



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

45th PARLIAMENT, 1st SESSION

Standing Committee on National Defence

EVIDENCE

NUMBER 010

Monday, October 27, 2025

Chair: Charles Sousa



Standing Committee on National Defence

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• (1530)

[English]

The Chair (Charles Sousa (Mississauga—Lakeshore, Lib.)): Welcome to meeting number 10 of the House of Commons Standing Committee on National Defence.

Pursuant to the motion adopted on October 23, 2025, the committee is meeting to commence its consideration of Bill C-11, an act to amend the National Defence Act and other acts.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person, and some are remotely using the Zoom application.

Before we continue, I would ask all in-person participants to consult the guidelines on the table. These measures are here to help prevent audio feedback incidents and to protect the health and safety of all participants, including the interpreters.

I would like to also remind the witnesses and members to please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic. Please mute yourself when you are not speaking. For those on Zoom, at the bottom of your screen you can select the appropriate channel for interpretation: floor, English or French. For those in the room, please use the earpiece and select the desired channel.

All comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can. We appreciate your patience and understanding in this regard.

As I welcome the witnesses and members around the table, we are pleased once again to have the Honourable David McGuinty, our Minister of National Defence, with us.

We have General Jennie Carignan, chief of the defence staff of the Canadian Armed Forces; Stefanie Beck, deputy minister; Lieutenant-General Paul Prévost, chief of professional conduct and culture; Major-General Rob Holman, judge advocate general, Canadian Armed Forces; and Martin Gravel, chief operating officer, sexual misconduct support and resource centre.

I will now invite the minister to make his opening statement.

Sir, you have five minutes and only five minutes. It's over to you, sir.

Hon. David McGuinty (Minister of National Defence): Thank you, Mr. Chair. It's military precision, as always.

Mr. Chair and committee members, thank you for inviting me to appear before you as you begin your study of Bill C-11, the military justice system modernization act.

Before we begin, I want to acknowledge that the topics that will be raised in these committee proceedings are of a sensitive nature. The sexual misconduct support and resource centre has a 24-7 hotline. For anybody watching or participating, if you feel the need, dial 1-844-750-1648 for assistance at any time.

I also want to thank you, sir, for arranging a special sitting of this committee to accommodate my appearance today.

Members of the Canadian Armed Forces work hard every day to defend the values of peace, freedom and democracy, both at home and abroad. They do it with unwavering dedication, professionalism and resilience.

We have all met with our forces across Canada and around the world, all of us. Their work has always been essential to Canada's security, but in today's unpredictable and volatile geopolitical environment, it has taken on renewed urgency. It is our responsibility to ensure they have a workplace where they feel protected, respected and empowered to serve. That means eliminating harmful behaviours from our institution, including sexual assault.

[Translation]

The amendments proposed in Bill C-11 address key recommendations from the independent, external reviews conducted by former Supreme Court justices Arbour and Fish to ensure transparency and accountability in our system and align it with the expectations of Canadians.

[English]

First, Bill C-11 would remove the Canadian Armed Forces' investigative and prosecutorial jurisdiction over Criminal Code sexual offences committed in Canada. This means that all Criminal Code sexual offences will be investigated and prosecuted exclusively in civilian criminal courts. This addresses part of recommendation five in Justice Arbour's independent external comprehensive review.

Second, it would address eight recommendations from Justice Fish's third independent review, including modifying the appointment process for the Canadian Forces provost marshal, the director of military prosecutions and the director of defence counsel services; allowing non-commissioned members to be appointed as a military judge, expanding the class of persons who are eligible; affirming the judge advocate general's respect for the independence of authorities in the military justice system; expanding the class of persons who can make an interference complaint; and changing the title of the Canadian Forces provost marshal to provost marshal general, aligning it with other senior CAF designations.

Third, Bill C-11 would remove military judges from the summary hearing system and expand access to victim liaison officers under the declaration of victims rights to individuals acting on behalf of a victim.

Last, it would amend the National Defence Act to align sex offender information and publication ban provisions with the amendments made to the Criminal Code in 2023.

Together, these amendments would bring our military justice system in line with our civilian criminal justice system, ensure that it better responds to the needs of survivors and ensure confidence in our institution.

• (1535)

[*Translation*]

These legislative reforms are part of a broader effort to transform the culture of the Canadian Armed Forces to make it more inclusive and representative of the populations we serve. Any members who do not meet these requirements will be discharged as soon as possible. We have also modernized clothing requirements and made other improvements to attract and retain more women and ethnic minority Canadians.

[*English*]

We've also made progress on recommendations seven and nine of Justice Arbour's report. CAF members who experience sexual misconduct, sexual harassment, crimes of a sexual nature or any other form of discrimination based on sex or gender while performing their duties can now bring their complaint directly to the Canadian Human Rights Commission, without first exhausting internal grievance and harassment processes.

We believe these are all steps in the right direction, but our work is far from over.

[*Translation*]

Bill C-11 is another crucial step towards this ideal, strengthening our commitment to protecting our people, supporting survivors and building trust in the Canadian Armed Forces.

[*English*]

It's our responsibility, colleagues, to make sure that our military justice system is fit for purpose, and I thank you for your part in helping us keep it modern, relevant and responsive.

I very much look forward to working with this committee as you examine the bill. I'm happy to take your questions.

Thank you again for allowing me and my officials to appear today.

The Chair: Thank you, Minister.

I gave you some leeway. A few extra minutes would have been fine.

We'll take it away with James Bezan, our first questioner.

Mr. Bezan, you have six minutes.

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

Thank you, Minister.

I want to start off by saying that the official opposition, we Conservatives, believes that everyone in Canada, especially those who put on the uniform in service to Canada, should never have to deal with sexual misconduct, racism and discrimination. We believe that this bill is the first good step.

Now that you've brought forward Bill C-11—it's been over a year since this House originally saw Bill C-66—as the new minister on this file, did you consider making any changes to the bill before retabling it?

Hon. David McGuinty: That's a really good question.

In looking at the bill and getting briefed on it, Mr. Bezan, I felt that it was the right form now to enhance trust and transparency in the system.

What we did hear back about, and what I did insist on, was getting briefings and feedback from people who were applying and looking to enlist, to sign up to join us. They told us, in very large numbers and in no uncertain terms, that they wanted a 21st century workplace. They felt that this balance of measures, which we could deliver quickly and hopefully pass quickly together with all-party support, I hope.... The Canadian Armed Forces told us they were counting on us to get it done.

• (1540)

James Bezan: There were some recommendations that came out of the work of this committee in the past. In November 2024, we had "Rebuilding Trust: Transparency and Accountability in the Department of National Defence and the Canadian Armed Forces." Was that taken into consideration in the new bill that you brought forward?

Hon. David McGuinty: I don't think the details of that were.... Again, one of the reasons we're here is that we're very open to hearing more from all members about how to improve this bill.

James Bezan: Okay.

Since December 2021, even without the legislation, the Canadian Armed Forces has been moving all sexual offences that are criminal in nature over to the civilian system. Do you know how many cases have gone forward into the provincial justice system across the country?

Hon. David McGuinty: I can't recall personally, but I know somebody at this table does.

James Bezan: Okay. We'll get to that in the second hour.

Do you know if there are any cases that have been delayed and the Jordan framework has come into play?

Hon. David McGuinty: It was not in my briefings, no. What I've been told, in fact, is that we made great progress with Ontario in signing an MOU on how to deal with these cases. We continue to be in close contact with all provinces and jurisdictions, and we're very receptive to a two-way dialogue to make sure that we get these cases properly treated and dealt with.

James Bezan: Since you were sworn in as minister, have you spoken to justices Arbour, Fish or Deschamps on this file?

Hon. David McGuinty: No, I haven't spoken to them. I've interfaced with Justice Deschamps in another capacity, but I intend to follow up after this hearing, when I'm back from travel this week.

James Bezan: In this bill, there will be more people appointed through order in council, so they will be political appointments. Can you tell us the rationale behind some being four years and some being seven years? The ombudsman is a five-year appointment. Why is there a difference there?

Hon. David McGuinty: I would begin by saying that the rationale for moving these appointments to GIC appointments is that the structure, the transparency and the robustness of that process are, we believe, superior to what exists now. It also helps make it plain that even the notion of the perception of chain of command pressures being brought to bear on these really important appointments would be overcome. Third, Justice Fish wanted to align these positions with other positions in the federal government.

James Bezan: I think the standard is four or five years, not seven years. I'm really confused about this, but we'll get—

Hon. David McGuinty: I think the director of public prosecutions has a seven-year term, so I—

James Bezan: Usually, people in uniform serve about three or four years, max, in any position. Now we're going to five and seven. It's one thing that we want to drill down on.

Bill C-11 would give you, as the Minister of National Defence, the power to issue guidelines and directives with respect to particular prosecutions, which used to be done by the JAG. Will that not potentially lead to political interference?

Hon. David McGuinty: I would be hard pressed to believe that any minister of national defence would want to insert themselves into a prosecution of this kind.

James Bezan: You were looking at Bill C-11 and the department. Did you also look at other allied nations and how they have been doing this, as it relates to sexual misconduct in particular? Australia and the United Kingdom have independent prosecuting offices; that's the way they've handled it. Have you taken that into consideration and tried to look at that?

Hon. David McGuinty: We did. Thank you. That's a good question.

We looked at comparative practice, but what we really relied on was the wisdom of Justice Arbour and Justice Fish and the benefit of all their hearings, the thousands of folks they spoke to, the research papers and the analysis, and this is where they came down. We support their views.

James Bezan: Why do you feel you need to have the powers of the Minister of National Defence to issue guidelines in prosecutions, when that used to be done by the JAG? Why would the minister do that, and not the Judge Advocate General?

Hon. David McGuinty: That's a good question for the JAG.

James Bezan: We'll get back to it. I'll make sure we circle back on that one.

Hon. David McGuinty: Okay. Thank you.

James Bezan: Was the Privacy Commissioner consulted at all on Bill C-11?

Hon. David McGuinty: I'm not aware.

James Bezan: I'm just thinking about the Victims Bill of Rights, when people are referred to the civilian system.

Hon. David McGuinty: I don't think so, but they might be a very good witness to call.

James Bezan: Which provincial and municipal police forces have you consulted on whether or not they have the capacity to handle the increase coming from the CAF when we're referring—

Hon. David McGuinty: My predecessor dealt with a number of police forces, a number of solicitors general and a number of—

James Bezan: Can we get that in writing as to who—

• (1545)

Hon. David McGuinty: I'm sure we can get that for you.

The Chair: I think that's it.

Thank you, Minister.

Thank you, James.

Viviane Lapointe, you have up to six minutes.

