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# Standing Committee on National Defence

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Chair: Charles Sousa





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• (0820)

[English]

**The Chair (Charles Sousa (Mississauga—Lakeshore, Lib.)):** I call this meeting to order.

Welcome to meeting number 14 of the House of Commons Standing Committee on National Defence.

Pursuant to the motion adopted on October 23, 2025, the committee is meeting to resume 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. Before we continue, I ask participants to consult the guidelines on the table. These measures are to help prevent audio and feedback incidents and to protect the health and safety of the interpreters.

I would like to remind the witnesses and members to please wait until I recognize you by name before speaking.

If you wish to speak, please raise your hand. For those on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can.

For language interpretation, please use the earpiece and select the desired channel in front of you. For those on Zoom, select the appropriate channel on the screen for floor, English or French.

We appreciate your patience and understanding.

Before we welcome our witnesses, please note that we may be discussing uncomfortable experiences related to sexual misconduct. This may trigger sensitivities and distress. We recognize that these are difficult discussions, and I'm sure we will all be compassionate in our conversations and questions. If you need help, please advise the clerk.

I would now like to welcome our witnesses.

We have with us Elvira Jaszberenyi, a retired corporal; Paula MacDonald; Heather Vanderveer; and Rachelle Smith, founder and host of the Silenced Voices of MST.

I'll now invite Ms. Jaszberenyi to make an opening statement.

You have up to five minutes.

**Elvira Jaszberenyi (Retired Corporal, As an Individual):** Thank you, Chair.

Thank you for inviting me. I'm not supported by any groups nor am I political. I was proud to serve my country as a 50-plus-year-old soldier, but my rape case with forcible confinement in a broom

closet on base was botched. The government's obligation is to protect citizens from harm and is the basis of criminal law.

My assailant was under investigation for a previous sexual assault, SA, bad conduct, and was a known predator to the NIS. I was also infected with an incurable STD, but NIS ignored his admission and tampered with evidence. My case was dropped after four months. I was told not to call MPs as I was stalked and exposed on social media and pressured to accept a redacted version of my file.

When I handed in a lawyer's letter, COC blamed my own delay. My assailant was charged for his first victim two years later for his conduct, but DOJ is trying to redact her from the file. My ATIPs are being withheld, but the past won't show gossip by COC as retaliation continued after my transfer, resulting in injury.

As a weapons tech, I held nine unrelated jobs. Padres, COC and mental health said to take the victim tag off as I endured retribution and was ordered to return to where the rape occurred as doctors asked for information on my case or prescribed unneeded medications. After switching to intelligence, my career was held back. While under trauma and with health issues, I was ordered back to work. COC, wellness checks and calls now increased.

My private prosecution was taken by the Crown, but *actus reus* and *mens rea* were overlooked along with evidence. VWAP and ILA coupons were insufficient and demeaning.

CAF, our justice system and our government's handling of crimes and preventing harm is lax. Hockey Canada, Nygard, etc. have angered the public. Insufficient evidence was given to MPCC who labelled my case a shoddy investigation and were baffled by why the accused wasn't charged. I was wrongfully released, CAF signing on my behalf.

My application to VAC was lost. My support, Steve Torinor, was threatened legally. They threatened to come to my residence and pressured me for information. He urged government members, with little response. VAC distorted my application, requesting my medical information. Ignoring my IRB is enough. My human rights lawyer also turned on me with JAG, threatening AWOL. I reported a crime, but suffered consequences for protecting myself and others.

Culture change and gender issues are a mask. Gatekeepers who silence victims and crimes, and speak on our behalf, must be removed. CAF must screen soldiers properly, as they reviewed my assailant speaking Russian in our combats about CAF on YouTube, AKA Russian spy guys. Facebook sexualized political posts were ignored. General Eyre wrote that he's only informing Russians.

This ridicules my country and our military. Why did Canada's former spy, who advised you on safety tied to CSIS and the RCMP, get involved in my case and say to record and take pictures? Someone linked to a group that appeared before you said to claim to suicide to get money. I was ordered to report in combats while ill, write memos and call 1-800 numbers. The CO offered me to sit with my assailant, or call if he shows up or...diversion.

CAF used NIS and DOJ in court to follow my story. As victims of suicide increase, the system will crumble if you don't act. As a single-income person fighting for my rights and safety, I have been paying lawyers with no results. My assailant is still working on base. CAF employed a known predator and placed him on course while under investigation.

It's clear we are not protected from harm or our enemies. With Bill C-11, we must implement the previous justice's recommendations. However, the military justice system and police shouldn't overlap.

Victims should have the same rights as the accused to balance the safety of our country and be accountable; bring back loyalty and integrity to our country; give justice and restitution not just to those who were wrongfully accused but to the many victims who have been silenced; and prevent these crimes, which were not in the grey zone.

Thank you.

• (0825)

**The Chair:** Thank you.

Ms. MacDonald, go ahead.

**Paula MacDonald (Master of Social Work, As an Individual):** My name is Paula MacDonald, and I was a master's educated social worker who served in the Canadian Armed Forces between 2014 and 2016 in both the reserves and regular force.

My service was marked by gender discrimination and escalating gender-based violence that ended in retaliatory sexual assault. I'm not talking about workplace conflict; I'm talking about what happens when the chain of command uses powers of the state to control, minimize and bury sexual misconduct inside the Canadian Armed Forces. It's the CAF's sexualized culture that made inappropriate comments and jokes and unwanted touching seem normal. People in positions of rank use the atmosphere as a tool of control, treating subordinates as objects instead of human beings or soldiers worthy of respect.

The CAF is not a private employer. My commanders, harassment advisers, assisting officers and the military police were all exercising public authority under the National Defence Act. They controlled my work, my medical file, my career, my release and my access to complaints. They also influenced how military and civilian police handled my allegations. When they acted, they acted as agents of the state. This means the Canadian Charter of Rights and Freedoms applies.

When I reported sexual harassment and, later, sexual assaults, my allegations should have been taken seriously. I should have been kept safe and given access to independent, impartial investigations. Instead, everything stayed inside the chain of command. My harassment complaint and grievance threatened to expose senior medical officers who had violated the rights of a social worker who named the hostile culture. Protecting themselves in the institution came first.

My complaints were routed through chain of command-led investigations and internal processes. Harassment advisers and grievance officers reported to the same leaders I was complaining about. Military police opened files, spoke only to my supervisors and then closed the files without ever interviewing me.

When I went to the civilian police, I was told more than once to go back to the military system that failed me. At the same time, my leaders reframed my complaints. Instead of naming sexual harassment and abuse of power that led to sexual assault, they called me emotional, hypersensitive and a mental health problem. They used medical referrals, medical employment limitations and threats of discipline under the National Defence Act, including threats of dishonourable discharge, to pressure and punish me for speaking up. My harassment case became a disciplinary and medical case against me, not against those who engaged and created the hostile sexual environment.

From a charter perspective, this matters. Section 15 ensures equality of rights. As a woman reporting sexual harassment and sexual assault, I did not receive equal protection or equal benefit of the law. My experiences were minimized, my credibility was attacked and supposedly neutral tools, medical labels, career limitations and administrative measures were weaponized against me. This is sex discrimination.

Section 7 deals with liberty and security of the person. The chain of command knew about escalating sexual behaviour, threatened to misuse legal powers and allowed a senior commander to gain power over my future in exchange for sexual access. This caused serious ongoing harm to my psychological security. This is state-driven exposure to risk and abuse of process.

Section 2(b) ensures freedom of expression. Every time I used my voice—complaining internally, going to the police or speaking to oversight bodies—I faced reprisal. I was labelled as disruptive, threatened with discharge, buried in pointless tasks and ultimately pushed into a so-called voluntary release just to escape their abuse. The release freed the chain of command from having to answer for its membership's violence and violations of the National Defence Act.

Chain of command-led investigations are not neutral when members of the chain of command themselves are implicated. The military provost's office is not independent from the chief of the defence staff or the broader command structure.

In my case, the Canadian Armed Forces didn't simply mishandle a file; it used the machinery of the military justice and grievance system to protect its membership, who violated the National Defence Act and silenced me. The misuse of state power that the charter is meant to guard against is what they did.

● (0830)

It is exactly why the reforms like Bill C-11 and a real shift to independent civilian jurisdiction over sexual offences is so urgently needed to maintain the rule of law within the Canadian Armed Forces.

**The Chair:** Thank you.

Ms. Vanderveer, you have five minutes.

**Heather Vanderveer (As an Individual):** Chair and honourable members, I thank you for hearing me today.

My name is Heather Vanderveer. I am a veteran. I work with survivors of military sexual trauma, harassment, coercion and abuse:

people whose lives have been altered not only by what was done to them, but by what the system failed to do afterwards.

I'm here today because Bill C-11 as drafted does not protect survivors. It risks harming them further.

Every week, I work with people who have reported assaults and have waited months, sometimes years, for an update. I watch their files get passed between military police and civilian police like an unwanted parcel: being told to start over because jurisdiction is unclear, their credibility being questioned more often than the conduct of the accused and being abandoned by institutions that promise to protect them.

The trauma does not stop at the assault. It continues every time the system avoids responsibility. Survivors call this "institutional betrayal". I call it predatory jurisdictional behaviour, because avoidance like this is never passive. It protects institutions, not survivors.

Civilian judges and Crown prosecutors are rarely trained in rank and power dynamics: coercion tied to postings and deployments; the impossibility of avoiding an abuser in a military environment; delayed reporting by retaliation and career threats; or the structural pressures unique to military life.

These gaps shape outcomes. Civilian sexual assault conviction rates in Canada are already extremely low. When military complexity is added, the outcomes worsen. Survivors are not being transferred to a stronger system. They are being transferred to a system unprepared to receive them. The CAF believes they are modernizing through Bill C-11, but their definition of modernization is administrative, not survivor-centred.

New oversight bodies may look modern on paper, but without enforceable responsibility, it isn't modernization. Shifting cases to civilian courts without preparing those courts is not modernization. Adding new steps and new hand-off points does not bring clarity.

Let me be blunt. If no one is required to act, the system never learns it has to, which means that this isn't random. When the law doesn't assign responsibility, the system doesn't step forward: It steps back. The longer it persists, the more the system learns to protect itself instead of the survivor.

As written, Bill C-11 creates more steps, more hand-offs and more opportunities for avoidance, yet it does not identify who must take care of the case. Instead of providing clarity, it gives institutions more places to send a survivor rather than help them: more doors to knock on, more forms to submit and more timelines to wait through. Survivors cannot endure another round of bureaucratic ping-pong.

Right now, survivors navigate a maze. Bill C-11 adds more hallways and more locked doors. Every unanswered email, transfer and “not our jurisdiction” sends the message. You are not worth the effort. Your case is not worth the risk. Your trauma is too inconvenient.

Major reviews—Deschamps, Arbour, Fish, the ombudsman, the Auditor General—and class action findings say the same thing: Survivors are falling through the cracks because no one is accountable. Bill C-11 doesn't fix that. It reorganizes the cracks.

True modernization requires accountability, clarity and survivor-centred outcomes. Bill C-11 delivers none of these. The greatest harm is not only when cases are dropped but when they sit in procedural limbo. That is cruel in its own right.

Closure means certainty, dignity, the ability to heal and knowing that your life matters as much as the institution that failed you. Bill C-11 as drafted risks denying survivors closure.

Survivors are not asking for special treatment. They're asking for the bare minimum any justice system should provide: a clear process, a responsible authority and a real pathway to resolution. If Bill C-11 cannot guarantee these three things, it will retraumatize survivors, deepen mistrust and reinforce the failures that brought us here.

Thank you.

**The Chair:** Thank you.

Ms. Smith, you have five minutes.

● (0835)

**Rachelle Smith (Founder and Host, The Silenced Voices MST):** Thank you for the invitation to appear today.

I'm a former United States Air Force officer and a survivor of military sexual assault.

My experiences are not unique. The way the system responded to what happened shaped the course of my service and my life. The patterns I experienced appear across the accounts of many survivors with whom I work today.

When I arrived at my first duty station, women who had served there before me offered quiet warnings about safety. Two weeks later, I was assaulted. I did not report the full incident, yet retaliation still followed. That experience made it clear that the system in place did not protect me and that I did not truly have a safe or independent way to come forward.

This pattern has been identified by many service members and veterans who described an environment where the chain of command controlled both their daily lives and the responses to their assaults. Through my work with survivors, the same issues come up

again and again. Many describe being exposed to further harm by reporting pathways created by military leaders.

There are descriptions of support systems that did not operate independently from the very structures they feared and of long-term consequences to their health, to their careers and ultimately to their abilities to continue serving. These accounts come from individuals across different branches, ranks and backgrounds, reflecting structural weaknesses rather than isolated failures.

When independent investigation and external oversight are missing, predictable and well-known outcomes follow. Units lose trust in their leaders. Survivors avoid reporting, while offenders remain in authority, and the ripple effect touches readiness, retention and national security.

From reading Bill C-11, I believe the measures in it outline and address the core weaknesses that shape whether service members trust the system that governs them. Independent investigative authority, external judicial oversight and protected support mechanisms for victims create conditions where they can ask for help and can report without fear of retaliation or compromised processes.

These measures also help restore confidence in the institution as a whole. Across the survivor accounts that I encounter, one point comes up consistently: the harm does not end with the sexual assault. The way the institution responds has deeper and more lasting effects. A military force cannot be effective when its members doubt the fairness, the independence or the safety of the structures intended to protect them. Accountability requires clear processes, credible oversight and reliable support. Strengthening these areas protects survivors and then strengthens the institutions themselves.

Thank you for your time.

**The Chair:** Thank you, to all four of you, for your opening remarks. We appreciate your being here, and we appreciate your courage and transparency, giving us information and enlightening us in terms of the issues.

What we're going forward with in this bill, as a committee, is to ensure that we protect the rights of victims so that justice prevails.

We're going to start our first round with Ms. Gallant.

You have six minutes.

**Cheryl Gallant (Algonquin—Renfrew—Pembroke, CPC):** Ms. Jaszberenyi, to whom did you first report the incident?

**Elvira Jaszberenyi:** At first, when I reported it, I felt.... Hold on. I can't find my notes.

**Cheryl Gallant:** That's okay, Ms. Jaszberenyi. I don't need the name, but was it your commanding officer? What was the relationship?

**Elvira Jaszberenyi:** Yes, I have it written down, condensed. I called my COC because I was distressed. They called the MPs to check on me. The COC ordered me to speak with them. Then they called an MP who drove me to NIS, but they said I could leave at any time. Anyway, years later, it looked like it was a police training exercise in Borden. Reporting a crime was one thing, but the COC, the NIS, the lawyers and the gatekeepers in place took this to another level. Each person who tampered, gave away information and interfered is responsible for their actions.

**Cheryl Gallant:** I'm going to ask you questions in a certain order so that I can get a clear picture of what happened.

Were you on your own base, or were you away training at that time? Where did this occur?

**Elvira Jaszberenyi:** I was on base, yes.

**Cheryl Gallant:** You were on your base.

**Elvira Jaszberenyi:** I was, yes.

**Cheryl Gallant:** Were you given the choice of dealing with the OPP versus the military police?

**Elvira Jaszberenyi:** I had communications with OPP. I tried every possible avenue, and they said that it was not in their purview to help me.

• (0840)

**Cheryl Gallant:** When you were with the military, did you ask them to be in charge of it instead of the military, the CAF?

**Elvira Jaszberenyi:** To be honest, I was still processing everything.

**Cheryl Gallant:** Then you didn't ask the MPs for your case to go to the OPP, as opposed to the MPs?

**Elvira Jaszberenyi:** That I don't remember, but I do not believe.... I did it on my own.

**Cheryl Gallant:** All right.

Were you offered a medical visit to gather evidence after the attack?

**Elvira Jaszberenyi:** Right after I was interrogated by the MPs, which was over three and a half hours, they had another NIS officer drive me to the hospital for the SA kit.

ATIPs later revealed that the chain of command was more worried about media attention and about what was going on. There were a whole bunch of other things that happened, but their concern wasn't me; it was what was going to come out of it.

**Cheryl Gallant:** Were you offered any legal representation or a support officer?

You were not offered any of this. Okay.

Were you provided with a transcript or a recording of the interview that you gave? You said it was three and a half hours.

**Elvira Jaszberenyi:** Yes, I was there for over three and a half hours, or possibly four or five hours, because there were breaks in between. Before that, they explained the whole process and everything.

I'm sorry; I forgot the other part of your question. Go ahead.

**Cheryl Gallant:** Okay. Well, I want to go back to the last one, because you shook your head, but we have to have it on the record.

Did you have legal representation or a support or liaison officer provided or offered to you?

**Elvira Jaszberenyi:** No, I got my own legal representation, I believe, after the case was dropped, because as soldiers, we all feel that they will take care of us, but I quickly found out that was not the case.

**Cheryl Gallant:** Was a member of the clergy brought in or did you—

**Elvira Jaszberenyi:** Oh, yes.

**Cheryl Gallant:** What did the member of the clergy say to you?

**Elvira Jaszberenyi:** To say it in a condensed form, the padres, the COC, mental health all work together, and they all go back to the chain of command. It's all about exchange of information.

**Cheryl Gallant:** Okay, but what was his advice to you?

**Elvira Jaszberenyi:** At first he was trying to help me and evaluate my trauma. Then finally he turned on me, and he said things to me like.... Some of his quotes were that....

I didn't write those down to have them with me. I could hand them in later.

He basically threatened me, saying that you're here to work and that the chain of command is very busy and....

I can't remember his exact words, but they were hostile.

**Cheryl Gallant:** Was there any reference to unlimited liability?

**Elvira Jaszberenyi:** Yes, thank you. He said something to that effect—that you're on unlimited liability, and that you came here to serve, and that we could always put you back on PAT platoon if you don't like it.

I just felt very threatened and I didn't understand why he took this completely different approach. Obviously, that ended my communications with that padre, but they kept bringing in other padres as well.

**Cheryl Gallant:** They didn't want you to pursue this. Okay.

Did you resume your training right after that in your same stream of training, or what happened instead?

**Elvira Jaszberenyi:** No. As a matter of fact, as a weapons tech, I had asked to be placed on a French course, because I am bilingual. When they put me into the French engineering course, they came in and said that I was not qualified in French. I gave them my reply in French.

[*Translation*]

I take my courses in French. I speak French, and I'm from Quebec.

[*English*]

I was absolutely astonished that they were pulling me out of the class in front of everybody. Finally, they let me stay in class, but I did have to pass written and spoken French afterwards.

**Cheryl Gallant:** And did you?

**Elvira Jaszberenyi:** I started to, but then—

I'm sorry. I think time is up.

● (0845)

**The Chair:** No, it's okay. I don't want to interrupt. I was going to go to the next witness, but by all means, finish your thought.

**Elvira Jaszberenyi:** I'm sorry. What was your last question?

**Cheryl Gallant:** I wanted to know whether or not you just resumed your regular course of education, or were you required to do something else?

**Elvira Jaszberenyi:** No, they kept telling me they were going to put me back on another course, but they said they didn't have English courses. I said, "Fine, put me on a French course," but they said that with the francophones, because there are fewer people, it takes longer for them to be on course.

Then I asked for an OJE back in Montreal. They kept delaying me and they said that I'm delaying myself because now I have a lawyer. That's when they were throwing all the 1-800 numbers, saying that if I want to be reporting, then call here or do this or write memos.

It's just a whole bunch of hurdles that they try to put in front of you. They actually told me to put apps on my phone to play games—which I usually don't do—and to sit in a canteen and wait while the other people were in classes. I just sat there and waited.

**The Chair:** I have to keep time. I apologize for that.

We do appreciate your service and you being here expressing something that's very sensitive. I don't want to interrupt, but we do have timelines.

Cheryl, thank you for your questions.

I'm going to go now to the next member, Sherry Romanado. You have six minutes.

**Sherry Romanado (Longueuil—Charles-LeMoine, Lib.):** Thank you very much, Mr. Chair.

Through you, I'd like to thank the witnesses for being here, for your service and for coming and sharing your stories. Everyone here is trying, and I believe you are too, to make sure that this doesn't happen to anyone else and that justice is served. Your testimony today is incredibly important for us to make sure we get this right, so I want to thank you for that.

I want to start first with Ms. MacDonald.

You said a few things that I'd like to follow up on a little bit. You mentioned in your testimony that the CAF were using their rank and what we've heard in previous testimony was the CAF shouldn't be investigating itself. The independence is lacking. You mentioned you were never interviewed. You ended up going to the civilian police and they told you to go back to the CAF.

Could you elaborate a little bit about what your thoughts are, in terms of Bill C-11 and how that could help provide some clarity, but also some independence?

**Paula MacDonald:** Right now, the Canadian Armed Forces, which is struggling with a problem of conduct of its membership, is investigating itself. They're using sexualized violence to control their subordinates or to establish power over colleagues. It's used as a tool of social control and power. It's normal, everyday behaviour. This is what they do. This is how they behave.

It needs to be separated because they start with human rights violations and then they move into Criminal Code sexual violations. The Criminal Code part needs to be removed from them, so that there will be consequences for their conduct. There are no consequences for human rights violations with the chain of command. The part where we're looking at things where the chain of command wants to use the military judicial system to maintain good order and discipline—they could start by addressing human rights violations.

What we see from high-ranking members is that they violate human rights and then they get promoted and moved into another position where they have authority to address the hostile, sexualized culture and keep going with their bad behaviour. It needs to be removed, so that there's a consequence.

**Sherry Romanado:** Thank you for that.

My next question is going to be for Ms. Jaszberenyi.

You mentioned that you didn't receive any supports, in terms of what happened to you. The person who assaulted you went on to continue their career in the Canadian Armed Forces even though there had been a previous case you had mentioned. There was a pattern of behaviour here with this person.

When you reported, did they not take it seriously?

• (0850)

**Elvira Jaszberenyi:** CAF was aware of a predator on base after the first victim along with her witness also made a complaint. Soon after, they sent him on training with us to Shilo after being told of abuse reports on that course.

My COC was more worried about the quotas he had to meet with HQ, as they tried to convince me that they didn't see the gravity of my rape, which was after the training. During that time, there were five COCs who sat around me.

ATIP results showed that the COC was more concerned with the media attention as well, as I said earlier. Staff from the MIR and mental health were also there to extract the information. When I was in one of the meetings that I was ordered to, these are words that they were using: "They accommodated me", "There is no pleasure in keeping you in Borden", "No one is holding a gun to your head", "There is no policy for someone like you", "We are bending over backwards for your situation", "Memos are not about you." "It's a sales opportunity, a sales pitch for what you want." Finally, I asked them, "What am I selling?"

They were just trying to pressure me to sign things. I could tell you about the NIS and that the investigator prevented the accused from admitting his guilt, even though he was a known predator and under investigation for another sexual assault. As a matter of fact, he had to leave his interrogation about my case for the other sexual assault interrogation. It's in the file.

**Sherry Romanado:** All of you mentioned something about reprisal and that there are probably many cases that don't get reported. We've heard that. We heard in previous testimony that probably even 80% of cases don't get reported. When people do come forward and report it, there's retaliation, as you mentioned, Ms. Smith. There's sidelining of careers. You're pushed out.

We're trying to, first of all, provide justice and supports to victims, prevent this from happening but also build back trust in the system.

I have children serving in the Canadian Armed Forces. When I hear stories like yours, I can imagine how other family members feel when their child decides or their family member says, "I want to serve my country". There's a fear that something will happen to them or worse, as you've all mentioned, that they'll be failed by the system. As you mentioned, Ms. Vanderveer, they're almost revictimized. The process of going through the reporting and the investigation is just as traumatic as the assault.

With respect to this bill, is there something you would like to recommend to us? I probably don't have a ton of time, but if ever there's something you want to also submit to this committee as recommendations, I would urge you to do so through the clerk, because this is going to be very helpful for us.

I'd like to just open it up to Ms. Smith and Ms. Vanderveer, if there's anything you'd like to add.

**Rachelle Smith:** The ultimate prevention is accountability. There are so many movements where...there are classes for new service members about boundaries, psychology and unlawful orders. You can teach all you want but, if there are no consequences,

if there's no real justice, if there are people in leadership who have gotten away with crimes, the culture is created.

I often say that we all learn in basic training that there's one thing every single military person knows and all of their family members know: Don't walk on the grass.

Why are human lives not as important as grass?

**The Chair:** Thank you, Ms. Smith.

Mr. Savard-Tremblay, you have up to six minutes.

[Translation]

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

Thank you to the witnesses for being with us today. I also thank them for their testimony.

