know that they were on matters totally unrelated to what is before you today.

I've had a short opportunity to look at the minister's response to my report, and I have several concerns.

The first thing I want to signal is that I recommended that the minister report to Parliament before the end of this year on which of my recommendations she did not intend to implement. This may have seemed an awkward way of phrasing it. I could have just recommended that she report on all of my recommendations. The reason I phrased it that way, to be very candid, is that I was concerned that my recommendations would find their place in the graveyard of recommendations, which is heavily populated in the Canadian Armed Forces and the Department of National Defence. There are decks and charts of the numerous recommendations, both internal and external, that have been made over the years. None of them seem to be the object of a flat-out refusal, but they seem to linger in perpetuity before various task forces, tiger teams and other types of committees.

In response to my report, the minister states that she intends to recommend all of them. I am somewhat concerned when I get into a little more detail about some of them. Let me share a couple of my more specific concerns. I would, of course, be very happy to take your questions if I—

The Chair: Excuse me for a second, Madam Justice Arbour.

Generally, we allocate five minutes for the initial presentation, but in this particular instance, when we've had to move the order around, I'm going to exercise the chair's discretion to allow a greater period of time for the witness. Please feel free. I see from nods from colleagues that it's exactly what they would like to have happen.

Please continue, Madam Justice Arbour.

Hon. Louise Arbour: Thank you, Mr. Chair.

I'm very grateful for this additional opportunity. In fact, this is very much in response to a document that was provided to me just yesterday—a very short time ago—and I hope that these additional brief remarks will address some concerns that you and the members of the committee may already have.

My first concern is with respect to the minister's response to my recommendation that all criminal sexual offences that are currently within the concurrent jurisdiction of both civilian courts and the military justice system should go back to the exclusive jurisdiction of civilian courts, as they were prior to 1998.

Military justice is an exceptional form of justice, and it rests on the assumption that it is necessary to enhance efficiency, discipline and morale in the armed forces. No rationale was ever advanced in 1998 to give concurrent jurisdiction to the military justice system—the court martial and summary trials—over sexual offences, which until then had been—like murder still is today—within the exclusive purview of civilian courts.

This was supposed to be necessary to enhance efficiency, discipline and morale. Frankly, the last 20 years, I think, have demonstrated not only that it did not improve efficiency, discipline and morale, but, if anything, that the prosecution of these sexual offences by military courts has served to erode efficiency, discipline and morale. Therefore, I see no basis for the Canadian Armed Forces to retain jurisdiction over sexual offences. In my view, that jurisdiction should be vested exclusively with the civilian courts.

As long as concurrent jurisdiction remains, the evidence so far indicates, frankly, that the CAF will continue to consider itself the primary jurisdiction, and surprisingly, civilian authorities seem very happy to decline to exercise their own jurisdiction.

Removing the competence of military courts over these offences requires an act of Parliament, but simply yielding to the concurrent competence of civilian courts doesn't require an act of Parliament—it requires, essentially, an operational policy decision. It's very obvious to me that those involved in that process are dragging their feet.

On the military side, not prosecuting sexual offences would considerably reduce the workload, both on the investigation side of the NIS and the military police and on the prosecution side in what were then summary trials and courts martial.

On average, the military justice system handles approximately 30 sexual offence cases per year. Therefore, this actually would, if transferred to the civilian system—which, across Canada, handles about 2,300 such cases per year—be a minimal additional burden, if one can call it that, on the civilian system.

The administration of criminal justice in Canada is actually a provincial competence under our jurisdiction. I find it very surprising that some provincial authorities seem reluctant to exercise their constitutional power. Frankly, apart from some possible posturing over resources, I don't understand the need for the kind of extensive negotiations that the minister's response to my report envisages, such as a deputy minister-level series of federal, provincial and territorial consultations. There's nothing complicated about that. The civilian jurisdiction already exists. It's just a question of exercising it.

• (1110)

The second matter that causes me some concern deals with the abolition of the duty to report. This has been the subject of extensive consultation and discussion. There's an existing working group in CAF and DND looking at the problem caused by this "duty to report", which puts an unfair burden on not only victims but also their friends and those in whom they want to confide. It is not enforced. Failure to report is never prosecuted. There is no reason not to abolish duty to report.

The minister's response points to an initiative that had already taken place before I finished my report: an amendment to the QR&O. This shows that it's not all that difficult to do something when a decision is made to go ahead. However, it only touches on a very small portion of the problem, in the context of the restorative justice exercise. For most members of the Canadian Armed Forces today, that duty still exists and, in my opinion, should be removed.

My last comment, Mr. Chair, is on the minister's response to my recommendation that military colleges should be the subject of a very detailed, profound examination, led by educational specialists. It's now seven months after the production of my report—probably nine, if you look at March, when I provided the leadership of CAF and DND with a draft of my report—and we're still at the stage of examining parameters, terms of reference and so on. All of that is against the backdrop of a suggestion that military colleges, as they exist, are superior institutions. It doesn't suggest the kind of open mind with which, I think, this kind of exercise should be undertaken.

The good news, Mr. Chair, is that the minister has appointed an external monitor to oversee the implementation of my recommendations. It looks as if it will be a lengthy process. Looking at the response from the minister—which creates a large number of internal reviews, and further task forces and tiger teams—I hope the external monitor has a full decade ahead of her to oversee these efforts.

Overall, I find that all the reviews suggested in the minister's response are, for the most part, internal. Therefore, they entirely miss the central point of my report, which is the need for CAF to open up to a lot more external scrutiny and input.

[Translation]

Thank you very much for your patience, Mr. Chair.

• (1115)

[English]

The Chair: Thank you, Madam Justice Arbour.

We're now at 20 minutes after 11 o'clock. I think we'll cut the first round back to five-minute questions, anticipating that we'll want to get a second round of questions in, at least.

With that, you have five minutes, Mrs. Kramp-Neuman.

Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC): Thank you, Mr. Chair.

Thank you, Justice Arbour, for being here with us today.

Given the robust investigation and all the detailed work you have done, what can you share with survivors, who have been waiting so long to see the change? You acknowledged, in recent days, that they need to be patient. We recognize that the changes won't happen overnight.

Could you speak to the survivors on how long they've been waiting for this, and what happens next?

Hon. Louise Arbour: First of all, as I mentioned in my report, I think the credit for the progress that will take place—eventually and slowly—on these and related issues in the Canadian Armed Forces goes, largely, to the victims and survivors who have come forward.

Frankly, if there's a lesson in all this, it's that the most significant progress came when these survivors took the initiative themselves. The Heyder Beattie class action, which you may recall and which led to some 20,000 claims being filed, speaks more loudly than any external scrutiny of these issues might have, had that taken place. I admire and I'm somewhat surprised by how patient many have been. There are women still writing to me today, after the publication of my report, recounting things that happened to them decades ago, in some cases, and throughout their career.

It is their initiative, particularly the class action and their engagement now internally in CAF, that I think deserves all the credit for progress that has yet to fully materialize.

Mrs. Shelby Kramp-Neuman: Thank you.

Further, were you consulted on the report while the defence minister was preparing it? Was there any consultation during it?

Hon. Louise Arbour: I'm sorry. When the minister was preparing her response to my report...?

Mrs. Shelby Kramp-Neuman: Was there any consultation with you throughout the process?

Hon. Louise Arbour: During my examination, my review, I made extensive requests for documentation. I received some 4,000 documents. I received both testimonials and comments by people who reached out to me, and I of course reached out. During the course of my review, I spoke to the CDS, the VCDS and the deputy minister. I reached out. I visited some of the bases and wings.

I'm not sure if you meant after the publication of my report as the minister was preparing her response. No, I have had no contact with anyone.

Mrs. Shelby Kramp-Neuman: Okay. Thank you.

Further, with regard to your comments about the movement to civilian courts, you touched on a couple of different things with regard to the efficiency, discipline and morale.

My question is, do you believe that moving all sexual assault cases to the civilian side is achievable, or might we wait years just to find out that it's not achievable? I'm fearful of the backlog. Could you speak to the civilian side of it, please?

Thank you.

Hon. Louise Arbour: Yes. Thank you.

I have all the figures inside my report in terms of the number of investigations and prosecutions—and I'll distinguish between these—that the various provinces can expect if they take on, if they actually exercise, a jurisdiction they already have to prosecute sexual offences committed by CAF members or on CAF bases and wings, including outside Canada. It is minuscule compared to the general scope of the prosecution of sexual offences in civilian courts.

We're talking about.... Look at the most serious cases, the ones that are more resource-intensive, and look at CAF. In 20 years, from 1999 to 2001—they received jurisdiction in 1998—they had 134 court martial cases. Distribute that across Canada. This is for the most serious cases. Without getting into all of the nitty-gritty details—obviously there would be a few more cases in Ontario, for instance, than in other provinces—on average you're looking at about 34 prosecutions for sexual offence cases per year across Canada, so the idea—

• (1120)

The Chair: Okay. We are going to have to leave the answer there.

I apologize. We're running a tight clock here, Madam Justice Arbour, but it is what it is.