Viviane Lapointe (Sudbury, Lib.): Thank you, Chair.

Minister, members of the Canadian Armed Forces dedicate their lives to serving our country, and they deserve a system that protects them with the same integrity that they show in uniform.

Can you tell this committee how Bill C-11 would help to rebuild the trust and the confidence among Canadian Armed Forces members who may have lost faith in the institution's ability to hold offenders accountable?

Hon. David McGuinty: We're on a journey of reinvigorating the Canadian Armed Forces collectively as people. This is a very meaningful step forward towards advancing a culture of respect and accountability across the defence team. This is about a suite of targeted amendments to help bolster confidence in the military justice system. These amendments build on a succession of independent and external reviews that have been conducted. The bill also implements Justice Arbour's and Justice Fish's recommendations that are legislative in nature—recommendation five of the Arbour commission, and eight separate recommendations from Justice Fish.

Bill C-11 basically removes the military jurisdiction over Criminal Code sexual offences committed in Canada. This is a big decision, but it's a very important decision, and it's the right decision, because it is very important that the Canadian Armed Forces not be in a situation where its members, its new recruits, its applicants and people thinking of careers there don't trust the system.

We have been addressing and we'll continue to address the needs of those who have been affected by conduct or by harassment or crimes of a sexual nature—as I said last week in a speech on Friday in Toronto—so that we can expunge this behaviour, move forward and build a highly performing—more than it already is—Canadian Armed Forces.

Viviane Lapointe: Thank you.

You touched upon this in your response, but I'd like you to expand on it. This legislation would give legal force to a key recommendation that came from Justice Arbour: ensuring that Criminal Code sexual offences are handled exclusively by civilian authorities. Can you speak to how formalizing this shift in law will strengthen confidence in a process for survivors and what additional steps will follow to fully implement this change across the forces?

Hon. David McGuinty: That's a very big question, an excellent question.

As a result of this legislation, the investigation and prosecution of Criminal Code sexual offences will now fall under the exclusive jurisdiction of the civilian justice system. This was a strong finding of Justice Arbour's review and her commission.

This was very much about indicating to victims, to complainants, to people who are working or serving right now in the forces or at DND, or those who are thinking of joining, that we're going to improve the architecture. We're going to make profound systemic changes. There has been a whole series of these, which I'd like to take more time to chat about when we have more questions.

This recommendation is very much the cornerstone of Bill C-11. We are convinced that it will have a major impact on building trust. Trust is fundamental to recruit and retain good people. This is part of our larger culture evolution efforts. There have been many other changes made systemically across the system.

Viviane Lapointe: Minister, this legislation has a lot. I think you said that it addresses eight recommendations.

Can you outline or provide some examples of how this legislation directly advances the work that helps the government stay on track to complete the remaining recommendations by next year?

Hon. David McGuinty: The good news is that, before my arrival, a succession of team members—some of whom are sitting at this table—previous ministers and previous committees have worked together to facilitate many changes inside the system.

What I found in re-examining the reviews that have come before now is that each has built on the other. Each has led to systemic changes and systemic improvements. This is not the crown jewel, but the last big piece we have to get done legislatively. If I recall, we have implemented some 114 of 194 total recommendations between those four fundamental reviews. In fact, in my experience in government, I haven't seen a department or organization take that many recommendations and operationalize them as quickly as we have.

• (1550)

The Chair: You have 30 seconds.

Viviane Lapointe: It's a big question for 30 seconds, but can you talk about our commitment to institutionalizing culture change and how this legislation ties into that commitment that we've made?

Hon. David McGuinty: It really did start from the top down and from the bottom up at the same time. We had incredibly inspirational victims come forward and explain the impacts of this on their lives, which are beyond heart-wrenching and are very clearly unacceptable. That has led to an understanding that there was a fundamental challenge. This began years ago. These reviews were conducted years ago, and now we really want to move forward.

That's why we devised, for example, a comprehensive implementation plan for all of these recommendations—not randomly but over a five-year period, from 2023 to 2028—that looks at prioritizing and addressing all of these 194 external recommendations. None of them are left on their own. They're not stragglers. We fully intend to have these recommendations implemented by December of this year.

The Chair: Thank you, Minister.

Mr. Savard-Tremblay, you have six minutes.

[*Translation*]

Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot—Acton, BQ): Thank you, Mr. Chair.

Good afternoon, Minister.

Greetings also to the entire departmental team.

Thank you for being with us to discuss this sensitive topic. The fact that we're discussing a solution is a sign that we're on the right track. Let's discuss certain aspects.

The previous iteration of the current legislation, Bill C-66, was substantially the same, if I'm not mistaken. Several victims heard from in the context of the Arbour report said they were not consulted. In the end, that bill never came to fruition.

In the case of Bill C-11, was the situation remedied by consulting the people concerned?

Hon. David McGuinty: I think there's been a tremendous amount of consultation outside the department, and it's ongoing. The external monitor, Jocelyne Therrien, whom I met for the third time last week, is continuing her work. She is responsible for pushing the government to implement the recommendations of the report. She has continued to discuss and deliberate with us. She helps and advises us. Her fifth report was published last June. We took all of that into account for Bill C-11.

That said, it depends on the reviews that have been conducted. The one related to military colleges, for example, affected 1,500 people. An extensive effort was made during the four or five reviews that were carried out.

Simon-Pierre Savard-Tremblay: That's more than for the old Bill C-66. Actually, it's comparable.

Hon. David McGuinty: Since Bill C-66, there has been ongoing dialogue with groups, stakeholders and non-governmental organizations.

Simon-Pierre Savard-Tremblay: I now understand why, under the reform, the government wants to change the process so that the Canadian Forces provost marshal, the director of military prosecutions and the director of defence counsel services are appointed by the government on the recommendation of the Minister of Defence. I understand why they're doing that. Former General Vance used to brag about having control of the process. He said he could never be fired because he controlled the process. Therefore, there was no judicial independence. According to him, as the head of the Canadian Forces, he had direct or indirect control over the judicial process. I understand the desire to politicize the appointment process, to take the power away from the head of the Canadian Forces and put it in the government's hands through external appointments.

Minister, I'm not pointing at you, because I know you weren't minister at that time. You weren't even in cabinet for the nine years prior to your current appointment. In fact, I think you were appointed to cabinet for the first time last March. That said, since 2015, there have been all kinds of stories and silence from your predecessors at the Department of National Defence.

Now they want to politicize the appointment process and remove it from the military. To the extent that there have been secrets, and I could almost go so far as to say cronyism, how can we now trust a politicized process?

• (1555)

Hon. David McGuinty: The improvements that Bill C-11 seeks to make include changes to the appointment process for the positions of Canadian Forces provost marshal, director of military prosecutions and director of defence counsel services to minimize the perceived influence of the chain of command within the Canadian Armed Forces. That is exactly what we heard from victims and stakeholders affected by all these issues.

This is not a matter of political interference. Instead, it is about ensuring that appointments will be much more open, transparent and predictable. I am confident that these changes will help minimize the perception that the appointments are controlled directly by senior military officers.

Simon-Pierre Savard-Tremblay: As I said, I understand that. We wanted to make sure the process was independent, as it should be, because no one can be judge and jury in a case that affects them. That's true across the board.

Now you're also saying that it will be more transparent. What I understand from the bill is that the government, through the minister, will be responsible for the process, but what will be more transparent? Are there mechanisms to prevent any interference? Is there a way to ensure that, when there is an appointment, the mandate is not directly dictated or controlled by politics?

Hon. David McGuinty: Are you talking about the minister, the Prime Minister's Office or the Governor General? Who are you talking about, exactly?

Simon-Pierre Savard-Tremblay: Let's say it's all of the above.

Hon. David McGuinty: Obviously, there are a lot of rules. There is the Criminal Code, which affects politicians, as well as the federal ethics system. I have trouble imagining a situation where a minister would want to take the risk of interfering in a prosecution. Once again, I believe that having cabinet approve appointments will increase transparency.

[English]

The Chair: We will go to the second round, but before we do, there's a raised hand on Zoom, from Lori Idlout. I will have to request unanimous consent from the committee to allow her intervention during this session.

Cheryl Gallant (Algonquin—Renfrew—Pembroke, CPC): No.

Lori Idlout (Nunavut, NDP): I'm sorry, but I could not hear what the chair was saying.

The Chair: Ms. Idlout, I just acknowledged that your raised hand is there, and I'm asking the committee for unanimous consent to enable you to speak. We don't have it, unfortunately.

We're going to continue our second round, and it now goes over to—

Lori Idlout: With respect, Chair, I would like to use my own voice to ask for unanimous consent to ask questions about victims of abuse in the Canadian Armed Forces.

The Chair: Ms. Idlout, by all means, request unanimous consent.

Lori Idlout: *Qujannamiik*, Chair.

James Bezan: She's not a member of this committee.

The Chair: Do we have...? The answer is no.

Lori Idlout: I would like to ask questions related to victims of abuse in the Canadian Armed Forces, and I seek the unanimous consent—

The Chair: I appreciate that, and it's important that you do. Unfortunately, we have our committee under way. We have our existing members, who are part of this committee—which you are not, unfortunately—and we must proceed because of time. I don't want to take it away from the members.

Mr. Kibble, it's over to you. You have five minutes.

Jeff Kibble (Cowichan—Malahat—Langford, CPC): Thank you very much, Mr. Chair.

Thank you, Minister.

You mentioned working together, and I greatly appreciate that you spoke about the importance of sensitivity and the need for collaboration on this bill, so thank you for that.

Which provincial justice ministers have you spoken to about this bill?

Hon. David McGuinty: Which ones have I spoken to, personally?

• (1600)

Jeff Kibble: Yes.

Hon. David McGuinty: None, not since my arrival a few months ago, but I know that my predecessor spoke to a number of them. I'm not sure whether they're all in the same positions now, but there was wide consultation with the provinces.

Jeff Kibble: Okay. Thank you.

Which provincial solicitors general have you spoken to?

Hon. David McGuinty: My understanding is that the MOU we have with Ontario builds on a series of conversations with the solicitor general there and the previous one, which led to this negotiation, anchoring it. Now other provinces are being asked to look at the MOU as a possible model to follow, but thus far no provinces have taken up that offer.

Jeff Kibble: Thank you.

Were provincial ministers, police forces or Crown attorney associations consulted during the drafting of the bill?

Hon. David McGuinty: My understanding is yes. Their feedback was solicited widely leading up to the drafting and the elements of the bill.

Jeff Kibble: Thank you.

Earlier, you mentioned one MOU signed in Ontario. How many MOUs have you signed with civilian police forces regarding the exchange of information for CAF members?