I'll start with you, Ms. Jaszberenyi. We're from the same city.

Your testimony was very poignant and very touching. Your experience shows that the military police accepted the initial version, that is, the chain of command's version, before even talking to you. If you think about it, that's huge.

That's my understanding.

Is that correct?

• (0855)

**Elvira Jaszberenyi:** I didn't hear the last part of your question.

**Simon-Pierre Savard-Tremblay:** During your testimony, you said that the military police retained the high command's version before even hearing yours and before you could even comment.

**Elvira Jaszberenyi:** Yes, that's right.

I'd like to read something. It's in English.

[English]

After an ATIP, the COC of the RMC school stated that the action taken on my sexual assault case was "discussed with NIS to ensure that investigation was closed".

[Translation]

As you can see, there were discussions between the chain of command and military police. You can access some of them by making an access to information and privacy, or ATIP, request.

**Simon-Pierre Savard-Tremblay:** The bill before us is full of good intentions. We are here to gather testimony in order to improve it and make it even stronger.

Your testimony wasn't even heard before they made a decision.

How do you think we could avoid this type of situation?

**Elvira Jaszberenyi:** I'm going to read what I wrote.

[*English*]

Minister McGuinty stated that there was no cover-up or criminal behaviour. All I experienced was a cover-up and interference, which questions this. I was dismissed without warning, with no AR, signed on my behalf in seven places. I asked to work in intelligence until 65, but my career vanished and I'm unemployed without any VAC.

Justice Arbour, on page 33, said, "In my view, the continued hostile environment and mistreatment of many female cadets in itself justifies an in-depth examination of the future of military training".

I asked Parliament to look at the details of my experience, as there is an overlap with proof. Mr. Fowler stated not seeing an overlap. I had this overlap of JAG with NIS and COC, and my witness was linked to my engineering school and later lost his life. As I said, the case was discussed with the COC and JAG, and it was ensured that the investigation was closed.

My case and I were studied in person by JAG lawyers at a Timmies six days after my rape and on a civil shooting range between JAG, a club member and a civilian lawyer.

A warrant, who dealt with both victims and happened to be the Crown's witness, claiming he knew nothing of my case, is also a complete overlap. A known lawyer, recommended by a support group, called NIS—this is another lawyer—lied about the information and then proceeded to threaten me, telling me to be very careful in what I say and do from now on.

Lawyers, some with CD titles, took my info and money and then said that it was a conflict or a conflict of interest, or that they were unfamiliar with military law. Where do victims find lawyers as their documents disappear? CAF also seems to be using retired and active members to stifle victims. Some have spoken before your committee.

The RMP's decision of insufficient proof was the reason given to NIS, even though the video interview of the accused showed his admission. The abuse of power, JAG ignoring the previous victim, his admission, my STD and tampering with evidence is against the standards of a representative of our government. This is alarming, and we need accountability.

[*Translation*]

I hope that answers your question.

**Simon-Pierre Savard-Tremblay:** Yes, it does.

I would like to dig deeper.

In your case, we know that the Military Police Complaints Commission of Canada did not have access to the file that was transmitted by the military police to the civilian prosecutor.

Bill C-11 provides for a transfer of powers. They want to prevent the military police from investigating. The investigation is transferred to civilian authorities. However, the bill does not create any mechanisms requiring the military police to provide access to past or current notes, reports and decisions.

Should we amend Bill C-11 to ensure an automatic right of access to relevant records?

• (0900)

**Elvira Jaszberenyi:** To answer your question about the military police, I would say that it doesn't change much, because they're the first to show up to the scene of a crime. In my case, a lot of things have disappeared. I can tell you that much.

I don't know how much time you have left, but I would like to read the following.

[*English*]

If Bill C-11 is passed, I would suggest recommendations based on my experience, which shows an overlap, and a new system may not be a full resolution. As three former justices' recommendations are under way or in spirit, as Professor MacKenzie stated, as victims, we lost trust in the system. The government should also be mindful of the system whereby the DOJ is trying to redact another victim from my case. Giving the image that I alone reported is only harming the public. Pushing for an inspector general sounds like a system is already in place with a JAG-like person, as mentioned in a previous meeting. I've had this JAG-like interference already, so I would like to see what is proposed.

Bill C-11 still leaves MPs to be first on the scene with the evidence before police arrive, as Minister McGinty mentioned. It will also not eliminate SA, only the evidence, as in my case. We were worried about proposed sections 70.1 and 70.2, I believe. However, after Bill C-77, Bill C-66 and now Bill C-11, it is the duty of the government to make proper legislative changes and to re-examine human rights. More support groups are unnecessary. Please take care of the crimes and remove those who were influenced. A change of policies and personnel is needed, with better recruitment, screening and training; enhanced security; and reduced retaliation with major accountability.

Professor MacKenzie stated that it is merely a "piece of the puzzle", since she mentioned victims like me who have gone through a long, arduous court process with the accused back on base working.

If you put a system in place, as you noted, where victims are failed, past errors will be repeated. Angry families and groups may challenge you, since SAs and suicides are rising. With social media out of control, we need to keep the peace. As someone who worked in intelligence, I say that you need to act as victims rise and justice unbalances. The root of the problem needs to be dealt with, and preventative measures need to be put in place by removing those who covered up these crimes.

Most victim services leave victims rightfully believing that the system is bent in favour of protecting the accused and the system, and not in aiding us and protecting the public from harm, which Justice Arbour also referred to. She also stated that “external input should be a common thread throughout all CAF activities impacted by the issue of sexual misconduct.”

In my opinion, the overlap was evident. The abuse of power by those above, especially on the young, is the reason my experience as an older rape victim is unique. Sexual assault and other criminal offences of a sexual nature are now being referred to civilian authorities, yet my case clearly shows tampering to me. It feels like a smokescreen to prevent victims from further reporting, even with a known predator on base, trying to shame me in court and in public. With the overlap I experienced, has the justice system dropped the scales of justice?

[Translation]

I hope that answers all of your questions.

[English]

**The Chair:** Thank you. I appreciate your response.

I am sensitive to time. I'm not going to cut anybody off, but I do ask you to try to be mindful of the time.

Mr. Kibble, you have up to five minutes.

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

I thank the panel for their service. I commend your courage for coming here to help us work towards a solution, specifically in Bill C-11. I respect that it's a very sensitive topic, so if you're uncomfortable proceeding with my questions, just please let me know. However, I look forward to your answers.

Ms. Smith, I appreciate your talking about accountability. We've also heard from other people who have also said that culture change is part of the solution.

You said that you were in the U.S. military. Is that correct?

**Rachelle Smith:** Yes.

**Jeff Kibble:** Have you served in the Canadian Forces?

**Rachelle Smith:** No.

**Jeff Kibble:** Are you familiar with the Canadian Forces' justice system?

**Rachelle Smith:** No. It's similar, but I've seen that there's less infrastructure for survivors than we have in the U.S.

• (0905)

**Jeff Kibble:** That's fair. Okay. So, you do have some familiarity. Thank you.

I want to clarify, as well, that when we're using the acronym MP, in your cases that refers to military police and not members of Parliament. I just want to clarify that as we're going forward, and I appreciate that there are a lot of acronyms that are used.

Ms. Vanderveer, you said that you've worked with numerous survivors.

**Heather Vanderveer:** That is correct.

**Jeff Kibble:** In your work with them, have you felt that those survivors—or in your own experience as well—would want a choice between either a civilian or a military prosecution?

**Heather Vanderveer:** Absolutely. That's what I have heard: that they would like a choice. However, a concern with going to the civilian courts—which I mentioned in my testimony—is this: How are these judges trained? This is because so many of them don't understand the complexities of the military. It's, you know, very challenging when they're trying to understand why somebody would go off with another uniformed member. Why could they just not walk away? You obviously can't walk away after being raped if you're aboard a ship. So, these are the things that.... How do we get the civilian courts to understand these complexities while trying to solve these and bring justice to these cases?

**Jeff Kibble:** Thank you.

All of the witnesses have mentioned cover-ups of information or suppression of information. Do you feel that Bill C-11 should have specific regulations for the accountable transfer of evidence from military to civilian police?

**Heather Vanderveer:** Absolutely. One of my concerns is that there would be such a delay. We've seen within the military system that things move at a glacial speed sometimes when handing over documents, and there are always delays. Yes, it needs to be handed over quickly and efficiently to prevent people from hanging in limbo.

**Jeff Kibble:** Thank you.

In your case, were you aware that there was a choice between prosecuting these either through military or civilian channels? I'll open that up to all the panellists.

**Heather Vanderveer:** In my particular case, I am a class action member. I had no choice at the time I served. We were not given the choice to even report without retaliation, so I cannot speak to that.

**Jeff Kibble:** Thank you.

Ms. MacDonald, do you want to address that?

**Paula MacDonald:** I reported. First I had to mandatorily report through the military system. Everything was dealt with by the military. Whenever the government opened it up to reporting through the civilian system, I moved into the civilian system. I also used the civilian system because the chain of command was refusing to write down allegations because they wanted to mark everything as sexual harassment from the beginning. I gave my allegations to the RCMP and made a statement with them, and then I was interviewed again and I gave another statement to the Canadian Forces national investigation service.

**Jeff Kibble:** Okay. Thank you.

**Paula MacDonald:** The issue with it was that the civilian police also relied on evidence gathered by the CFNIS that had to do with rape-supportive attitudes regarding consent. Civilian police need to be trained in how to deal with that.

**Jeff Kibble:** I wanted to ask Ms. Vanderveer about that as well.

You said that Bill C-11 won't fix it, and you mentioned three things, including closure. Specifically on the legal aspect of it, what changes do you think would help fix it?

**Heather Vanderveer:** That's a challenging question.

**Jeff Kibble:** I respect your opinion. Because you've worked with so many survivors, you could probably provide us with some excellent insight.

**Heather Vanderveer:** I'm hoping I can. The hope is that, again, we can educate the civilian court systems on how to accept these survivors; that is the big thing. As to what that looks like, I really don't know. I think back to the case we're all aware of involving the Calgary judge who said to a sexual assault survivor that she should keep her knees together. I do worry when I hear those particular cases going into civilian courts. Are we going to have judges who are trained to deal with this?

I'm sorry; what was the rest of it?

**Jeff Kibble:** Thank you.

I'm probably out of time, but I would like to add that you mentioned some of you have statements beyond your opening remarks that you wished to provide. I'm sure that if you submitted them through the chair, he would accept those statements.

Thank you very much for your honest answers.

**The Chair:** Thank you.

Ms. Lapointe, you have up to five minutes.

**Viviane Lapointe (Sudbury, Lib.):** Ms. MacDonald, I want to thank you for the depth and the clarity of your submission and for the strength it takes to walk through these experiences to ensure that no CAF member should ever have to face this.

I also want to express how very grateful we are to all of the witnesses for your courage and your continued engagement with this process so future members may be better protected. Thank you for all of that.

Ms. MacDonald, Bill C-11 aims to ensure that sexual offence investigations are independent of the chain of command. When you first reported harassment and confinement, were any immediate protective measures put in place to separate you from the individuals involved or even to ensure your safety within the unit?

• (0910)

**Paula MacDonald:** No, and the military police investigation verified that the unlawful confinement involving my being locked in a sea can happened. They then used that to send me for a medical examination to discredit me, and that, which was a human rights violation, was supported by the military police officer who wrote the report.

**Viviane Lapointe:** Your submission describes a pattern where civilian police redirected you back to military police and then the military police deferred to your chain of command. Bill C-11 seeks to eliminate this kind of jurisdictional back-and-forth. If your sexual offence reports had gone directly and exclusively to civilian police from the outset, do you believe key evidence, timelines and the quality of the investigation would have looked different?

**Paula MacDonald:** Yes and I wouldn't have been sexually assaulted as many times as I was. I was raped twice and I had a breast groped in basic training, which was used to scare me for trying to report what was going on in basic training.

If I had been allowed access to outside authorities, they wouldn't have been allowed or permitted to use rape and sexual assault as a tool of control.

**Viviane Lapointe:** It's so difficult to hear this testimony. I'm going to say thank you again for your courage and your strength to share these experiences with us.

**Paula MacDonald:** I also want to mention that because none of my perpetrators or any of the human right violators were ever disciplined, they've moved on to different careers in the public service.

The doctor who conducted the mental health investigation now works for the same detachment in Oromocto that did the civilian police investigation, which relied on information that was from the military. That needs to be addressed; it needs to be specialized investigators who understand the chain of command and are willing to do something about it.

The civilian police officer didn't want to lay charges against my perpetrator, who was a high-ranking military member, because he said that it was a chain of command issue. During the CFNIS investigation, military police officers deferred to the chain of command, who would then have been General Wayne Eyre. He chose not to address the sexual assaults by this commanding officer.

Then the military provost office blamed me for not re-reporting and asking for the military police, which I did. I asked for them through my chain of command whenever I was serving and they refused to give me access to military police. They would send me back into the chain of command, where I was assigned an assisting officer who was a direct subordinate of one of the doctors who wanted to have me declared mentally unfit for service for complaining about the hostile sexualized culture.

It was all a set-up. They knew what they were doing. They used the machinery and the mechanisms within the military judicial system to get away with sexualized violence and criminal sexual behaviour.

**Viviane Lapointe:** I don't have much time.

One of the recurring concerns raised by survivors is the difficulty of simply having their allegations received, documented and acted on consistently. Drawing on your experience across multiple reporting attempts, what do you see as the most important characteristics of a reporting environment that makes survivors feel safe, heard and also believed?

**Paula MacDonald:** I experienced the military police screaming and yelling at me and telling me to stop trying to make a report. I was persistent because I had been a civilian and worked in the civilian system as a civilian social worker prior to enlisting. I was absolutely shocked and flabbergasted by how this was allowed to occur. I actually even contacted retired Colonel Bruce MacGregor and said I had allegations of sexual misconduct to report, hoping that he would put me into a fair system where I would be allowed to report the allegations.

What happened was a member of the military police called me up and screamed and yelled at me and told me to stop trying to make a report. The interesting thing about that is that the Military Police Complaints Commission has verified that they actually documented that incident, which is a clear charter right violation because they're trying to make me scared and intimidated for reporting.

What needs to happen is you need to have professional people who are not going to scream and yell and try to intimidate the victim. They're going to allow the victim to make their statement.

What happens with victims like myself... Whenever I went in to make a statement, it's like I was being interrogated over and over again. What the system is doing is wearing down the victim. They don't have support because the state is not with them. The whole idea that rape and sexual assault is a crime.... It's not a crime if you're not going to enforce it. We don't have equal benefit of the law because of how the system is set up to process the crimes.

• (0915)

**The Chair:** Thank you.

Mr. Savard-Tremblay, you have up to two and a half minutes.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** My next question is for Ms. Smith.

Ms. Smith, clauses 20 to 22 of Bill C-11 seek to reform publication bans to better protect victims. At least, that's the goal.

Would these safeguards be enough to protect them, prevent them from reliving the trauma or prevent it from re-emerging, particularly in cases where victims would like to testify anonymously or share their story in a therapeutic setting?

[*English*]

**Rachelle Smith:** I believe having the protection of being able to report anonymously is huge for victims, because over in the U.S., I believe about 70% of victims are retaliated against. I think just 1% actually get to a conviction. With that knowledge, there's no incentive, really, to come forward.

Any avenue that can be taken that insulates them and helps them understand that they will be believed and protected rather than attacked or retraumatized through being interrogated repeatedly is super important.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** My question was specifically about the part of the clauses that seek to reform publication bans.

Do you think that's a step in the right direction?

[*English*]

**Rachelle Smith:** Yes. Having that there is essential to feeling free to speak. In my own assaults—there were numerous—I did not come forward, because I had seen what had happened to other people. My mother was a service member as well. When I called her to say the words that no mother ever wants to hear, she had over 20 years of service at that time, and she didn't know what to do or what to tell me. She was an officer as well.

I think having any kind of reinforcement where it keeps people safe and keeps them from feeling like there will be a target on their back or any means of... In my case, my car got vandalized. I was completely ostracized from officers' calls. I sat at a table once and everyone got up and moved. Everyone knew what was going on, when no one should have known what was going on.

**The Chair:** Thank you, Ms. Smith.

Monsieur Savard-Tremblay, thank you.

Mr. Anderson, you have up to five minutes.

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

I'm going to preface this with some new information that came out either yesterday or today. I don't know if you've seen the report by Benjamin Roebuck. He's the ombudsman for victims of crime. He did a 3,000-person study about the civilian system. Using 3,000 people is a fairly robust sample. It examines how victims of sexual violence are treated, including whether they are actually believed. This is in the civilian system.

I'll read one of the strongest statements he made in his preface:

The harm is so well recognized that police officers and Crown attorneys regularly caution survivors against reporting or pursuing charges. The administration of justice is in open disrepute.

He presented a number of statistics: 93% of the complainants said they feared police wouldn't believe them; of a random sample of 1,000 self-reported violations, 51% reported the crime, and of that 500, only 102 cases went to trial, resulting in 70 convictions; and 268 cases have been stayed since the Jordan decision. Sexual assault is the most likely to be stayed or withdrawn.

Now, I point out those statistics because we had a previous witness, Lieutenant-Colonel Rory Fowler, who said that what has happened....

I am so sorry for your experiences, but his point was that what has happened is a failure of leadership within the CAF rather than a failure of process. We had another previous witness who suggested that the answer to this problem is a cultural thing in the military, and that what needs to happen is a culture change before anything ever gets to the criminal level.

Ms. Vanderveer, can you comment on that?

• (0920)

**Heather Vanderveer:** I'm sorry. Can you ask your question again, please?

**Scott Anderson:** Sure.

I'd like you to comment on the thesis that the answer to the problem.... There's no perfect answer, but to mitigate the circumstances is to change the culture within the CAF to halt the process before it ever gets to a criminal level.

**Heather Vanderveer:** Thank you for repeating that for me.

Yes, I completely agree with you.

I have spoken with survivors. Even in my own experience, survivors can get over the rapes. I have heard that numerous times. If the system just would have handled their cases better, if they would have believed them and would have done the due process in a timely manner, survivors have said that they can get over that, but because they're not believed, because they're questioned about what they were wearing and asked what they did to cause themselves this issue.... You shouldn't have to go through that.

Yes, it does need to start culturally. We need to start believing survivors. We need to start believing the men and the women and not brushing it off as, "Well, what's the matter, can't you take a joke?", or being told that it's just hazing or whatever the narrative may be.

We need to believe them, period. Then the system needs to move forward with charges or whatever that looks like.

**Scott Anderson:** Yes. I'm previous military, and you're all previous military as well. What do you think of the argument that it is easier to make culture change within a chain of command in the military than it is in the civilian world in terms of the legal system?

Ms. Jaszberenyi, please go ahead.

**Elvira Jaszberenyi:** For me, culture change does not address all the issues. Especially in recruiting, there are alcohol and drugs on the base and there's improper security. People need proper instructions. Culture doesn't change. Base procedures and proper morals do.

For me, these were just smokescreen words. The confidence and trust words used at committee are a psy-ops tactic to force the public into thinking that changes are being made. What type of culture keeps rapists together on a base with victims? How is that culture?

**Scott Anderson:** With respect, would it not be true that it is the culture? Is that not the culture that needs to change?

**Elvira Jaszberenyi:** For me, they need to implement more instructions, talk to people and take away or monitor what is happening, because all these young kids are leaving their homes for the first time to serve and they're given a good paycheque. It's the first time they're away from home. As an older individual, I've never seen so many drugs and so much alcohol in my life.

I would just like to finish this. CAF must recognize that culture change, gender issues, transparency and these modern terms they're using do not align with reporting a crime or being a victim. To me, it's just a word they're using to hide everything away. These terms make soldiers uneasy and unafraid...to speak or joke. It's just like

on the forms for "he" or "she" or "other". I saw this personally. I witnessed this.

Also, what happened in the past is that it turned into ridicule: for example, "hop on her" for "Op Honour". That's what they were calling it. This just causes more retaliation, as I saw with my co-workers in the office.

Our military needs to concentrate on protecting our country with any gender and culture that is willing to protect our borders, be trained appropriately and work on their military ethos. On Fridays, our instructors ended our engineering class by saying, "Don't get killed, don't get caught and don't become a statistic." We were told to call a number. I believe it was for MPs. Was it to cover up from the civilian system?

These are things that we see happening continually. What I witnessed as an older individual was quite shocking. As you said, you have your own children serving. It is quite concerning. I believe that we need to go to the root of the problems and look at all of these individually.

• (0925)

**Scott Anderson:** Thank you very much.

**The Chair:** Thank you.

Mr. Malette, you have up to five minutes.

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

First off, I too want to echo my colleagues in thanking you all for your powerful, impactful and, I'm sure, in some cases, painful recollections and testimonies here today.

I'd like to start with Ms. MacDonald. We heard previous testimony in these hearings that choice is important for the survivor or the complainant or the victim, and the terminology has been batted around. There was even the suggestion that lower level or minor cases could be heard in the military system.

We just heard, today, a suggestion that since the civilian courts are in such a shambles as they deals with these sorts of incidents, why bother reporting? This seems to be a common theme, unfortunately.

Can you please give me your take on some of those suggestions that the choice is important?

**Paula MacDonald:** It is true that the civilian system is in a state of disrepair. On the issue of having a choice, the issue is having skilful administrators of the law responding to the victim and giving equal access to justice. If it's a choice between.... A choice doesn't help. The Government of Canada is responsible for setting up the system, so the actors in the system need to behave skilfully.

We see that whenever we leave it with the military, it may be a failure of leadership, but the administrative safeguards are not in place to prevent the CAF leadership from engaging in human rights violations and sexual violence. The tools of governance are not present in the administrative system, so we need to provide those tools. If a Canadian solution is to move it to the civilian system—and it seems that this is our Canadian solution—where our three Supreme Court justices, who are experts in the delivery of justice, say it should be, then this is what we need to do.

**Chris Malette:** Further to your expertise then, what long-term impacts have you observed when survivors cannot access timely or appropriate care, and how can this legislation better address that?

**Paula MacDonald:** I am a clinical social worker and a champion of the class action lawsuit from the beginning, in terms of trying to convince other women to come forward. I serve other women as a clinical social worker and try to help them gain access to resources and justice after their abuse. What's happening is horrific. It has more mental health impacts than the actual sexual assaults. They're more traumatized by the system that is being put in place. It's horrific.

Women's rights and sexual abuse victims' rights matter just as much as those accused of engaging in sexualized violence, and we need to have it set up so that it supports them.

• (0930)

**Chris Malette:** Thank you.

Further to that, and on the issue of coming forward, as you had mentioned, I'd like to ask Ms. Jaszberenyi about this. Based on your experience as a member of the CAF, what were the biggest barriers that prevented survivors from coming forward about the abuse, especially in your case?

I'm sorry, but just before you answer that, when was your assault?

**Elvira Jaszberenyi:** It was in 2018.

**Chris Malette:** Thank you.

I'm sorry. I didn't mean to distract you from the question.

**Elvira Jaszberenyi:** No, that's okay.

Your question was, what prevented...?

**Chris Malette:** In your experience, what were the most impactful barriers that prevented you or others, in your estimation, from coming forward?

**Elvira Jaszberenyi:** First of all, when you're in the military, you already know that making a report is taking a huge chance with your career. For me personally, if you're asking me personally, being an older individual serving in the military and having a career, of course I didn't want to throw my career away. It was already hard being among young soldiers as somebody so much older. I mean, I was basically the age of the chain of command or the CO. That's one of the biggest hurdles.

Also what I experienced was a lot of gossip. To answer part of the other question earlier, my assailant continued his courses. You know that they will have no hurdles, but when you report, you have to go through all this process. You're inundated with all these 1-800

numbers, acronyms and all kinds of things. For example, one time my sergeant came to me with about 64 pages, I believe, on how to write a memo. My memo kept being refused, because you have to indent it and do the right characters and everything. You're inundated with all these hurdles that are just a waste of time. You know, I was ready to serve, but I was there sitting in a cafeteria waiting with nothing to do.

**The Chair:** Thank you for your testimony.

Mr. Bezan, you have up to five minutes.

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

Thank you to the witnesses for being here. I know how incredibly difficult this is, especially looking at you who all signed up to serve your country, and in the very institution that you wanted to be a part of are the ones who, instead of going out there to fight the adversary, had to be fought off, the very men and organization that were supposed to be your comrades in arms. They were supposed to be your friends, your colleagues, and they turned out to be your adversaries.