With that, five minutes go to Ms. Lambropoulos.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): Thank you, Chair.

Thank you, Justice Arbour, for being here to go into a few more details and answer some of our questions on this very important report.

My first question is in regard to some of the comments you made in your opening remarks. You went into detail when speaking about the fact that sexual offences should go to civilian courts exclusively. You mentioned that there are two specific acts that could be done in order to make this happen. You spoke about one being a policy decision and one being an act of Parliament.

I'm wondering if you can specify and go into a little more detail, so that when we're writing up these recommendations—hopefully, they won't end up in the cemetery of recommendations, as you mentioned earlier—we can be as specific as possible.

Hon. Louise Arbour: Thank you for giving me an opportunity to clarify that.

Currently, as the law exists, without any change being needed, both the military justice system and the civilian courts have equal competence over these issues. Therefore, all that needs to happen today is that the military system stops and the civilian side takes on the investigation of sexual assault and other forms of sexual offences committed by CAF members or on CAF bases or anywhere. That requires no change whatsoever. It's just that the military side stops and the civilian side takes it on.

Because there is very little appetite on both sides for this—there's no appetite in the military to let it go and no appetite on the civilian side to take it on—what I recommended, then, beyond that, requires an act of Parliament to take away altogether the jurisdiction of the military courts and bring the law back to what it was prior to 1998. Amend the Criminal Code and the National Defence Act to make criminal sexual offences the exclusive jurisdiction of civilian courts.

Ms. Emmanuella Lambropoulos: Okay. Thank you.

You also mentioned that you had asked the minister specifically to let you know, by the end of the year, which recommendations she would not be going forward with. She mentioned that she would be going forward with all of them. But you said that you had concerns, with these three in particular that you mentioned afterwards.

Given that you think there is a way forward for all three of them—otherwise, you probably wouldn't have recommended them—do you think, in her saying that she would go forward with all of them and would not reject any of them, that perhaps she's there for the right reasons and has the political will and wants to see these being implemented no matter what it takes?

Hon. Louise Arbour: I cannot impute any intention to the minister or to anybody else. The reality is that on each one of the recommendations where the response is that they will be implemented, the method of implementation is the business as usual of sending it back to another review, another committee, or another study or task force, while in fact many of these recommendations....

The duty to report is a clean-cut example. It just needs to be abolished. It's been studied. There was a working group on that before I started. Now the recommendation is to send it back to that working group to articulate the policy framework within which it will be done. When there's an operational need for something to be done, funnily enough, the actual capacity to implement....

This is an organization that is heavily self-regulated. Much of what I recommend, except for a few things that require an act of Parliament, requires internal decisions, not further review and further analysis. That's my concern.

• (1125)

Ms. Emmanuella Lambropoulos: Thank you.

I have only a minute left, so you won't be able to answer the whole question, but maybe one of my colleagues will take over.

In terms of the military training and military colleges, you mentioned the fact that education specialists should be involved in changing the way in which those colleges are run. Could you give a little bit more detail? You also mentioned in recommendation 28 that the cadet wing responsibilities should be abolished. Could you dive a bit deeper into that?

Hon. Louise Arbour: Yes. With military colleges, I think the one thing that's really important to remember is that not all the officer cadets and naval cadets are trained in military colleges. In fact, probably half of them are educated in civilian universities and receive their military training and their physical fitness and so on along the way, as they go along, and they become very successful officers in CAF.

The problem with the military colleges is that they are small sub-cultures. I'll give you one example—the presence of women. I understand that there is sexual misconduct on civilian university campuses. I don't deny that. But when you're educated in an environment where at least 50% of your colleagues are actually women, it's very different from when you're educated in an environment, as in the colleges now, where they're barely 25%, in a culture that is heavily masculine. That's quite apart from....

I can't judge the quality of the education in what are, actually, university degree-granting institutions. I think everything has to be looked at together. I'm very concerned about the responsibility that is imposed on cadets over junior cadets. Some people have—

The Chair: We're going to have to leave the answer there.

Thank you, Ms. Lambropoulos.

Madame Normandin, you have five minutes, please.

[*Translation*]

Ms. Christine Normandin (Saint-Jean, BQ): Thank you, Justice Arbour. It is a pleasure and an honour to have you with us.

I would like to continue talking about your recommendation that sexual assaults be completely removed from the jurisdiction of courts martial.

A year ago, when you made the interim recommendation to transfer those cases to the civilian authorities, of the arguments made, two stand out. The first argument was that transferring cases that were initiated a long time ago might cause problems in relation to the Jordan decision. The second was that the victims might not want to relive the entire process, to have to testify again to civilian police and start the investigation of their case over from zero.

Under your suggestion that the jurisdiction of courts martial in this area be eliminated, there would be an automatic transfer of cases to the civilian authorities. I would like to know what you think about those arguments, which might be unfounded.

Hon. Louise Arbour: Thank you for that question.

It is very important to distinguish between transferring existing cases that are at the investigation or prosecution stage and initiating new investigations or prosecutions, whether for offences committed in the present or for offences committed a long time ago for which charges are now being laid. When we talk about transferring cases, we are talking about current cases.

On the question of the Jordan decision, I said very clearly that no case that is already before a court martial should be transferred, for example, because additional delay would risk jeopardizing the prosecution. However, for existing cases in the Canadian Armed Forces that are at the investigation stage, judgment should be exercised. If the investigation has just started, the case should probably be transferred to the civilian courts. However, if the investigation is almost completed and the victim has been questioned several times, it might be appropriate to allow the case to take its course before the military authorities, for the reasons you have mentioned.

With that said, when it comes to all new cases, we are not talking about transfers; the call must be placed to 911 immediately so that the civilian authorities can initiate the investigations.

Leaving the choice up to complainants or victims is extremely problematic, in my opinion. If their commanding officer or their chain of command asks them whether they prefer their case to be heard by the military authorities or the civilian authorities, that puts undue pressure on them to choose the military authorities, which is not in their interest, in my opinion. Even a lawyer would find it very hard to explain the ins and outs of each of the two options.

• (1130)

Ms. Christine Normandin: Thank you so much.

My next question may fall a little outside the scope of your report, but it follows on your recommendation to eliminate the jurisdiction of courts martial.

As we know, the accused's guilt must be proved beyond a reasonable doubt, so a judge may well tell a victim that they believe her, but have to acquit the accused anyway. If cases are heard by the civilian courts, what would be done with people who were able to themselves acquitted of sexual misconduct charges and wanted to be reintegrated? That is something we are already starting to see, and I would like to know, broadly speaking, what you could recommend on that subject.

Hon. Louise Arbour: First, the burden of proof is exactly the same in the military courts: that is, the facts must be proved beyond a reasonable doubt. In fact, some studies have shown that there were more convictions, in general, in civilian courts than in courts martial. The difference is not enormous, but that means that if the judge believes the complainant but has a reasonable doubt, they will acquit the accused in any event, whether the prosecution is in a civilian court or a court martial.

However, in the military justice system, criminal sanctions are not the only ones available. The Canadian Armed Forces have disciplinary powers they can exercise for conduct that civilians are not bound by. It is thus very possible, even following an acquittal resulting from reasonable doubt, for example, for the accused to be subject to disciplinary proceedings of some other kind within the armed forces. There are codes of conduct and prohibitions on their members' conduct that do not apply to civilians.

In my opinion, however, when we are talking about crimes, the same standard should apply to everyone.

[English]

The Chair: Thank you.

We'll have Ms. Mathysen for five minutes, please.

Ms. Lindsay Mathysen (London—Fanshawe, NDP): Thank you, Justice Arbour.

I really appreciate the clarity that you bring not only with recommendations but, ultimately, to the overall problem that we've consistently seen in terms of getting at this issue. It's something that I've also heard throughout my short time in Parliament studying these issues.

Many of your recommendations referenced the Deschamps report and the inability of the government or the inaction of the CAF and the government to enact those recommendations. A lot of it also references Justice Fish's recommendations.

Our concern, of course, is that now—and you mentioned this in terms of that graveyard of recommendations—the government has entirely missed the point. The 19 recommendations or responses that we could see talk about further working groups and policy reviews, and a lot of that work is internal.

Maybe this links to the external monitor. That's a lot of work to be done, for that one office. There wasn't, as far as I remember, a deadline for the creation of an external monitor and how quickly they could also provide a response.

Could you maybe put forward a recommendation on that in terms of what we need to see from that external monitor on some of the actions that need to be taken that the government has now placed internally that should never have been internal?

Hon. Louise Arbour: Yes, I believe in my report I recommended that the external monitor.... Now I forget if I put a time frame, but I certainly recommended that there be periodic public reports by the external monitor.

I am extremely concerned, as I mentioned before, about how long it seems to take to do something rather than say flat out, "We don't intend to do it"—so to just further review and.... They are small discrepancies. I could give the example of the report by Justice Fish. His report, of course, is a statutorily mandated exercise that has to take place periodically to look at military justice—not specifically sexual offences but military justice, the performance of the grievance system and so on. He did a very thorough review of that. I refer to it extensively in my own report.