Hon. David McGuinty: That's a good question.

It wouldn't be something that we would normally sign with a police of local jurisdiction. It's much more a question of prosecutorial capacity at the provincial level. The federal government would not necessarily enter into this kind of dialogue with local police forces.

Jeff Kibble: The MOU you mentioned earlier—

Hon. David McGuinty: That was with the Province of Ontario.

Jeff Kibble: Have you entered into MOUs with the other provinces as well?

Hon. David McGuinty: No. As I mentioned, the offer remains. It's been shopped around. Provinces have been asked for their feedback. That dialogue continues. There have been interdepartmental deputy minister tables, federal-provincial tables and so on. That work continues.

Jeff Kibble: Thank you.

Has there been discussion on a need for extra funding or resources to achieve these changes, given the extra cases being given to civilian police forces and investigative—

Hon. David McGuinty: It is something that we have raised, something that we have examined internally. It's not something that we've come to ground on. None of the provinces has necessarily come forward in this regard, but it is also important to remember that it is the provincial responsibility to actually administer justice in the country.

Jeff Kibble: Is the federal government considering extra funding for those services for the extra duties?

Hon. David McGuinty: Not at this point in time.

Jeff Kibble: Okay.

Have you looked at mechanisms used by our allies to administer justice on sexual misconduct?

Hon. David McGuinty: My understanding is that we have, yes. There's been widespread analysis of some of our partners and allies on what has worked and what hasn't worked—certainly the United States and, I suspect, Australia, New Zealand and others—but this is a very Canadian approach, derived from three or four foundational reviews, the last of which was conducted by Justice Arbour.

Jeff Kibble: You mentioned the United States. Was something similar to their model, the NCIS in the United States, considered in the developing of this bill?

Hon. David McGuinty: I think it was, although I would say that today I'm not sure what the model would be in the United States. There are a lot of changes going on, so we're not sure to what extent that would be helpful in informing our approach.

Jeff Kibble: Thank you.

There's nothing in Bill C-11 to compel civilian police to communicate with the Canadian Armed Forces. How will you make this happen?

Hon. David McGuinty: Once a matter is transferred into the hands of a civilian police force, it becomes part of the administration of justice chain. It wouldn't be something that the Canadian Armed Forces would be dialoguing with on a regular basis.

If there's evidence or investigation material, or if information has to be sworn, it would be transferred over to the police force, and then it's over to them and their provincial Crowns.

Jeff Kibble: Thank you.

The bill says military police cannot investigate; securing evidence is part of investigating. Can you comment on how military police will walk this fine line between securing evidence and not investigating? Would you be open to amendments relating to this in proposed section 70.2?

Hon. David McGuinty: Do you mean outside of Canada or inside of Canada?

Jeff Kibble: I mean specifically inside of Canada.

Hon. David McGuinty: That's a more technical question that I would much rather leave to the JAG, the judge advocate general, to give you more details.

Jeff Kibble: Is it the same for outside of Canada as well?

Hon. David McGuinty: Outside of Canada is a different story, and Justice Arbour was very clear about that in terms of how we would proceed.

Until the situation comes to ground, our military police, our internal investigative organization structure, would pursue the matter and bring it back to Canada, and then it would be dealt with, again, through the local court system.

Jeff Kibble: Thank you.

There have been problems with military officials not providing disclosure to civilian lawyers in a timely fashion in the past. Would you support an amendment to Bill C-11 to prevent this from happening?

Hon. David McGuinty: I certainly would like to hear more about it, because if that would help make it more robust, we're open to hearing more.

Jeff Kibble: Thank you.

Military police will not have jurisdiction inside Canada to investigate the crimes listed in Bill C-11 but will retain jurisdiction outside of Canada. Why would that be? Could you explain a little bit?

Hon. David McGuinty: Well, under international public law rules, we can't easily apply extraterritorial law from Canada, for example, in a situation like the one in Latvia. We have to build a system that respects the fact that we have members of the armed forces living and serving abroad.

• (1605)

Jeff Kibble: Thank you.

I just have one last quick question, if I may.

The Chair: You're over time. I apologize.

Chris Malette, it's over to you. You have five minutes.

Chris Malette (Bay of Quinte, Lib.): Thank you, Chair.

Through you to the minister and I guess to the deputy minister, as we've heard, Bill C-66—

[*Translation*]

Simon-Pierre Savard-Tremblay: Mr. Chair, he needs to turn on his mike, because there is no interpretation. The interpreter is saying that the comments are inaudible.

[*English*]

Chris Malette: Okay. Do you want me to start over?

James Bezan: Take it from the top.

Chris Malette: Through you, Mr. Chair, this is for the Minister of National Defence and Deputy Minister Beck, I would think.

Bill C-66, as we've heard, started us down this path, and this is why this committee is now looking at the enhancements. Can we just delineate what exactly those enhancements and improvements are and the organic changes to the original? What are the significant items that would be highlighted in Bill C-11, as opposed to what was originally proposed in Bill C-66?

Hon. David McGuinty: The bills are not that distinguishable, because they were considered to be appropriate and the balance had widespread support; all parties supported Bill C-66. I'm very much open to suggestions for improvement from the committee, as we just heard from Mr. Kibble. It's a good bill that is supported across Canadian society.

Chris Malette: On another issue, some concerns have been expressed that victims will have to use civilian victim services when moving into the civilian realm for the prosecutions. Will the appointment of victim's liaison officers materially improve the experience, and will the military support for victims or complainants in these cases travel into the civilian realm? Will they still have the same services, if you will, once the prosecution moves into the civilian realm?

Hon. David McGuinty: Yes. The victim's liaison officers, who will be receiving additional resources and getting more training, are contemplated under this in making sure we're building psychologically safe and inclusive workplaces, for example. Not only that, we're also amending access to VLOs, as they're called, for third parties who represent victims. Maybe a victim says they don't really want to come out of their place right now and they'd rather have a third party act for them to get the assistance they need. They can absolutely play a role with respect to the prosecutions and the investigations in civil society.

The other thing to keep in mind is that we have a very well-established sexual misconduct support and resource centre inside the department now, which is very much helping to strengthen support for survivors of sexual misconduct. That body, the SMSRC, now offers independent legal assistance and in-house counsel at no cost, which is also a needed improvement to give people comfort and give them the support they need.

Chris Malette: Hand in glove with that, what guarantees are there that complainants will have access to the same amount of resources, especially around, as we discussed, mental health services and trauma-related resources that are currently in place?

Hon. David McGuinty: The Canadian Armed Forces is investing significantly, going forward, in mental health services at all 36 of our medical clinics; I believe that is the number. This is something we're seized with. It is part and parcel of the need to invest in our people to make sure they have the supports they need, a place to go to and counsellors to speak to, like mental health advocates and experts. This is part of the improvement we're making with the new reinvestment in the Canadian Armed Forces.

• (1610)

Chris Malette: Our armed forces, as you said earlier, need to have a 21st century workplace. Overall, how will this bill impact the cultural change inside the CAF and recruitment? Has that been at all considered as well?

Hon. David McGuinty: It has. The two most important words related to our objective with Bill C-11 are “trust” and “transparency”, and we need to enhance both. We need to make sure our Canadian Armed Forces is fit for purpose for the 21st century and fit for purpose for the women and men of the forces.

It's very important, as I said in a speech last Friday to 500 individuals, and it is time for us to expunge this behaviour from the Canadian Armed Forces. We need a high-performing force; they're high-performing now, and they need to be even more high-performing going forward. You cannot have that if you have lingering trust problems in the system. You cannot have that if there isn't a predictable, transparent pathway to deal with this kind of conduct, which is exactly what we're trying to address.

The Chair: Thank you, Minister.

Thank you, Mr. Malette.

Monsieur Savard-Tremblay, you have two and a half minutes.

[*Translation*]

Simon-Pierre Savard-Tremblay: Thank you, Mr. Chair.

Minister, I have two questions about the transitional provision regarding the transfer of ongoing investigations to civilian authorities within 60 days.

Has any thought been given to measures to ensure that there will be no delays or gaps in protection for victims?

In addition, survivors have often complained that they later suffered reprisals and intimidation. In a number of cases, there were retaliatory measures against them. Have any measures been considered to protect them from reprisals after the ongoing investigations have been transferred to civilian authorities?

Hon. David McGuinty: Those are both excellent questions.

I'm not in a position to answer the first one, but the judge advocate general may be able to answer it.

Simon-Pierre Savard-Tremblay: Since we will have time with the other witnesses after your testimony, I'll be able to come back to it.

While you are still here, I would like you to answer the second question about measures against reprisals.

Hon. David McGuinty: I don't know exactly. We'll see what happens when Bill C-11 is passed, as we hope it will be, and the system is in place and formalized. We're not really in a position to predict what will happen, but we are listening if the committee has any recommendations for minimizing the risk of problems after the transfer of ongoing investigations.

Simon-Pierre Savard-Tremblay: Great, that's duly noted.

Do I have any time left, Mr. Chair?

The Chair: Yes.

Simon-Pierre Savard-Tremblay: Minister, there's one aspect that hasn't been talked about as much in the bill. If I'm not mistaken, it wasn't a focus of the major recommendations or of the debate, but is still good news. I'm talking about the sexual misconduct support and resource centre that was set up.

How will we ensure that the victim support services remain independent from the military hierarchy?

Hon. David McGuinty: The deputy minister just reminded me that she is responsible for the centre. I would add that Mr. Gravel, who's here today, is the person in charge of the centre. He could answer your question.

Simon-Pierre Savard-Tremblay: Mr. Gravel, I think you'll be here for the second part of the meeting, so we'll have time to come back to this question, but I'll still give you the opportunity to answer now.

Martin Gravel (Chief Operating Officer, Sexual Misconduct Support and Resource Centre, Department of National Defence): Thank you for the question.

Bill C-11 doesn't propose any changes to the support measures or resources provided by the centre. Whether it's in the military or civilian justice system, the centre will provide the same resources and support measures. The centre's independence and the support it provides will apply in either case. The same services will be available.

[*English*]

The Chair: Thank you.

We are now going to Ms. Gallant.

You have five minutes.

Cheryl Gallant: A commissioned warship is considered sovereign territory, so if an incident were to happen on board in international waters, where would it fall in terms of jurisdiction? Who would investigate and who would try?

Hon. David McGuinty: My understanding is that the Canadian Armed Forces military police would investigate, collect information and make a decision about how to proceed.

• (1615)

Cheryl Gallant: What if something happened in Canadian waters?

Hon. David McGuinty: It would be the same thing.

Cheryl Gallant: Are foreign territory and Canadian waters the same thing?