Can you all just quickly tell me what year your sexual assaults took place, just so I have it clear in my mind as well?

**Paula MacDonald:** They took place January 2015, March 2015 and January 2016.

**Elvira Jaszberenyi:** My date, I believe, was May 13, 2018, and I reported it pretty much right away.

**Heather Vanderveer:** For me, it started in recruiting in 1989, and then in 1990, 1991, 1992 and 1993.

**Rachelle Smith:** The first one happened while I was a military dependant with a doctor. That was 2001, and I was 12. Then it happened again in 2012 as a senior in college in ROTC and then repeatedly in 2013, 2014, 2015, and 2017. I got out of the military in 2015. Then there was a very close one out of VA Hospital at the end of 2022.

• (0935)

**James Bezan:** That's terrible. I don't even know how to respond to that. It was that systemic.

All of you are aware of the Madam Justice Deschamps, Madam Justice Arbour and Mr. Justice Fish reports. Were any of you asked for testimony or interviewed by any of those justices?

**Paula MacDonald:** Arbour...

**James Bezan:** Did she interview you?

**Paula MacDonald:** Yes.

**James Bezan:** Were any of the others interviewed?

**A voice:** No.

**James Bezan:** I still maintain, Mr. Chair, that we should have Justices Deschamps and Arbour appear at committee so that we can talk about their previous reports and whether they have any extra recommendations they wish to make at this point in time.

Ms. Vanderveer, you said that Bill C-11 is going to create more bureaucratic ping-pong. I like that expression. Do you see that Bill C-11 is just an attempt by CAF leadership to pass the buck and now push this all off onto the provincial civilian system using provincial courts and provincial prosecutors, and then they can just wash their hands of it?

**Heather Vanderveer:** Yes, that's how I feel.

The few people who I've spoken with and the people who I work with feel it's just shifting the blame. Many are not against the civilian court system, but, again, how do we educate these judges to take on these cases?

**James Bezan:** As we just heard from Mr. Anderson, Ombudsman Roebuck just did his report, and 3,000 cases were looked at. As he said, police officers and Crown attorneys regularly caution survivors against reporting. You had the Jordan framework as laid out by the Supreme Court of Canada that justice delayed is justice denied, and if you can't do it within 24 months, it's out, so the accused are walking away scot-free.

You mentioned that justices provincially aren't trained about how the military operates and how the accused and victims may end up on the same training exercise as long as they're still on base.

How can we deal with the lack of understanding of how the Canadian Armed Forces work when the judges, the prosecutors and the defenders may not fully understand and appreciate the way the Canadian Armed Forces actually operate?

**Heather Vanderveer:** If they're going to shift to the civilian courts, there needs to be some sort of education for the judges and for the prosecutors. They can't compare it to civilian sexual assaults and misconduct because our world is very different from the civilian world. We all know that.

**James Bezan:** Ms. Jaszberenyi, you mentioned that you're concerned about proposed sections 70.1 and 70.2 as drafted in Bill C-11.

There's also proposed subsection 70.2(4), where there is the transfer of evidence from military police and the national investigation service to civilian authorities, but there's no timeline in there.

Do you believe the chain of command could still interfere with the transfer of evidence to the civilian court and that unreasonable delays may cause the Jordan framework to kick in and cause cases to be stayed or thrown out?

**Elvira Jaszberenyi:** Yes, I believe that the chain of command, in my case, caused even more delays. Like I said, my file would get thinner and thinner.

I would also like to add to that the SMSRC was spoken about a lot, and I believe the last time it was called the "Cadillac" for victims. Well, for me, that Cadillac crashed. They told me to call the ombudsman, and then the ombudsman said that he only deals with admin issues and he refunded my aid. Then I was told to contact the CCMS, and after two long meetings he just told me, "Good luck."

The other thing I would like to touch upon is the data collection, because most of the hurdles that they cause with victims are only to extract information. The reason the information is extracted is for their own benefit. That's all I experienced. I can't speak for other people, but I'm speaking on my behalf.

As well, with my case, what was—

• (0940)

**The Chair:** Thank you, Ms. Jaszberenyi.

I'm going to give Mr. Watchorn some time. He may continue with that testimony.

Mr. Watchorn, go ahead.

[*Translation*]

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

Thank you all for being with us this morning to share your experience. I find you extremely courageous to come and help us with our study to improve Bill C-11.

Ms. Jaszberenyi, I'd like to give you the opportunity to provide some final remarks, if you wish.

**Elvira Jaszberenyi:** Thank you, Mr. Watchorn.

I'd just like to add a few comments.

[*English*]

Five letters were written to me and they said they were unable to obtain information and they would have to apply to Federal Court since their work was compromised by CAF, even though the defence minister signed off on the MPCC questioning why the accused was not charged.

We have all these hurdles if you put this into place, and I'm trying to explain exactly from my story what they were.

Go ahead, if you had a question.

[*Translation*]

**Tim Watchorn:** That's very kind.

Today we're addressing the issue of trust. First, you need to be sure that you are believed. Then you need to trust that the process that will be put in place will handle your case properly.

As Madam Justice Arbour said, Bill C-11 suggests that there is a crisis of confidence within the Canadian Armed Forces. This crisis has to do with the way sexual abuse cases are handled.

Ms. MacDonald, witnesses often tell us that they fear there will be repercussions to their career if they report their case in the military system.

Do you trust the civilian justice system more than the military justice system?

[English]

**Paula MacDonald:** The big issue I see is that the military system uses the resources that it has within the judicial system to punish the victim. By transferring it away from them, then that removes a tool that they have to interrogate, harass and belittle you for reporting or telling the truth. Yes, the civilian system has issues. The military system has issues. I see it as very difficult in terms of fixing the system where we see the independence of the actors isn't there. It's probably a cultural issue where they say military police were supposed to be separated during the Somalia affair. That didn't happen. I think that it needs to be transferred because it needs to remove the ability to harm victims.

[Translation]

**Tim Watchorn:** Ms. Jaszberenyi, what are your comments on the same question?

**Elvira Jaszberenyi:** As Professor MacKenzie was saying, it's just one piece of the puzzle. In other words, a lot of things have to be done differently.

[English]

I would also like to leave that General Carignan stated that CAF will follow cases and make sure our careers will be intact. CAF followed my story, as I see in my ATIPs, and my career disappeared, and I was released with no VAC but they kept the predator employed among the soldiers. For over a year, I didn't receive my DND pension because my file was lost. I received a letter months after my release stating I was disabled and unfit for work and should have been released as such, but they released me using my age instead, stating the decision could not be changed. Other avenues were mentioned, which I tried as well, but they were denied.

Most officials have not walked in our boots, so it's essential for victims to be part of the decision-making to show you where the system really is lacking. Gatekeepers are taking and giving away our information. Hard-working military are stifled within CAF by those who mishandle things, create corruption and are rewarded and promoted. When my career was held back as an example, I told my master corporal, I don't feel trained. He replied, I would have helped more if I didn't get written up for trying.

The cycle needs to stop because it doesn't equate with the military ethos. I also wanted to add to this that for victims like me we have lost a lot of trust in the system. I guess we need to see what will be proposed. The trust is going to be a long-term process.

• (0945)

**Tim Watchorn:** Thank you.

[Translation]

Ms. Vanderveer, I'd like to make a comment before you answer the same question.

You said you were concerned that the civilian justice system wouldn't be able to understand the reality of the military.

I would say that specialized courts are being set up, as is the case in Quebec, where there is talk of a court dealing specifically with

sexual abuse. Judges and prosecutors are trained to handle these particular cases.

Do you think it would be beneficial for sexual abuse cases to be handled by a specialized court, such as the one Quebec is currently setting up?

[English]

**Heather Vanderveer:** Yes, I think it would be in the best interests to send survivors to courts that are specifically trained to deal with sexual assault and sexual misconduct. Then to answer your question over a lack of trust, the women, who I mostly work with, by the time they get to me have zero trust in the military system and in Veterans Affairs. And even in trying to get them to an OSI clinic...they are not believed.

I had one woman where all we had to say to her was that we believed her. She cried in our office for three hours because that was the first time someone had actually believed her and she had been out of the military for about 12 years and she had never heard that before in her life.

It's very hard to gain the trust of people to ask, "Can you put in a VAC claim, can we take you to peer support, what is it you need?" Even trying to present them a quilt of valour... They just don't even think that they're worthy of that because the trust has been broken within the system. Again, it's hard because you can't get them to trust the civilian system either at that point because they have just been so beaten down by the systems.

**The Chair:** Thank you.

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

[Translation]

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

Ms. MacDonald, you're a social worker or have a degree in the field, if I'm not mistaken. If there is anyone who understands mental health issues in all areas of work, it's you. You know that it all interplays.

However, you also shared with us the concern that this is often a factor used to harm victims. We could say that this person has problems and that their testimony is probably false or influenced by false perceptions.

Knowing that mental health issues really exist and are founded, how can we act on them?

You are in a better position than anyone else here to talk about that.

How can we ensure that mental health issues aren't used as an excuse to dismiss victims?

[English]

**Paula MacDonald:** I suffer with post-traumatic stress disorder from what happened to me. I am also a clinical social worker who continues to work part time and treat such mental health issues as PTSD. Let's say the person says, "Oh, you have mental health issues, because you're having a response where you're telling me to stop or you're crying because I just touched you inappropriately." We need to label that for what it is: It's a diversion tactic that's actually a human rights violation. You're not allowed to discriminate against me because I'm crying or whatever. You need to accommodate me and go from there.

[Translation]

**Simon-Pierre Savard-Tremblay:** Bill C-11 aims to improve the situation of victims and, of course, to provide them with more recourse.

Should the framework you're talking about be included directly in the National Defence Act?

What would that look like?

[English]

**Paula MacDonald:** I think there needs to be more training for people who work within the legal system and are supposed to be facilitating the legal system. There needs to be more training for police officers and lawyers so that they understand what trauma-informed means. It means they're able to question victims. You can get answers from victims and you can get evidence from humans without using hard-core interrogation tactics.

What needs to happen is that there needs to be more training. Perhaps you can come up with a clever way to.... I think you have to input that through policy.

• (0950)

[Translation]

**Simon-Pierre Savard-Tremblay:** Your answer is somewhat related to the question my colleague asked about establishing specialized courts.

Is that correct?

[English]

**Paula MacDonald:** Yes. That is what we need. We need specialized courts and we need specialized investigators who are separated from the chain of command.

[Translation]

**Simon-Pierre Savard-Tremblay:** Ms. Jaszberenyi, do you want to add anything?

**Elvira Jaszberenyi:** I've been in court before, and I want to share my experience as a victim.

[English]

I don't know if it's the same in French. It's called VWAP and ILA, where they give coupons for court. These were unhelpful. I have a lot of evidence on this and on contacting these lawyers. They were already working on their own cases. They were overloaded. Sometimes I waited over a month with no results at all. Using coupons especially, as a victim, is very demeaning. Not just

that; when I went to court, they were young women. They were immature, they were representing the system and they were trying to help me. We need a better system in court.

I also found out that when I was in court, the video cameras weren't working and the police, from what I believe and what I remember, were not armed. Victims need to feel a lot more security and safety.

As for the justice system, I'm not a lawyer, but because of what happened through my case, I believe a lot of things need to be implemented there as well.

**The Chair:** Thank you.

Mr. Bezan, you have up to five minutes.

**James Bezan:** Thank you.

I'd like to continue on with the line of questioning around making sure the supports are there for the victims. Is there in your mind, then, a need to ensure that military defence counsel and military defence prosecutors are allowed to go with the victims and the accused in the justice system to argue the cases in civilian court, rather than using civilian prosecutors or civilian lawyers who, as Ms. Jaszberenyi just said, aren't readily available or educated, as Ms. Vanderveer has stated as well?

**Paula MacDonald:** There needs to be a separation. Right now what you'll have is the people who are working on the defence of the accused and the protection of the victim sitting beside each other in desks in the same room. The process needs to be fixed so there's a separation and so there are not those inherent conflicts of interest that are there. Right now, victims don't get as much government support as the accused get, where the accused are getting a military defence lawyer.

It also trickles into the Department of Justice. Whenever these cases are moving out into the civilian system, a victim has to go against the Department of Justice lawyers, who are trained litigators. You're a victim struggling with post-traumatic stress disorder with a limited budget. You don't have the budget of the Department of Justice.

That has to be looked at as well, where victims don't get the same support. Whenever it moves into the civilian system, they're revictimized moving into the Department of Justice outside the military system, as well as inside the military system.

**James Bezan:** Does anyone else want to comment on that?

Ms. Jaszberenyi, go ahead, please.

**Elvira Jaszberenyi:** I just want to add to that.

As I read earlier, this is a great concern that—as a victim, I can't go into a lot of detail, but I've been through more than one lawyer—it is very difficult for victims to find lawyers. A lot of the CD-titled lawyers also do not take our cases.

**James Bezan:** Just on that, Bill C-11 says in proposed section 70.3, “Nothing in section 70.1 prevents an officer or non-commissioned member from initiating or conducting a private prosecution in relation to an offence referred to in any of” the paragraphs that fall under the Criminal Code.

Is that even affordable for anyone?

• (0955)

**Paula MacDonald:** It's not attainable. It's not affordable if you're the victim.

**James Bezan:** It's a nothingburger within the act itself. Thank you for that.

You all have talked about trust. In this scenario now, everything is getting transferred to the civilian courts. We aren't sure yet because all the memorandums of understanding are not in place yet with the provincial governments or with municipal and/or provincial police services.

The question becomes then, what happens with the accused? Right now, if they're charged, as you were all saying, nothing seems to be happening with the accused.

Is it better or worse if they're charged, convicted and then maybe even jailed through the civilian system? Do you believe that those individuals should also get court-martialled?

Does this bill indicate that anything will happen to them under the military justice system if they've been found guilty in the civilian courts?

**Paula MacDonald:** I think that they should be court-martialled under the National Defence Act. If you're engaging in human rights violations and then you're committing sexual assaults, you're also violating good order, discipline and different clauses within the National Defence Act, so they should be also prosecuted under the National Defence Act. It shouldn't be left for them to be prosecuted...with the Criminal Code. Aren't they good at dealing with being drunk and drunk driving? Like, they could prosecute that, but why don't we leave sexual assault for specialized courts?

**James Bezan:** Ms. Vanderveer, what's your opinion on that?

We don't see anything in here on how those who were accused and then convicted actually face any military charges at all. It's one or the other now. There's no longer a choice.

**Heather Vanderveer:** I do agree, the same as Ms. MacDonald, that yes, they should be put through a court martial as well. Too many times we see it, as we've said here this morning, that the perpetrators get away with these acts. We do need to hold them accountable.

**James Bezan:** As we heard previously at committee, we also heard about this issue of grey zones that may not fall under something that is sexual misconduct, but doesn't necessarily violate the Criminal Code definition of sexual offences.

How do we handle those?

**Heather Vanderveer:** Like we've said here, the lesser charges I think should be handled at the military level because again, the civilian courts are overloaded. They can't deal with a minor sexual misconduct. I think there needs to be both.

How do we implement both types of things? We don't want to overload the civilian court system, but we do want to see that there is justice and that people are held accountable for their actions.

**The Chair:** Thank you.

Mrs. Romanado, you have up to five minutes, and then we'll be wrapping up.

**Sherry Romanado:** Thank you, Mr. Chair.

I want to go to a different area in terms of a recommendation that we received from Professor MacKenzie, who was here at committee. She made a recommendation in terms of data collection. She recommended that we don't have good data on where assaults are happening, the outcomes of justices and cases, and that we need to have better data.

She also mentioned that New Zealand, the U.S. and other jurisdictions actually have the gold standard, I think she said, in terms of data and processes; and while this does not show a decrease in assaults, it at least shows us where they're happening and where we need to provide resources.

Ms. Smith, since you're here with us today, I'd like to get your feedback on that. Would you have recommendations or comments for us here in Canada in terms of some of the processes or supports that are in place with our U.S. allies, in terms of these kinds of cases?

**Rachelle Smith:** Is that in finding out where they're happening?

**Sherry Romanado:** Exactly. She mentioned that we need to collect this kind of information. I'm not sure how the United States is doing that. Could you elaborate?

**Rachelle Smith:** That comes as a part of the reporting process. There are surveys done every year. I think the RAND Corporation just did one recently where they determined that false allegations are minuscule. In 2024, it was only 1%; and then between 2014 and 2023, it was 1% to 3%.

The overall attitude is that victims are still lying. Unfortunately, we've been having hot spots, so to speak, where this is happening frequently, like Fort Hood. That's where Vanessa Guillen was killed. I think the story just broke last week of an army doctor who was taking videos of patients, and he'd been reported multiple times. It finally just hit the headlines, but it had been going on for years. There's now a hotline for victims to call and report what happened to them.

It's taking into consideration that many people in leadership have done this, and their attitude toward it is that it's not serious. In answer to a previous question, my solution has always been accountability, but it needs to be not just the perpetrator, but the leadership involved, where there is a climate in an office where it's okay for these things to happen. The supervisors, everybody within that chain of command, has to go.

• (1000)

**Sherry Romanado:** On that point, I agree. There should be absolutely zero tolerance.

Part of Bill C-11 includes recommendations for a probationary period. You all mentioned instances where sexual harassment, inappropriate comments and so on were happening, and these things progressed.

If we were able to identify bad behaviour very early in someone's career, we could deal with it immediately with a zero tolerance policy and also send a very clear signal that this is not acceptable. We don't care who you are in the Canadian Armed Forces or what rank you hold, if you have this bad behaviour...but also we allow it to continue, even though we're aware of it. As you said, we've all said that reporting was happening, and things were not being taken seriously.

Do you think that having that probationary period would also allow us to weed out people who should absolutely not be serving in the Canadian Armed Forces?

Ms. MacDonald, please go ahead.

**Paula MacDonald:** We have a problem with the people who have grown up within the culture of the Canadian Armed Forces when it was appropriate to use your DND email account to create an Ashley Madison account, or it was appropriate to use your work cellphone to look for sexual targets in the community that you were posted in, away from your family. These people are in the chain of command. They have the attitude that this is okay, that they're entitled to this type of behaviour and that this is all right.

The problem, as I see it, is having that discipline re-established within the chain of command when it's not there. Women were used as shields within the chain of command to shield men who were behaving badly from legal consequences.

As my colleague beside me mentioned, there were players in the chain of command who went along, did nothing and supported the perpetrators of sexualized violence. We have an issue where we need to have some sort of an evaluation method to address their behaviour. Some of them probably would not have gone along with the hostile sexualized culture if it didn't benefit them. We see how they moved up in their careers and are working in different government offices now. Anybody who reported is maybe on long-term disability benefits and not able to earn a career living in Canada.

There's that issue we have there. That's a barrier.

**Sherry Romanado:** Thank you so much.

**The Chair:** Thank you all for participating, sharing your stories and being open with us. We know how difficult this is.

We recognize that human rights prevail, and they should override everything else that's taken place. Your testimonies and your stories reinforce the need for more than just cultural training but real policy changes for us to prevail over this very sensitive and delicate issue.

Go ahead, Mr. Bezan.

• (1005)

**James Bezan:** I just want to thank our witnesses.

I just ask that, if there are any further comments or recommendations you want to make on Bill C-11, then please send those recommendations—the sooner the better—in writing to the clerk.

I move that the meeting remain in public for consideration of committee business.

**The Chair:** Are you okay to remain in public?

I was going to ask the witnesses to leave and suspend to go in camera, but do you wish to have this in public?

**James Bezan:** It's quicker in public, but the witnesses are dismissed.

**The Chair:** Yes, you may go. Thank you again for being here today.

**James Bezan:** You have a motion on the floor. It's dilatory.

**The Chair:** Yes, do we need to vote on this motion?

Go ahead, Sherry.

**Sherry Romanado:** Yes, I was just going to say—

**The Chair:** No, I think we have a motion on the floor. We have to vote on this motion.

All those in favour of maintaining the meeting in public versus having it in camera?

(Motion agreed to)

**The Chair:** That's fair.

I'll suspend for a moment so that witnesses can leave.

• (1005)

(Pause)

• (1010)

**The Chair:** All right, everyone. We have a number of items to resolve. There are a number of motions that have been put forward.

I have Mr. Savard-Tremblay and Mr. Bezan on the list to speak.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** I want to start by picking up on something.

This is an eminently sensitive subject. The last meeting was held partly in camera for a completely understandable reason. We had a victim who wanted to remain anonymous.

However, I'd like to know what the decision to exclude assistants was based on. How is it that the committee wasn't consulted?

I might have been in favour of that decision, but we were sort of presented with a fait accompli. Obviously, this was not the time to obstinate ourselves and debate it in front of the victim, who was testifying anonymously. I repeat: I would probably have agreed with that decision. However, I would like to know what it was based on.

[English]

**The Chair:** I felt it was necessary to provide some respect. I took it upon myself, and I didn't consult at the time. It just felt appropriate for us to have silence in the room and respect for the witness who wanted to be anonymous and who asked to have some of that protection. It was simply my call.

[Translation]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, let me say that we would have all understood those arguments, if you had shared them with us. We probably would have all agreed on the same thing.

[English]

**The Chair:** Your point is well taken. I'll take that into consideration going forward.

**James Bezan:** On that, again, I'm not aware that the victim requested that staff be removed. It's often required, for us to do our jobs properly, that our staff be with us so that we can properly formulate some of the testimony that we hear, whether it's in camera or public. We need to know that ahead of schedule when you're making these decisions.

I was going to make the argument on it and start reciting the Standing Orders in front of the witness, knowing that this was a sensitive topic.

We'll let it slide this time, but I think, in the future, let's make sure we have proper consultation on whether or not we're going in camera.

**The Chair:** I appreciate the comments. I did review some of the Standing Orders and the privileges afforded to me to enable that protection for the witness, but I'll take your points into consideration.

Listen, folks, we want this committee to operate cordially. I'm trying to make an effort to do that in everything possible. I'm giving a lot of latitude when it comes to statements and questions. I want us to succeed and promote what's in the best interest of the armed forces and the victims. That was my only concern.

I appreciate your comments, but I want us to move forward positively.

Mr. Bezan, please go ahead.

**James Bezan:** With that, let's get on with committee business.

I am moving a motion that I had put on notice:

That the committee invite the Minister of National Defence to appear for one hour on the defence and NATO spending implications of Budget 2025 and one hour on the Supplementary Estimates (B) prior to December 5, 2025.

I'll speak to that motion. December 5 is the cut-off for committees to consider the supplementary estimates and get them back to the House before we vote on supplementary estimates in the House and have those approved. This is, I believe, our greatest responsi-

bility. Our fiduciary duty as parliamentarians is to oversee the spending of public dollars and to ensure from this committee's standpoint that they're being used wisely in the interests of the Canadian Armed Forces and the Department of National Defence. I believe the minister needs to appear first and foremost on the supplementary estimates for one hour.

The budget opens up a lot of other questions. I don't believe we should cross wires here on what is in the budget versus what is in the supplementary estimates. We need to have him for one hour. If he wants to do that in one meeting, one hour on the budget and one hour on the supplementary estimates (B), I think that would be wise.

I would ask that the committee members support the motion.

**The Chair:** Ms. Romanado, please go ahead.

**Sherry Romanado:** Thank you.

I think it's customary for the minister to come when we have the supplementary estimates and so on. Customarily, we have the minister appear with officials for the first hour to answer questions, and then officials stay for the second hour to answer any technical questions and so on. That's what we've normally done in the past. I have no problem with that.

I don't know the minister's schedule, but I'm sure he can make himself available. I'm not the secretary of the minister. That being said, I think we can make sure that it happens before the deadline of December 5. Normally, we would have the minister for the first hour with officials, and then the officials would stay for the second hour so that they can answer any technical questions.

• (1015)

**The Chair:** Mr. Bezan, please go ahead.

**James Bezan:** Yes, but I make the point that if you want to bring the minister for one hour and then officials for one hour on the supplementary estimates, we still need to hear from him on the budget. If you want to do it in one meeting or if you want to do it in two separate meetings, we need to have the minister appear on the budget. We need to have the minister appear on the supplementary estimates (B). I believe they are two separate issues. One is current spending and one is future spending. We need to make sure that we do both.

I leave it to the minister and parliamentary secretary and department officials to figure out the schedule. The motion as it stands is one hour for each.

**The Chair:** Ms. Romanado, please go ahead.

**Sherry Romanado:** Look, given that we have only three weeks left of the sitting, or not even three weeks before December 5—we're talking two weeks—I'd like to move an amendment to have the minister appear for both the budget and the supplementary estimates for an hour with the officials, and have the officials stay for the second hour, prior to December 5.