On the question of sexual offences, he recommended, when he made his report, that these offences should be prosecuted totally in the civilian system until the Victims Bill of Rights was implemented in the military system. The Canadian Victims Bill of Rights was implemented for all Canadians in 2015. It took until 2022 for it to become applicable in the military system. His report also suggested that victims should have a say in the choice between the two systems.

There's a difference of opinion. I believe that the jurisdiction should fall exclusively on the civilian system. As I said, the minis-

ter doesn't have to agree with me. However, I think if they don't agree, they should say so. I am concerned that this issue is now the subject of further discussions and considerations. It makes it look very complicated.

It's not complicated. If you want to abolish that jurisdiction, put an act of Parliament. It's not hard. It's a matter of decision, not further reviews.

• (1135)

Ms. Lindsay Mathysen: Thank you.

I don't have much time, unfortunately.

We've certainly seen the problem, in the past, in terms of the provost marshal being able to look at and investigate those who are higher up and those who are in charge of advancing his career. We've seen that consistent loophole being repeated. A lot of what you try to get at is, ultimately, that it all goes to the minister.

One of the concerns I had was.... Your belief is that the minister herself—or himself—is external to this system and that this provides a lot of the accountability. However, we saw very clearly in the past, with General Vance, that that can be problematic and that political oversight isn't perfect either.

Could you explain more in depth about why you came to that conclusion? There are so many advocating for reports from the ombudsman, from an inspector general, to go to Parliament directly.

The Chair: Unfortunately, Justice Arbour, Ms. Mathysen has run out of time. If we're going to get in a second round of questions, I have to cut back as it is. If you could work your response into another question, that would be appreciated.

With that, I'm going to turn to the second round. We have roughly 20 minutes, even though the clock there is not correct. I'm going to do four-minute rounds. We'll have four, four, one, one, four and four. By that time, the minister will have arrived, and I'm sure there will be some enthusiasm to ask the minister questions.

Mr. Bezan, you have four minutes.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Thank you, Mr. Chair.

I want to thank Justice Arbour for her hard work, for her report and for her candour today.

Madam Justice, when we are looking at the issues around the transfer of all of these cases, to be clear, you're talking about cases going forward, not the historic cases that are already within the Canadian Armed Forces being transferred to the civilian court. Is that correct?

Hon. Louise Arbour: I'm talking about two things. I'm talking about cases for which complaints have already been made to the military police and to the provost marshal. They're cases that are currently being investigated. If it's early enough, that should stop and they should be transferred to the civilian system. This could be for offences that were committed a few months ago, or it could be for offences that were alleged to have been committed 20 years ago. If it has started, we'll talk about a transfer.

I'm also talking about any new case—any complaint that is made today—whether it's about an event that took place yesterday or 30 years ago. There's no talk of transfer. That should be initiated right from the beginning in the civilian system.

• (1140)

Mr. James Bezan: Thank you, Madam Justice.

When we are looking at the transfer of cases from the Department of National Defence and from the Canadian Armed Forces military justice system over to the civilian courts, as well as civilian police forces, some of the posturing by the provinces and municipalities is around who's going to pay for it.

Is this covered under existing resources, or should the federal government be increasing transfers to provinces to help pay for the cases they're going to have to deal with that are coming out of the Canadian Armed Forces?

Hon. Louise Arbour: To be very candid, I find that argument a little disingenuous, particularly when it comes from provincial police forces that can expect no more than a handful of cases every year, if that. If they don't have an army, air force or navy base in their jurisdiction, they're not likely to get a lot of cases.

Interestingly, again, because there's concurrent jurisdiction, you may be surprised to find out—although it's in my report—that the military system doesn't prosecute driving offences. They let those be prosecuted in civilian courts. If it's a matter of resources, why don't they just switch? The military can say, "We're going to take all of these driving offences of impaired driving under the influence and all kinds of related offences committed by CAF members on the roads of the provinces. We'll take those off your hands and free up some resources, and you'll take the 30 or so sexual assault cases that are likely to come your way across the country in one year."

If it is really a question of resources, and if provinces need more money from.... They have jurisdiction of the administration of criminal justice. That's the Constitution. You have to pay for responsibility.

Mr. James Bezan: Okay. I appreciate that.

Before my time runs out.... We're all legislators here. You're talking about the changes we need to make to legislation, so you're talking about the National Defence Act and the Criminal Code, which would probably need some amendments to accommodate the transfer of all these charges of sexual offences that are being laid from members of the Canadian Armed Forces.

Exactly which sections do we need to abolish or amend so that we can do this quickly? I understand that recommendation 5 is where we have to move the yardsticks, and this is where it seems the government got tripped up here.

The Chair: Answer very briefly, please.

Hon. Louise Arbour: I'm afraid I don't have the exact provisions at my fingertips but, essentially, there may not even be any need to amend the Criminal Code. I'm just not sure right now.

The jurisdiction has to be taken away, probably just in the National Defence Act. The provisions have to come back to what the law was prior to 1998. It's exactly the same for murder. The court martial system doesn't have jurisdiction over murder or over some offences involving children. These are within the exclusive jurisdiction of the civilian courts under the Canadian Criminal Code.

Whether it's both the Criminal Code and the National Defence Act, frankly, the Department of Justice could probably give you that answer in a few minutes with the provisions you need.

The Chair: Okay.

We're going to have to leave it there.

Madam Justice Arbour, if, upon reflecting on this, you have an answer that is different from what you just gave, which is that it can pretty well be done by the justice department today if they wished to, we would appreciate any amended commentary you might wish to make, given that you don't have your fingers on the Criminal Code as we speak. Thank you for that.

Ms. Vandenberg, welcome to the committee. You have four minutes, please.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you very much, Mr. Chair.

It's good to be back on the defence committee after the extensive study on this in 2021.

Justice Arbour, I am very pleased to see you here, especially because of the voice that you've given to the survivors. I know that in the beginning there was some question, even on this committee, as to whether your report would be necessary. I think we've proven that not only was it necessary, but also incredibly value-added. Thank you so much for that.

I note that the key takeaway from your report is that the Canadian Armed Forces is not able to make these changes and change the culture by itself. There needs to be external help and external accountability. There was a lot of speculation that this would require an outside monitoring and accountability mechanism, like an inspector general.

My first question is, why did you choose not to go that route with your report?

• (1145)

Hon. Louise Arbour: Thank you.

I think my report deals quite extensively with that issue.

I'm very conscious that this suggestion goes right back to the Somalia inquiry and has been extensively discussed in the literature. When you come to articulating it, if you look, for instance, at the Australian model, the inspector general's function there was overwhelmingly to oversee, for instance, criminal prosecutions of sexual offences. My recommendation was to take that out of the CAF altogether.

What would remain within the ambit of an inspector general in the Canadian system that has already created an ombudsman, or an Auditor General? Since these recommendations were made 20 years ago, we now have several mechanisms of civilian oversight. I was concerned about trying to carve out an additional civilian oversight role for functions that are currently exercised, in particular, by the Auditor General. The Auditor General's office has produced several excellent reports on a lot of these issues.

I was very concerned about having a lot of duplication of functions, so I saw no need for that. I think the existing oversight that is exercised by Parliament through these mechanisms, and through this kind of committee, has all the capacity.

The problem with CAF is not just oversight, which is after the fact, but civilian input into the process—in the justice system, in the education system and in the management of human resources. Oversight after errors have been made is helpful only to a point, but getting oxygen into the system throughout, I think, would be much more helpful.

Ms. Anita Vandenberg: Thank you.

As you mentioned, a lot of these changes are things that have to be done internally. We know that within CAF there are change-makers, some of whom have been fighting for decades. They know what the solutions are; they've been putting them forward, but there have always been barriers. In many ways, they've been losing steam.

How do we make sure that those change-makers, the ones who are committed to doing this, are the ones who are empowered and are in leadership within CAF?

The Chair: That's a challenging question. It's particularly challenging with six seconds left.

Again, I'll have to invite you to respond in the course of other questions.

With that, Madame Normandin, you have one minute, please.

[Translation]

Ms. Christine Normandin: I am going to do what I can in the minute I have left.

Justice Arbour, you talked about including civil society more in the services offered to the armed forces, whether for recruitment or for education.

I would like to hear your thoughts on the question of health services and social services. We hear stories where a social worker or a doctor of another professional refuses to provide a diagnosis because it seems to be just a reason to get a release.

Should the door be opened to more services from the civilian world when it comes to mental health and psychological support for the armed forces?

Hon. Louise Arbour: I have to tell you I was very concerned about everything having to do with health care, but that was not entirely included in my mandate. As well, I simply did not have the capacity to look into that aspect. In fact, the reason for this is the same as why I was unable to take the issue of the military colleges any further. On the other hand, leadership training itself was part of my mandate.

Health care, including mental health care, has to do with the issue of the duty to report. It is a small aspect, but people told me that they didn't know whom to go to, because they were afraid the person would be obliged to report what they said to the chain of command. That is a distinct aspect of the quality of the physical and mental health services offered to women.