Hon. David McGuinty: I'm sorry. Forgive me. In Canadian waters, I think the matter would necessarily be transferred.

Major-General Rob Holman (Judge Advocate General, Canadian Armed Forces, Department of National Defence) : If you are on board a Canadian warship, you are in Canadian territory. The military police would have jurisdiction in both cases.

Cheryl Gallant: Okay.

This bill would change the appointment of key authorities, such as the provost marshal, the director of military prosecutions, and the director of defence counsel services, in order to deal with undue influence.

What actions are being taken to ensure that there is no political pressure regardless of chain of command and that this undue influence is not simply shifted to another authority?

Hon. David McGuinty: That's an excellent question.

Ms. Gallant, if you see a way to improve that or make that more robust, we'd certainly be prepared to entertain it.

I would be hard pressed to believe that a minister of national defence would want to insert themselves in a prosecution of this kind. It's a legal matter. It's highly risky, illegal and unethical. It's against the ethics rules. It may be, depending on the nature of that kind of involvement, subject to the Criminal Code itself.

Cheryl Gallant: What steps are being taken to guarantee access to witnesses and evidence, etc., on base, for civilian investigators?

Hon. David McGuinty: My understanding is that, with Bill C-11, this is basically an assignment of that responsibility and authority to the local police of jurisdiction. If there was a problem, for example, in Petawawa, whatever the local police of jurisdiction would be there would have virtually unfettered access to the evidence. The information and all of that documentation would have to be surrendered.

Cheryl Gallant: Given the backlogs in the civilian justice system, what measures are in place to ensure that victims are not simply transferred from an unjust system of cover-ups to one plagued with backlogs and delays?

Hon. David McGuinty: I don't know if I would agree with your characterization of a system of cover-ups. This is extremely serious business.

The question of whether or not the provinces would be in a position to handle these prosecutions, these investigations through their police forces and their prosecutions, is one that we have been dialoguing with the provinces about for years. The MOU with Ontario indicates that it doesn't seem to be a problem in the making.

We need to work together on this to make sure that we have a high-performing Canadian Armed Forces. In my dialogue with provincial premiers—for example, with the premier of Alberta re-

cently—I'm reminding them on a regular basis of the important role that our military plays, not only for their safety and security but for their economy.

Cheryl Gallant: How many victims did your office hear from when drafting this bill?

Hon. David McGuinty: We can get you that number.

Cheryl Gallant: Okay.

Rural communities often have limited budgets or lack staff. It's my understanding that Bill C-11 does not offer any funding to ameliorate this. Why not?

Hon. David McGuinty: Are you talking about investigating and prosecuting?

Cheryl Gallant: That's correct.

Hon. David McGuinty: No one has asked.

It's an interesting reality. Remember, too, that we have a Constitution. You wouldn't be surprised that if the federal government started inserting itself into public prosecutions or into prosecutions conducted by Crowns, we may be criticized as meddling in different provincial affairs.

Cheryl Gallant: Do you think the bill adequately protects the privacy of the victim, either from media attention or from harassment at work?

Hon. David McGuinty: Yes, I do. I looked at that very carefully.

Cheryl Gallant: What will the minister do for better security and other measures to reduce sexual assaults, since, really, the transfer passes the buck to an external justice without addressing the internal issue? The bill doesn't address the prevention of assaults.

Hon. David McGuinty: There are many measures that are under way. Much change has been effected over the last several years. You're right to point out the need to make systemic changes in the system. The chief of the defence staff, in a previous life, was responsible for implementing most of those changes. She's best placed at this table to help you on that one.

The Chair: Ms. Gallant, that was great.

Thank you so much, Minister.

I will give five minutes to Mr. Tim Watchorn.

• (1620)

[*Translation*]

Tim Watchorn (Les Pays-d'en-Haut, Lib.): Thank you very much, Mr. Chair.

I would like to thank all the witnesses for being here today.

Minister, I have a technical question on the way the military police conduct investigations outside the country. It's a cultural change for them. Will military police officers have access to training on how to conduct investigations outside the country? How will cases be transferred once the officers are back in Canada?

Hon. David McGuinty: Yes, training will be available and funds will be invested. Transferring the responsibility for these investigations to other authorities in Canada will indeed free up our military police. They will have more time and energy to focus on investigating cases outside the country. Based on the numbers I've seen, there have been very few of these cases over the years.

The judge advocate general could certainly give you more details on that.

Tim Watchorn: Thank you very much.

Mr. Holman, would you like to answer?

MGen Rob Holman : It's not just about training. We can also look at career experiences. Let's take for example medical professionals, trauma surgeons. They need to practise so they don't lose their skills. That way, they can use their expertise during deployments, if needed.

The provost marshal can make arrangements with civilian police forces to have military police investigators work on cases with their civilian counterparts so they don't lose their skills.

Tim Watchorn: That's excellent.

Bill C-11 addresses the legislative recommendations made by Ms. Arbour. She made 48 recommendations, and, if I'm not mistaken, the Canadian Armed Forces have implemented 30 of them, so congratulations. This means there are 18 left, and we were told that they should be implemented by the end of the year.

I'd like to hear the witnesses' comments on the 18 recommendations still to be implemented. Which ones will be prioritized over the next few months?

Lieutenant-General Paul Prévost (Chief, Professional Conduct and Culture, Department of National Defence) : You are right. By the end of this year, all of Judge Arbour's 48 recommendations should be implemented.

I can't tell you exactly how many of Judge Arbour's 114 recommendations still need to be implemented or how much work still needs to be done, but I can keep you up to date on the progress relating to the implementation of those 48 recommendations. We're evaluating how much work still needs to be done by the end of the year.

Tim Watchorn: Can you think of one or two recommendations that will be prioritized over the next few months?

LGen Paul Prévost: Ms. Arbour's fifth recommendation is the priority. That's the one that led to what we are talking about today. If the bill is passed, then all of Ms. Arbour's recommendations will be considered implemented.

Tim Watchorn: I have one last question for you.

Canadian Armed Forces members have been waiting for these changes to the military justice system, and the transfer of sexual abuse and violence cases to civilian authorities. Those cases affect

women especially. Why should the swift passage of this bill be a priority for the government?

Hon. David McGuinty: It should be a priority for every political party, committee member and MP, as well as every Canadian Armed Forces member.

It is unacceptable for people to worry about what will happen to them at work, just as it is unacceptable not to have somewhere to turn if something happens. That's precisely why we want to implement these changes as soon as possible. I've already said that we're open to recommendations that would improve the bill. Other than the legislative changes, a lot of work has gone into improving the system, so that's encouraging.

We don't have a choice. The country needs a dependable and high-performing armed forces where members can trust the system they work in. I visit universities and colleges and talk to young men and women who would like to join the Canadian Armed Forces. We have to be able to look them in the eye, especially young women, and tell them that we have a well-run and transparent system they can trust to help them when problems arise.

Let's not forget that we've been asking Canadians lately to fully support the Canadian Armed Forces. We're investing a lot in our armed forces, and Canadians want to know that the organization is well run and that we're working to solve the issues that have been going on.

• (1625)

[English]

The Chair: Thank you, Minister.

Thank you, Tim Watchorn.

I will now pass it over to Mr. Anderson.

You have five minutes.

Scott Anderson (Vernon—Lake Country—Monashee, CPC): Thank you.

Many victims don't report instances of sexual assault, to protect themselves. What does this bill do to alleviate that?

Hon. David McGuinty: We hope the bill will add to the changes, Mr. Anderson, that we made inside the department to give victims confidence that they can trust the system, that they'll be protected, that there's a transparent pathway, and that it's serious.

Scott Anderson: With cases going to civilian courts, what safeguards would this bill have to ensure that media reporting on the situation does not present an opportunity to dismiss important evidence at trial?

Hon. David McGuinty: I'm not sure if I foresee that in terms of the role and what might occur.

I don't know if our JAG can give me one or two lines on that.

MGen Rob Holman : So—

Scott Anderson: I can ask for it.

Hon. David McGuinty: I appreciate it. Thank you.

I don't contemplate that, frankly. It may be. I don't know. We'll see what happens with the transfer system. However, remember also that Crowns and defence attorneys can ask for publication bans. It's a part of the criminal system.

Scott Anderson: Okay.

Bill C-11 indicates that sexual offences will be transferred to civilian court. Will those offences be tried under the Criminal Code or under the Code of Service Discipline?

Hon. David McGuinty: My understanding is that they'll be under the Criminal Code, just as with any other Canadian who has a case to bring. It will be investigated as such.

Scott Anderson: They'll be under the Criminal Code. Okay, there won't be any overlap, then.

Hon. David McGuinty: No.

Scott Anderson: Will all sexual offences be transferred to civilian court, or just some?

Hon. David McGuinty: All Criminal Code sexual offences will be transferred.

Scott Anderson: That's regardless of seriousness.

Hon. David McGuinty: It's all Criminal Code sexual offences.

Scott Anderson: I get it.

For cases that are not transferred, where's the cut-off?

I'm sorry. Never mind. That's if you had answered in a different way.

Hon. David McGuinty: It's okay.

Scott Anderson: How will cases that are found not to be a Criminal Code offence be transferred back to the military so that investigation and discipline can still take place under the code of discipline?

Hon. David McGuinty: If the matter is not adjudged to be a Criminal Code sexual offence, it will remain inside the military.

Scott Anderson: It would never have been transferred over.

Hon. David McGuinty: Not if it's not a Criminal Code sexual offence....

Scott Anderson: Bill C-11 would transfer these cases to the civilian justice system because of the failures of the military justice system.

Are there plans to make changes to the military justice system to achieve the required standards and eliminate conflict of interest for these deployments overseas?

Hon. David McGuinty: That's a very important question, and a good one. I'm very open to hearing more from you, in particular with your own background, to see how we can get that right and get that approved.

We have the JAG here, who manages the system.

We have made some progress, but we're very open to recommendations.

Scott Anderson: Will those changes be effective in ensuring...? If we can effectively make those changes for cases abroad, why can't those changes be made throughout the Canadian Forces justice system, so that all prosecutions and investigations, etc., are conducted by the military justice system properly, whether in Canada or abroad?

Hon. David McGuinty: Forgive me. I didn't catch the question.

Scott Anderson: If we can effectively make those changes for cases abroad.... Right now, it goes to the military justice system. Why can these changes not be made throughout the forces right now, so that regardless of whether it's domestic or foreign, they can be heard by the military justice system?

In other words, if justice is not good enough here in Canada through the military, why is it okay over there?

Scott Anderson: It's fundamentally a question of international public law. It's where you're situated. You can't necessarily just apply Canadian law extraterritorially.

If you have a situation, let's say theoretically—

Scott Anderson: Forgive me; I understand, but that's not really the question.