**The Chair:** We have an amendment to the motion.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** My questions are simple.

How many meetings are left to discuss the sexual misconduct bill?

What dates have been set for clause-by-clause consideration of the bill?

[*English*]

**The Chair:** How many more do we have left before December 5?

**The Clerk of the Committee (Ariane Calvert):** We have November 25 and 27. Clause-by-clause has been determined for December 2.

**The Chair:** We do have two more sessions, and then we were looking for clause-by-clause by December 2.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** So it's three meetings, and we have three weeks left. From what I understand, there would theoretically be six meetings left if we don't finish before that.

Is that correct?

[*English*]

**The Chair:** That's right. Time is of the essence.

Go ahead, Mrs. Gallant. Then I'll go to Sherry.

**Cheryl Gallant:** I just want to be clear on the amendment, and that is that we're going to have the minister on two separate days. For one, he will be present during the first hour on the estimates or the budget, and then in the second hour, it will just be officials. Then there will be another meeting with the Minister of Defence, and for the first hour, he will be present, and for the second hour, he will not.

Is that what is being proposed?

**The Chair:** That's not my understanding.

Ms. Romanado, please go ahead.

**Sherry Romanado:** My amendment was that the committee invite the Minister of National Defence to appear for one hour on the defence and NATO spending and spending implications of budget 2025 and the supplementary estimates prior to December 5.

The minister will come. We just heard the next three meetings are still allocated to this study, which then brings us to December 4, which is the last day before December 5, which would be our last meeting. The minister comes for an hour and discusses both the budget and supplementary estimates. The officials are here the whole time for the two-hour slot. The minister leaves, and then the officials can answer some technical questions.

**The Chair:** Mrs. Gallant, go ahead.

**Cheryl Gallant:** I would speak in opposition to that motion. They are two separate issues. We need him for a full hour separating the budget from the estimates. One hour could be budget, but we need two hours, really, which is fair and is what previous minis-

ters have done, and then another hour for the estimates in a timely fashion so that we can actually vote on it before it's assumed to be voted on in the chamber.

**The Chair:** We're talking about Bill C-11 right now, too. We're trying to pass some very serious legislative changes to protect victims. I recognize the understanding to provide for the minister, and he's going to make himself available to us to deal with the matters that are relevant to this, but I am also concerned about clause-by-clause. All of us are sitting around this table recognizing that our priority is to the CAF and to the victims, so let's make sure we stay focused on that item. I think we have until December 2 or 4 to do clause by clause to resolve this important bill.

I don't want to preclude this issue with the minister. The minister will make himself available, but let's make sure we stay focused on why we're here today.

Go ahead, sir.

**James Bezan:** I have to disagree with that statement.

If we are going to put the CAF and victims first, then we have to make sure we do that study right. That means that we take the time to actually understand what we're hearing and that's reflected when we get to clause-by-clause. I don't think we should rush it, because that's how we're going to deal with the CAF. We just heard again from victims today that this bill does not address their concerns. This is just passing the buck. Let's make sure we do get this right. That means that we have to take the time. Rushing this through just for the sake of having something to hold up and say, "Hey, look what we did," is the wrong objective.

• (1020)

**The Chair:** Mr. Bezan, we're not rushing it through. We're trying to make sure we get it right.

**James Bezan:** You guys took 10 years to get where we are now. You guys had the report since 2015. Let's make sure we get it right.

**The Chair:** Mr. Kibble, please go ahead.

**Jeff Kibble:** Thank you, Mr. Chair.

I think we all agree at the table here that Bill C-11 is particularly important, especially after the testimony that we heard today, and we are only doing it a disservice by rushing this through. We need to get through all of these meetings. We are making motions to have the justices provide further information so that we can get this right. I think we are doing a complete disservice to the types of victims that we saw today unless we take the time to get it 100% right.

Furthermore, on the budget, we are talking about spending billions of dollars. They're two very separate items, and we should also provide a service to the taxpayers of this country so that we can properly address two very separate issues for billions of dollars. Again, we should not be rushing that through. That's the importance of the work that we do here. If it takes a little bit longer to do it, the taxpayers will support that, and I am shocked that we are not also all supporting that equally around this table.

Thank you.

**The Chair:** Ms. Romanado, please go ahead.

**Sherry Romanado:** I have two points to make. I just got the availability of the minister. He is available on December 4 from 8:15 to 9:15. That is the only time he is available between now and then to appear. He can come on that day, which would be in advance of the December 5 deadline.

With respect to the budget, yes, it's an important budget; it's \$81.8 billion in defence spending over the next five years that every member across the way voted against on Monday.

**The Chair:** Ms. Gallant, please go ahead.

**Cheryl Gallant:** We should make sure that we do this correctly. If we defer and if it takes longer to do clause-by-clause, we'll do it in the new year. Again, as Mr. Bezan mentioned, we waited 10 years to do this. If we're going to do it, it has to be done correctly or else we'll be facing this issue again. More importantly, the victims will be facing what they've already gone through and there will be future victims.

**The Chair:** Mr. Savard-Tremblay, please go ahead.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** I agree that we should do more rather than less, which means having a two-hour meeting to discuss it. That's fine for that question.

I want to talk about spending, because that's an important part. However, it's also important to finish the study on Bill C-11.

I agree that we shouldn't rush things and that we should do our work properly. Still, I want our priority to be to finish the study on the bill. For the clause-by-clause study, we'll take as many meetings as necessary, because it must be done properly.

That said, I want us to finish our work on the bill before the minister comes. We're relatively close. Let's keep working on this.

[*English*]

**The Chair:** Mr. Malette, please go ahead.

**Chris Malette:** Thank you.

Further to the point of my colleague, Monsieur Savard-Tremblay, I believe that in the case of Bill C-11, there's an old saying that justice delayed is justice denied. I think the priority needs to be on Bill C-11 and the clause-by-clause.

The inference that we're somehow rushing, ramming things through, might make a nice talking point, but I don't think it's anywhere near the reality. The reality is that the minister has limitations on his availability, and we need to maximize that availability and get the answers we need from him and the staff.

To decide that we need an hour and an hour when we're so close.... The eye on the prize in this case, I think, should be getting Bill C-11 right, for the very reason that we had those witnesses today give that very important and heartfelt testimony.

**The Chair:** If there's nothing more, I think we should go to the vote on the amendment.

Mr. Savard-Tremblay, please go ahead.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, I want to be clear. As soon as we finish studying Bill C-11, we'll have to invite the minister to appear before us. In addition, the meeting will have to last two hours.

Before we go to a vote, I'd like you to remind committee members exactly what the amendment and the subamendment are. I want to make sure we know what we're voting on.

I also don't agree with shortening the time for the minister's appearance. I want that to be clear, again. As soon as we finish studying Bill C-11, the first thing to do will be to hear from the minister. The budget is a major topic.

In such a context and in order to sort everything out, could you remind us what is on the table?

• (1025)

[*English*]

**The Chair:** Sherry, can you repeat that?

[*Translation*]

**Sherry Romanado:** Yes, Mr. Chair.

Based on the minister's availability, I move that we invite him to appear on Thursday, December 4. It will be before the deadline set out in the motion. We know that he's available from 8:15 a.m. to 9:15 a.m.

My amendment to the motion is that the minister appear for one hour to discuss the supplementary estimates as well as budget 2025. The departmental officials will be with him for the first hour of the meeting and will stay for the second hour to answer our questions.

**Simon-Pierre Savard-Tremblay:** You think we should invite him to appear for two hours.

Is that correct?

I want to unpack that and make sure I understand.

[*English*]

**James Bezan:** They're two different meetings.

The supplementary estimates are the ones that we have to have done by the 5th.

[Translation]

**Simon-Pierre Savard-Tremblay:** You say that it absolutely has to be done before December 5.

**Sherry Romanado:** As I mentioned, it depends on his availability. He's not available until then.

[English]

**The Chair:** My impression is—

[Translation]

**Simon-Pierre Savard-Tremblay:** It's all over the place. Don't forget that, as well, there's a lag on my end.

Mr. Chair, can you summarize that?

[English]

**The Chair:** As I understand it, there was a motion put forward by Mr. Bezan. It was reflected by the ministry.

The ministry is looking at opportunities to try to make the minister available. He's available for one hour on the 4th, I believe it is, so that we can accommodate the issues at hand.

We're asking for the committee to agree for him to come for an hour on the 4th to address the issues you've been presenting, instead of two hours.

[Translation]

**Simon-Pierre Savard-Tremblay:** Would we have—

[English]

**The Chair:** This would then happen on the 4th, so it would still allow us to deal with the issues that are relevant for the budget in the long term, but more importantly, it allows us to proceed effectively with the clause-by-clause so that we can manage Bill C-11—

**An hon. member:** And the estimates by the 4th...

**The Chair:** Yes, and the estimates by the 4th.

[Translation]

**Simon-Pierre Savard-Tremblay:** Although it's not an absolute fact, we would have been done with clause-by-clause, in all likelihood.

Is that correct?

[English]

**The Chair:** That's a good point. We obviously have to take into consideration that it may take longer than we anticipate, but we should try.

Go ahead, Ms. Gallant.

**Cheryl Gallant:** Just to be clear, the estimates need to be done before December 5, so we can do the estimates on December 4 and have him back again for the budget afterwards.

**The Chair:** You can certainly request that.

Right now, I'm just looking at this issue. You're free to request the minister to come back.

[Translation]

**Simon-Pierre Savard-Tremblay:** I think that would be a good compromise. We could separate that out.

[English]

**James Bezan:** Just for clarification, my original motion before the amendment is that the minister appear on NATO spending and on the budget 2025 and one hour on the supplementary estimates (B) prior to December 5. The December 5 guideline is tied to supplementary estimates. It doesn't preclude him from coming at a later date. It could be two different meetings. If you pass it the way it is written, if it comes in two different meetings, it happens in two different meetings.

The one that is time sensitive is the supplementary estimates (B), because that's when they have to be reported back to the House. With Ms. Romanado's amendment, what we're talking about is combining the two of them into one meeting, which I'm opposed to.

[Translation]

**Simon-Pierre Savard-Tremblay:** Could we clarify whether the December 5 deadline applies to only one of the two topics?

Such an amendment could work, in my opinion.

[English]

**James Bezan:** Yes.

**The Chair:** I believe that's the case.

Go ahead, Mr. Watchorn.

[Translation]

**Tim Watchorn:** I would like a clarification.

We say we want to complete the study of Bill C-11 as much as possible. On December 4, we'll have a one-hour meeting with the minister to discuss the supplementary estimates (B). Afterwards, we could invite him back to discuss the budget.

**Simon-Pierre Savard-Tremblay:** That's my understanding. If that's the way it is, I have a feeling there will be consensus.

[English]

**James Bezan:** We do have the amendment.

• (1030)

[Translation]

**Simon-Pierre Savard-Tremblay:** When I read the motion, December 5 seems to be a deadline for both invitations. The motion is to invite the minister to appear for the first hour of the meeting to discuss the estimates and to invite him to appear for another hour to discuss the supplementary estimates (B) before December 5.

The deadline is at the end of the motion, which suggests that it applies to both invitations.

Can we ask for a small amendment so that it applies to a single invitation?

[English]

**The Chair:** We have to do one at a time.

Let's ask Ms. Romanado to step in.

Go ahead.

**Sherry Romanado:** I think we can find a path here. What if we were to say “that the committee invite the Minister of National Defence to appear for one hour on the supplementary estimate (B) prior to December 5”? He can do that. Then we can have him come back another time for specifics on the budget. That way, you're getting him before the December 5 to deal with the supplementary estimates. He's already available, we've just heard. What do you think? That way we can satisfy that, and we'll invite him to come for the budget on another date.

**The Chair:** Go ahead, Mr. Bezan.

**James Bezan:** If you want to horse-trade, for clarification on the motion that I originally proposed, if we're not going to deal with the amendment that was on the floor, you would insert after, “and he appear for one hour on the supplementary estimate (B) prior to December 5.” You should leave in that he has to appear on the budget on whatever date he's available and that he has to appear for one hour. It would be for greater clarification, and it would read “that the committee invite the Minister of National Defence to appear for one hour on the defence and NATO spending implications on budget 2025, and he appear for one hour on the supplementary estimates (B)”.

**The Chair:** Right now, Mr. Bezan, I don't think I can overstep the amendment. We have a motion—

**James Bezan:** Okay, let's deal with the amendment.

**The Chair:** —and now we have an amendment.

**James Bezan:** Which amendment are we dealing with?

**The Chair:** Can you read the amendment, and then we'll vote on it?

**Sherry Romanado:** I can't subamend my own amendment, but I can withdraw my amendment if it's the will of the committee because of the availability and the short timing of the December 5 deadline. If it's the will of the committee, I can remove the amendment and edit it, or I can ask a colleague here to do a subamendment to remove “spending implications of budget 2025”, and have “the Minister of National Defence to appear for one hour on the supplementary estimates (B) prior to December 5”.

We can have another invitation for the minister for the budget. We know he's available on that date. That's the deadline we have for the supplementary estimates to get them done to report at the House before the end of the December 10 cycle. I'm just trying to find a path forward here.

**The Chair:** Is that understood?

**Sherry Romanado:** We know he's available. You want him here for an hour on the supplementary estimates. He can come for an hour on the supplementary estimates on December 4, and we can deal with the budget on another date. Is that okay?

**The Chair:** That's the amendment that's now being put forward.

Is that clear, Mr. Savard-Tremblay?

[*Translation*]

**Simon-Pierre Savard-Tremblay:** On December 4, the minister would appear for one hour on supplementary estimates (B).

Is that correct?

[*English*]

**James Bezan:** Essentially, for clarity, everything after “Minister of National Defence to appear for one hour” up to “the Supplementary Estimates” would be deleted, so it doesn't repeat “one hour” twice.

**Sherry Romanado:** Exactly.

**The Chair:** Let's proceed with a vote. Is that okay?

All those in favour?

[*Translation*]

**Simon-Pierre Savard-Tremblay:** I think we have unanimous consent.

[*English*]

**James Bezan:** I'm opposed, but you're voting on the amendment.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** I thought that was what Mr. Bezan wanted, so I want to understand why he's opposed to it.

[*English*]

**James Bezan:** If you'll allow me to move the first part of that motion immediately and agree that the minister appear on budget 2025 in a secondary motion, then we can move forward.

**The Chair:** Let me get this straight.

We now have an amendment to your original motion. The amendment is to deal with subamendments.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, can I propose another amendment that would deal with this?

[*English*]

**The Chair:** Go ahead.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Without changing the words, we should reverse the order of the two invitations and specify which date the December 5 deadline applies to.

The first invitation would be to invite the minister to appear for one hour to discuss the supplementary estimates (B) before December 5. Then the sentence would end with the invitation to the minister to appear for one hour to discuss the implications of budget 2025 on defence and NATO-related spending.

It just needs to be clarified that the December 5 deadline is attached only to one invitation, and not to the other. That's all that needs to be done.

• (1035)

[English]

**The Chair:** Ms. Romanado, you have an amendment to the motion. The amendment is to only deal with the supplementaries by the 5th, correct?

**Sherry Romanado:** That's correct, because that's the timely part of this requirement. We also know the minister's already available on the 4th.

**The Chair:** Right.

That is what we have before us.

I don't know if we can deal with it. Are you asking for a subamendment to the amendment?

[Translation]

**Simon-Pierre Savard-Tremblay:** If not, I move to withdraw it. The way I phrased it settles the matter.

[English]

**James Bezan:** He's asking for a subamendment.

**Sherry Romanado:** I just want to make sure I'm understanding this. He's basically saying the subamendment would be:

[Translation]

“That the Committee invite the Minister of National Defence to appear for one hour to discuss the Supplementary Estimates (B) before December 5, 2025, and for one hour to discuss the impact of Budget 2025 on defence and NATO-related spending.”

**Simon-Pierre Savard-Tremblay:** That's correct. In one case, it's a matter of doing it before December 5, and in the other case, no.

**Sherry Romanado:** That's correct.

[English]

**The Chair:** One has a deadline. Let me clarify the subamendment. One has a deadline of a date for the supplementary estimates. The other one has that we will invite the minister to come before us for the budget in the future.

In other words, the other one does not have a timeline. I just want to make certain that we are open-ended on the second half and closed-ended on the first.

Is that okay?

[Translation]

**Simon-Pierre Savard-Tremblay:** That's exactly the idea. With all due respect, I'd like to point out that I've been suggesting this for about 20 minutes, but it seems that it's only just been understood.

[English]

**The Chair:** I think it's understood that we are voting on the minister to appear by the 5th on the supplementary estimates. The second half of the motion is that we will invite the minister in the future to appear regarding the budget for one hour.

All in favour of the subamendment?

[Translation]

**Simon-Pierre Savard-Tremblay:** Are we talking about my subamendment?

[English]

**The Chair:** It's your subamendment.

(Subamendment agreed to [See Minutes of Proceedings])

**The Chair:** All in favour of the amended amendment?

(Amendment as amended agreed to [See Minutes of Proceedings])

**The Chair:** All in favour of the amended motion?

(Motion as amended agreed to [See Minutes of Proceedings])

**The Chair:** Go ahead, Mr. Bezan.

**James Bezan:** For greater clarity on the upcoming meetings on Bill C-11, who do we have on the panels?

**The Chair:** We are trying to get all those done within the next three weeks. The justice minister is not available to appear, from all accounts. We're going to have to manage this without his testimony, from what I understand.

**James Bezan:** Who do we have lined up?

**The Chair:** Clerk, do you want to advise us who's coming up?

**The Clerk:** Yes, absolutely.

On Tuesday, November 25, we will have representatives from the Victoria Police Department and its Esquimalt division.

We have invited Major-General Rob Holman, the judge advocate general, though I have not yet received confirmation.

I have not received confirmation yet regarding the availability of Brigadier-General Hanrahan, the Canadian Forces provost marshal.

I have not yet received confirmation about the availability of Colonel Kerr, director of military prosecutions, office of the judge advocate general.

I have received confirmation that Colonel Ahmed, the director of defence counsel services, will be available.

On Thursday, November 27, we have extended invitations to all outstanding witnesses on Bill C-11, so I'm going to read the names of those who have confirmed.

We have Christine Wood, Diane Rose, H el ene Le Scelleur and Bill Chisholm.

On Tuesday, December 2, we have confirmed with Justice Deschamps and Justice Fish that they will appear for two hours.

• (1040)

**The Chair:** We will have Justice Deschamps and Justice Fish, but not the other.

**The Clerk:** Madame Arbour has been invited, and she has declined the invitation to appear.

**The Chair:** That would bring us to December 2, and we would like to try to get clause-by-clause started at that point. We'll try to get the justice minister to come before us on the 4th.

**Sherry Romanado:** That's my question, Mr. Chair. Based on what the clerk just told us, we have witnesses coming on the 2nd. When are we doing clause-by-clause?

**The Chair:** Right. I know we have some dates that we had to postpone. Maybe we can accelerate an additional date within that week.

**Sherry Romanado:** The conversation we just had about the motion that just passed was—

**The Chair:** It was to have it done by December 2.

**Sherry Romanado:** —understanding that December 2 was going to be allocated with, hopefully, some time for clause-by-clause. Can we add time?

**The Chair:** I think we'll have to. We'll add a date. Maybe we'll do it on the Monday. We'll do one of the witnesses, if we may, because we haven't confirmed all of them. I'll try to see if I can get witnesses to come on a certain date.

Go ahead, Mr. Bezan.

**James Bezan:** On the panel where we're going to have the provost marshal, the director of defence prosecutions and the director of defence counsel services, I'd ask that we add the JAG to that panel.

I know the JAG has already been here with government officials, but my understanding is that the JAG will be here as a source while we do clause-by-clause on Bill C-11. I think it's important that, as a witness, he appear along with the rest of the military justice team so that we have all four components properly represented, and they can all answer the questions we have on Bill C-11.

**The Chair:** They've appeared once.

They will, I believe, provide what we've been asking.

**James Bezan:** I think it's important that he be here at the same time as—

**The Chair:** It's a matter of availability too.

**James Bezan:** At least extend the invite that they could appear at the same time as the other three.

When do you need proposed amendments in for consideration on Bill C-11?

**The Chair:** If you can provide them before December 2, that would be great, so we can then proceed.

**James Bezan:** Is that enough time? We all have to work through legislative counsel services to make sure we do proper drafting.

**The Chair:** Let's aim for December 2 so that we can have things available to us.

You have good people behind you. They're hard workers.

**James Bezan:** It's resources within the Library of Parliament—the people who do the legislative drafting of amendments.

**Katherine Simonds (Committee Researcher):** Yes, it is through the legislative counsel through the House.

Just to confirm, is the expectation then that we would be starting clause-by-clause on December 2 when the justices are intended to appear? Do we want to hear their testimony, hear from the minister on the 4th and then begin clause-by-clause on the 9th, which would allow for amendments to come in after hearing final testimony? Would the committee like to agree that amendments be submitted prior to the final witnesses appearing?

**James Bezan:** I don't think we can really bring forward any of the amendments until we hear all the panels. I think it's premature. If we have a panel on the 2nd, it would be after that point.

**Katherine Simonds:** Yes. In that case, I would suggest that the option be that we hear final witnesses on the 2nd. That would provide parties a week to get their amendments in and be prepared to start clause-by-clause on the 9th.

Would that work?

**James Bezan:** Great.

**The Chair:** Ms. Romanado, please go ahead.

**Sherry Romanado:** If we have the two justices appearing on the 2nd, would it be possible for us to have a meeting on Wednesday the 3rd rather than on the 2nd? That way we can have—

**The Chair:** We have dates to make up.

**Sherry Romanado:** Exactly.

**The Chair:** There are two dates that we had to postpone. If need be, we can add an additional day within the week.

**Sherry Romanado:** It's just we have to make up those days. I understand the point of not submitting until we hear from witnesses. If we add a date that week, at least we can make up some of that time. We'll have heard from all the witnesses and we can start.

I'm just trying to think of the math on it.

**The Chair:** Mr. Bezan, please go ahead.

**James Bezan:** I think it'll take us a few days to make the amendments that we want to make and have them properly drafted after we hear from the last panel on the 2nd. The 4th is when we have the minister.

I think that will be pushing it for legislative services to provide us with those amendments in that short a period. I think the 7th is the proper date for us to dig in and start doing clause-by-clause.

If we need to add meetings, would it be after the 6th or the 7th, or the following week?

• (1045)

**Sherry Romanado:** It would be the 9th.

**James Bezan:** So if we need to add meetings, it would be the week of the 9th.

**The Chair:** That's sort of the last week of our sitting, too. I'm very sensitive about the activities that will be taking place throughout that week.

**James Bezan:** Just don't hold meetings when there are Christmas parties.

**The Chair:** Mrs. Gallant, please go ahead.

**Cheryl Gallant:** Mr. Chairman, would the clerk be able to put what we just discussed onto a calendar, as she has done before, so that we can have that with us?

**The Chair:** Absolutely. I'll ask for that.

**Cheryl Gallant:** We're on the last week of November and then the balance of December.

**The Chair:** Yes. Right now we have November 25 and 27 and then December 2.

There is the opportunity for me to add another session the week of November 24. That week is possible.

Monsieur Savard-Tremblay, please go ahead.

[Translation]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, we all have busy schedules. If it's a matter of adding more meetings, it should be done in concert with everyone so that the date isn't arbitrary.

While we're looking at all that, can a proposal be submitted?

There's very little time left. In fact, the committee meeting was supposed to end half an hour ago. I have an appointment in my office in 10 minutes, so I'd like someone to tell me if we're going to drag this out.

[English]

**The Chair:** [Technical difficulty—Editor] the meeting for the interpreters for another 10 minutes.

I propose that we add an additional day next week to try to accommodate, but it's also dependent on our availability and the availability of the witnesses.

[Translation]

**Simon-Pierre Savard-Tremblay:** It might take a while to do it now. Can the proposal be submitted to us at another time?

[English]

**The Chair:** I will inform everyone prior. You have to give ample notice. Right now we have meetings on November 25 and 27. If I can incorporate a meeting on November 24 and 26, I'll let you know beforehand. I just want to be sensitive about us trying to do our job before the year's end.

Ms. Romanado, please go ahead.

**Sherry Romanado:** If it's difficult to add an additional meeting—I know it's not easy—perhaps we can add an hour after each of the meetings next week to have additional witnesses. The meeting of Tuesday would be a three-hour meeting. The meeting of Thursday would be a three-hour meeting. We can get more witnesses in and get them done. That way, we're not adding an additional meeting somewhere in the week, which is always hard to do.