So, honestly, I think this should be the subject of an external review or, at least, a much more thorough examination.

• (1150)

[English]

The Chair: Thank you, Madame Normandin.

Ms. Mathysen, I cut you off last time. I'm interested in how you will use this minute.

Ms. Lindsay Mathysen: Thank you, Mr. Chair.

In terms of your report, you did a lot more focusing on the armed forces themselves, a little less on DND.

One of the recommendations was in terms of that externalizing of processes. A lot more folks from the CAF could be worked into the department itself. However, lots of the problems we have seen are about how they see that authority and how they see that chain of command and so on, and how it implicates the workers in the department.

Can you talk about that?

Hon. Louise Arbour: Yes. In fact, when I talk about bringing external oxygen into the system, I think it's important to recognize the importance of the work of the Department of National Defence, with the deputy minister heading that part of the operation. There have been some concerns expressed to me that even there sometimes there are not enough external sources. For instance, lots of retired CAF members end up working in DND. It remains sometimes too internal. There is not enough input from other branches of the civil service or, as I've recommended, secondments, including from the private sector.

I understand that's very difficult in a force that is understaffed presently. Recruitment is a huge challenge. I have lots of recommendations about the slow pace of recruitment.

I think anything that can be done through DND and through other, civilian, external actors to inform the working of the CAF would be welcome.

The Chair: Thank you, Ms. Mathysen.

Mrs. Gallant, you have four minutes, please.

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

If Canada were to halt sexual assault cases and transfer them to civilian courts, what measures need to be taken to safeguard the integrity of the evidence provided by the victim, for example taped interviews?

Hon. Louise Arbour: Well, I think it would be essentially the same as it is for all prosecutions in the civilian system. There are some instances where it is possible that the military police would be what I would call the first respondent. Possibly if offences are committed abroad, before you could dispatch civilian investigative authorities, it might be that the MPs would be the very first ones.

This is the case in any criminal offence committed anywhere in the country. If it's committed on a site of employment, the employer may have been the first person to talk to the victim. Exactly the same rules would apply for proper investigative methods, including trauma-informed questioning of victims, of witnesses.

The civilian system is not perfect. I don't want to overstate my case, but it's the system that all Canadians are equally subjected to and protected by. I think that should apply to CAF.

Mrs. Cheryl Gallant: Thank you.

In the military system, we do find that the evidence goes missing before trial.

We've heard testimony from the former ombudsman for national defence and the Canadian Armed Forces. Because he's not outside the chain of command and because he's beholden, finally, to the minister's office, he experienced reprisals from the minister's department and was unable to carry out his duties effectively. That was Gary Walbourne.

Would you agree that it's an unhealthy power imbalance between the ombudsman and DND, and it's detrimental to all members of CAF who rely on the ombudsman to assist them?

The Chair: That, I think, is beyond the scope of what Justice Arbour has been invited here to speak to—

Mr. James Bezan: Point of order.

The Chair: —so I'm going to rule it out of order.

Mr. James Bezan: You should entertain a point of order, Mr. Chair. I said "point of order" before you were—

The Chair: I was completing my idea. If you wish to dispute what the chair is saying—

Mr. James Bezan: Mr. Chair—

The Chair: This is a very important report. We're going to stay on the subject. If you have a point of order and you wish to make it, go ahead.

• (1155)

Mrs. Cheryl Gallant: I'll ask another question, Mr. Chairman.

The Chair: Hang on. Your colleague wishes to assert his right to make a point of order.

Mr. James Bezan: Mr. Chair, it's not an assertion. In the report, Madam Arbour actually talked about the issue of whether or not there should be an inspector general, who would replace the ombudsman, so this is relevant to the case.

The ombudsman currently deals with a lot of the complaints around sexual misconduct within the Canadian Armed Forces. This is germane to the discussion. I would like to hear the answer to the question that Mrs. Gallant just asked.

The Chair: Well, I've already made the decision that it is beyond the scope of the report.

You may disagree with that. You're welcome to challenge the chair. I don't think you're going to. I think Mrs. Gallant wishes to continue her line of questioning.

Mrs. Cheryl Gallant: Do you believe, Justice Arbour, that it could be a concern in some cases where CAF asks a civilian police agency to accept a case and they decline, and others they accept, that this directly impacts an accused person's ability to have their legal defence paid for by CAF? Might this disparity become a legal challenge issue that could threaten to derail some cases?

Hon. Louise Arbour: First of all, in my recommendation that the civilian authority should have exclusive jurisdiction over criminal sexual offences, it's not a matter of negotiation between the military police and the victims. It's a 911 case. They all are, like everybody else in the country. That's the starting point.

The consequence of that, though, as you've pointed out very accurately, is that currently if the offences are prosecuted in the military system, the accused is represented free of charge by the defence counsel that's part of JAG. I address that in my report. That is an issue.

If somebody is prosecuted in the civilian system, a military...which is possible. In fact, there are some cases that are prosecuted—cases where the offence either took place prior to 1998, for which there has been a recent example, or it took place off the base in a bar somewhere and it doesn't involve a military victim and for some reason the military system declines to move forward—and in those cases the accused has to pay for his own defence. There is a loss of benefit in that sense.

I've addressed that in my report as to how legal aid possibly could be provided to compensate for that, or it could just be the same as for everybody else. The problem is, I think, that even though they're not paid extraordinary amounts, most CAF members make enough money to not be eligible for legal aid assistance under our not very charitable legal aid systems across the country.

The Chair: Thank you, Mrs. Gallant.

We have Ms. Vandenberg for the final four minutes.

Ms. Anita Vandenberg: Thank you very much, Justice Arbour.

I wonder if you'd like to answer my previous question about change-makers and making sure that those reformers from within are empowered. Do you have any thoughts on that?

Hon. Louise Arbour: Yes. I had signalled to you that this is a very difficult question. It's talking about culture change and so on.

There is, in my report, a reference to existing groups—I forget because I haven't looked at it very recently—that represent LGBT groups. I think there are indigenous groups. There are several women's groups. They should be empowered, and not just by decree. Every time there's a high-ranking visit on a site, the commanding officer should be seen with these people. These are real change-makers from the inside—I'm not talking now about oxygen from the outside. The driving forces, the positive forces inside CAF can be enhanced by giving them the floor and giving them visibility, credibility and so on, and then by modernizing the education system and the training system and speaking truly about diversity—not just “diversity and inclusion are a good thing”.

It's a challenge in an organization that is based on uniformity to make space for those who speak in a different voice. It's very challenging.

Ms. Anita Vandenberg: I would dare say that your report has gone a long way in giving oxygen to some of those change-makers and reformers from within.

We know that a lot of the focus has been on sexual violence, sexual assault and sexual misconduct. That is, of course, an incredibly low bar to set when we look at processes that make things more inclusive. It's not just about changing the toxic masculinity; it's also about making sure we create a welcoming environment where everybody can thrive. We know this isn't really about sex; it's about power, and it doesn't just affect women, but it affects men equally.

In your recommendations, what would you point to that would go beyond the treatment of actual offences to look at the processes and institutional change that is needed? That would include, I note, some of the things you said about human resources and who gets promoted on what basis. What would be the most important of your recommendations in going beyond ending the bad behaviour and moving towards good behaviour?

● (1200)

Hon. Louise Arbour: I would have difficulty in pointing to a single recommendation. One point I made in the report is that they are all interrelated. If I didn't recommend, for instance, the creation of an inspector general, it's on the assumption that criminal sexual offences will be out of the system.

If some things are not implemented, other recommendations may or may not have the same force. I'd have difficulty pointing to a single recommendation that would be critical.

However, there's no question that it starts with recruitment: Whom are we looking for? In the military colleges presently, if you look at the population, they are overwhelmingly white boys from Ontario and Quebec. They are the ones who constitute the majority. To empower under-represented groups, it starts right at the begin-

ning with whom you recruit and the environment they are trained in. It permeates.... I mean, we select people who look like us. This is so well documented that it's trite to mention it.

In terms of performance evaluation, what is valued? What kind of physical training and qualities are stressed? It goes right through the promotion chain to end up with general officers or flag officers. There are now 140 or so of them—with what, 15 women and one Black person? How do we get there? There's not a single recommendation; it feeds right through an organization.

I think maybe it's obvious, but worth keeping in mind, that it's an organization that cannot recruit from the outside into its ranks. If it's short 20 colonels, it cannot recruit from the German army or from Amazon. Everything is homegrown. If any part of the system—from recruitment and training to performance evaluation and promotion—is not constantly upgrading itself with external influences, it's going to fall behind.

The Chair: Thank you, Ms. Vandenberg.

That, Madam Justice Arbour, brings our time with you to an end. I want to thank you, on behalf of the committee, for this much-needed infusion of oxygen into the proceedings of CAF. We particularly appreciate it.

Again, thank you so much for your wisdom, your insights and your oxygen.

With that, we'll suspend and we'll wait for the minister.

Thank you.