The question is, if we're going to rely on the Canadian justice system abroad, why can we not make those changes domestically to make it work here as well?

Hon. David McGuinty: We would be relying on the military police abroad and the defence justice system abroad. If there were an occurrence abroad, it would be investigated and brought to Canadian courts.

Scott Anderson: What kind of co-operative communication regime will be set up to communicate among civilian police, military police and the command structure of the CAF, once the accused is turned over to civilian jurisdiction?

Hon. David McGuinty: It's already started. These prosecutions began as far back as 2021. Many of them have already been in the civilian court system. There's a very well-established sharing of information and understanding among qualified police forces.

Scott Anderson: For instance, in an incident in my own hometown, the accused and the accusers were both sent home on the same bus. The reason was that there was no communication from the civilians once it was turned over to the civilians.

In a case in which a serving member has been accused and is still on base, and there's no communication from the civilian police force, what is the commanding officer on that base supposed to do with the accused?

Hon. David McGuinty: That's, again, a very specific and important question. I haven't given that much thought to the mechanics of this situation. I'm not sure if anybody here at the table can add anything to that.

Can you, quickly?

• (1630)

MGen Rob Holman: The same protective mechanisms that are available in the military justice system under the Declaration of Victims Rights are available to prosecutors, judges and actors in the civilian justice system.

There can be no communication orders made by civilian authorities within the system, but certainly within the military, as proper maintenance of good order and discipline within the military, there's the ability of commanding officers to direct that members not communicate with each other and to make work arrangements to ensure that they are not together.

The challenge, as you identify it, is ensuring that there's an awareness of the situation on the part of the commanding officer.

Scott Anderson: How is this—

The Chair: I'm sorry. We're over quite a bit, and I am sensitive of the time.

Ms. Sherry Romanado, you have the last questions, please.

Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.): Thank you, Chair.

I'd like to thank the witnesses for being here.

This is a tough subject for me.

Justice Arbour indicated this at a press conference in May 2022: "I recommend that criminal sexual offences should be within the exclusive jurisdiction of the civilian criminal courts. This was the case prior to 1998. Military justice rests on the need to enhance efficiency, discipline and morale in the armed forces. No other rationale was advanced in 1998 to vest jurisdiction in the military system for sexual offences, which until then had been within the exclusive purview of civilian courts, as murder is today. The handling of sexual offences by military courts in the past 20 years has done very little to improve efficiency, discipline and morale. If anything, it has served to erode it. Therefore, I see no basis for the Canadian Armed Forces to retain any jurisdiction over sexual offences, and that jurisdiction should be vested exclusively with civilian authorities."

Minister, when I review that statement, I think it's very simple: We don't investigate and prosecute ourselves.

I think to myself how many victims have not come forward out of fear of reprisal, how many suffered in silence and how many actually left the Canadian Armed Forces with that trauma and still suffer today. They may be watching today and saying, "Maybe, finally, I will get my shot at justice."

As you know, I'm a family member and I speak to families all the time, whether it be people who have family members serving or people who have family members who are considering joining. When my kids first started out, it was always about the job and the dangers they put themselves into, but over the last couple of years, it's always about the culture. It's about the change of culture.

If you had some time to speak to victims and their families today, what would you say about what we're trying to do here with Bill C-11 and its importance?

Hon. David McGuinty: Based on what I read and heard and the conversations I've had with victims, I would say I'm heartbroken that it has taken decades to realize that we have to do something fundamental and foundational when making changes.

I would say that we've listened. I would say that we're making legal, regulatory and structural changes inside the Canadian Armed Forces to expunge this kind of behaviour. I would say that they are heroes for putting up with this and for suffering in silence. I would encourage those who are listening and may want to come forward to come forward. That's why I opened my comments this morning with a toll-free, 24-7 phone number for folks to call. It's for any victims or potential victims or anybody who is hurting.

I would say that it's a foolish armed force that does not want to avail itself of all the talent it has by allowing a culture problem to fester. What we're doing here is ferreting this out and putting in place structures that will allow us to go forward. There's such talent, such dedication, such values in the Canadian Armed Forces, and such good people.

We need to make sure we get rid of extremism and hateful conduct and ferret out some applicants. We've changed the rules around, for example, how we screen applicants. We've changed probationary periods because we want to make sure we have the right people. We're investing for Canada. Canadians are asking us to improve the situation. They are sending us a lot of revenue and saying, "Please get this better."

I would say to those folks, particularly the women who are quietly asking, "Why did this happen for so long?", that we're moving forward. We're standing on your shoulders, and we thank you so much for sticking with us and allowing us to make these changes.

• (1635)

Sherry Romanado: Thank you.

The Chair: Thank you, Minister.

Thank you, Ms. Romanado.

When we were speaking with some of the victims this morning, one of them brought up the fact that there is a best practice that exists in the military that they suggest we adopt on the civilian side, and that's the pre-charge screening, a model that they found useful in assessing the viability of their prosecution in terms of its success to move forward and whether it does proceed. They feel that all civilian cases should go through the screening process that the military has now.

Minister, thank you.

I'm going to recess, ladies and gentlemen, for a changeover to the next half.

• (1635)

(Pause)

• (1640)

The Chair: We are resuming the meeting. Thank you again.

General Carignan is not going to do her five minutes. She has asked us to proceed directly to questions.

Thank you for that.

I'm going to start us off with Mr. Anderson.

You have five minutes.

We're going to do five minutes all around for each one.

Scott Anderson: That sounds good. Thank you very much.

I would like to return to the communication between police forces, if I may. It's more of a technical question. It's not covered in Bill C-11. Can you explain how this would be dealt with?

General Jennie Carignan (Chief of the Defence Staff, Canadian Armed Forces, Department of National Defence): Mr. Chair, thank you for the question.

Police corps consistently communicate and coordinate their activities together. For access to a base, for the needs of investigations, they speak and enable access to everything that the civilian police would need to conduct their investigations. We have done this regularly in the past with other types of charges and allegations and, of course, the same system would apply for this type of charge.

Scott Anderson: The bill specifically says that the military police cannot collect evidence. I'm wondering how you deal with that.

Gen Jennie Carignan: The JAG will take this one.

MGen Rob Holman: I may be getting ahead of clause-by-clause, Mr. Chair, but there are actually provisions in clause 8 that deal with the ability of the military police to collect and preserve evidence while they're waiting for or before they transfer. There is an immediate responsibility even within Canada for the military police. It is found in clause 8 of the bill.

Scott Anderson: Excellent. Thank you.

Since December 21, criminal offences of a sexual nature have been transferred to civilian authority. Do you have data on how many cases?

MGen Rob Holman : I have some data that I can share with respect to the number of cases tried in civilian courts since that time. I also have data with respect to the five years leading up to the implementation in the interim. In those five years, on average, 300 to 350 investigations were conducted by the military police in that time, and a total of 44 prosecutions, for an average of about nine a year in those five years.

Since then, the numbers I have with respect to prosecutions are these. In fiscal year 2022-23, there were 13 prosecutions of the sort of offences that are in the bill now. There were seven in 2023-24. As you're seeing the implementation of the directive by the director of military prosecutions that he would no longer prosecute any cases within the military justice system, there's a ramping down.

That said, there are four cases that remain to be tried in the military justice system. Those charges were all charges that were stayed several years ago. Those stays were lifted by the Supreme Court of Canada in a decision last year. This is getting back to completing those cases within the military justice system.

Scott Anderson: Perfect.

Have any cases been thrown out due to the Jordan framework?

MGen Rob Holman: I know only of those ones that are in the news. There was one in Pembroke that was fairly notorious. At the victim's request, it had been removed from the military justice system and transferred to the civilian justice system. The judge found that the nine months during which it had proceeded in the military justice system counted against the jeopardy for the accused, added them to the Jordan framework, and stayed the case. I'm not aware of any others.

Scott Anderson: Does the Victims Bill of Rights present any concerns for the ability to pass information back and forth between the military and civilian systems?

MGen Rob Holman: The Victims Bill of Rights is mirrored by the Declaration of Victims Rights within the military justice system. The same provisions apply back and forth. It doesn't provide very much in terms of sharing information. It's mostly about the rights of victims to access information about their own case and about people involved in their case, but it doesn't impose an impediment to the sharing of information.

Scott Anderson: What actions will be taken by the CAF to ensure that victims are protected within their workplaces as things are being adjudicated by the civilian...? This, of course, has to do with communication as well.

• (1645)

MGen Rob Holman: This is, I think, consistent with the answer I gave you in the last round, and the chief and CPCC may wish to talk about that as the actual commanders at the table.

Scott Anderson: Okay.

Gen Jennie Carignan: Currently, the chain of command is dealing with the sexual misconduct and sexual assault cases in various ways, depending on what they are facing. Victims keep agency over their own situation, and the chain of command does respond to that, depending on the victims' wishes in dealing with their own cases.

For the chain of command, there's been ongoing training to ensure that we have dealt in an appropriate manner with all victims and all cases: how it's reported; what to do with the information; guiding the victims toward the support they need at the SMSRC; providing all types of support, again, depending on the level of support the victim is requiring; and ensuring also the safety of the victims as the cases are being reported.

The Chair: Thank you, General.

Ms. Viviane Lapointe, you have five minutes.

Viviane Lapointe: We know that culture change within the Canadian Armed Forces has been a central focus of your leadership. How does Bill C-11 align with the work that is already under way to build a more inclusive and respectful culture across the forces?

Gen Jennie Carignan: The bill allows for more clarity of jurisdiction for victims. There is one clear path, and it is via the civilian system. There is no more grey zone. This is what Justice Arbour was going after in her recommendation five. Also, it is the demonstration that it is independent from the chain of command, providing that independence and transparency, but also clarity of jurisdiction, so that there can't be any questions as to what is the correct path through justice.

Viviane Lapointe: The legislation formalizes the victim's liaison officer role and enhances supports for those affected by misconduct. How do you see these new supports complementing the work of the sexual misconduct support and resource centre and the efforts already under way within the forces to improve survivor care?

Gen Jennie Carignan: This is part of how victims are accompanied during their path to justice: ensuring they have the appropriate support to navigate the justice system and getting the appropriate level of support as they go through this path.

Viviane Lapointe: As the forces transition to this new framework, training and awareness will be very important. Could you speak to how Canadian Armed Forces members will be supported and how they'll be prepared to understand and implement the changes that are being introduced through Bill C-11?

Gen Jennie Carignan: Every time we introduce new legislation or changes, we also ensure that appropriate training is delivered to our members to understand the differences. This is going to affect a number of organizations or individuals as part of this transition. Also, there is communication, and again, ensuring people have the appropriate training to ensure the transition is effected in a positive way.