I don't know. I'm just throwing it out there. That might be easier, because we've already committed that time for committee meetings.

**The Chair:** I was considering those alternatives as well. We could extend our meetings, as we are doing right now.

Mr. Bezan, please go ahead.

**James Bezan:** If you're going that route, then, being sensitive to panels, I believe we get more out of our panels when we have longer times with them. Don't break it into one-hour blocks. If we're going to go for a three-hour meeting, it's an hour and a half then an hour and a half.

**The Chair:** Are we—

**James Bezan:** Don't load up the panels with too many witnesses because then you spend all the time with statements. I think four is the max.

**Katherine Simonds:** The witnesses are booked for next week for Tuesday, Thursday and on December 2. Is the request then, if we add more meetings next week, that we try to shuffle the witnesses into two panels instead of three?

We have Deschamps' and Fish's availability and I'm not sure that they will be available next week.

**James Bezan:** That's fair.

**Sherry Romanado:** If it's possible to check with them to see if they have any availability next week with those extra times, that would be great. If not, we'll try to see what we can do.

**The Chair:** If they could be available that week, then we can deal with clause-by-clause on December 2. That's my intent or the will of the committee, I think.

Go ahead, Ms. Gallant.

**Cheryl Gallant:** There is a motion that I had given notice on. The reason I'm raising this is that we will have the minister before us on the budget perhaps later in December. It's important to have the Parliamentary Budget Officer ahead of the minister when he comes before us on the budget, just so that we're better set to deal with that.

I'd like to move the following motion:

That the committee invite the Parliamentary Budget Officer to appear for no less than two hours to discuss their new report, entitled "Planned Capital Spending under Canada's Defence Policy: 2025 Update".

● (1050)

**The Chair:** We're over time and the interpreters are leaving.

Ms. Romanado, go ahead

**Sherry Romanado:** I apologize. I have had a person sitting in my office since 10:30. I was not expecting this meeting to go to 11. I don't have the motion that she is mentioning. I know you don't need to provide notice because we are in committee business.

**Cheryl Gallant:** We did provide notice.

**Sherry Romanado:** I'd like to be able to have a conversation about it, but we are over time. I really would like to have that conversation. I have no problem having that, but right now is a problem.

[Translation]

**Simon-Pierre Savard-Tremblay:** I don't have any more time either, Mr. Chair.

[English]

**The Chair:** Ms. Gallant, I do have the motion before us. You just tabled it. It's not a notice anymore. It was a notice before; now you've moved it.

I want to reflect on what's just happened here. We've agreed to have the minister come. We've agreed on certain circumstances. We know the priority. I appreciate Ms. Gallant's request to have the minister appear before us and the PBO appear before the minister does.

**Cheryl Gallant:** We want the Parliamentary Budget Officer before. Because we split it up into different meetings, we have to insert that now.

**The Chair:** Mr. Watchorn, go ahead.

**Tim Watchorn:** I think we should put a motion to adjourn this meeting. I think you should get back to us.

**James Bezan:** You can only adjourn debate.

**The Chair:** We can certainly debate this further in the coming meetings. We're not opposed to any of this. It's just a matter of time. A motion is being put—

**James Bezan:** He can't adjourn the meeting. He can adjourn debate.

**The Chair:** Understood. We'll continue talking about this. With agreement of this committee, we'll continue to talk to Ms. Gallant's motion. Let's adjourn debate.

**James Bezan:** You need a motion to adjourn debate and then you have to adjourn the meeting after that.

**The Chair:** I'm going to adjourn the meeting. All in favour?

**James Bezan:** You can't. You have to adjourn debate on the motion.

**The Chair:** We are adjourning debate on the motion. We're going to come back to it.

In the meantime, we're adjourning the meeting.

**James Bezan:** No, you have to vote on it.

[Translation]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, can you adjourn debate on the two motions one after the other so that the meeting can end?

[English]

**The Chair:** Can we agree?

**James Bezan:** It's a dilatory motion. We have to vote on it.

**The Chair:** We don't have translation now.

I have to suspend this meeting. We'll be back next week.

[The meeting was suspended at 10:52 a.m., Thursday, November 20]

[The meeting resumed at 15:31 p.m., Tuesday, November 25]

• (13530)

**The Chair:** Welcome.

We are resuming meeting number 14 of the House of Commons Standing Committee on National Defence.

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

Before we continue, I ask participants to consult the guidelines on the table. These measures are there to help prevent audio and feedback incidents and to protect the health and safety of the interpreters.

I would also like to remind participants 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, and please mute yourself when you're 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.

If you wish to speak, please raise your hand, and for members on Zoom, 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.

I want to remind members, before we proceed with the witnesses, where we ended last meeting. There was some confusion regarding a dilatory motion made to adjourn the debate, and it was not dealt with, so I need to resolve that.

Mr. Watchorn, if you wish.

**Tim Watchorn:** Mr. Chair, I'd like to take back my motion, please, to adjourn the meeting.

**The Chair:** Do we have unanimous—

**An hon. member:** Are you taking it back or retabbling?

**Tim Watchorn:** No, I'm not retabbling it. I'm withdrawing it.

**The Chair:** We didn't actually deal with it. He wants to withdraw the motion to adjourn so that we resolve that matter. I need unanimous consent to withdraw the motion to adjourn the meeting.

(Motion withdrawn)

**The Chair:** We have a motion up for debate. I'll read Ms. Gallant's motion for context:

That the committee invite the Parliamentary Budget Officer to appear for no less than two hours to discuss their new report, entitled "Planned Capital Spending under Canada's Defence Policy: 2025 Update".

Is there debate?

Mr. Watchorn, please go ahead.

[*Translation*]

**Tim Watchorn:** Mr. Chair, I'd like to move an amendment to the motion.

I move:

That the committee invite the Parliamentary Budget Officer to appear for one hour to discuss their new report titled "Planned Capital Spending under Canada's Defence Policy: 2025 Update".

The officials could stay for the second hour of the meeting. We applied the same principle when the minister and department officials visited.

[*English*]

**The Chair:** We have an amendment to the motion.

Mr. Bezan, please go ahead.

**James Bezan:** The Parliamentary Budget Officer appears with his office, not with department officials. If we want department officials, we'd have to invite them as well. This is strictly meant for the PBO.

The PBO, as an officer of Parliament, has always made themselves available to be at committee for the full two hours. I'd hate to start the process of only having them appear for an hour. They are responsible to Parliament, first and foremost.

It is our fiduciary duty to carefully look at the expenditures of government, and the PBO is there to help us in our deliberations as members of Parliament.

I'm completely opposed to the idea of cutting this meeting in half to hear from the PBO about things that are important to NATO spending, Canada's defence policy and the spending around that.

I think we need to have him for the full two hours, so I'm completely opposed to the amendment.

• (13535)

**The Chair:** Is there further debate?

Mr. Watchorn, please go ahead.

**Tim Watchorn:** I would like to mention that in the spirit of trying to get through all the studies that we have to do before the end of the session, I think we can absolutely do this work within one hour and have the officials of the Office of the Parliamentary Budget Officer brief us on the rest of it for the second hour.

That is the objective of the amendment.

**The Chair:** Ms. Gallant, please go ahead.

**Cheryl Gallant:** I agree with Mr. Bezan. This is a dangerous precedent to start, especially for this committee.

We are responsible for watching over billions and billions of dollars of defence spending. I think we can maybe spend more than an hour on that.

**The Chair:** Is there debate?

You're inviting officials to the second hour. Is that right?

**James Bezan:** That's not in the motion. The motion is to invite the PBO for one hour.

**Cheryl Gallant:** No, it's for two hours.

**The Chair:** Is the amendment...? I want clarity.

Mr. Savard-Tremblay, please go ahead.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, I have a point of clarification.

There has been mention of a precedent. I'd like to know what we're talking about exactly. I haven't actually decided. I will say at the outset that I am undecided in this matter. I shouldn't say that because my vote tips the scale.

How is this a precedent?

I would just like to know what is going on and what the consequences of each option are.

[*English*]

**The Chair:** That is fair.

I'm trying to understand what we're actually doing. Is the amendment to do the PBO for one hour and then leave the extra hour for other officials for other duties or other studies?

**Some hon. members:** Just for one hour.

**The Chair:** So the PBO would be just for one hour. The amendment is to make the PBO come for one hour as opposed to two. Okay.

Mr. Bezan, please go ahead.

**James Bezan:** I think it's a dangerous precedent. Cheryl and I have been on this committee for a long time. The PBO has always appeared for two hours. The PBO reports to Parliament. He doesn't report to the department. The department does respond to PBO reports as they do with AG reports. I think that this is short-sighted and it circumvents the study that was undertaken by the PBO and undermines our work as parliamentarians.

**The Chair:** There is an amendment to the motion asking for the PBO to appear for one hour as opposed to two to enable us time to do other studies. We need to understand if we're in agreement or not, around the table, in regard to this amendment.

**James Bezan:** I call for a recorded vote.

(Motion as amended negatived: nays 5; yeas 4)

**The Chair:** We have a motion before us to have the PBO appear for two hours.

**Some hon. members:** Agreed.

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

I would now like to welcome our witnesses.

We have Fiona Wilson, Chief Constable Victoria Police Department, via video conferencing.

From the Canadian Armed Forces we have Brigadier-General Vanessa Hanrahan, Canadian Forces provost marshal; Colonel Nooral Ahmed, director of defence counsel services; and Colonel Dylan Kerr, director of military prosecutions.

I'll now like to invite Chief Constable Wilson to make your opening statement.

You have up to five minutes.

• (13540)

**Chief Constable Fiona Wilson (Victoria Police Department):** Thank you, Chair and members of the committee, for the opportunity to speak today.

I want to begin by acknowledging the significant work that has been done across the Canadian Armed Forces and the Department of National Defence, and by external reviewers to improve how allegations of sexual misconduct are addressed.

Over many years, survivors and stakeholders have brought forward concerns about independence, transparency and trust within the existing system. The reports by justices Deschamps, Fish and Arbour reflect a genuine effort to understand those concerns and to recommend pathways that better meet the needs of survivors, while supporting institutional reform.

Justice Arbour's interim recommendation that Criminal Code sexual offences involving members of the Canadian Armed Forces be transferred to civilian police was rooted in the principle that investigations of this nature must be, and must be seen to be, fully independent.

Bill C-11 reflects that recommendation by bringing these matters into the civilian justice system. I support that direction, and the intent behind this legislation.

Where I must now be direct is on the operational implications for civilian police services, including the Victoria Police Department. Our involvement with this issue began in 2021, when local military police commanders were directed to transfer current and new sexual offence files to civilian agencies.

In Victoria, that request arrived with little notice, limited consultation and very limited data—primarily, that we might expect approximately 11 files per year. From the outset, we advised that VicPD could not assume responsibility for these investigations without additional resources. File counts significantly understate the real workload. A single sexual offence investigation can require hundreds of investigative hours, trauma-informed support for survivors, digital and forensic analysis, and coordination across multiple jurisdictions.

Files related to the Canadian Armed Forces often involve witnesses and evidence located nationally and internationally, and they can expand considerably as additional victims come forward. The multi-agency working session in May 2022, including public safety, the RCMP, the Vancouver police department and VicPD, confirmed

this reality. Every agency expressed concern about the complexity of these investigations and the absence of a coordinated framework to support a transfer of this magnitude.

At that time VicPD was already operating beyond sustainable capacity. Taking on these files without additional resources would have required diverting investigators from existing sexual assault cases and other critical public safety responsibilities. We were—and remain—clear that this would not be responsible policing.

Bill C-11 now formalizes this transfer in law. I support the principle behind that change, but I want to be equally clear—VicPD cannot absorb this additional workload without dedicated policing resources. Without that investment, implementation will fall short of what survivors, Parliament and Canadians rightly expect.

To ensure Bill C-11 succeeds, I would offer four recommendations.

First, a dedicated federal funding stream is essential. I cannot make it clearer that we do not have the capacity to take on any additional files without additional funding resources. This must support additional investigators, analysts and victim service resources in communities with a significant CAF presence, specialized training and the investigative expenses associated with national and international files.

Second, implementation must be guided by a coordinated national framework. The earlier rollout demonstrated the challenges of fragmented local arrangements. Consistent MOUs, information-sharing protocols, file transfer standards and procedures for warrants on Department of National Defence property are essential.

Third, Parliament should require national reporting on the number, nature and outcomes of these transferred investigations, along with the resource impacts on affected police services. This transparency will help align resourcing with actual demands.

• (13545)

Finally, there must be national support for historical and complex files. These cases routinely exceed the capacity of small and medium-sized municipal agencies. A federal investigative support function would help ensure thorough and timely outcomes.

In closing, Bill C-11 represents an important step towards strengthening trust and ensuring survivors receive the independent, trauma-informed response they deserve. Civilian police agencies are committed to this, but I must be unequivocal: VicPD cannot take on these additional investigations without additional policing resources. If Parliament intends to transfer responsibility, it must also transfer the capacity to meet that responsibility effectively.

Thank you.

**The Chair:** Thank you for your opening statement.

I will now go to the brigadier-general for five minutes.

Thank you.

**Brigadier-General Vanessa Hanrahan (Canadian Forces Provost Marshal, Canadian Armed Forces):** Chair and members of the committee, thank you for the opportunity to appear before you today. I would like to introduce three points that I believe are significant to the discussion regarding Bill C-11.

Independence of the military police is a legal safeguard and a practical reality. The Canadian Forces provost marshal operates under statutory independence, provisions which are afforded for in the National Defence Act and are reinforced by both training and internal culture. As of 2011, all members of the military police fall under full command of the Canadian Forces provost marshal, meaning that the Canadian Forces provost marshal has sole authority to direct the actions of the military police.

In fact, proposed amendments presented in Bill C-11 will further emphasize this independence, causing the Canadian Forces provost marshal to be responsible to the Minister of National Defence for the delivery of a policing capability to DND and CAF while removing current clauses that afford authority for the vice chief of the defence staff to give written general instruction to the CFPM. Should the military police believe they've been interfered with, they may file a complaint directly with the Military Police Complaints Commission. It is the Military Police Complaints Commission that has sole authority to investigate such matters.

Let me now address military police professionalism. The military police are peace officers as defined under the Criminal Code. We exercise the same statutory and common-law powers as our civilian counterparts, including the authority to lay charges in the civilian justice system. We also have unique authorities related to the enforcement of the National Defence Act, allowing us to investigate and lay service offence charges in the military justice system, which supports the maintenance of discipline and morale in the Canadian Armed Forces.

Our military police are highly trained. Military police-specific training matches and often exceeds that of our civilian counterparts both in duration and scope. Furthermore, military police undergo a variety of specialty training, much of it taken alongside our civilian counterparts.

Like all other police agencies in Canada, the military police have a robust accountability framework to address allegations of misconduct, which aligns with national policing norms and reinforces public confidence. Part IV of the National Defence Act, modelled on the RCMP, provides a legislative framework to address conduct complaints for members of the public concerning any member of the military police. The Military Police Complaints Commission, a civilian review body, plays a vital role in this framework.

Additionally, the military police have a military police professional code of conduct, which establishes the professional standards by which I hold all military police accountable.

I would now like to turn to a trauma-informed, victim-centred approach. This concept at its heart speaks to the need to place a victim or survivor at the forefront, providing the support needed as they manoeuvre through both the investigative and prosecutorial processes.

Speaking through a policing lens, the removal of choice from a victim or survivor does not embrace this approach. Through the removal of concurrent jurisdiction, this legislation is removing possible options that could best address allegations of Criminal Code sex offences. Concurrent jurisdiction speaks to the overlapping jurisdiction of the civilian and military police and affords the flexibility for police agencies to transfer investigative files accordingly. It allows the investigative authority to invoke victim and survivor agency. In simple terms, it permits victims and survivors a choice to be part of the equation, which is in line with the Canadian Victims Bill of Rights.

Often, in cases involving CAF personnel, there are unique issues that must be addressed, one such issue being multi-jurisdictionality. This refers to the fact that many investigations involve offences that took place in multiple policing jurisdictions and involved persons located across the country and even around the world, mainly due to the mobility requirements of the Canadian Armed Forces. In such cases, victims and survivors could be required to report to multiple police agencies, thereby bringing an element of re-traumatization that does not exist in the conduct of the military police investigation. Military police are stationed and operate coast to coast, making us uniquely poised to conduct multi-jurisdictional investigations, often in collaboration with our civilian police counterparts.

In addition, with an average of approximately 150 files per year, the military police are positioned to triage files differently from most civilian police counterparts. Moreover, we apply public interest factors tailored to the operational realities of military service, the seriousness, the nature and gravity of the offence, and the impact that this can have on the good order, discipline, operational readiness, unit cohesion and morale of the Canadian Armed Forces.

We are uniquely poised to look at the elements of criminal and service offences within one investigation to determine how to most effectively deal with the situation at hand. We have seen renewed confidence in the abilities of the military police as evidenced by victims and survivors requesting that investigations be conducted by the military police.

• (13550)

For example, since December 2021, 735 incidents of alleged Criminal Code sex offences were reported to the military police, of which 270 were retained by the military police for investigation at the request of victims.

Furthermore, using pre-charged legal review protocols to ensure that decisions meet both reasonable and probable grounds and public interest thresholds prior to proceeding with charges, the military police frequently lay CCSO-related charges. Since 2021 we have laid these charges mainly in the civilian justice system. Nearly 40% of our files have resulted in charges or charge recommendations, with over half ending in some form of justice. This rate is consistent with that of our civilian police counterparts.

The military police, like Canadian police agencies, are professional, independent and accountable, meeting national standards and adapting to reforms that prioritize victim rights and victim choice. Canadian legislation should be trauma-informed, victim-centred and an advocacy to empower victim survivors. The retention of concurrent jurisdiction for CCSO accomplishes just this.

Thank you for your attention. I welcome your questions.

**The Chair:** Thank you for those opening remarks.

Colonel Ahmed, you have up to five minutes.

**Colonel Nooral Ahmed (Director of Defence Counsel Services, Canadian Armed Forces):** Good afternoon, Chair and members of this standing committee. Thank you for inviting me to appear here today.

I'm the current director of defence counsel services. My mandate is to provide, supervise and deliver defence lawyer services to the Canadian Armed Forces members.

In essence, defence counsel services functions as CAF's legal aid program, ensuring that all members—and civilians, in certain circumstances—regardless of rank, have access to free representation when facing charges under the National Defence Act or the Criminal Code.

We represent the accused before courts martial, the Court Martial Appeal Court and the Supreme Court of Canada. We also operate a 24-7 duty counsel line 365 days a year.

Despite the absence of clear statutory independence, our team is committed to fearlessly and competently defending the accused.

My remarks focus on three aspects of the bill. First is the independence of the director of DCS, which is my position at the current time. Second is the necessity for the independence of the defence counsel services lawyers who work in the unit. Third is the transfer of the Criminal Code sexual offences to the civilian system.

Bill C-11 enhances the independence of the director by providing, in clause 40, that the director will be appointed by GIC, rather than the MND. This is a step toward greater institutional independence.

The bill also proposes to enhance the independence of the director by stating, in clause 2, that in the exercise of their superintendence, the JAG “respects the independence” of the DDCS. This provision has a limited practical effect. As Justice Fish noted in his report, “independence cannot be left to the strength of their personalities: it needs to be protected by structural safeguards.”

Relying on the goodwill of the JAG to respect the director's independence—or on the fortitude of the director to resist influence from the JAG, the minister or the chain of command—is not a meaningful safeguard.

This concern is compounded by the fact that the bill leaves unchanged subsection 249.2(1) of the National Defence Act, which currently states that the director “acts under the general supervision” of the JAG, and subsection 249.2(2), which states that the JAG “may issue general instructions or guidelines” to defence counsel services.

These provisions grant the JAG broad authority over the director. The proposed legislation does not meaningfully limit the potential for interference in the director's mandate. Without structural statutory independence, the perception and potentially the reality of independence remain at risk. On this point, I submit that consideration should be given to repealing section 249.2 of the National Defence Act.

On the independence of the lawyers who work at defence counsel services, these are the individuals who hold the direct solicitor-client relationships with the members. This required independence has never been granted any legislative safeguards.

Under the current regulations, the JAG retains command authority over all officers in positions within the office of the JAG and has the authority to determine and assign duties to all of these legal officers, including those assigned to defence counsel services. The JAG has the authority to post legal officers to and from defence counsel services. Postings can significantly affect career progression and quality of life, and can have a direct impact on the quality of services that defence counsel services provides.

The JAG also has a role in personnel evaluation processes of defence counsel members. This may raise a perception of conflict or bias because defence counsel lawyers are often required to challenge CF-related legislation, directives and orders that have often been reviewed by lawyers at the office of the JAG. Additionally, during trials, defence counsel find themselves in the position where it's required to challenge the credibility of witnesses, which may include senior officers.

The defence counsel's professional obligations place them in direct opposition to the very institution that determines their career progression. This may undermine both the perception and the reality of independence and, by extension, the confidence of CAF members and the public in the fairness of the military justice system.

The current JAG has demonstrated a commendable respect for the independence of the director of defence counsel services and its lawyers. However, as identified by Justice Fish, this has not always been the case, as leadership changes regularly.

On the points of independence for the lawyers, I submit that consideration be given to creating legislation that places the military defence counsel lawyers under the sole command of the director of defence counsel services and/or to establishing a military defence counsel services office that's not subjected to any outside influence.

• (13555)

Perhaps the most consequential aspect of this bill for CAF members is the transfer of the prosecution of Criminal Code sexual offences to civilian courts.

While the transfer itself, from the point of view of the director of defence counsel services, is not problematic, it is the practical impact that is significant. CAF members who are charged would no longer be eligible for legal representation through our offices. They'll have to represent themselves or personally fund their defence, assuming they can afford it.

This point was brought up before this committee by Lieutenant-Colonel Fowler, Afton David and Dr. Breeck.

As our society has agreed—

**The Chair:** Wrap it up quickly, please.

**Nooral Ahmed:** Okay, I'll wrap up.

As our society has agreed, individuals are presumed innocent before proven guilty. Justice Fish emphasized that access to free legal counsel is a fundamental benefit extended to CAF members in recognition of their extraordinary duties, including the principle of unlimited liability, and he cautioned against interfering with this without compelling justification, as echoed by Madam Justice Arbour.

On this last point, it is respectfully submitted that if the Criminal Code sexual offences are transferred, consideration be given to understanding the impacts on the access to justice for CAF members who face charges.

Thank you.

**The Chair:** Thank you, Colonel.

Colonel Kerr, you have up to five minutes.

**Colonel Dylan Kerr (Director of Military Prosecutions, Canadian Armed Forces):** Thank you, Mr. Chair.

I've served in the Canadian Armed Forces for over 30 years, first as a signal officer in the Canadian Army, and for the past 15 years as a military prosecutor. I've appeared at all levels of court, including three cases before the Supreme Court of Canada involving significant constitutional challenges to the military justice system.

In June 2021, I was appointed by the Minister of National Defence to a four-year term as the director of military prosecutions, and was subsequently reappointed to serve a three-year term. As director of military prosecutions, I'm statutorily responsible for preferring charges for courts martial and for conducting those prosecutions. I also act as counsel for the minister in respective appeals before the Court Martial Appeal Court and the Supreme Court of Canada.

In order to fulfill these duties, I lead an organization of 30 military prosecutors and civilian staff, collectively referred to as the Canadian military prosecution service. My team includes six reserve force military prosecutors, who are all civilian Crown prosecutors with extensive criminal law experience, including in the prosecution of sexual offences. I sit on the federal-provincial-territorial heads of prosecutions committee, and I have arrangements with several prosecution services across Canada, whereby regular force military prosecutors may be seconded to civilian prosecution services to gain experience with criminal prosecutions and to build relationships between our services. All of my prosecutors, regular and reserve force, are well-trained professionals, with a deep commitment to justice. I have the utmost confidence in their ability to prosecute cases of Criminal Code sexual offences and to advise military police in the investigation of those offences.

In November 2021, in response to Madam Arbour's interim recommendation, I directed our prosecutors to stop exercising jurisdiction in respect of new allegations of Criminal Code sexual offences. I made that decision in consideration of Madam Arbour's concerns about a mounting crisis in public confidence in the military justice system, along with numerous reports, during the summer of 2021, alleging sexual misconduct by our senior-most leadership.