● (1200)

(Pause)

● (1205)

The Chair: I see people in their places with bright shiny faces. We're now back on.

We welcome Minister Anand, the chief of the defence staff and all relevant colleagues to this committee.

Minister, I know you have an opening statement, and I invite you to present it at this point.

Hon. Anita Anand (Minister of National Defence): Mr. Chair and members of the Standing Committee on National Defence, hello.

I would like to acknowledge that I am on the traditional unceded territory of the Algonquin Anishinabe nation.

On May 20, 2021, former Supreme Court Justice, the Honourable Louise Arbour, was engaged to conduct a review of policies, procedures, programs, practices and culture within the Canadian Armed Forces and the Department of National Defence, entitled “Independent External Comprehensive Review”, or IECR.

On May 20, 2022, Madame Arbour provided me with her final report and the recommendations of the IECR. On May 30, I welcomed all 48 recommendations in the report and announced that we would move to implement 17 of the recommendations immediately. This morning, I presented to Parliament our path forward for all 48 recommendations made by Madame Louise Arbour earlier this year.

I know you already heard from Madame Arbour this morning. She and I spoke, and I sincerely thanked her for her months of tireless work to produce this report. Madame Arbour has made a significant contribution to our country. For that, we are grateful. As highlighted in my report, none of Madame Arbour's recommendations will be rejected, and I have directed my officials to implement a path forward on all of them.

This is an ambitious road map for reform, developed after months of work and consultation. The following are some of the central tenets that will help ensure meaningful, transformative and survivor-centric culture change.

I expect the Department of National Defence and the Canadian Armed Forces to implement recommendation 5: that Criminal Code sexual offences be removed from the jurisdiction of the Canadian Armed Forces and be prosecuted exclusively in civilian courts. I have directed officials to present options on how such jurisdictional change can occur, in consultation with federal, provincial and territorial partners, and in a way that addresses challenges such as the capacity of civilian police to investigate historical cases or cases outside Canada, including in conflict zones.

● (1210)

[*Translation*]

As Madame Arbour acknowledges herself, implementation will take some time, likely years, and her interim recommendation will remain in place in the meantime, as she requests.

[*English*]

Pursuant to recommendations 7 and 9, I have also directed the Canadian Armed Forces to cease filing any objections under paragraph 41(1)(a) of the Canadian Human Rights Act, thus allowing the Canadian Human Rights Commission to investigate complaints for sexual harassment or discrimination.

Earlier today, I also announced our intent to establish a Canadian military college review board in response to recommendation 29. DND and CAF are developing draft terms of reference and ideas for composition of the board, which will focus on the quality of education, socialization and military training at the military colleges. These colleges attract some of the best that Canadian society has to offer. However, let's be clear: The culture at our military colleges must change significantly.

We will ensure that this occurs.

Finally, I will highlight that I have directed the military to establish a system of progressive targets for the promotion of women, to address recommendation 36. This will increase the number of women in each rank, with a view to increasing their representation in the general and flag officer ranks above their level of representation in the military overall.

These are just a few of the measures, Mr. Chair, that I announced today. The remainder are detailed in my report tabled earlier in Parliament.

I will say, to conclude, that we are deeply committed to building progress with honesty, transparency and accountability.

[*Translation*]

As I announced in October, I have appointed Jocelyne Therrien to the post of external monitor, with the responsibility of overseeing the implementation of Madame Arbour's recommendations.

[*English*]

I've met with Jocelyne Therrien regularly. She's going to continue to provide me with open, transparent and accountable updates.

The culture change initiatives that I've highlighted today, and the others described in the report, are significant steps forward to making an inclusive and diverse Canadian Armed Forces. We have made progress, but much work lies ahead. A number of the recommendations have already been implemented or are in the process of being implemented. Others will be implemented in the short term and in the coming years.

Moving forward, DND and CAF will continue to offer regular briefings to journalists, stakeholders and others on our progress, so that Canadians can be informed about our work.

We have to recognize that culture change cannot occur from the top down. It will only happen if we move forward together. This team effort will continue to require the involvement and commitment of every DND employee and every CAF member. I invite them to take up this call to arms and pursue this mission with the same commitment and the same vigour for which they are known around the globe. Progress is necessary, possible and achievable. Let us all—parliamentarians, defence team members, and Canadians alike—continue to work toward it together.

Thank you. *Meegwetch*.

The Chair: Thank you, Minister.

Mrs. Kramp-Neuman, you have six minutes.

• (1215)

Mrs. Shelby Kramp-Neuman: Thank you, Chair.

Thank you, Minister.

First of all, I'd like to acknowledge and thank you for starting the process of getting the job done. There has been inaction over the last number of years. We heard from Justice Arbour that there's a graveyard of recommendations. I'm optimistic that these recommendations won't fall on deaf ears.

As we're all aware, there's a crisis of recruitment and retention. Do you see this as a road map to getting more people to serve?

Hon. Anita Anand: Thank you, Mr. Chair. I appreciate that question very much.

I think what we need to do, and the purpose of this report, is not only to respond to Madame Arbour's recommendation, but to lay the foundation for the building of an institution where all members who serve can be respected and protected. Why is that important? In direct response to your question, it's because we have to exemplify to Canadians that this is an institution where, if they join and choose to put on a uniform, they will be treated with the respect that they deserve. It is very much a reconstitution issue, as well as a moral issue.

In other words, from an operational perspective, we need the Canadian Armed Forces to grow. We have heard the chief of the defence staff speak about this regularly. In order for the Canadian Armed Forces to grow, we need to embark on these culture change initiatives, and we need to make sure that they are successful.

Very much, the answer to your question is, yes. This is a matter of growth for the Canadian Armed Forces, as well as needing to do what is morally right.

Mrs. Shelby Kramp-Neuman: Thank you.

We're looking ahead. We heard from Justice Arbour that we have a lengthy process. We have a lot of internal reviews and potentially a full decade of work ahead of us.

Speaking to the civilian system, are you concerned that the backlogged civilian system is not going to be able to handle the additional burden?

Hon. Anita Anand: I will say that Madame Arbour—and you've just heard from her—was skeptical about the ability of choice to work. In other words, if there was a choice for a civilian system to reject the case, her view was that they would reject it because they know that the military system is available. In order for us to ensure that we are going to move forward with significant reforms that will protect survivors in the military justice system, we need to move ahead with one option.

In the interim, the interim recommendation of Madame Arbour will continue to apply, but I'm very much aligned with Madame Arbour on the need to move forward with recommendation number 5 in order to ensure that full-fledged systemic change occurs for the benefit of victims and survivors.

Mrs. Shelby Kramp-Neuman: My last question would be.... In order to implement something—talk is very cheap—we actually need to see action on it. Is there any way you can suggest to the

committee here today that you can report back in three months, two months, or four months? What is the magic date when you can report back to us on what progress you are making?

Hon. Anita Anand: I really appreciate this question, because this is exactly the approach I plan to take. First and foremost, I want to say that our response tabled to Parliament and a road map forward on every single recommendation in the report is a different approach from what has been taken in the past. Now everyone can see—Canadians can see and you all can see—what our plans are.

Furthermore, I have directed my officials to ensure that there is a tech brief every quarter on our progress, as we've been doing for the last year. Furthermore, the external monitor will be reporting in April and then periodically thereafter to ensure that she is being transparent to the public. Finally, I am always more than happy to come back to committee, whenever invited, to provide you with an update on our progress.

This is the approach. In order to build confidence, we need Canadians to see the progress and we need to be held to account, and that is exactly what I intend to occur.

• (1220)

Mrs. Shelby Kramp-Neuman: Thank you.

Changing gears a little bit, an article was published yesterday in the press with the details of the call sign assigned to a Canadian Armed Forces fighter pilot that were shocking and offensive. The officers were said to have been given administrative punishments.

Do you know what those administrative measures were?

Hon. Anita Anand: First of all, I want to say that I was appalled and deeply concerned when I heard of this simply unacceptable incident. That incident is the very reason we need to embark on a culture change of this magnitude and why I will work every day to ensure that it occurs.

I know that the RCAF is taking measures to update its approach in the tradition of call sign review boards. It's going to involve formalizing the process to provide proper oversight. It's going to involve ensuring that these are conducted in an appropriate and respectful manner.

I will ask the chief of the defence staff if he has anything to add to this.

The Chair: Sorry, he probably does have something to add, but he doesn't have any time to add it.

With that, I'm going to turn to Madame Lambropoulos, for six minutes, please.

Ms. Emmanuella Lambropoulos: Thank you, Chair.

Thank you, Minister, for being here with us today, and to all of our panellists, to answer some of our questions this morning.

We just heard from Justice Arbour, who spoke about the importance of switching from the military courts to the civilian courts with regard to sexual abuse. You did speak about being on the same page as her in terms of that being the only option, but you also mentioned that you're looking at different routes you can take. She outlined a couple of very specific ones, which we'll be recommending to you in our report, hopefully.

I'd like to know what you see as potential challenges to making this shift and why you think it can take as many years as it might take, when it seems that a policy or a decision by Parliament could move us in the right direction quickly.