Viviane Lapointe: Sustaining progress over time is key to ensuring that culture change takes root. How does the implementation of Bill C-11 fit into the longer-term effort to make the Canadian Armed Forces a safe, inclusive and trusted organization for those who serve?

Gen Jennie Carignan: I think what is most important is that as we introduce changes, whether it's new legislation or new initiatives, we want to make sure that we actually measure the effects and impacts of those changes. We have designed a structure, processes and a full organization that can do that, ensuring that those changes actually have the effect that we are anticipating or the intention behind the introduced change. We're going to be measuring the impact of this and ensuring that this is actually meeting the intent.

• (1650)

Viviane Lapointe: Embedding reforms like those in Bill C-11 directly into law sends a clear signal of lasting commitment.

From your perspective as chief of the defence staff, how does that kind of legislation action help strengthen confidence and trust across the forces?

Gen Jennie Carignan: I think this is mostly related to ensuring independence of the process. It's ensuring that victims are enabled and that they keep agency over their own process and how they want to go about their own complaint. It's about providing them with an approach that respects the agency they have over their own process and ensuring full independence of the justice process that they have undertaken.

Viviane Lapointe: Thank you.

The Chair: Thank you, General.

I'll now go to Monsieur Savard-Tremblay.

You have two and a half minutes.

[Translation]

Simon-Pierre Savard-Tremblay: Since I have only two and a half minutes, I won't repeat my question—

The Chair: Actually, Mr. Savard-Tremblay, you have the floor for five minutes.

Simon-Pierre Savard-Tremblay: Thank you, Mr. Chair.

Nevertheless, Mr. Prévost, I won't repeat my question, since you've already heard it. To save time, I'll just let you answer.

LGen Paul Prévost: Could you remind me what the question was?

Simon-Pierre Savard-Tremblay: My question was on the 60-day time frame and what the department will do to make sure there are no delays.

LGen Paul Prévost: I'm not sure whether the judge advocate general can answer that question. The right person to ask would be the provost marshal. What I can say is that we're looking at the steps needed to reduce the transition time.

Mr. Holman, I'll let you answer the question.

MGen Rob Holman : The transfer of jurisdiction will come into force 60 days after the bill has received royal assent. A clause in the bill gives another 60 days to finalize the transfer of cases. That means there's a 120-day transition period to make sure victims have all the support they need in the civilian system.

Simon-Pierre Savard-Tremblay: How will the department make sure that there are no delays or that cases don't fall through the cracks?

MGen Rob Holman : It's not in the bill, but as the chief of the defence staff said, civilian police forces and military police communicate weekly and daily to make sure there are no gaps between the two systems.

Simon-Pierre Savard-Tremblay: You say they communicate every week.

MGen Rob Holman : Based on the conversations I've had with military police representatives, yes. The military police on base are in constant communication with the relevant civilian police force outside the base.

Simon-Pierre Savard-Tremblay: I'll broaden the scope of my question.

Coordinating between the civil, provincial and military justice systems, the armed forces and the department will be quite a challenge. There are a lot of stakeholders.

Does the plan take that into consideration? Did the department think about how things will work? Not only are there legal resources to coordinate, but there are also financial resources to coordinate. Is that part of the plan? Is the plan already done?

Gen Jennie Carignan: Police forces already coordinate their efforts. They always discuss who has jurisdiction depending on the case. It could be the RCMP, the municipal police force or the provincial police force.

Since this coordination is already taking place, it's now about waiting. It's something police forces expect to do. This process has been ongoing for months, even years. Once the bill is passed, we'll just move on to the next step.

• (1655)

Simon-Pierre Savard-Tremblay: I imagine my time is up, Mr. Chair.

[English]

The Chair: No, you're good.

[Translation]

Simon-Pierre Savard-Tremblay: That's right. I forgot I have the floor for five minutes.

I'd like to ask another question.

Can we expect statistics to be released, so we can measure how effective the legislation is? Once the legislative changes have been

made, there should be statistics on the number of complaints filed, the number of cases transferred to civilian authorities and the conviction rates, for example. The victims' level of satisfaction could also be measured through surveys. Can we expect to have that kind of information?

Gen Jennie Carignan: We can certainly expect that. The chief of professional conduct and culture and the sexual misconduct support and resource centre collect data to track the impact of the changes being made. The data relate to such things as the number of complaints filed and the steps taken up to the court stage. Obviously, there will be a follow-up regarding the outcomes of court proceedings, because as soon as a member of the Canadian Armed Forces is prosecuted, we do an administrative follow-up in relation to their career and future in the armed forces.

Simon-Pierre Savard-Tremblay: What you're saying is, in the end, we need to make sure no harm comes to the victims once justice has been served. That's what I take away from your last sentence.

Gen Jennie Carignan: That's correct.

Simon-Pierre Savard-Tremblay: Given that, I wonder which indicators will allow the department to measure the impacts. The outcomes—

Mr. Chair, I feel as if I'm bothering my colleagues who are talking at the same time I am.

[English]

The Chair: Your time is up, but I'll let you finish the question.

[Translation]

Simon-Pierre Savard-Tremblay: Actually, Mr. Chair, I wasn't able to ask my question, because I felt I was bothering my colleagues. If they're not interested in what I'm saying, I invite them to go talk somewhere else.

I'll come back to what I was saying.

In her report, Justice Arbour talked about a culture of impunity within the armed forces. Other than the statistics you were referring to, what other indicators will be used? Are there other ways to measure those things? Maybe through reports?

I know you're doing checks within the armed forces, but will parliamentarians, and more broadly the public, be informed of your findings?

Gen Jennie Carignan: I'm going to ask my colleague to answer your questions.

LGen Paul Prévost: We could definitely provide you with some information. A number of reports are produced every year. The Sexual Misconduct Support and Resource Centre, which Mr. Gravel represents, the judge advocate general and the military police produce publicly available reports. My team, which is responsible for professional conduct and culture, oversees the conduct and culture data centre, or CCDC, a tool providing publicly available data. The CCDC publishes surveys and incident reports. Obviously, confidential information is not disclosed, but the public is able to track progress.

As the chief of the defence staff, General Carignan, mentioned, we are starting to look at the data more carefully. We have a significant amount of data, but consistency is an issue. First, we tackled the problem. Now, we are looking at measuring the long-term impact.

The Chair: Thank you, gentlemen.

[*English*]

Ms. Gallant, you have five minutes.

Cheryl Gallant: Do the military police need more training and experience investigating sexual crimes? If they're going to manage investigations outside of Canada, we need to know what the plan is to keep them trained and sharp.

Gen Jennie Carignan: As we speak, the military police have been undergoing specialized training to interview victims and deal with sexual assault cases. They have been trained over the past few years, but the question would probably be better answered by the provost marshal. However, they have been undergoing training, and this is part of what they do as they tackle sexual assault cases.

Cheryl Gallant: How much money do the defence counsel services spend annually providing legal services to CAF members accused of criminal sexual offences?

MGen Rob Holman: I don't have the answer at my fingertips. I provide them with seven full-time regular force legal officers, along with the director, but the director also has the ability to contract civilian lawyers whom he uses in particular circumstances.

I will take that on notice and get you the answer.

• (1700)

Cheryl Gallant: Can you elaborate on the transfer process section of the bill? Specifically, how does the transfer of a detained person to the civilian authority take place, and what is the procedure for the collection of evidence?

MGen Rob Holman: In the vast majority of the cases, members are not detained at the beginning of an investigation. When a complainant comes to the military police, they start their investigation. Under the interim policy that the CFPM has put in place, if the individual wishes to have the matter dealt with in the civilian system, they transfer it, and the investigation is done by the civilian police.

In any case—even in cases where the military police are doing an investigation today—the charges are laid in the civilian system, so if there are any arrest warrants that need to be carried out or served, they would be done within the civilian system, and custody would be reviewed within the civilian system, not the military system.

Cheryl Gallant: What training and dollars associated with this training would go toward preserving the chain of evidence and the investigations?

MGen Rob Holman: Again, we'll take it on notice.

Certainly, part of the military police training at the military police academy has to do with the collection and preservation of evidence and ensuring the proper trail of custody of the evidence before it is turned over, but we'll find out how many resources they put into that training.

Cheryl Gallant: Victims have expressed concerns with the cross-pollination: the sharing of information between the civilian and military systems. There have been cases where prosecutors and local civilian law enforcement bodies have passed on information to military ranks to quash or weaken the cases of victims.

What measures are in place to prevent this from happening in the future?

MGen Rob Holman: Do you mean information coming from civilian authorities back to military authorities?

Cheryl Gallant: Yes.

MGen Rob Holman: Privacy acts that are applicable in the provinces and territories are the primary piece of legislation that deals with the sharing of that information. I am not aware of any particular cases of the sort you've described, but I imagine that they would be completely inconsistent with the privacy acts or the privacy-related legislation of the provinces and territories.

Cheryl Gallant: What specific training will civilian prosecutors and defence counsel undergo to account for the difference in culture when taking on these cases—military to civilian?

MGen Rob Holman : Well, I can certainly speak to the prosecution side of this, less so to the military police side.

The director of military prosecutions is part of the federal, provincial and territorial heads of prosecutions committee, which has a number of subcommittees as part of it. Through that mechanism, there's a constant interchange and sharing of information with respect to the importance to the military justice system of discipline, efficiency, morale and those sorts of issues.

In fact, in recent years, pursuant to a Fish recommendation, they've come up with a set of presumptions and principles that are publicly available, dealing with how to deal with concurrent jurisdiction between the two systems.

Cheryl Gallant: Regarding the collection of evidence portion of the bill, how would the legislation affect the distribution of rape kits to victims?

MGen Rob Holman : They're not generally distributed to victims. They are used in hospitals by medical professionals to collect evidence. When that evidence is collected.... Once this bill is in place, that will not be evidence collection by the military police. That would be evidence collection that would be turned over to the civilian police.

The Chair: Thank you, Major-General.

Thank you, Ms. Gallant.

Chris Malette, you have five minutes.

Chris Malette: Thank you, Chair.

I'm going to stay with the victim support angle here.

Bill C-11 proposes to transfer jurisdiction over sexual offences committed by CAF members in Canada from the CAF to the civilian justice system, as we've heard at length, to expand access to victim's liaison officers and to introduce enhanced protection for victims.

What measures would be put in place to ensure that victims are supported during the transition of cases from military to civilian jurisdiction?

That is for anybody who can answer that: General Carignan or Monsieur Gravel.

Martin Gravel: Thank you for the question.