At the time, I expected that direction to be temporary. Work was already under way to implement the recommendations from Mr. Fish's report, and I believed that once that work was completed, along with addressing any additional concerns for Madam Arbour in her final report, we would be well placed to resume exercising jurisdiction. I did not anticipate that Madam Arbour would recommend removal of jurisdiction or that the government would accept that recommendation.

Since November 2021, significant improvements have been made to the military justice system and to victim supports within the CAF. We have implemented the Declaration of Victims' Rights. The sexual misconduct support and resource centre now provides independent legal advice and representation for victims. The federal-provincial-territorial heads of prosecutions committee has adopted a statement of principles and presumptions for the exercise of concurrent jurisdiction by Canadian prosecuting authorities.

These steps, along with CAF's broader culture change and administrative reforms, have positioned us well to be able to restore public confidence and address sexual misconduct, including Criminal Code sexual offences, in a meaningful and effective manner. If it wasn't for the tabling of Bill C-11, I would already have rescinded my direction to stop exercising jurisdiction in these cases, and I'm fully prepared to resume accepting appropriate cases in the military justice system now. I believe victims in the CAF are better served by retaining a concurrent jurisdiction over these offences. Victims deserve a say in where their cases are heard, and I am concerned that some cases will not be heard if jurisdiction is removed.

More tools to address sexual violence are better than fewer. I recommend that clauses 7 and 8 of the bill be struck and that jurisdiction to investigate and prosecute be retained. I applaud the bill's strengthening of the position of the DMP, and I support the change to a seven-year, non-renewable term aligned with that of the director of public prosecutions, but I am concerned about the proposed disciplinary framework for the DMP. In my view, the only appropriate remedy for a DMP found to have committed misconduct is removal. This would also align with the framework of the DPP.

I recommend clause 15 of the bill be amended to provide for removal as the only remedy. Alternatively, I recommend that the disciplinary framework proposed in clause 15 of the bill be replaced with the language contained at subsection 5(1) of the DPP act. I also have concerns about the acting DMP provisions. Bill C-11 would currently limit the minister's ability to appoint an acting director to 90 days, beyond which GIC approval is required. It is imperative that there is always someone who can act as the director. The power to prefer and prosecute charges by court martial is given to the director by statute, and the length of time for which the minister could appoint an acting director needs to be extended, or the provision should be amended to simply require notice to the GIC where the minister has authorized the longer term.

• (13600)

Thank you, and I look forward to your questions.

**The Chair:** Thank you all for your opening testimonies.

We're going to start our first round of questioning.

You have up to six minutes, Mr. Kibble.

**Jeff Kibble:** Thank you, Mr. Chair.

Thank you, Chief Wilson, for joining us, and congratulations on your appointment as the chief of Victoria police.

Could you confirm for me, for the record, that CFB Esquimalt, which is the third-largest base in Canada and has approximately 4,500 uniformed personnel, falls primarily within your jurisdiction?

**Cst Fiona Wilson:** Yes, it does.

**Jeff Kibble:** Thank you.

In 2022, Canadian Armed Forces reporting stated that approximately 3.5% of members report sexual assault offences. That equals a potential of up to 155 cases that year at CFB Esquimalt.

You mentioned earlier that approximately 11 cases would be beyond your capacity. Is this something that your department could handle, if all cases are diverted to civilian authorities such as yours?

• (13605)

**Cst Fiona Wilson:** One of the things I mentioned was the average of 11 cases. That was from a letter that was dated November 23, from Major Todd Walsh, who was then the commanding officer of the military police in Esquimalt. However, I acknowledge that this number may have changed, and I'm not sure of the parameters under which that number was drawn.

There's absolutely no chance that VicPD could take on that number of additional files.

**Jeff Kibble:** Just to confirm, when you say, "that number of...files", are you referring to the 11 in the letter from a few years back, or the approximately 155 cases based on percentages and the number of personnel at the base—or either?

**Cst Fiona Wilson:** In either case....

**Jeff Kibble:** Okay.

You mentioned hundreds of man-hours per case for your department. Could you also quickly address beyond time, the costs and other factors for investigating both major and minor cases?

**Cst Fiona Wilson:** Absolutely.

I was a detective in the sex crimes and child abuse unit when I was at the Vancouver Police Department. I've been a police officer for over 27 years. Sexual assault investigations are anticipated to frequently include a number of different investigative avenues that are very expensive and time-consuming—forensics, computer forensics, medical assessments, victim services, witness protection sometimes, transcription, travel costs. It's difficult to say, on average, how much these files cost. However, I can say that I've certainly worked on sexual assault investigations that have gone from \$50,000 to several hundred thousand dollars to investigate, and then everything in between.

**Jeff Kibble:** Recently in the news, I noted that you're fighting hard for funding for your department, just to deal with the other issues going on in Victoria. Would this put an incredible stress on the capacity of your department, not to question your capability?

**Cst Fiona Wilson:** To be clear we do not have any additional capacity right now, and it's not just about the money. It's about human resources.

As you well know, police agencies across this country are struggling with recruitment and retention, and VicPD is no exception to that. I am lobbying very strenuously with councils both in Victoria and Esquimalt for additional resources, just to cover off the basics. We do not have the resources to take on any additional sexual assault files at this time.

**Jeff Kibble:** Have you or has your department, in the past, ever been contacted, or has anyone reached out, with regard to potential federal government funding or financial support to take on these additional cases?

**Cst Fiona Wilson:** No, not that I'm aware of.

**Jeff Kibble:** You mentioned evidence earlier, and challenges. Could you better describe some of the challenges in sharing evidence and custody, or the chain of evidence and custody?

You also alluded to different systems. Could you explain that a little bit more for us, please?

**Cst Fiona Wilson:** Absolutely.

In terms of the chain of evidence and custody, often it is the case that we will have to write production orders, warrants, to gain access to evidence that we require in these cases, as I say, when it comes to computer forensics, physical forensics, things like victim services, psychiatric assessments, medical documentation. Also, particularly with these types of investigations, it may be the case that people who are involved in the incident have moved nationally or perhaps even internationally. There's significant cost associated with that as well.

**Jeff Kibble:** Thank you.

Are you aware of any cases from, say, 2024 or 2023 in your department—statistics—that were transferred from CFB Esquimalt, and you dealt with?

**Cst Fiona Wilson:** No, I'm not aware of that.

**Jeff Kibble:** Just to confirm, then, there are none that you're aware of at all.

**Cst Fiona Wilson:** There are none that I'm aware of.

**Jeff Kibble:** What do you think would happen if these were all just thrown at you without additional funding or support?

**Cst Fiona Wilson:** We would not be able to adequately investigate them.

**Jeff Kibble:** That's a bit surprising to hear. Okay. Thank you very much. I truly appreciate that.

Mr. Kerr, you mentioned striking clauses 7 and 8. That's a fairly significant section of Bill C-11. Could you expand a little bit on that beyond the statement you made initially?

**Dylan Kerr:** Thank you, Mr. Chair.

The recommendation would be based on the notion that we would retain concurrent jurisdiction to investigate and prosecute sexual offences. To the extent that clauses 7 and 8 create a new scheme whereby we would not have jurisdiction, my recommendation would be to abandon that portion of the bill and retain concurrent jurisdiction as it currently exists within the National Defence Act.

• (13610)

**Jeff Kibble:** Is it your opinion that victims would prefer to have a choice? Would that still allow a choice between civilian and military systems, giving the choice to survivors?

**Dylan Kerr:** Yes. To begin with, you need to have concurrent jurisdiction before there can be choice. The concurrent jurisdiction would have to exist for choice to be there.

I would also add that it has been within the prosecution service's policies, since even before the Deschamps report, that the views of the victim with respect to jurisdiction are a significant factor to be considered in determining whether we prosecute within the military justice system or the civilian justice system. That's even clearer now with the implementation by the heads of prosecutions committee in the principles and presumptions for the exercise of concurrent jurisdiction.

**The Chair:** Thank you, Colonel.

Mr. Malette, you have up to six minutes.

**Chris Malette:** Thank you, Chair.

In my previous life, just for the edification of the witnesses, I was a journalist who covered military activities extensively, in particular at 8 Wing CFB Trenton. During the course of that career, I was called upon to cover courts martial that were held at Trenton as well. In those years and among those cases were three in particular, as I recall, that stood out as sexual assault cases that were heard.

We're discussing an awful lot of the legalese of the system right now, but I think we need to remember the complainants and/or the victims and survivors of these assaults. One thing always struck me: I noticed that in every case, in all the cases I recall, they were women complainants. They were women in uniform who went to a superior, who was himself, again, in all cases, a male superior, with the allegations and the complaint. They were then investigated by personnel from the military police, who were, again, members in uniform. The allegations were brought by the complainant of a person in uniform who had violated them. The court martial was held before a body of, again, her peers, all uniformed individuals.

Is this not a case of removing the factor that we heard in a lot of the cases, that there's a lack of trust? You are having your complaint heard by the very system that, if you were a victim, violated you.

I will bring it back to Professor Megan MacKenzie, who appeared here on November 6. She has dealt with an awful lot of the victims of sexual assault in the CAF:

I would just reiterate that the idea that having a choice is somehow better for survivors is actually inaccurate for most of the victims and survivors that I've spoken to. In the moments following an incident of sexual violence, it is very difficult for a victim to understand the consequences and the complexity of that choice. The default position for many survivors is to work within the military justice system, not because they think it's better but because that's the system they're in.

How, then, do you respond to the argument that civilian courts offer greater impartiality simply because they're structurally separate from the Canadian Armed Forces?

That question is for any of our three uniformed members on the panel today.

**Dylan Kerr:** The first thing I would say is that victim support has come a long way even in the last couple of years. Now, at the sexual misconduct support and resource centre, you have significant resources and support to help a victim navigate either system, to take the time to make that decision and to get independent legal advice in determining whether or not to report and who to report to and get assistance in navigating either the criminal justice system or the military justice system. That, on its own, is a significant change.

No one is proposing that a victim has to make a one-and-only choice in the moment in which they're the most vulnerable. I would agree with Professor MacKenzie. That's not a good time to make that decision, but we have support systems in place that will help them along the way. There are times when we know from our work with victims that many of them feel as though they must be empowered to make that decision themselves and feel let down by the military when a military police investigation or a court martial is not an option for them.

Not everyone will feel that way, obviously. I know this committee has heard different views from different victims, but the flexibility needs to be there to address each case and the needs of the victim in each and every case, and that can't occur unless there is concurrent jurisdiction.

• (13615)

**Chris Malette:** Brigadier-General Hanrahan, go ahead.

**Vanessa Hanrahan:** I would amplify what Colonel Kerr has spoken to. I think it's exactly that; it's choice, and when you look at it in the moment, as Colonel Kerr has alluded to, that may not be the right time, but the military police are very well versed and trained to work with their victims so victims understand all of the nuances of the decisions and refer them.

We have independent victim services programs within our own military police organization, which amplify and work with the SM-SRC to ensure that victims firmly understand, to the best of our abilities, the choices they are making.

Also, to amplify this, there's not just one choice. At any point in the process with concurrent jurisdiction, there's an ability to have a choice change. A victim, for example, in the beginning may ask for a military police investigation or, vice versa, a civilian police investigation, and during the course of that investigation they may change their mind and ask for something different. Concurrent jurisdiction allows us, from an investigative perspective and a prosecutorial perspective, to work with the victim to help them work through those choices at any point along that process.

We have had many cases where we have referred files to the civilian police. The civilian police have initiated investigations and, at the request of the victim, referred files back to the military police for us to then continue with the investigation. At the outcome of the investigation, working with Colonel Kerr's office and with civilian prosecutors, we can actually make a determination on what system works best for the laying of charges that we believe would provide justice to all involved.

**The Chair:** Thank you.

Monsieur Savard-Tremblay, you have up to six minutes.

[*Translation*]

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

I'd like to thank all the witnesses for their presentations.

Ms. Hanrahan, as we know, civilian police resources are limited, and they vary from province to province. We've heard from people from a police force, but not everyone everywhere has the same means or the same capacities.

How can we ensure the quality of the investigations that will be transferred to civilian authorities, especially when no additional federal funding is planned?

**Vanessa Hanrahan:** Thank you for your question. I prefer to answer it in English, if I may.

**Simon-Pierre Savard-Tremblay:** Yes, that's not a problem. We have interpretation services.

[*English*]

**Vanessa Hanrahan:** I certainly wouldn't want to speak on behalf of what our civilian police authorities can do without federal funding, but I can certainly speak to the military police. The military police have two aspects that I think work to our benefit.

First and foremost, we're positioned all the way across the country, and we're designed to deal with investigations that span not just Canada but also the international environment. Therefore, we are better poised to be able to look at it and, instead of having to deal with multiple jurisdictions, we can actually incorporate all allegations into one investigation and have that carried out in a more succinct and effective manner.

Second, when you look at the sheer volume of Criminal Code sex offences we deal with within the Canadian Armed Forces and the Department of National Defence, as I alluded to in my opening address, on average we have about 150. That's in comparison to thousands that happen in the civilian justice system. As a result, we are actually able to triage our files and pay attention to all of the files.

Also, we don't look at it just from meeting the elements of a Criminal Code sex offence. We have to look at the impact it has on the morale and discipline of the Canadian Armed Forces. By that, I mean that I believe the military police are better resourced and designed to be able to deal with that.

When we look at budgetary concerns, I, as a member of the military police, don't look at the dollars and cents of every individual investigation. I rely on the Canadian Armed Forces and, really, the Government of Canada to ensure that I'm properly funded to be able to carry out what is needed to ensure the discipline and the effective morale of the Canadian Armed Forces.

As a result of that, I think we are very effectively poised to be able to ensure that we have quality, effective investigations. We've proven that in the past and we will see to it that we continue to prove that into the future.

• (13620)

[*Translation*]

**Simon-Pierre Savard-Tremblay:** You say you don't take into consideration the cost of each investigation.

Is that correct?

The interpretation was quick, so I want to make sure I understood you correctly.

[*English*]

**Vanessa Hanrahan:** We absolutely do not look at the dollars and cents of an individual investigation. We look at each individual investigation and we take that investigation and determine how we can possibly do it, and we work through that entire file to determine whether or not it has an impact on the public safety of our defence community as well as the morale and discipline of the Canadian Armed Forces.

[Translation]

**Simon-Pierre Savard-Tremblay:** We've often heard the same comment by witnesses. I'm thinking in particular of testimony by Karen Breek, a retired major. She said that a number of police forces did not have the means or resources they needed to do their work and that they were short-staffed.

Do you have the same concerns?

[English]

**Vanessa Hanrahan:** That's a concern we all have in today's environment, where we're all struggling to maintain effective staffing numbers. The difference for me is I have the ability to prioritize and look at what investigations have to happen across the Canadian Armed Forces and dedicate those resources to them accordingly.

It's a fair point. When I look at my civilian police counterparts, I'd be in the same situation in being able to have enough resources to deal with all aspects of policing in a Canadian environment. I think we're unique where, because of the sheer volume of the files that we deal with, I am better poised to dedicate my resources differently to address those that are concerns for the Department of National Defence and the Canadian Armed Forces.

[Translation]

**Simon-Pierre Savard-Tremblay:** There's also the case of military bases deployed in remote areas. There are often simply no civilian police officers, or it can be extremely difficult for them to move quickly from one region to another.

Do you have a plan to manage such cases?

[English]

**Vanessa Hanrahan:** Yes, I would completely agree with that. There are cases where we work all across the country in various remote locations, such as the north. The military police are poised to do that. We have an on-call, high-readiness part of our organization that essentially, at a moment's notice, can get on a plane and fly anywhere in Canada.

We also have members pre-positioned all across the country, so it's not a matter of coming from one specific location. If I need to, I can purport people anywhere relatively quickly. Again, if I don't have to rely on the civilian system, I can also use our own internal military logistical support to ensure I can get our military police members wherever they have to be in a very timely and efficient manner, regardless of how isolated that location may be, because wherever the military is, the military police are expected to be able to be there and respond to the needs of the CAF in that area.

[Translation]

**Simon-Pierre Savard-Tremblay:** If the bill were passed, it would remove the authority of officers to investigate sexual offence cases. That's one of the major aspects.

What steps have been taken or are likely to be taken to prevent hierarchical pressure within units?

[English]

**Vanessa Hanrahan:** If I understand your question correctly, in terms of preventative measures in the passing of the bill, there are some things that can be done and there are some things that can't be

done. When we look at what we've done now, we've taken some steps to ensure we're working, from a military policing perspective, with our civilian police counterparts to prepare ourselves so that we have a victim-centred, trauma-informed approach to how we can transfer existing files and set for success any new allegations that come forward. That's the best that the military police can do, because we don't want to be in a situation where we're letting down victims.

Today, we are investigating Criminal Code sex offences. We are continuing to investigate and we will do that up until a point where we lose concurrent jurisdiction. It behooves me to ensure I am looking out for the best interests of all the victims, and that means working with my counterparts to do it to the best of my abilities.

**The Chair:** Thank you.

Ms. Gallant, you have up to five minutes.

**Cheryl Gallant:** In the last five years, where did this funding come from? Was there a huge increase in funding for your department to improve the military police's training and investigative skills? How much was that, and when was it?

**Vanessa Hanrahan:** Unfortunately, I don't have an exact dollar figure to tell you. What I can say is that there has been an extensive increase to my operational budget that ensures I have what I need to meet the demands of providing a police service to the Canadian Armed Forces and the Department of National Defence.

**Cheryl Gallant:** I understand that your forces are being poached by the civilian forces, so how are you keeping up with that?

**Vanessa Hanrahan:** Like all of our police agencies in Canada, we have a crisis when it comes to staffing, and I'm no different from what Fiona alluded to. We're always looking and ensuring that we have personnel.

You are absolutely correct that some members of the military police are being hired by other civilian police agencies, but I have a very robust selection and recruitment program for the military police. Just as they're hiring people from my agency, I have the ability to hire from theirs, so we have a very effective approach to deal with that and ensure we maintain an operational level of military police members to address concerns and provide a policing service.

● (13625)

**Cheryl Gallant:** What measures are now in place with the military police, the national investigative services and defence counsel services to prevent the chain of command from trying to cover up for the perpetrators of sexual assault?

**Vanessa Hanrahan:** I would look at that from two perspectives. I think there's been an increase in confidence by the military community, both defence and military members, in terms of the independence of the military police. We're completely independent from the chain of command. The members do not have to go through their chain of command to actually address any concerns. They can come directly to the military police and actually provide their allegations to us without the impediment of the chain of command.

As the Canadian Forces provost marshal, I determine when and if the chain of command is actually advised of a policing investigation. I do that only to the extent that I permit them to deal with any operational impacts. A very good example of that would be if we need to separate members to ensure the safety of an individual, but there's no requirement for me to actually provide detailed information about an investigation under my authority.

**Cheryl Gallant:** What has changed recently to ensure the authenticity of the chain of evidence so that it's preserved if it has to be transferred to the civilian police?

**Vanessa Hanrahan:** The manner in which we actually do our evidence collection and preservation or continuity of evidence would be exactly the same as for every police agency. Our military police training is exactly in accordance with the rules of evidence. We follow the exact same procedures in terms of how we maintain evidence. We have no concern with the continuity of evidence, the preservation of evidence, the collection of evidence and the ability to then take that evidence and transfer it to our civilian police counterparts. In fact, we have transferred a number of files since 2021. That included all the information—

**The Chair:** I'm sorry to interrupt. Could you talk a bit slower? The interpreters are having a hard time keeping up with you.

**Vanessa Hanrahan:** I apologize. I talk fast.

In essence, I really think we have our foundational training for the military police in the manner in which we collect evidence, preserve evidence and maintain continuity of evidence. You have to understand that we follow the exact same rules in the military justice system as the civilian justice system. Therefore, for me, there is no concern in how we've done it. We have successfully done this on a multitude of occasions, not just for CCSO but for all types of offences for which we transfer between ourselves and our civilian police on an ongoing basis across this country.

**Cheryl Gallant:** How often is the principle of unlimited liability used to discourage victims of sexual assault from pressing charges?

**Vanessa Hanrahan:** I can only speak to my example of where I see victims coming forward and talking specifically to the military police. I believe there's been a lot of change in the Canadian Armed Forces. I am a member of the Canadian Armed Forces, and I think the environment we work in today is significantly different from even as early as 2015. I believe we've actually instilled a culture where it is expected and it is encouraged for people who believe they've been harmed, whether it be CCSO or any type of harm, to come forward and hold individuals accountable.

I think we have a very solid process that allows people to be held accountable for their actions. I believe we have seen growing confidence in not just the Canadian Armed Forces as an institution but

also the military police's ability to actually address any allegations that come forward. I think that comes because we have a lot of tools that allow them to do that and to feel comfortable doing that without retribution.

**Cheryl Gallant:** Thank you.

Mr. Kerr, I have three quick questions.

If Bill C-11 were passed, do you believe your office would lose its independence, as you'd be more influenced by the Minister of National Defence?

Are there any concerns from your office, should Bill C-11 become law, that your office would have less independence at the expense of the Office of the Minister of National Defence?

What would your recourse be if the minister tried to intervene in your job affecting certain cases—again, if Bill C-11 were to become law?

**Dylan Kerr:** I have no concerns with the transfer of reporting responsibility from the JAG to the minister. Frankly, I'm ambivalent. I don't know if it improves my independence or maintains it. I certainly don't see that it weakens the independence. The relationship is akin to the one between the DPP and the Attorney General.

What's clear, in particular from the Cawthorne case at the Supreme Court of Canada, is that the minister, when acting in a prosecutorial function, has constitutional obligations to perform that function free of improper motives and improper influences.

So that, to me, is really not an issue. I can't say—

**Cheryl Gallant:** If it were, sir, what would be your recourse?

**The Chair:** I'm sorry, Ms. Gallant. Time is up.

Mr. Watchorn, you have up to five minutes.

[*Translation*]

**Tim Watchorn:** Thank you, Mr. Chair.

I would like to bring the conversation back to the victims' situation.

We all want Bill C-11 to make things better for victims. Recent testimony has revealed that victims do not trust the chain of command to prosecute their case without it impacting their career.

Ms. Hanrahan, do you think these fears are legitimate?

• (13630)

[English]

**Vanessa Hanrahan:** I would like to say that I don't purport to speak on behalf of victims, but I purport to think that the Canadian Armed Forces and certainly the military police act completely independently from the chain of command. It's my belief that victims have confidence in the military police and in the prosecutorial service to actually take their allegations seriously, to conduct quality investigations and, where appropriate, to lay charges. I think that's proven even in the statistics I provided.

Over the last five years, out of 735 files, 270 have remained with the military police solely because victims have asked for them to remain with the military police. That in itself is indicative that we do have victims who are absolutely confident in the military justice system and in the ability of the military justice system to be effective and efficient at its job.

I think concurrent jurisdiction allows you to address just that. There may be victims who are not comfortable having the file investigated by the military police and prosecuted in the military justice system. There's nothing with concurrent jurisdiction that precludes us from referring those files to the civilian police and working with the civilian police to conduct those investigations and, where appropriate, to lay charges in the civilian justice system, whether it be the military police or the civilian police laying a charge.

Concurrent jurisdiction allows the military police, in addition to investigations, to have the ability to work in conjunction with our civilian police counterparts to conduct investigations that involve Canadian Armed Forces members. With the removal of concurrent jurisdiction, the military police's authority to assist and to work in conjunction will be greatly hindered because we cannot give the appearance that we are interfering in an investigation of a sexual offence under the Criminal Code, something which we currently do today, all the time, without that being a consideration when we look at it from a prosecutorial point of view.

[Translation]

**Tim Watchorn:** Most people, including Justice Arbour, said that the choice between the military justice system and the civilian justice system was a problem, because victims were not in a position to choose.

In addition, when they chose the civilian justice system, they were often afraid of reprisals from their fellow soldiers.

What do you think?

[English]

**Dylan Kerr:** Thank you.

I would say that I recognize what Madam Arbour has said with respect to victims and choice. I think if you look at Mr. Fish's recommendations and Madam Deschamps's recommendations, they are both based in choice as well.

If you look at all of the victim support work that's been done in the Canadian Victims Bill of Rights and in the Declaration of Victims Rights for the Canadian Forces, it's based on the empowerment of victims to have a greater say in what happens, to have

greater information about what happens and to have greater participatory rights. Those things, in my view, all scream to decision and to the capacity of the victim to have a say in how their case plays out.