Hon. Anita Anand: In the fine print of the report, Madame Arbour herself acknowledges that this is going to take several years to implement. She recommends that we move forward with the interim recommendation while we address some of the challenges ahead with implementing recommendation 5.

I think the gist of your question is this: What are some of those challenges? Some of them include the investigation of cases outside of our country, the capacity of the civilian system and the civilian force to take on these cases, as well as the need for co-operation and collaboration with provincial and territorial jurisdictions.

Those are some of the challenges. I'll ask my deputy minister if he has anything to add to that.

Mr. Bill Matthews (Deputy Minister, Department of National Defence): Certainly. Thank you, Minister.

I have two quick points, Mr. Chair. Number one is that in conversations with provincial, territorial and federal counterparts, they have flagged the investigations piece as being a challenge. I think a lot of people jump right to the prosecution, but the investigation piece is important. If you think about our military members and infractions or alleged infractions that may have occurred overseas, they may be dispersed by the time the investigation comes along. There's a cost element to provinces potentially, as they have flagged.

They have also flagged the issue of victim-centric...as well as time delays and questions as to whether the civilian system would, indeed, be more efficient.

There's a lot to work through. We've had some initial discussions, but there are more to follow.

Ms. Emmanuella Lambropoulos: Thank you.

I know that culture change is really important to you. It's the main thing that the Arbour report discusses: the fact that there are challenges linked to culture.

I'm wondering if you could let us know what changes have been implemented so far and the direction that we'll be taking in order to address some of the recommendations related to recruitment. As we know, recruitment challenges are also very much linked to the less positive culture that the armed forces has had over the last years.

Could you let us know what you've been doing in order to change that?

• (1225)

Hon. Anita Anand: Let me start by saying that we are at a pivotal moment in the Canadian Armed Forces where we need to ensure that the culture change initiatives continue to be implemented and where we need to ensure that we grow the Canadian Armed Forces for the benefit of Canada, for Canadian society. We call on the Canadian Armed Forces frequently: in hurricanes, in floods, in COVID-19. In order for us to be able to continue to rely on the Canadian Armed Forces, we need to grow the Canadian Armed Forces.

This is not a new point. That is why we have been very committed to culture change initiatives for years. What are some of the things already in place and under way? We are expanding the delivery of SMRC—that's the sexual misconduct response centre—programs and services across this country. We are developing an independent legal assistance program for survivors of sexual misconduct. We are increasing access to SMRC services to include all members of the defence team and military families. We are launching initiatives to improve grievance processes, including referring all sexual misconduct grievances to the military grievances external review committee.

In budgets 2021 and 2022, our government committed additional financial resources to ensure that the growth of these programs can continue to occur. In today's announcement, of course, you will now see a road map forward for every single one of the 48 recommendations that Madame Arbour put on the table.

Your question also spoke about reconstitution. Reconstitution, of course, is the nub of growing the Canadian Armed Forces. We have a CAF reconstitution directive to ensure that the CAF has the resources and personnel to deliver on missions. We are welcoming permanent residents to apply to the Canadian Armed Forces. This is going to increase the inclusivity and the diversity of the Canadian Armed Forces. We are increasing staffing at recruiting centres. We are streamlining that process, as well. We are engaging with under-represented groups. We're prioritizing women applicants. We are also implementing a new retention strategy.

I see the chief nodding his head. Do you wanted to add anything, Chief?

The Chair: The chief nodded his head yes. It has to be a good day when the chair has to cut off a Supreme Court justice, a minister and a chief of the defence staff.

In the event that you wish to have the general engage, we'd appreciate it if he could engage a little earlier in the process.

[Translation]

Ms. Normandin, the floor is yours for six minutes.

Ms. Christine Normandin: Thank you, Mr. Chair.

I also thank the minister for being here and for her availability. We always appreciate it.

I would like to come back to the duty to report sexual misconduct, since Justice Arbour raised that issue today. This discussion about the advisability of abolishing the duty to report sexual misconduct has been ongoing for a long time. Justice Arbour referred to it in her report. That tool is not put to use, or is used very little, by the senior ranks.

In addition, there are no prosecutions when someone fails to obey the duty to report sexual misconduct. In your report, you say that the issue will be referred back to the working group to develop transitional measures. I am wondering what these transitional measures are, given that this is a tool that is not used.

Would it not be faster to abolish the obligation to report sexual misconduct?

What is the spoke in the wheels here?

Hon. Anita Anand: Thank you, Mr. Chair.

Thanks to my colleague as well.

In accordance with recommendation 11 in Justice Arbour's report, we have tasked a working group with developing a plan to abolish the duty to report sexual misconduct-related offences. However, it is important to understand that an individual's privacy concerns come into play.

We have to make sure that there is a choice—this being the approach we are going to adopt—if we want to disclose individuals' private information.

My deputy minister may have something to add on this subject.

● (1230)

Mr. Bill Matthews: I have nothing to add, Minister.

Mr. Chair, General Eyre or even my counterpart on my right may want to add something.

Gen Wayne D. Eyre (Chief of the Defence Staff, Canadian Armed Forces, Department of National Defence): Thank you, Mr. Chair.

I agree entirely that the system has to be changed rapidly. Lieutenant-General Carignan has made efforts to develop options for changing this system, this regulation, and I would like to see those changes made as soon as possible.

Ms. Christine Normandin: Thank you.

My next question is a kind of extension of the question I asked Justice Arbour about reintegration of people who have been charged and acquitted, whether by a court martial or by the civilian authorities. We have to talk about these people being reintegrated, given that we also want to guarantee that the Canadian Armed Forces are a safe environment for victims.

To that end, what guidelines would be implemented to ensure that a fox is not sent back among the chickens, in a manner of speaking?

Hon. Anita Anand: That is a very important question, because are now having to increase Canadian Armed Forces personnel at the same time as ensuring that measures are put in place to punish people who violate our code of discipline.

Your question is important, because how can we make sure they will continue to be members of the armed forces?

We have a reintegration framework, a policy that enables us to monitor progress and thus make sure there will be a reintegration process.

Do you want to add something, General Eyre?

Gen Wayne D. Eyre: I would like to add that this is a methodology, not a process. There is a list of factors to be considered. Each case is different, and that is why we have developed a framework to help our leadership make decisions, which are very difficult to make in these cases. It is hard to know what the right answer is.

Lieutenant-General Carignan may have something to add, because she is the one who developed the framework.

LGen Jennie Carignan (Chief, Professional Conduct and Culture, Canadian Armed Forces, Department of National Defence): Mr. Chair, the reintegration framework serves to provide considerations, but can also serve to create an advisory panel that the chain of command can consult for making difficult decisions about whether to reintegrate a member who has been charged with an offence.

Each case is thoroughly reviewed; all decisions of the court are taken into consideration. A decision is then made as to whether the person will be reintegrated into the forces or released. If the person is reintegrated into the forces, there will be a recertification process. Certain procedures must be followed before reintegrating a member. As well, over the months following reintegration, the member's performance and conduct will be continuously assessed.

[English]

The Chair: Thank you, Madame Normandin.

Ms. Mathysen, you have six minutes.

Ms. Lindsay Mathysen: Thank you, Minister, and to everyone joining us today.

In terms of recommendation 5, Justice Arbour today said that ultimately there is a potential, and a danger that she foresaw, in terms of military courts not wanting to let those cases go, and civilian courts hesitating to take them on. Ultimately she called for legislation in order to make that happen.

When will you be bringing forward legislation?

Hon. Anita Anand: Madame Arbour herself said in her report that amendments to the National Defence Act can take years to implement, and she fully recognized the magnitude of the changes that she was requesting in recommendation 5. As a result, we need to make sure that we are providing support to survivors and victims of sexual misconduct. Therefore, the interim recommendation of Madame Arbour, which I accepted within days of being nominated as the Minister of National Defence, will remain in place while officials develop the options to implement recommendation 5.

For example, an ad hoc federal, provincial and territorial committee at the deputy minister level will be established to inform implementation options, as well as to systematize the process for transferring cases from the military justice system to the civilian justice system and—

• (1235)

Ms. Lindsay Mathysen: Okay. Thank you. I just have such limited time. I'm sorry.

I didn't really hear a date in terms of that legislation or addressing that. It concerns me, considering you've said how much you're fully accepting all the recommendations.

In terms of the recommendations, I'm going to recommendations 4 and 11 on duty to report, as my colleague had mentioned; recommendations 24 and 28, the cadet chain of responsibility; and recommendation 37, universality of service. All of these have been addressed by your response in terms of internal committees and audits of procedure, instead of direct abolishment of the duty to report, for example.

In terms of that internal reconstitution, those internal committees and discussion groups, it's a continuation of what we've consistently seen since Deschamps in terms of not allowing that light to shine in from an external point of view.

Of course, there's been the creation of the external monitor, but that external monitor responds specifically to you as the minister. As we've seen in terms of your predecessor, that was a specific and terrible problem where we saw women's careers and their sense of duty and everything that they had given to this country be hidden, because there wasn't a specific openness.