As I mentioned before, from the SMSRC's perspective, the supports and resources we currently offer will continue regardless of the transfer to the civilian justice system. In fact, some of the clients we serve right now are actually being dealt with under the civilian justice system already.

One program that we talked about earlier is the independent legal assistance program. Already since May—we're in our phase two with our internal lawyer—we've had 34 clients, some of whom are people who are going through cases in the civilian justice system already. We're well set up to continue with the same supports and resources.

• (1705)

Chris Malette: Further to that, what role would victim's liaison officers have in improving communications and trust between victims and the military justice system?

Martin Gravel: I'll transfer that to my colleague, the CPCC, to speak more to the VLO program.

LGen Paul Prévost: Under the VLO program, this legislation allows somebody to ask for a VLO on behalf of the victim. That is the change with this legislation.

The victim's liaison officers are there to provide support to victims where a respondent is accused of a service offence. Right now, we're discussing how we're going to expand the program, because our VLOs are really well versed in the military justice system and not in the civilian justice system. We're looking at how we're going to expand that program and how we do the interface with all the services that are available in the civilian justice system as well.

Chris Malette: Do I have some time, Chair?

The Chair: You have some time.

Chris Malette: Further to that, General Prévost, there has been some concern. We've heard from victims who now will have to rely on a bit of a patchwork quilt across the country for the sorts of victim services that are in place in the civilian realm.

In my own riding, in Bay of Quinte, the city of Belleville police, for instance, just onboarded a victim services person full time. That's not the case in all areas.

There is some reticence from some victims who say they're not convinced that with the transition those supports will be there for them when they take their case to the civilian system. What reassurances can we give them on that, General Carignan?

Gen Jennie Carignan: From our perspective, all of our public service employees and CAF members have access to SMSRC support. This is a firm support that exists regardless of where they are in Canada. Regardless of which jurisdiction will prosecute the case, the SMSRC will remain as the firm support for victims.

Chris Malette: Perfect. Thank you.

For General Holman or Ms. Beck, in addition to proposing to transfer jurisdiction over sexual offences committed by CAF members from the CAF to the civilian justice system, Bill C-11 would introduce structural reforms to the military justice system that are aimed at improving procedural fairness and victim engagement throughout the complaint and hearing process.

How would the proposed structural reforms, including changes to hearing procedures, ensure that victims are better informed, supported and able to participate meaningfully in the proceedings involving service offences?

Stefanie Beck (Deputy Minister, Department of National Defence): Perhaps the JAG can add afterwards.

To be clear, the 24-7 line that currently exists is there and available for victims all across the country and their families. Now, of course, the Coast Guard has access to our particular systems.

We also have a well-resourced response and support coordination program that is there to help interpret, in fact, to accompany the victims through the processes, providing support, advocacy and personalized case management. All of that will continue.

The Chair: Thank you, Deputy Minister. I appreciate that.

Monsieur Savard-Tremblay, you now have two and a half minutes.

[Translation]

Simon-Pierre Savard-Tremblay: Thank you, Mr. Chair.

I'd like to follow up on the coordination aspect.

General Carignan, you seemed to say that mechanisms were already in place. That means there won't be any new ones tied to the bill itself.

I was wondering about another aspect. Under the bill, the military can still be involved in securing evidence or arresting people, for instance.

Again, how are you going to make sure there isn't any involvement or interference in the civilian system?

• (1710)

Gen Jennie Carignan: Our police officers are very well informed of their roles and responsibilities. Every case is different. In an emergency situation, it will be necessary to respond right away for the safety of the victim. Our officers can do that until the case is transferred to civilian police.

In some cases, victims may not file a complaint for months. That is a completely different situation. Victims can choose how they want to report the events. The Sexual Misconduct Support and Resource Centre is well equipped to inform victims of the procedure.

I'll give you an example. The victim may decide to go straight to civilian police without telling anyone in the chain of command. That is entirely in line with what I was saying about victims' having full control over how they want their complaint dealt with. That's what we mean by that, and it is respected.

In other cases, the victim may decide to turn to the chain of command, which can take tangible steps to ensure their safety.

There are a number of possibilities, ensuring that the victim has full control over the complaint process.

Simon-Pierre Savard-Tremblay: I assume I'm out of time.

The Chair: Yes, you are.

Thank you, General Carignan and Mr. Savard-Tremblay.

[English]

I will now pass it over to Mr. Kimble.

You have five minutes.

Jeff Kibble: Thank you, Mr. Chair.

Just for the record, it's Kibble, not Kimble.

The Chair: I apologize.

Jeff Kibble: It's all good.

The Chair: You're not the first person I've ruined by way of their last name.

Voices: Oh, oh!

Jeff Kibble: You've certainly not ruined me. I think I can recover.

Thank you, Mr. Chair.

I would like to circle back to the Canadian warship being a sovereign platform. It was discussed that, in both international and Canadian territorial waters, prosecutions would be under the military justice system. What about when that ship is alongside, say, the port of Vancouver?

MGen Rob Holman: If it was alongside the port of Vancouver, without question, it would be in Canada, so the military police would have the authority to take those initial steps that are dealt with in clause 8, but thereafter it would be the civilian police that would take over.

Jeff Kibble: In international waters—

MGen Rob Holman: That's an interesting one that I will take on notice, and we'll come back to you by the time we get to clause-by-clause.

Jeff Kibble: —or, say, at anchor—

MGen Rob Holman: I know.

Jeff Kibble: There are just some areas that need some definitions.

MGen Rob Holman: I had it going through my head after the initial question, and I think I understand the question now. We'll have a better answer when we get to clause-by-clause.

Jeff Kibble: I think that needs a much closer look to define what would be best for everyone in question.

MGen Rob Holman: Yes.

Jeff Kibble: Following on that, I know the Coast Guard is currently preparing to deploy, or already is deploying, with the navy in the Arctic in Canadian territorial waters. Will the military justice system apply to the Coast Guard, now that it's under and reporting to the Department of National Defence?

MGen Rob Holman: The answer is no. They are not members of the Canadian Forces. It may apply to them if they deploy, for instance, as people accompanying the Canadian Forces, in that small sort of case, but not presumptively.

Jeff Kibble: Thank you.

What mechanisms does the bill have in place to prevent a liaison officer from being a friend of the accused? The CF used to use retired and active members in court to liaise.

MGen Rob Holman: With regard to VLOs, the provision that's in there right now says that unless it's impossible “for operational reasons”, a commanding officer who is requested to appoint a VLO should appoint the person selected by the complainant.

That's the one mechanism that exists right now to ensure—

Jeff Kibble: That will continue.

MGen Rob Holman: That's correct. It will continue to be part of the law.

Jeff Kibble: Thank you.

LGen Paul Prévost: There's no provision that prevents the VLO from being a friend of the member, but the VLO cannot be a party or witness to the case.

Jeff Kibble: Thank you.

Bill C-11 says that military police cannot investigate. What does this mean exactly, given that the military police would most likely be the first responders to any on-base or local incident?

MGen Rob Holman : I'd refer you again to clause 8 of the bill, which actually provides three specific provisions for carve-outs of what the military police would be allowed to do that is not investigation.

• (1715)

Jeff Kibble: Would they be allowed to secure evidence, for example?

MGen Rob Holman: Yes, they would.

Jeff Kibble: Would they be allowed to take statements?

MGen Rob Holman : I'd have to refer to the bill itself. It says that they can do anything "to the extent necessary to prevent the commission, continuation or repetition", including making arrests. They can secure or preserve "any evidence of or relating to the offence".

Jeff Kibble: Would that include statements?

MGen Rob Holman: It's not explicit in the bill as I am looking at it here.

Jeff Kibble: That might need a revisiting as to what's the best method forward for statements.

How will the military ensure that the accused has adequate representation? Court-appointed lawyers don't necessarily have the same understanding of military culture.

MGen Rob Holman: This is an issue that Justice Arbour recognized herself. What she also recognized is that concurrent jurisdiction, particularly over Criminal Code offences, has always existed in Canada, with the exception of murder, manslaughter and child abduction. It's been a feature of that dual, concurrent system that the structure for provision of defence counsel services is only provided to folks who are dealt with in the military justice system. At this point, there is no plan and the bill does not provide for the provision of defence counsel services to individuals where the charges proceed outside of the military justice system.

Jeff Kibble: Thank you.

Will accused members face internal administrative action while the case is ongoing in civilian court, and who decides what that internal action should be while their guilt or innocence is being determined?

LGen Paul Prévost: Administrative process can continue in parallel to the disciplinary process or the justice system. It's up to the commanding officer of the unit or, in certain cases, to the formation to deal with those administrative measures.

Jeff Kibble: Each CO will have their own determination. Do you feel that that would be a bit of a patchwork of arbitrary justice going forward?

LGen Paul Prévost: It's in parallel to the justice system.

Jeff Kibble: But each commanding officer would have decision over internal administrative actions.

LGen Paul Prévost: That's correct.

Jeff Kibble: Okay.

How will the Canadian Armed Forces maintain training and the ability to prosecute cases overseas if it has no way to practise it here, because of the reduced caseload as cases are being transferred to civilian court?

MGen Rob Holman : The director of military prosecutions has a very extensive training budget that can and will be used to have prosecutors undergo training. Also, similar to my response to one

of your colleagues with respect to the military police, the opportunity exists to second military prosecutors outside the prosecution service.

Maybe the most important one, I would say, is that we have some very experienced reserve force prosecutors within the office of the director of military prosecutions whose full-time day job for the Ontario Crown, for example, is as sexual assault prosecutors. They are available both to prosecute and to train and mentor military prosecutors.

The Chair: Thank you, Major-General.

Thank you, Mr. Kibble.

Jeff Kibble: Thank you, Mr. Chair.

The Chair: Mr. Watchorn, it's over to you. You have five minutes.

[*Translation*]

Tim Watchorn: Thank you, Mr. Chair.

This is for all the witnesses.

I'd like to put myself in the victim's shoes. I know it's not easy and every case is different, but I'd like you to tell me how the reporting process in Canada works, from start to finish. For example, how does a victim of sexual assault go about reporting the perpetrator to you?

Then, I'd like to know how Bill C-11 improves each step in the reporting process.

Lgén Paul Prévost: The victim has a number of options for reporting what happened. If they trust their chain of command, they can report what happened to their chain of command. While victims are still reluctant to go through the system, our statistics show that, more and more, they are turning to their chain of command for those supports. Those who prefer to go through the Sexual Misconduct Support and Resource Centre have that option. We also have 16 support centres across Canadian bases, which can take complaints directly most of the time. Obviously, under Bill C-11, if we are talking about a complaint under the Criminal Code, the victim will be supported in filing a complaint through the civilian system.

• (1720)

Tim Watchorn: I'd like to understand the liaison officer's role.