I disagree with Madam Arbour's conclusions with respect to the inability of victims to make those decisions. We've provided them with an incredible support network to assist in making those decisions. Ultimately, at the end of the day, they don't have to feel responsible for the decision itself. There's a support network there. There are others who can make the decision if they don't want to make the decision, including a default presumption that if they're concerned about the military, if they have no faith in the military, then it can be investigated and prosecuted by the civilians. That's not an issue.

[Translation]

**Tim Watchorn:** I'm very pleased to hear that there is a cultural shift in the military. Every soldier in modern military history will say that the need to make a shift has been felt for a long time. You are in the process of doing so, and I respect that. It's great.

That said, your statistics show that people decide to turn to civil courts in the majority of cases. In other words, most people do not trust the current military justice system.

What do you say to people who choose the civilian justice system rather than the military justice system?

Do you think they're afraid that their choice will impact their career?

• (13635)

[English]

**Vanessa Hanrahan:** I will speak to the statistical aspect.

I think what we need to ensure is that we have a trauma-informed, victim-centred approach. I hear that term being used all the time, and it really needs to be embraced. A trauma-informed, victim-centred approach puts the victim's voice and the empowerment of the victim to the forefront, and that comes with choice and options.

In terms of statistical data, in the beginning, in 2021, we actually didn't have a trauma-informed, victim-centred approach, because we took the mindset that we had to convince victims that they had to go to the civilian police. After a couple of years of doing that, we actually sat back and said that this was not what policing is about: Policing is about ensuring that we have the best interests of the victim. That has allowed us to step back and change the policy that was implemented by the CFPM and allow more of a trauma-informed, victim-centred approach.

I would agree with you that in the beginning, in 2021, there probably was a lack of confidence in the system. As we saw the confidence growing, I believe that allowing victim choice and supporting victims when they chose to use the civilian justice system have allowed us to see an increase in the number of victims who today are asking to have the choice, and who in most cases remain with the military police for their investigative authority, understanding and appreciating that an investigation conducted by the military police can result in charges being laid in either a military justice system or a civilian justice system. That is done in consultation with the DMP and our civilian prosecutors when required.

I think that is what we really need to focus on today: ensuring that we have a trauma-informed, victim-centred approach. That only comes with giving the option, because if one victim doesn't want it, are you saying that they're more important than the ones that do?

I think Madam Arbour, in her mind and what she saw, might be representative of what it was then. I think today, in 2025, you have a very different culture. If you were to look and ask other victims, you might get a very different response.

I deal with victims every day. Even in my position of provost marshal, I engage with victims on a regular basis, and I think it's fair to say that when I speak to some of the victims I've dealt with, their concern is not having the option; their concern is that when we deal with a Criminal Code sex offence that may not actually be investigated by the civilian police—and rightly so, because it is their decision to do so—there is no other option. It is not possible, without concurrent jurisdiction, for the military police to then take on that investigation and look at it from either a criminal or service offence perspective.

When we look at some of those, and this is not to undermine—

**The Chair:** We have other members.

**Vanessa Hanrahan:** Absolutely. I will stop. Thank you.

**The Chair:** Mr. Savard-Tremblay, you have up to two and a half minutes.

[*Translation*]

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

Ms. Hanrahan, what you were saying was interesting. I'm going to let you continue.

[*English*]

**Vanessa Hanrahan:** When we look at a victim-centred, trauma-informed approach and we look at concurrent jurisdiction, we see that most of the investigations the military police undertake for most civilian police agencies—and I heard it said by other members who presented here before you—are very much on what we would consider the lower end of a sexual assault. In a triage, some of these files would not be investigated and prosecuted, for very good reason. Without concurrent jurisdiction, there's no ability for the military police to take those investigations back and look at them, not only for whether they meet the elements of a Criminal Code sex offence but also for such things such as service offences.

I'll give you a very good example. We could have an investigation into something that happened at a mess on a Friday night,

where there was what could be classified as a sexual offence because there was touching of a sexual nature between a general and a corporal. At the end of the day, the elements of the offence might not be a Criminal Code sex offence, but from a military police perspective, we look at service offences, such as abuse of authority and insubordination and all of those other aspects that are not part of a Criminal Code investigation that we are able to address when we have concurrent jurisdiction. We can sit with the victims and sometimes explain to them that we don't have the elements for a Criminal Code offence or that it's not in the public interest to actually pursue a Criminal Code sex offence allegation, but that we're actually going to move forward with a service offence.

The benefit of a military police investigation is that we can look at it holistically and look to have some form of justice for a victim, whereas, if we don't have concurrent jurisdiction, the only option is whether or not the elements of a Criminal Code sex offence are there and whether or not the Canadian police agency has the ability and the resources to take that to justice and see it prosecuted in the civilian justice system of today.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Ahmed, some say that the military justice system handles cases much more quickly than the civilian justice system.

The bill provides for a significant number of transfers of cases to the civilian justice system.

Is there a risk that there will be longer processing times for victims?

• (13640)

[*English*]

**Nooral Ahmed:** Do you mean in the civilian justice system?

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, I hope that the time I take to repeat my question won't be deducted from my speaking time.

Many say that the military justice system handles cases faster and more efficiently than the civilian justice system.

Will the change in jurisdiction mean longer processing times for victims?

[*English*]

**Nooral Ahmed:** At defence counsel services, we've seen very few cases that have been dismissed for delays or unreasonable periods of time in which to have the trial held. The military justice system is certainly able to respond to cases within the charter time limits that are provided. I don't think we see that so much in the civilian system.

**The Chair:** Thank you very much.

Mr. Anderson, you have up to five minutes.

**Scott Anderson:** Thank you very much.

Brigadier-General Hanrahan, you have talked about this not being subject to the chain of command. Just for the benefit of Canadian civilians, what do you mean by that? Let's use the example of a general and a corporal.

**Vanessa Hanrahan:** When I talk about it not being subject to the chain of command, I mean that the military police act independent of the Canadian Armed Forces and the chain of command of an individual.

For example, if an individual believes that there is any sort of criminal or service offence purported against them by any member, they have the authority to come directly to the military police. The military police then conduct that investigation completely independent of the chain of command. The military police then determine whether or not charges are laid, and they actually have the authority to lay charges, both under the National Defence Act and under the Criminal Code of Canada, that have no impact nor bearing on the chain of command and the chain of command's ability to influence. The only individual who can provide direction to the military police during the conduct of an investigation is me, as the Canadian Forces provost marshal.

**Scott Anderson:** Okay, so, in other words, the corporal would not have to worry about reporting to her sergeant or her captain or anything like that and it getting back to the general. The corporal is stepping outside that line.

**Vanessa Hanrahan:** Absolutely.

**Scott Anderson:** Colonel Kerr, does the CAF have the ability to prosecute cases of sexual assault?

**Dylan Kerr:** Yes, absolutely. In fact, we're still prosecuting cases of sexual assault.

In November 2021, I issued a direction to stop accepting new cases. At that time, there were about 39 cases still in our system, and as of today, I believe the number is two or three, so we're—

**Scott Anderson:** Is that because you lack the capacity?

**Dylan Kerr:** No, not at all. That decision, as I said in my opening statement, was based on Madam Arbour's interim recommendation, her analysis that we were facing a severe public crisis of confidence, combined with a series of public reports about sexual misconduct involving some of our senior-most officers.

In that moment of time, I and the provost marshal of the day believed that accepting Madam Arbour's interim recommendation was the right thing to do, but as I said, it was always intended to be temporary. I would have long rescinded that direction except that we're waiting, of course, to see what Parliament does in terms of jurisdiction.

**Scott Anderson:** So, in your view, the CAF has the ability and the capacity to deal with cases.

**Dylan Kerr:** Yes.

**Scott Anderson:** Colonel Ahmed, would you say that the CAF has the ability to adequately defend people who are accused?

**Nooral Ahmed:** Yes, we certainly have the resources available to us, as well as the lawyers and the expertise to be able to properly defend individuals.

**Scott Anderson:** Do you have the capacity to do that?

**Nooral Ahmed:** Yes, we have the capacity.

We also have the ability to use reserve force members who are practising lawyers in the community; we can use their services. We also have the ability to retain private counsel, should we find ourselves in a conflict of interest in the case of, let's say, several co-accused on a file. We're able to go out and retain, on a private basis, private counsel in the community where the court martial is occurring.

**Scott Anderson:** So, you have an expandable scale.

**Nooral Ahmed:** Yes, we do.

**Scott Anderson:** Okay. Thank you very much.

Chief Wilson, does your force have the ability to prosecute sexual assault cases?

**Cst Fiona Wilson:** Absolutely, we have the ability.

**Scott Anderson:** You've testified that you don't have the capacity to do that.

**Cst Fiona Wilson:** That's right.

**Scott Anderson:** Thank you very much.

Brigadier-General Hanrahan, is the intention of any justice system to increase the conviction rate or to dispense justice?

Yes, that's a rhetorical question.

**Voices:** Oh, oh!

**Scott Anderson:** We've heard that, in 2021, the CAF began transferring cases. As of June 27, 2025, 242 cases had been transferred, of which 58 were declined. Can you speak to the rate of declined cases?

• (13645)

**Vanessa Hanrahan:** Absolutely.

You talked about the number of files that may have been declined. That's a representation of the fact that we offer choice to the victims, and victims will then sometimes ask for civilian police to actually conduct the investigation.

At their request, the military police actually then liaise directly with the civilian police of jurisdiction, and we attempt to then refer the file to them. Some civilian police agencies don't have the capacity to take on those investigations. Therefore, we track those declined by our civilian police authorities, and then we actually work with the victim to determine whether or not they want the military police to investigate at the time at which it is declined by the civilian police.

**Scott Anderson:** Okay.

In Bill C-11, there's no provision for the civilian police to contact you at all. I'm referring to an incident that I know of in my own home riding, where the accused and accuser were both put on a bus because there was no communication from the civilians to the military chain of command.

Is this going to be a problem?

**Vanessa Hanrahan:** I think one of the challenges you're going to have if you have no concurrent jurisdiction for CCSO is the sharing of information between the Canadian Armed Forces as an employer and civilian police agencies. The sharing of information between the military police and the civilian police is significantly different from the information that can be shared with an employer.

Absolutely, I think one of the challenges you're going to face is the ability for any police agency in Canada to share information with an employer, and CAF is an employer.

**The Chair:** Thank you, Brigadier-General.

Mr. Malette, you have five minutes.

**Chris Malette:** We've heard from many survivors over the past week, as I said, and they've all said that they could not trust the chain of command and that some people in the chain of command even withdraw their cases.

Nearly every major external review, as well, over the past decade has recommended removing sexual offence jurisdiction from the military.

We heard concerns raised by survivors about bias, chain of command influence and fear of retaliation.

General, I'm going to ask you, victim advocates have repeatedly said that they lack confidence in the military system. How do you reconcile the testimony that we've heard in great volume from these people about the very issue of lack of trust with your position here today?

**Vanessa Hanrahan:** I do believe that people have trust in the military justice system.

There's a significant difference between the chain of command, the military justice system and the independent actors who act within it. I do believe that there are individuals in the CAF who have renewed confidence in the chain of command.

What I do believe is even more apparent is the renewed confidence in the actors of the military justice system to properly address any allegations of sexual misconduct or Criminal Code sex offences that are brought forward. Whether that be the military police or the prosecution's office, I firmly believe that there has been a change in the culture of the organization.

I do believe there is a renewed sense of that. I believe that we see victims every day who are very much appreciative of having the choice to be able to ask the military to actually deal with it, and there is a significant difference between military justice actors and the chain of command.

**Chris Malette:** Thank you.

Here's a question to the chief of the Victoria Police Department, then, if I may.

You mentioned 11 cases, as we determined, would be the average per year if it was brought forward.

Can you just explain to me how 11 cases are going to absolutely break your detective bureau or your criminal investigations branch? Is that the message that I'm hearing?

**Cst Fiona Wilson:** That's correct.

I want to be very clear that we investigate any level of sexual assault that comes into VicPD. We don't triage these files. Every sexual assault allegation is thoroughly investigated at VicPD.

The number 11, as I say, was from a letter dated November 23, 2021, and it sounds like there's quite a divergence in terms of the numbers that were referred to earlier this meeting. We were told that there was an average of 11 cases per year that would likely be transferred to VicPD.

As I've said, for all of the reasons that I've cited, we do not have capacity to even take on an additional 11 cases per year without additional resourcing.

● (13650)

**Chris Malette:** Further to that then, if I may, what's your current caseload on these types of investigations?

**Cst Fiona Wilson:** In 2023, we had just over 140 sexual assault investigations. In 2024, we had over 165.

**Chris Malette:** With 11 more....

You're at your breaking point now, then, I take it?

**Cst Fiona Wilson:** Sir, I'm going to councils in both the City of Victoria and the Township of Esquimalt because we have had to redirect internal resources over many years of inadequate staffing here at Vic PD, so with our existing resources, an additional 11 cases would be more than we could handle at this time without reallocating resources internally.

**The Chair:** You have a minute.

**Chris Malette:** Quickly, then, to Colonel Kerr, as I said earlier, nearly every major external review over the past decade has recommended removing sexual offence jurisdiction from the military. Why does your testimony here today seem to be against the opinions of many of the jurists who have opined on this, including Justice Arbour herself? It seems to be in contradiction to them.

**Dylan Kerr:** I would start by saying Madam Arbour is the only one who recommended removal of jurisdiction.

Mr. Fish recommended that we exercise jurisdiction only with the consent of the victim until such time as the Declaration of Victims Rights was brought into force, which it now has been, and Madam Deschamps's recommendation was that victims should have a choice as to which jurisdiction they could report to, which in fact has always been true.

I think the failure of the institution to respond to Madam Deschamps was not in the jurisdictional space or the legislative space; the failure was in not recognizing why victims felt compelled to report either to the chain of command or to the military police: What were the barriers to reporting? Where was the misinformation coming from? Where were the undue influences coming from? If civilian police forces were not allowing victims to report to them, why was that occurring?

I think a lot of work has been done in that space in the last few years, and I think we're a lot further along that line—

**The Chair:** Thank you, Colonel.

Mr. Bezan, you have up to five minutes.

**James Bezan:** Thank you, Mr. Chair.

I want to thank all of our witnesses for your very compelling testimony.

I want to go to all four witnesses to ask if you've been consulted in the drafting of Bill C-11 or its predecessor, Bill C-66.

**Dylan Kerr:** I was entitled to respond to a consultation paper on the drafting of Bill C-66. I provided comments to the minister of the day following Madam Arbour's report and I've provided my comments through the office of the JAG along the way. I haven't had the opportunity to speak to the current minister in the drafting of Bill C-11.

**James Bezan:** Have things changed between Bill C-66 and Bill C-11, to your mind, that require the amendments that you're suggesting?

**Dylan Kerr:** I think the major work to be done has in fact now been done to resolve the underlying issues.

**James Bezan:** General Hanrahan, would you comment?

**Vanessa Hanrahan:** I would say exactly the same as Colonel Kerr. Our office was consulted for the drafting of Bill C-66, and we were able to give a consultation paper response to the office of the JAG, which we did.

For Bill C-11, I believe that the information there was done. I would agree with Colonel Kerr that the situation has drastically changed, though I'd argue that the comments I'm making today were also included in a consultation paper for Bill C-66.

**Nooral Ahmed:** Yes, I'd say the same. We were consulted and we provided our consultation and recommendations on some of these issues, yes.

**Cst Fiona Wilson:** My comments are very similar.

**James Bezan:** Okay.

Since things have moved on here, Chief Wilson, has there been any outreach done by the Department of National Defence to address the concerns that you have with the ability to have enough resources to handle the extra cases coming from CFB Esquimalt?

**Cst Fiona Wilson:** I am three months into this role as chief of Vic PD. Prior to that, I was a deputy chief at the Vancouver Police Department. As far as I am aware, there has not been, not recently, no. The conversations I had at VPD were a number of years ago, when the decision was first made.

**James Bezan:** Okay. Thank you.

I want to come back to this concept of concurrent jurisdiction.

Right now, for any sexual offence charges that are laid when everybody is deployed out Canada, there's no concurrent jurisdiction. They have only one choice, and that's the military police national investigative service.

● (13655)

**Dylan Kerr:** There is in fact concurrent jurisdiction for those cases that occur outside Canada as well.

Section 273 of the National Defence Act provides that if you are subject to the code of service discipline and you commit an offence outside Canada that would be an offence inside Canada, then you may be tried by a civilian court for that offence as though it occurred in Canada.

**James Bezan:** So, Bill C-11 protects that choice if you're deployed outside Canada.

**Dylan Kerr:** That's correct.

**James Bezan:** However, it takes away that choice if it happens domestically. Is that correct?

**Dylan Kerr:** That's correct.

**James Bezan:** Despite what Mr. Malette said, we've had a couple of witnesses who said that they don't believe that choice is the right way to go. However, most of the panels of witnesses that we've had have said that there needs to be choice to provide that empowerment to the victims.

Again, Brigadier-General Hanrahan, just walk us through the process. If somebody brought forward an allegation and that victim isn't happy with the way the process is going, whether it's through civilian police, the military police or the national investigation service, how often can they go back and forth, and when does that process stop so that it's set one way or the other?

**Vanessa Hanrahan:** We don't encourage there to be a ping-pong effect back and forth between civilian police and military police because we think that could impede the integrity of investigation, but there is no set time when you cannot.... It's all throughout that process.

Once charges have been laid, that is where you are at a point...and I say this only from an investigative perspective. After charges have been laid, there is still an ability for the prosecutors to actually have a discussion and allow the charges to be removed from one system and placed in another.

However, I look at it up to the point where the investigative authority has laid charges. At any point during the course of that investigation with concurrent jurisdiction, files can be processed back and forth through the civilian police as long as there is a robust victim-centred process to do so.

**James Bezan:** Colonel Ahmed, you mentioned that the JAG still has control under section 249.2 of the National Defence Act. You're suggesting that this be deleted as an amendment to Bill C-11. When we talk about, in Bill C-11, the superintendency of the JAG, what superintendency is left if everybody is independent and the JAG essentially has no authority anymore? Why do we need a JAG, then?

**Nooral Ahmed:** The JAG is still an adviser to the CDS, to the minister and to the Governor General on matters of military law. This is one aspect of it.

All the rules within a military justice system or any justice system—in the civilian system as well—are independent, whether it's defence counsel, whether it's prosecution or whether it's the courts.

We have this unique system within the military where we have the JAG, who still has a lot of authority over, in my example, the DDCCS in terms of general supervision, but we've moved the courts out of it. The judges are military judges. They've come from the pool of OJAG lawyers quite often, but they are not under any form of control by, administration by or influence of the JAG. When it comes to defence counsel services, we are on the other side of the table. We are challenging what the CAF is alleging, what the prosecution is alleging. We find ourselves, as I've described, in opposition to the institution in which we are representing the accused.

**The Chair:** Thank you, Colonel.

Ms. Romanado, you have up to five minutes.

**Sherry Romanado:** Thank you very much, Mr. Chair. Through you, I'd like to thank the witnesses for being here.

I take a lot of notes, so I just want to make sure that I have the right information.

Further to my colleague's question, Colonel Ahmed, you mentioned three recommendations in terms of potential amendments for Bill C-11. One was to repeal section 249.2. The other one, I think—if I got it correctly—is to move the lawyers under the sole reporting of the DDCCS.

Did I get that correct?

**Nooral Ahmed:** They'd be moved from reporting to the JAG to reporting to the director of defence counsel services. That's right.

**Sherry Romanado:** With respect to the transfer of cases, you mentioned that if the cases are transferred to the civilian system, access to legal services should also make sure that it follows. Is that correct?

**Nooral Ahmed:** Yes, that's what I said.

**Sherry Romanado:** Okay. I just wanted to make sure that I have that right. Thank you.

We've been doing this study for a few weeks, but it's also based on Justice Arbour's recommendation five. I understand that Justice Arbour met with over 14,000 people before she came up with this recommendation to move it to the civilian system.

I understand that it was in 1998 that these cases were moved from the civilian system to the CAF—so, in these cases of investigation and prosecution. From that time in 1998 until 2021, the reality was that victims did not have confidence in the ability to bring

forward these cases. That is why, after Justice Arbour did the study, the recommendation was to move it out.

It's not just a question of whether or not.... I have no doubt that military police can investigate and that they are independent when they're doing their investigation. However, the reality is that the victims, those who dared to come forward, were terrified that their careers would be sidelined and/or were terrified of retaliation. That is why we are where we are today. I just want to make sure that I have the right information.

Brigadier-General, I think you mentioned that of the 735 files from 2021 until now.... How many did you mention wanted to stay in the...?

• (13700)

**Vanessa Hanrahan:** Of those, 270 have requested to stay with a military police investigation.

**Sherry Romanado:** If my math is correct, over 70% of those cases chose to go to the civilian system, based on the number you just provided to us. If I'm correct, when we do the math, over 70%, with the dual concurrence right now, chose to go to the civilian system.

I understand this is a really difficult conversation, because the reality is that Justice Arbour made the recommendation to the government to move these investigations and prosecutions to the civilian system. I can understand that the three of you may not agree with that, but based on those 14,000 interviews, based on how many thousands probably did not come forward because they were afraid that their cases wouldn't be believed or that their careers would end, or they just left and never reported, I can understand that this is an awkward conversation to be having.

The reality is that the trust in the system is getting better—and we agree, and thankfully—from the work that's being done by yourselves and others, and that the change in culture is getting there, but from 1998 to 2021, it wasn't, and we need to fix that.

We would like to get some additional feedback from you on amendments. I believe, Colonel Kerr, that you mentioned some amendments that you thought should be struck. You also mentioned that 39 were in the system in 2021, and there are still two remaining. Is that correct?

**Dylan Kerr:** Yes, that's correct. It's two or perhaps three.

**Sherry Romanado:** Would you agree that with concurrent systems, you can imagine that when someone comes forward, they are advised—and thankfully, we have those victim supports—but then they go through the process and decide, "This is not good for me. I want a changeover." Now they have to repeat their story again and are revictimized again. You can understand how this could be a problem for victims.

I think I'm actually out of time. Maybe I'll get another round, but I just wanted to make sure we all were on the same page in terms of why this has come about.

Thank you.

**Cheryl Gallant:** On a point of order, Mr. Chair, a question was asked of Brigadier-General Hanrahan, and she was about to say the answer, but we didn't get the answer.

**Sherry Romanado:** That's not a point of order.

**The Chair:** It's the member's time.

Mr. Savard-Tremblay, you have up to two and a half minutes.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** My next question is for Colonel Kerr.

Recently, since 2023, there has been a mandatory national consultation mechanism in place.

Have you noticed differences among the provinces concerning, for instance, the victim's preference, the public interest, differences in sentences and geography-related challenges?

[*English*]

**Dylan Kerr:** Mr. Chair, if I understand the question correctly, is it the consultation on the principles and presumptions?

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Yes, I'm talking about the mechanism that has been in place since the 2023 declaration.

[*English*]

**Dylan Kerr:** There is a consultation process that has been agreed upon between the prosecution services in a couple of scenarios. If a service has received a case that would be in their jurisdiction under the default agreement we have, but they have some reason to believe that it would be more appropriate for the other jurisdiction, they can initiate a consultation.

With respect to sexual offences, I've also sent a letter, and I believe you have that in the package as well. It says that despite what we agreed to with respect to principles and presumptions for the exercise of concurrent jurisdiction, when it comes to Criminal Code sexual offences, I am not exercising jurisdiction. There has been no consultation in any of those cases, because I've made it clear with the other prosecution services that currently we are not exercising jurisdiction in those cases.

• (13705)

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Bill C-11 would be broader in scope, as there would be more cases in which military judges would be excluded from summary hearings.

How will this reform affect the ability of the military prosecution to act on cases involving judges?

[*English*]

**Dylan Kerr:** The exemption for a military judge is for a limited purpose. It's for the summary hearing system and service infractions. That's a unit disciplinary system that's investigated and maintained by the unit. When it comes to the military judges, that unit is very small, and the commanding officer is the chief military judge.

The summary hearing piece is not within my mandate, but I understand why that policy decision was made. It wouldn't affect at all

the ability of the military police to investigate a military judge for a Criminal Code offence or a service offence.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Mr. Chair, do I have time for more questions?

[*English*]

**The Chair:** You have 10 seconds.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** In that case, I'll ask them in the next round of questions.

[*English*]

**The Chair:** Mr. Bezan, you have up to five minutes.

**James Bezan:** Thank you, Chair.

If Bill C-11 goes through without clause 7 and clause 8 being taken out and the case ends up in civilian court, then if a member of the Canadian Armed Forces is found guilty of a sexual offence—not just charged, but actually convicted in the civilian court—is there still a court martial for that member? Do they continue to serve without reprimand?