Can you explain specifically how that external monitor won't fall into the same problems that we saw with the ombudsman not responding or reporting to Parliament?

Hon. Anita Anand: Well, I disagree with most of what you have said.

I'll start by saying that, with 48 recommendations put on the table, this is the first time any government has responded to a report with a complete and detailed response to each and every recommendation in terms of our path forward.

The fact that there's no timeline on a recommendation of the magnitude of recommendation 5 I think is prudent. Do you really want me to come here today and say that I will implement recommendation 5 by January 1, 2024 without hearing from my department about the process, the options and how we're going to ensure it occurs? That would not be prudent, and it may not even be true, so I need to make sure that the information that I am giving to this committee and the people of Canada is true and accurate.

What I am saying is that we are going to move forward on recommendation 5. I have asked my officials to present me with options, and just as I moved on the 17 recommendations immediately after accepting Madame Arbour's report on May 30, 2022, I will move on the options as soon as possible.

You mentioned the external monitor. The external monitor was appointed within months of our receiving the final report of Madame Arbour. Already I have met with her numerous times, and she is engaging with the department. She is also ensuring that she provides the oversight that Madame Arbour recommended in her report.

I don't agree that this time is similar. I strongly believe that this time is different, that with this leadership team and our respective approaches to addressing the need for cultural change at a pivotal time in the Canadian Armed Forces' history, you will continue not only to hear updates from us, but to see meaningful change that affects the lives of people within the Canadian Armed Forces and hopefully serves as an incentive for people to join the Canadian Armed Forces as well.

• (1240)

The Chair: Thank you, Ms. Mathysen. You have about half a minute. I'll try to find half a minute somewhere else.

We have 20 minutes. We might be able to stretch it to 25. If we make it four minutes each.... We'll start that.

Mr. Bezan, you have four minutes.

Mr. James Bezan: Thanks, Mr. Chair.

To Minister Anand and everyone from the Department of National Defence and the Canadian Armed Forces, first of all, thank you for the response to the report. It's the first time we've seen this done. Your predecessor sat on the Deschamps report for seven years and let it collect dust on his desk, so this is a very positive step forward.

To follow up on my colleague Ms. Mathysen's comments, we did just have Justice Arbour here, and she was critical of the response to recommendation 5. We know that, in this place, we can get legislation done fast, although Bill C-77, the victims bill of rights in the military, took seven years to finally get brought into force.

What's your timeline on getting this before us in an expedited manner? All parliamentarians want to see this moved from the military justice system to civilian courts. What's your timeline for changes to the National Defence Act and whether or not we need to make changes to the Criminal Code?

Hon. Anita Anand: Thank you so much.

As I said, I have directed DND/CAF to present options on how jurisdictional change can occur and to do so in consultation with the provinces, territories and other actors. As I mentioned in response to the previous question, it simply won't happen overnight because there are serious and substantive challenges that we have to work through, like collaboration with the provinces and territories and civilian police force capacity. We are committed to addressing these issues, and I'm happy to ask my deputy minister to add to my response.

Mr. James Bezan: Let me intercede first, because Justice Arbour was quite critical. She says that there shouldn't be any concerns here, that we have constitutional responsibility that already exists. Prior to 1998, this was already outside of the purview of military justice. She's saying to repeal the current legislation that empowered the military justice system to take over sexual offences that would fall under the Criminal Code and to return it back to the civilian courts, where they were prior to 1998.

The question is, why not just move forward with simple legislation to repeal those sections of the National Defence Act and allow the constitutional responsibility and jurisdiction of the civil courts to take over, as well as the police agencies, for that matter?

Hon. Anita Anand: I understand, Mr. Chair, the urgent need to move forward as quickly as possible. I share that sense of urgency. I can assure you that this is my top priority at National Defence.

Madame Arbour herself said in the report that this is going to take several years to implement. She knows the magnitude of what is before us. I believe we are on the right path.

We are continuing to implement the interim recommendation. We are continuing to see take-up on the transfer of cases from the RCMP and from Quebec as well. They're doing a wonderful job there. In the meantime, my officials will come to present options.

As I said, it would be imprudent for me to simply provide a date to this committee and to Canadians without ensuring that the date can be complied with—

Mr. James Bezan: I don't have a lot of time, Minister.

The Chair: You have about 30 seconds.

Mr. James Bezan: You talk about referring cases to the civilian court, which we're currently doing on an interim basis. As of now, 97 military sexual assault cases, I understand, have been referred to the civilian system. National Defence rejected 40 of them. Why is that?

Hon. Anita Anand: National Defence rejected 40 of them...?

Mr. James Bezan: That's what I've been told: 40 cases that were requested to be transferred to civilian courts were rejected and are still within National Defence.

Hon. Anita Anand: I think the civilian authorities rejected them. I think that's what you want to say, as opposed to National Defence.

• (1245)

Mr. James Bezan: If the civilian authorities rejected them, why would that be?

Hon. Anita Anand: It's important to remember that we are moving as quickly as possible, from National Defence's standpoint, to implement the interim recommendation. We have stood up a federal, provincial and territorial committee in order to address some of the concerns we are hearing from the provinces.

As well, we will continue to move forward with Bill C-77, the declaration of victims' rights, which came into force earlier this year, to give rights to victims of service offences.

The Chair: Unfortunately, we're going to have to leave the answer there.

With that, Ms. Vandenberg, you have four minutes.

Ms. Anita Vandenberg: Thank you, Mr. Chair.

Minister, thank you so much for being here today, and for your very evident, strong commitment to making real, transformative change. You're not just ending the toxic culture and the bad behaviour, but, as you said, in your words, really making it a place "where all members...can be respected and protected."

I think this is the key. It goes well beyond sexual misconduct. To really make a difference, it has to be a place where women and other equity-seeking groups are not just accommodated but included, and all processes and the institution are transformed so that it is a welcoming environment where everyone can thrive, which I know you're very committed to. That includes not just justice; it includes sex- and gender-based analysis around women's health. It includes career trajectories, military families, child care, recruitment and all of the above.

My question is for you, but I would like to hear from General Eyre, General Allen and General Carignan on this as well, so I hope everyone will be very brief.

How do we go beyond changing the toxic masculinity culture and move toward a complete institutional change, so that every single person can find their place within CAF?

Hon. Anita Anand: Thank you for the question, Mr. Chair.

I would like to start by saying that we can't have a "check the box" mentality when we are looking at reforming the culture of the Canadian Armed Forces. We need to make sure we're laying the foundation for meaningful and long-lasting change. That's my motivation every single day.

We don't know how long we'll be in our respective positions, but we know that the Canadian Armed Forces need to continue to serve this country and to protect and defend this country for years and years. How we ensure that change can occur is by putting in place the institutional reforms, some of which we've discussed here today.

Gen Wayne D. Eyre: Mr. Chair, I think this speaks to what's different this time. What is different this time is a different focus and approach. This one is more of a values-based approach, as opposed to a rules-based approach. We can rise up to our values, or we can sink down to the level of the rules. We need both, but we're putting much more focus on the values.

Part of those values includes inclusion. Earlier this year, we published the new CAF military ethos, “Trusted to Serve”. Inclusion is right up there as a military value. There’s much more focus on character as opposed to competence. If we take a look at our strategic failures over the last number of generations, they have been character-based, not competence-based. That is super important.

Incentivizing inclusive behaviours at all levels, so that we can attract and retain the best talent that Canada and Canadian society have to offer, is absolutely essential as we face the darkening, ever more dangerous world around us and as you, the Government of Canada, call upon us more and more to respond. That is absolutely essential.

Lieutenant-General Frances J. Allen (Vice Chief of the Defence Staff, Canadian Armed Forces, Department of National Defence): Thank you very much, Mr. Chair.

How do I follow that?

I think what needs to become endemic in the way we consider and deliberate, as we move forward, is engagement. This engagement, as Ms. Arbour mentioned earlier in her testimony, is beyond just among ourselves, internally. I’m thinking about the broader communities that have investment, equity, education and knowledge they can bring to our decision-making.

Thank you.

[*Translation*]

LGen Jennie Carignan: Mr. Chair, I thank the member for her question.

The creation of my organization is also evidence that we intend to manage the culture consistently to make sure that conduct is always aligned with our values.

The approach we advocate for the position of Chief of Professional Conduct and Culture is to manage the culture from the bottom up, from the top down, and horizontally, while regularly holding external consultations, as Justice Arbour talked about earlier this morning.

We have put processes in place by which we consult externally on a regular basis and thus obtain advice that constantly breathes new ideas into our organization.

• (1250)

[*English*]

The Chair: Thank you, Ms. Vandenbeld.

You have one minute, Ms. Normandin.

[*Translation*]

Ms. Christine Normandin: Thank you.

Minister, you say in your report that the function of the Sexual Misconduct Response Centre might change somewhat in order to offer more legal assistance services, which I welcome.

I am nonetheless concerned about the provision of services in French.