Mr. Gravel, can you explain how liaison officers work with victims and the courts?

Martin Gravel: I will let my colleague talk about liaison officers specifically. What I can tell you is that, when a victim contacts the Sexual Misconduct Support and Resource Centre about an incident, we start by providing them with the tools they need to make the best possible decision for them. The goal is to describe what the options look like, so they can choose the one that works best for them. One of those options is to be represented by a liaison officer.

I'm not sure whether General Prévost wishes to add anything about liaison officers.

LGen Paul Prévost: As I told your colleague, the Canadian Armed Forces has 136 liaison officers, and they have provided support to members in 37 sexual misconduct cases in recent years. They are very well trained, and their approach is victim-centred and trauma-informed. The purpose of the program is to guide victims through the military justice system.

Obviously, under Bill C-11, sexual criminal offences will be referred to the civilian justice system. We are in the midst of looking at what we want to do with the liaison officer program. It's important to note that our liaison officers are trained for the military justice system, which is not the same as the civilian system. Do we simply move them over, since the civilian system also has liaison officers who provide support to victims? We are looking at that right now.

Tim Watchorn: Thank you very much.

LGen Paul Prévost: May I add something?

Tim Watchorn: Yes, go ahead.

LGen Paul Prévost: The liaison officer program is available to victims, but what Bill C-11 does is open the program up to those who are appointed by victims to work with liaison officers.

Tim Watchorn: That means that the victim can appoint a family member, friend or someone else to work with the liaison officer.

The bill is said to include structural reforms when it comes to hearings. Are there changes to hearing procedures that will ensure that victims are better informed and supported, and able to participate meaningfully in proceedings involving service offences?

MGen Rob Holman: I'm not quite sure I understand your question or the one Mr. Malette asked earlier, since hearings for sexual offences are conducted under the civilian justice system, not the military justice system.

One of the things the bill does is make clear to victims, complainants, which justice system or police service will carry out the investigation, but the hearing will be conducted solely under the civilian system.

Tim Watchorn: That's exactly the answer I was looking for. Thank you very much.

Thank you, Mr. Chair.

The Chair: Thank you.

[English]

Mr. Bezan, you have five minutes.

James Bezan: Thank you again to all the witnesses for being here. Thank you for your service to Canada.

Lieutenant-General Prévost, I understand that you, as the chief of professional conduct and culture, have a stakeholder group you consult with from time to time, made up of veterans and civilians. Did you consult with them on Bill C-11?

LGen Paul Prévost: I did not consult with them on Bill C-11. I was not involved in Bill C-66 at the time, but Justice Arbour spoke extensively with victims. As Bill C-66 was crafted, victims were consulted.

• (1725)

James Bezan: Thank you.

The minister said he had no clue why he was given the power to intervene on cases and give ministerial direction. That is a power that lies right now with the JAG. As the JAG, you're losing oversight. You will no longer have the director of military prosecutions reporting to you, since they'll be reporting to the minister. You'll no longer have the director of defence counsel services reporting to you, since they'll be reporting to the minister. You're losing the power to give direction on prosecutions.

The minister said he doesn't know why he's been given these powers. I'd like to get an idea of where this is coming from.

MGen Rob Holman: To start with, both the DMP and the DD-CS will remain under the JAG's general supervision and will be subject to general instructions with respect to how they carry out their duties and functions.

The change that's being made is with respect to the director of military prosecutions, so the minister will have the authority to give case-specific instructions to the DMP. That was a recommendation of Justice Fish, who drew the analogy of the director of public prosecutions with the Public Prosecution Service of Canada and the Attorney General. Effectively, the minister now sits in the role of the Attorney General with respect to giving case-specific instructions.

As is currently the case with the JAG, any specific instructions given by the minister are presumptively public, so there would be transparency, as there would be in the event I ever use the authority to make those instructions.

James Bezan: I'm flipping through Bill C-11. We talked about the civilian courts and the police agencies potentially collecting evidence or getting it from the military police. I don't see in Bill C-11 where access is granted to municipal police agencies, provincial police departments or even the RCMP.

Do they get access to bases under the National Defence Act today, or do they have to get permission?

MGen Rob Holman: They do now. They are given access when they need it to conduct investigations today, and that access would continue.

James Bezan: Who makes that decision?

MGen Rob Holman: The local base commander has the authority to make that decision.

James Bezan: The base commander could deny them access to the base if he doesn't believe they have a case to come forward to investigate.

MGen Rob Holman: There would have to be a rationale for doing so—

James Bezan: Protecting a friend....

MGen Rob Holman: —that would outweigh the benefit to the public of having the investigation done. Certainly, the civilian police, if they felt like they were being interfered with, would have a number of mechanisms to deal with that, including going up the chain—

James Bezan: Should we not be defining that in the act, then? If we're no longer going to allow the military police and the national investigation service to actually do any of the investigation, shouldn't we be making sure that, within the act, there is access granted for all requests immediately, as defined by legislation, rather than at the discretion of a base commander?

MGen Rob Holman: I leave that to the wisdom of Parliament.

What I would say is that, with concurrent jurisdiction now, the act is silent, and the civilian justice system has access as required. Even where there is sole jurisdiction over murder, manslaughter and child abduction offences, I'm not aware that there have been any problems with the military police having access.

James Bezan: You said "military police". I'm talking about civilian—

MGen Rob Holman : You're right. Civilian police is what I meant. I apologize.

James Bezan: We did talk about how everything is going through the civilian system and about potential administrative measures taken, but if somebody is found guilty in the civilian system—for example, for sexual offences—wouldn't that also automatically trigger a court martial?

MGen Rob Holman : It would not be a court martial, but it would certainly give clear ability to release someone from the Canadian Forces under the release provisions dealing with misconduct.

James Bezan: Okay.

The Chair: Thank you, Mr. Bezan.

Cheryl Gallant: I have a point of order, Mr. Chair.

The Chair: Yes, Ms. Gallant.

Cheryl Gallant: I think I was maybe being too polite and oblique when I was asking the question about the rape kits. Specifically, I wonder if you could reply in writing as to how we can ensure that if the victims are on exercise or if their base does not have a hospital, the evidence can be preserved by getting the procedure done as soon as possible. How is that going to happen?

The Chair: Can you provide that in writing? Thank you, Deputy Minister.

Ms. Romanado, you have up to five minutes.

• (1730)

Sherry Romanado: Thank you, Mr. Chair.

I thank the witnesses for being here.

General Carignan, we hope that members never need this provision or this service. However, since 2021, those cases and investigations have been moving to the civilian system. It's been since 1998 that the Canadian Armed Forces has been investigating and prosecuting sexual assault. Is there a plan for communicating to the chain of command, the local police, etc., the new measures, once Bill C-11 receives royal assent?

For instance, if someone comes forward to a regular police officer somewhere in a small city in Canada and says, "I'm a member of the Canadian Armed Forces and would like to report a rape," what is the provision for educating them that it's not the military

that is actually now going to be responsible for the investigation and prosecution? Is there a communications plan—I guess that's my question—with respect to educating civilian authorities, and also victims, on that new process?

Gen Jennie Carignan: There are many folds to the question of communication. This new way of doing things has already been undertaken in many provinces. There have been numerous consultations done with the provincial authorities throughout the last few years as this change came about. This will definitely continue.

On our side, we will make sure that, internally to the Canadian Armed Forces, the new process is well understood, that the transition is occurring and that the chain of command knows where to go when complaints come forward. This process will definitely be extremely important as we move forward in the transition. The communication aspect of that will be absolutely key to success.

Sherry Romanado: Deputy Minister Beck, you mentioned the 24-7 support line for members. Many of you on this panel kept mentioning members. My question is, what if the victim is no longer a member of the Canadian Armed Forces? What if they left because of sexual assault and, after this legislation passes, they decide to come forward? Do they still have, as veterans, access to the SMSRC or victim support or the VLO services?

Stefanie Beck: Absolutely, veterans, families as well, families of the victim, families of the members.... We know the communities that are involved are often deeply hurt by what has happened to their family member, and it's equally important that they have access to all of our structures in place to provide support.

Again, that 24-7 phone line is for family members as well.

Sherry Romanado: In terms of the comprehensive implementation, a plan where 36 of the 48 recommendations from Justice Arbour's external review have been addressed, I know that the goal is to complete all of them by the end of this year. This bill also includes strengthening the independence of the investigation and the prosecution. Could you elaborate a bit on why that's important in terms of building back trust?

Gen Jennie Carignan: Concerning recommendation five more specifically, this was the reasoning behind Justice Arbour's recommendation: to ensure that level of independence from the chain of command and the victims' agency over their own complaints. That is the reason for this proceeding in that way.

Also, there are many pieces to this. As we can see as well, the SMSRC is also independent from the chain of command and completely confidential. It is completely administered separately to ensure, again, privacy, and to ensure that victims have agency over their own process.

• (1735)

Sherry Romanado: Thank you so much.

The Chair: Thank you, General.

Thank you, Ms. Romanado.

I know the time is running out.

Mr. Bezan, you wanted to interject.

James Bezan: I have one quick question.

Maybe you can reply in writing.

It's on the application of Bill C-11 when it involves multiple jurisdictions. As an example, the reserve 38 Canadian Brigade is training at CFB Wainwright at the manoeuvre training centre. A sexual assault takes place. The victim is from the Royal Winnipeg Rifles in Winnipeg. The accused is from the Armoury in Thunder Bay. Witnesses might be from Regina or Saskatoon. You have the RCMP, different city police and the OPP. Who is doing the investigation? How are you collecting evidence?

The Chair: If you could bring that to us in writing, that would be important. That's a multi-jurisdictional issue. It's a good question, so if you can respond to that, Deputy, that would be effective.

Before we adjourn, I will note that, as we continue to study Bill C-11, I encourage all of you to bring forward witnesses—hopefully

by tomorrow, so the clerk and the team can have some time to contact witnesses to appear before us. Please submit your witness list soon.

For Thursday's meeting, the deputy commissioners of the Coast Guard are available to appear. They'll be part of the first hour. The second hour will be on NORAD modernization and we'll have some witnesses appear for that, so we're good there.

For the November 4 meeting, we have a conflict, because we're all going to be supporting the budget presentation that afternoon. We're going to miss out on our committee on that day—

Cheryl Gallant: We don't want to miss it. We can rearrange it.

The Chair: We'll see how we can proceed in terms of rearrangement.

Our next meeting will be Thursday, October 30. We'll proceed, and then we'll provide some notification as to what that will entail. Bill C-11 is the intent as we go forward, so that we can resolve this issue.

Ladies and gentlemen, with your permission, the meeting is adjourned.

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