This summer, after the case was over, we learned that only 10% of claims were submitted by francophones, even though they represent 20% of the armed forces. There seem to have been problems with publicizing the services offered to francophones.

I would like to know what you are going to do to ensure that services are offered by the Sexual Misconduct Response Centre in both official languages.

Hon. Anita Anand: Thank you for your question.

As you know, I am fond of the French language and I try very often to speak it.

We are fully committed to providing services in both official languages. As Minister of National Defence, and in my personal capacity, I consider that to be very important, because we are a bilingual country.

I would like to ask Ms. Rizzo-Michelin whether she has something to add.

[*English*]

The Chair: I seem to be repetitive, here. Time is expired.

Ms. Mathysen, you have one minute.

Ms. Lindsay Mathysen: Thank you, Mr. Chair.

I had the privilege of sitting on the status of women committee. Many women came before us throughout the study, last year, on what occurred. Repeatedly, they said they saw report after report.

I’m grateful for the change and willingness, in terms of the acceptance and the response to the report. However, it’s not full implementation, entirely. There are all these different aspects to it. I can understand why, but there’s a concern there. Ms. Arbour said today, in this committee, that she is fearful you have missed the boat.

What do you have to say about that?

Hon. Anita Anand: I will say that it’s different this time. Never before has our government responded to a report from a Supreme Court Justice with a full-fledged explanation and road map forward for every single recommendation in the report. I will come back to this committee and the Canadian public, at least quarterly, with updates relating to our progress on implementation. The external monitor herself will also provide updates to the Canadian public.

The way we ensure that cultural change occurs in the military is by trying, every single day, to get it right. The gist of my tenure, as Minister of National Defence, is to ensure that occurs.

The Chair: Mr. Kelly, you have four minutes.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Thank you.

On the same point, the track record of your government on this has been abysmal. The seven years that went by with no action on the Deschamps report have led to a certain amount of skepticism about the commitments you're making. Ms. Mathysen is right. I note that Justice Arbour was skeptical about the willingness of your government to fully implement all these recommendations.

It's easy for a minister to say, "I accept all the recommendations." Every few years, a minister is shuffled. Sometimes, there's a change of government. Nothing happens, and the problems remain. You're going to need to give us additional assurance. Consultations don't protect victims. Action will.

Can you address the shortcomings Ms. Arbour found in the level of commitment demonstrated in your remarks, particularly on recommendation 5?

Hon. Anita Anand: Madame Arbour's recommendation 5—and the recommendations generally—recognized that full-fledged systemic cultural change is not going to occur overnight. She also recognized some of the issues you raised in your question, including the potential for the minister of the day to be moved out of the position. It is for that reason that she recommended that the external monitor be appointed. I moved extremely quickly to ensure that there was an external monitor appointed to oversee the implementation of the recommendations.

There is a built-in safety valve in the Arbour report recommendations, which we have already implemented. The external monitor is going to ensure that we are held to account.

• (1255)

Mr. Pat Kelly: Why not commit today to an expeditious legislative process to implement it? You said earlier in your remarks that it will take time to get the legislation right. Justice Arbour didn't seem to agree. She thought it was going to be relatively simple. Yes, culture change takes a long time, but minor changes to legislation, which is what's required here, do not take a lot of time if there is political will.

Hon. Anita Anand: I would encourage you to read the Arbour report, and recommendation 5 in particular. What she said in that report is that it will take years to implement.

I agree with her written word in the report. In particular, I have heard from my officials who are with me today that the challenges to moving all cases from one justice system to another are significant. That includes ensuring that the provinces and territories will take these cases and ensuring that international issues and cases are able to be dealt with in terms of international law and resources required. There are challenges.

I would turn to my deputy minister to add anything to that.

Mr. Pat Kelly: I have a request. I would encourage you to listen to the testimony that Justice Arbour delivered earlier today.

Hon. Anita Anand: I would have liked to, but I was not in the room at the time.

Mr. Pat Kelly: Well, she was quite clear that she has concern about political will.

All that this comes down to is political will, and your government has a terrible track record on this, based on the Deschamps report.

Hon. Anita Anand: I would encourage you to look at the report that I tabled in Parliament today and to compare it to the response of previous reports that have been submitted. We have the will, and we will continue to get this done.

Mr. Pat Kelly: Thank you. The proof will be in the action.

The Chair: Thank you, Mr. Kelly. That was four minutes.

The final four minutes go to Mr. Fisher, please.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thank you very much, Mr. Chair.

Minister, thank you to you and your team for being here today. I have said this before and I will say it again: You are a force to be reckoned with. I'm not one of the skeptics. I have known you long enough now to know that when you say you're going to get something done, you're going to get it done.

I also want to take a quick second to acknowledge the members of the committee today, who asked some really good, fair, strong and tough questions. This is one of those times when I really appreciate this committee; it comes well prepared. Today was a very good and respectful day.

One thing that members of this committee did was to take every question that I was going to ask you and ask it.

When you were speaking with Madame Lambropoulos, you offered up to this committee and to Parliament a road map in the future.

For the 17 of 48 recommendations that you announced you would begin immediately, can you give us a bit of an update, a road map, on where you are with those? It would be unfair to ask you about a road map of things you haven't been able to tackle yet. However, I thought maybe I would give you an opportunity, if I could, to see where you are on those 17 of the 48 that you said you would begin immediately.

Hon. Anita Anand: Most definitely. I want to say, though, that the importance of the 17 recommendations was for us, in May 2022, to show that we will continue to act very quickly on a number of recommendations. That includes, for example, to undertake a review of the SMRC and to change the name of the SMRC, including to ensure that we examine the duty to report and a number of other recommendations.

I don't think at this juncture, when we said we are not rejecting any of the 48 recommendations, that we need to focus only on 17. Right now our focus is on the entire report, to make sure we are moving very quickly on every single recommendation.

Having already implemented recommendations 47 and 48, I will ask my deputy minister whether he could provide an update on the remainder.

• (1300)

Mr. Bill Matthews: Thank you, Mr. Chair.

I have a couple of points here.

Number one, the examination of the various rules and regulations is ongoing. We've heard from the chief on a couple of these today.

The point I would like to flag to the committee is on Madame Arbour's 48 recommendations. They are part of a broader program of culture change. We haven't touched much on General Carignan's organization today, but that is what's also different this time. This organization is now well stood up and has a mandate to address the culture of the organization.

They're still fairly new from an organizational history perspective, but they are going to be critical, and their work is critical in moving forward these recommendations and the broader culture change work, including measures to address racism and inclusivity. It is part of a broader package, and I would like to flag for the committee that this work should not be ignored.

We're talking about Madame Arbour's report today. There's a broader program of work here as well that's equally important.

The Chair: You have about a minute left, Mr. Fisher.

Mr. Darren Fisher: Thank you.

With regard to the sexual misconduct response centre, can you update us on some of the changes that have already been made and maybe on some that are under way to better support complainants, victims and survivors?

Hon. Anita Anand: Most definitely. We are moving forward on reviewing the mandate and client scope of the SMRC as a first step in implementing Madame Arbour's recommendation that the SMRC be reinforced as a primary resource centre solely for complainants, victims and survivors of sexual misconduct.

I think it's really important to remember what the deputy minister just mentioned, which is that we're not starting from scratch with the Arbour report. A number of initiatives have been under way for years in the Canadian Armed Forces, including the SMRC programs, including independent legal assistance, including access to

SMRC services and including initiatives to improve the grievance process. We are building on a foundation of transformative change.

In terms of the SMRC, which is the gist of your question, we're working to transfer the SMRC's authority for sexual misconduct training and education to Madame Carignan's centre, the CPCC, and we are also making sure that structure reports directly to the deputy minister of National Defence. The SMRC is also in the process of implementing a review of its own administrative structure in order to increase its independence.

There are a number of reforms around the SMRC, but I want to make sure you know that there is a foundation of transformative change that has already been under way.

The Chair: Thank you, Mr. Fisher.

That brings our time with the minister and her officials to a close.

I have taken note, Minister, of your willingness to reappear before the committee. As chair of this committee, I have to say that the gap between your last appearance and now has been a little bit too long, and we're hoping to rectify that with more frequent appearances by you and your colleagues. There are a number of studies this committee is engaged in on which your input would be required and welcome. I would encourage those who control your calendar to clear a bit more space for the committee so that we are not left in a vacuum as to what your thinking might be.

With that, I want to thank you. This has been an extraordinary two hours sitting here in this chair listening to the commitment to substantial change of some of the most significant and influential people in this country, and we cannot afford to fail. I take General Eyre's comments to heart: It is just too dangerous for us to fail. So I'm pleased to see the commitment.

With that, we are going to adjourn.

Colleagues, I don't know what's happening Thursday. According to Mr. Bezan, we won't be here. If we are here, I intend to have a meeting and instruct the analysts on the Arctic study and also to hear your thinking with respect to our trip to the Baltics and Poland. We need to start working on that now so as to maximize the benefit of the trip and to help out. We'll see what Thursday brings.

With that, the meeting is adjourned.

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