**Vanessa Hanrahan:** If there's a civilian court case, there is no court martial. There are no charges laid in the military justice system.

What can happen, though, is that there's an administrative process that is applied to military members, and that administrative process, at the end of a conviction, can be brought forward, and then there can be decisions made through the administrative process on whether that member continues to serve as an active member of the Canadian Armed Forces. That's completely independent of a disciplinary or criminal process.

**James Bezan:** They can be still released dishonourably in that case, without a court martial, through the administrative process.

**Vanessa Hanrahan:** That's correct.

**James Bezan:** The victims' privacy rights and such are always protected, so you'll never know who the allegations may be coming from, but you'll know who the convicted individuals are.

**Vanessa Hanrahan:** Yes.

**James Bezan:** Let's talk about clause 15.

Colonel Kerr, you mentioned that they should just be dismissed, rather than through taking other measures.

Almost all orders in council positions are served “at pleasure”. If that part were changed to “serve at pleasure”, would that cover the issue? That way, you could just dismiss those who weren't doing the job.

**Dylan Kerr:** No. I believe that the strongest protection of the prosecutorial independence of the DMP is the condition of serving on good behaviour. That's what mirrors the DPP act. The DMP serves on condition of good behaviour and can only be removed for cause. That's currently the way it is for the DMP. That, in my view, is the strongest protection of my independence. It allows me to do that job free of inappropriate influence from anyone, frankly.

I would propose that if there is any change to the language for what can be done in the case of misconduct, Mr. Fish's recommendation—I believe it was recommendation seven—was to adopt the model that's found in the DPP act. The language in the DPP act is, "...but may be removed by the Governor in Council at any time for cause with the support of a resolution of the House of Commons to that effect."

**James Bezan:** I appreciate that.

In your estimation, with the changes that have been made since 2021, since you made the decision to turn all the prosecutions over to the civilian court—though you thought that would only be for a short time, not a long time—and since you also believe there's been enough change within the culture of the Canadian Armed Forces that the interference we've seen in the past by the chain of command in either intimidating or coercing both the victims and those doing the investigations and prosecutions, will they now be completely independent, without fear of reprimand, fear of losing promotion, fear of other actions the commanding officers can take?

• (13710)

**Dylan Kerr:** Yes.

Let me start by saying that the military police and the prosecution service have long been independent, so the ability of the chain of command to actually interfere in an investigation or prosecution is not the reality. I understand there's that perception, especially from comments made by a previous CDS; those comments were not, in fact, reality, but they affected the public perception of what was happening.

That independence is even stronger now, with the other changes that increased the independence of the provost marshal and the DMP. In Bill C-11, that's being strengthened. Changes that have already been made in Bill C-77 with respect to the referral process for charges have gone a significant way toward preventing any sort of secondary effect of the chain of command trying to intervene by slowing a referral down or influencing the comments made through the referral process.

For instance, prior to Bill C-77, a commanding officer could decide not to refer a charge to the DMP, but the national investigation service could bypass that decision. Now that's completely gone. A charge-layer, when they lay a charge, refers the matter directly to my office, and there's no ability for the chain of command to influence that in any way.

**James Bezan:** Through this process, some witnesses, as well as the government, have often criticized the way investigations were handled by the military police and the NIS and the way they were prosecuted, and they maybe complained a bit that the defence counsel services were too good in getting people off.

Do you believe that those criticisms are well founded, or that they've been addressed and that corrective measures have been taken and that the Canadian Armed Forces are in a position today to handle—

**The Chair:** I'll have to reserve your answer for another time.

Ms. Viviane Lapointe, you have up to five minutes.

**Viviane Lapointe:** Thank you, Chair.

Brigadier-General, three ministers of defence have accepted the recommendations, and my understanding is that in that time, 36 of the recommendations have been implemented.

Bill C-11 maintains a limited but very important role for the military police in preserving evidence before transferring the files to civilian services. Can you tell the committee what practices or standards are in place to help ensure that this evidence is collected and is preserved and transferred in a way that protects the survivors from delays or from retraumatization?

**Vanessa Hanrahan:** Our military police training has been and will continue to be exactly the same as for our civilian police counterparts when it comes to training individuals on how to collect, preserve and maintain continuity of evidence. The military police, for a military police investigation that results in charges being laid under the code of service discipline or under the criminal justice system, follow the exact same rules of evidence that are applied in any court in Canada.

I believe that all of that is done and will continue to be in place to ensure that when files are transferred, no issue with the continuity of evidence could impede the integrity of any investigation being conducted, whether by us or by the civilian police.

**Viviane Lapointe:** As we continue with the reforms and the shift towards greater civilian involvement, what should be prioritized to ensure that survivors feel both respected and protected when they come forward?

**Vanessa Hanrahan:** It's a victim-centred, trauma-informed approach to addressing Criminal Code sex offences, which really results in choice.

**Viviane Lapointe:** We've also heard that confidence improves when victims feel that they won't have to navigate the system alone.

What role would you suggest to the committee that liaison officers and similar supports should play in helping victims feel protected, and also believed, from the moment that they report?

**Vanessa Hanrahan:** I think they play a significant role, whether they're the liaison officers embedded in the Declaration of Victims Rights inside the military justice system or the victim services officers that we have independently, who work with the military police and engage with victim services provincially and the SMSRC. All of them are vital to ensuring that victims have all of the support they need to have unfettered advice and guidance as to how they can manage and help themselves traverse both an investigative and a prosecutorial process.

• (13715)

**Viviane Lapointe:** Thank you.

I cede my time to my colleague, MP Romanado.

**Sherry Romanado:** Thank you very much.

I have a question for Ms. Wilson.

In your opening remarks, you mentioned that the investigations must be, and must be seen to be, independent. I think the only issue that you've mentioned that would be difficult is that it's not that the police department in Victoria doesn't have the ability; it's the capacity you mentioned in terms of financial supports.

I know that a memorandum of understanding has been signed with the Province of Ontario, and I just want to get some clarity from you. If Bill C-11 becomes law and the questions about resources can be addressed through having those conversations with provinces and territories, would that satisfy you to be able to take on these cases?

**Cst Fiona Wilson:** Yes.

**Sherry Romanado:** Thank you.

One point that my colleague Mr. Bezan brought up, and I think it's really important, is the capacity also for the Canadian Armed Forces to deal with bad behaviour.

Brigadier-General, you mentioned the administrative process. There's also the capability, so part of Bill C-11 also includes a question about a probationary period.

With culture change, we want to make sure that we do not support bad behaviour. Should there be bad behaviour in the Canadian Armed Forces, would you agree that an administrative process could also assist us in that regard by allowing the chain of command to deal with these individuals, whether it be a dismissal or other ramifications? Would you recommend that the probationary period would assist us in that regard?

**Vanessa Hanrahan:** Are you referring to members who joined the Canadian Armed Forces having a probationary period?

**Sherry Romanado:** Yes.

**Vanessa Hanrahan:** That administrative process is actually applied in that probationary period. If I understand properly, it permits the ability to remove people in a faster process than the traditional administrative process. Yes, it is absolutely beneficial, and it is used today.

**Sherry Romanado:** That's perfect.

Thank you very much.

**The Chair:** Mr. Kibble, you're up for five minutes.

**Jeff Kibble:** Thank you, Mr. Chair.

General Hanrahan, we heard from victims about reprisals, undue influence and people being pressured out of their positions. I just want to hear you state this for the record because there seems to be some trouble understanding.

Confirm that the victims suffer from pressures and reprisals, as I said, from their chain of command, which is completely independent from your office's chain of command. There's no connection between the two. The issue is not a legal one; it's inappropriate behaviour by a separate chain of command.

**Vanessa Hanrahan:** I think it would be fair to say that the military police have no issues with being able to properly support vic-

tims, and there's no reprisal from a military police investigation taking place.

**Jeff Kibble:** Those pressures that they're receiving are from their own chain of command and are completely independent from your office.

**Vanessa Hanrahan:** I can't speak on behalf of victims to where they feel that there are perceived pressures.

**Jeff Kibble:** That's fair.

**Vanessa Hanrahan:** I would expect that there is no pressure coming from the military police.

To be clear, if the military police believe that they are being interfered with, there is an independent process. The Military Police Complaints Commission is the sole authority to conduct investigations into allegations of interference against a military police investigation. The military police have used, and will continue to use, that process.

The Military Police Complaints Commission has investigated allegations of interference from military police, and that is the sole authority by which it can be done. The military police do invoke that authority and do use the Military Police Complaints Commission if they ever feel a need to address what they believe is interference.

**Jeff Kibble:** Thank you.

If a victim felt that there was some form of interference—and you've explained those procedures—would they then have the option to switch to civilian if they felt that was better for their needs?

**Vanessa Hanrahan:** At any point during the conduct of an investigation, the victim's choice could permit us to then deal with a civilian police agency and ask them to take over investigative authority.

**Jeff Kibble:** Could a victim request that as well?

**Vanessa Hanrahan:** A victim can request for us to engage with our civilian police counterparts and to refer a matter. Absolutely.

**Jeff Kibble:** Thank you.

You were asked earlier about percentages and cases requested, etc. Could you take this opportunity to speak to those numbers a bit more?

**Vanessa Hanrahan:** I don't have all of the data in front of me today, and I will ensure that you get all of the data regarding the 735 files we talked about.

I would not purport that it means all of those files were then referred, at the victim's request, to the civilian police. The data was really speaking to what we've seen, which is an increase in the number of victims who prefer to have the military police conduct their investigations over the last five years, resulting in a total of 270.

The 735 speaks to all of the files we've received, some of which were referred and some of which were not accepted by the civilian police, and the military police continued on with the investigation. The 735 speaks as well to those files that were representative of allegations that took place outside Canada, which the military police investigated as well.

I just want to clarify that it was not indicative that, for all other files, victims had therefore preferred a civilian police investigation. I was really highlighting that, in my opinion, culture has changed drastically over the last five years, and victims seem to have—and I believe they have—more confidence in the military justice system to address their concerns. My evidence, or part thereof, is victim engagement with the military police and their requests to keep a military police investigation as an option available to them.

• (13720)

**Jeff Kibble:** Thank you.

Colonel Kerr or Colonel Ahmed, do you feel that if Bill C-11 passes then the skills within your department will atrophy over time?

**Dylan Kerr:** With respect to the prosecution of sexual offence cases, absolutely.

**Jeff Kibble:** Colonel Ahmed, do you agree?.

**Nooral Ahmed:** I would concur with that statement, yes.

**Jeff Kibble:** Thank you.

I have a quick question for anyone. How is the Canadian Armed Forces informed of a conviction of a Canadian Armed Forces member in the civilian system? Is it a robust system in that it always happens?

**Dylan Kerr:** It starts with the investigation.

**Vanessa Hanrahan:** It depends on who laid the charges. If the military police are the charge-laying authority, then there's an ability to do that, and the military police track that file from start to finish. Then we're able to advise as to whether or not a conviction was retained. We have dedicated resources who attend court and keep that information. We're then able to advise the chain of command as to the outcome of those investigations.

When we look at it from a non-military police investigation perspective, I expect that the units are responsible for having an attending officer, when they're aware, who will attend the court and will use that as a mechanism to provide information to the chain of command about convictions that happen in the civilian justice system.

Outside of that, it would be the main mechanism. I believe there's also—and I would have to confirm and get back to you—a requirement, when you've been charged with an offence, to report it back to the military, if you are a military member.

**Jeff Kibble:** Thank you.

**Dylan Kerr:** From the prosecution perspective, I only know about cases in three instances: The military police come to us for advice or screening on a file; we're contacted by the civilian prosecution service because of something weird, like they need our advice on something or they want to understand why it came to them

and not us; or I read about it in the media. Those are the only times I'm aware.

**The Chair:** Thank you, Colonel.

Mr. Watchorn, you have up to five minutes.

[*Translation*]

**Tim Watchorn:** Thank you, Mr. Chair.

Colonel Kerr, I don't know if you've been following the previous meetings. I imagine you have in order to prepare for today's meeting. At one of them, I talked about the Quebec government's decision to set up a specialized tribunal to handle sexual trauma cases.

There are specialized prosecutors and judges. According to the Quebec government's approach, this is the best way to treat victims properly.

What is your opinion on the model proposed by Quebec?

Could other provinces adopt the model?

[*English*]

**Dylan Kerr:** I won't speak for other provinces, but what I can say is that, with the "Statement of Principles and Presumptions for the Exercise of Concurrent Jurisdiction by Canadian Prosecuting Authorities", that's absolutely the kind of factor that we would consider in our discussions with the DPCP about whether or not a case would be better heard in a specialized court because it had better resources and experience to do that particular case, or whether it would be better for the court martial.

The only other thing I would say is that because we're such a small system and because a fairly significant portion of our cases until 2021 were sexual assault cases, we are also building an expertise in those types of cases.

[*Translation*]

**Tim Watchorn:** Ms. Hanrahan, would you like to comment?

[*English*]

**Vanessa Hanrahan:** When you look at it from a military police perspective—when you look at what this offers—you see that the military police are specifically trained in sexual offence-related investigations. We do have victim services that are very much trained to deal with victims in a trauma-informed approach. I don't think that would change, regardless of the system we would have moving forward.

I think it's fair to say that everyone looks to evolve and to look across what's happening in our larger law enforcement community to ensure that we're continuing to use best practices, whether in a military context or in a civilian context.

[Translation]

**Tim Watchorn:** We agree that the decision regarding the transfer of a case to the Court of Quebec belongs to the victim, not to the director of criminal and penal prosecutions, or DPCP. The DPCP will not decide whether the complaint will be tried in a regular court of law or in a specialized sexual violence tribunal. At the end of the day, it's the victim's choice.

I would like to come back to the cultural shift in the military.

I heard you say that there was a cultural shift. In the long term, we hope there will be fewer and fewer cases to deal with, because the military culture will have shifted. However, we're not there yet.

According to the testimony we have heard, victims still have a hard time trusting the military justice system.

If Bill C-11 is passed, how will you work with the civilian courts to ensure the best possible outcome for the victims?

How are you going to work with the civilian justice system?

• (13725)

[English]

**Vanessa Hanrahan:** From a military police perspective, we will absolutely co-operate with civilian police to ensure that we have a victim-centred, trauma-informed approach to transferring any files—or to working in conjunction with the limitations that are placed upon us—to allow their investigations to move forward.

Our victim services will still remain there. I expect that the SM-SRC will very much still be an option, and I know that it's working very well to embed itself with the victim services provided across the provinces.

Therefore, from a policing perspective, jurisdiction or not, we will use—and in every instance work with—our civilian police counterparts to ensure that what's important, the victim, is best taken care of and to ensure that there's minimal retraumatization in any of the processes.

That, I think, is what we need to ensure that we do. At the end of the day, it's not about jurisdiction. It's about ensuring that victims have what they need to have justice and that we have a process that is very much—and I repeat myself—victim-centred and trauma-informed, because that is exactly what I think is in the best interest of the Canadian justice system.

[Translation]

**Tim Watchorn:** Thank you, Ms. Hanrahan.

Mr. Chair, do I have any time left?

[English]

**The Chair:** You have one minute.

[Translation]

**Tim Watchorn:** Thank you, Mr. Chair.

I'd like to ask you one last question, Ms. Hanrahan.

Some witnesses said they had concerns about access to military bases by representatives of a civilian police force.

Do you see a problem with that?

[English]

**Vanessa Hanrahan:** No, I don't think there's any concern with civilian police having access to our military bases. That can all be coordinated through the military police.

That's where I say that, if this is to move forward, the military police will still work with civilian police counterparts and not just to give them access. The military at large, the CAF, is very complicated and sometimes not easy for others who aren't in it to understand. Therefore, we absolutely will ensure that we're working alongside them, without impeding the integrity of their investigation, to allow them to do what it is they need to do.

That will come from gaining access to bases, understanding and appreciating chains of command and units, and working with them to ensure that there's safety for victims. When we talk about ensuring that the right information is passed so that victims are not having to work alongside potential perpetrators and all of that, that still falls within the authority of the military police.

Absolutely, we will be doing that, to the best of our ability, with our civilian police counterparts.

[Translation]

**Tim Watchorn:** Thank you, Mr. Chair.

[English]

**The Chair:** Monsieur Savard-Tremblay, you have two and a half minutes.

[Translation]

**Simon-Pierre Savard-Tremblay:** Ms. Wilson, in your experience investigating sexual offences, what are the main shortcomings when cases involving military members are transferred to you?

[English]

**Cst Fiona Wilson:** I can speak very generally about some of the challenges around sexual assault investigations.

In general, certainly, victims require a lot of support. Victim services are often needed. There is a real import with respect to ensuring the people who are conducting these investigations are doing so from a trauma-informed approach, much as Brigadier-General Hanrahan has spoken about.

These are very often very complex files, and they have to be victim driven. That's everything from safety planning to ensure that individual is not further victimized by the subject of the complaint and all the way through support, court and trial and then everything in between. These are not simple investigations.

They are very individual as well. You can get everything from the requirement to lock down a scene, immediately gather forensics and have medical intervention in the first instance, all the way to a report of a historical matter that may be years old. They are very complex files, and they can be very different in nature in terms of the severity of the incident.

[Translation]

**Simon-Pierre Savard-Tremblay:** Are there any issues around timelines, access to witnesses, chains of command or military documentation?

• (13730)

[English]

**Cst Fiona Wilson:** Yes, absolutely.

We would need to have an MOU in place for information sharing and processing access to sensitive information. Understanding that the Canadian Armed Forces is the employer, there are a lot of challenges around that sharing of information.

Peace officer status is currently valid for British Columbia, for example, but there are processes to obtain interprovincial peace officer status, and jurisdictional concerns on procedure and authority when witnesses or the accused are in a different province or country.

On processing for a fresh scene investigation, as I alluded to, who is responsible and needs to make sure that a scene, for example, is locked down in the first instance? Also, we have processing for enforcing protective orders on military bases, court-imposed conditions, no contacts, no-go orders and processes for search warrants on military bases for file evidence transfers.

There is a whole host of considerations that would need to be ironed out.

**The Chair:** Thank you.

Mr. Anderson, you have four minutes.

**Scott Anderson:** Thank you very much.

Brigadier-General, what would a commanding officer have to do if somebody under that commanding officer was arrested, taken away by the civilians and then came back because there was no actual incarceration, but no information was shared? What are they supposed to do with that individual?

**Vanessa Hanrahan:** That's a very challenging question for me to answer for you because, again, I don't know what the allegations are. I don't know why the individual was returned without charges being laid.

**Scott Anderson:** Neither does the CO.

**Vanessa Hanrahan:** Correct.

Again, that would be very challenging in terms of what an individual is willing to advise their chain of command when it comes to their own privacy about why they were involved in a particular police investigation.

**Scott Anderson:** That's a potential huge problem, then, isn't it?

**Vanessa Hanrahan:** The sharing of information, when it comes to any type of an investigation done, is definitely an issue that needs to be addressed, and also how that information can be shared with the employer, because that will be of concern.

**Scott Anderson:** Okay.

I think there's a bit of disinformation or confusion over the term "unlimited liability". Can you explain what that is?

Well, I can explain what it is. When I joined the forces, I signed a paper that said I gave the CAF unlimited liability. It means that the CAF can send me up a hill to die if they choose to do that.

What I'm concerned about is a young individual joining the military, just having signed a paper on unlimited liability, and then being told that "we trust these guys with your life—they may send you up a hill to die, we don't know—but we don't trust them to guard you if there's a sexual...". Can you talk about the impact on military discipline that potentially could have?

**Vanessa Hanrahan:** I think the loss of concurrent jurisdiction definitely has potential to impact military discipline and the morale of the Canadian Armed Forces. I see that from two perspectives. First off, there are victims who have full faith in the military justice system. They will be removing their choice to use a system that they feel would be serving their best interest. Second, when you look at it from the perspective of the accused, there could be actual potential impacts on an accused and how an accused is dealt with if there are allegations that are not investigated, for which charges are not laid, and therefore there is no ability for that accused to be able to address allegations or rumours that may exist within the military system.

I don't know if I would tie that to unlimited liability, but I believe there are potential impacts to how the morale and discipline of the Canadian Armed Forces are affected if we do not have access to all the information that allows us to make a valid, educated assessment as to what the intent, the character and the action of individuals involved in an incident were, to allow a military member to make a decision on whether or not they represent appropriately the uniform they wear and should therefore be retained as a member of the Canadian Armed Forces.

**Scott Anderson:** Thank you very much.

Are there any other methods of investigation that should have been considered instead of moving investigations to the civilian police—for example, something similar to NCIS in the States?

**Vanessa Hanrahan:** We actually have that. It's called the Canadian Forces national investigation service. Our national investigation service is exactly the same as that. Our service is members of the military police within a designated unit specifically designed to take on more serious, complex and sensitive investigations on behalf of the Canadian Forces military police. We do have that today.

They are very well trained. They have exactly the same standard of training I would expect of any Canadian police agency. They are, therefore, best poised to be able to deal with Criminal Code sex offences or any types of criminal or service offences by members of the CAF.

• (13735)

**Scott Anderson:** Thank you very much.

**The Chair:** Ms. Romanado, you have four minutes.

**Sherry Romanado:** Thank you very much, Mr. Chair.

I will be brief, because we're a little bit over time.

I just want to say that based on the testimony today, I have no doubt, whatever the decision is with respect to Bill C-11, that should the cases be transferred as per recommendation five of Justice Arbour, we'll be in good hands in terms of the collaboration between both the Canadian Armed Forces and the civilian sector.

I want to thank you all for coming today and for your commitment to making sure that justice is served for those who have come forward.

I'd also like to thank again the chief of police from Victoria. Thank you so much for your feedback.

With that, Chair, I'm fine. Thank you.

**James Bezan:** I have a point of order, Mr. Chair.

**The Chair:** Yes, sir.

**James Bezan:** From the notice of meeting that went out, we have until 5:45 for the meeting tonight.

**The Chair:** Yes.

**James Bezan:** We still have 10 minutes. I know that you have some business—

**The Chair:** I have some business to attend to as well.

**James Bezan:** I have one request of our witnesses who appeared. They all had some great testimony and recommendations. I would ask that all those recommendations and suggested amendments to the bill be forwarded to the committee ASAP, before we start clause-by-clause.

In particular, Colonel Kerr mentioned that clauses 7 and 8 should be omitted from the bill. I'd like to know from the other witnesses if they concur with that request.

**The Chair:** Thank you.

Mr. Savard-Tremblay, please go ahead.

[*Translation*]

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

The motion to undertake the study of Bill C-11 was carried unanimously. There was talk of inviting the Minister of Justice and Attorney General of Canada. In addition, point (d) of the motion clearly states that clause-by-clause consideration cannot be carried out until all the witnesses have testified. In other words, we can't do it until the minister appears before the committee.

Will Mr. Fraser confirm his attendance soon?

[*English*]

**The Chair:** My understanding is that Mr. Fraser is not available to attend.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Starting clause-by-clause study of the bill before the witnesses testify runs counter to the motion that was adopted.

[*English*]

**The Chair:** [*Technical difficulty—Editor*] and Mr. Fraser is not available to attend. I understand from the motion that he may or may not be available to attend, as the clause was read.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** Point (d) of the motion reads as follows: "...the chair may only schedule a meeting for the purposes of clause-by-clause consideration of the bill after all of the witnesses...have appeared."

[*English*]

**The Chair:** So....

[*Translation*]

**Simon-Pierre Savard-Tremblay:** That's clearly stated in the motion.

[*English*]

**The Chair:** I will suspend for a moment.

It's a request to have him appear. You've requested his attendance, and he has declined. He's not going to appear.

**An hon. member:** That is so wrong.

**The Chair:** That's just a matter of fact.

**Cheryl Gallant:** I have a question, Mr. Chair.

**The Chair:** Please go ahead.

**Sherry Romanado:** I believe members of Parliament have recourse in the committee if a witness declines, especially for one of this stature.

Members of Parliament can be invited, but they are not obliged to attend. If a member of Parliament does not attend, it does not mean that they have to.

**Jeff Kibble:** [*Inaudible—Editor*] Mr. Chair. You said he declined, but earlier you said he was unavailable. Can you confirm that he actually used the word "decline"?

If he indicated that he was unavailable, how many dates was he offered? Was it one date or multiple dates?

**The Chair:** Can you read the response, please?

Excuse me. I've had this dilemma before and I want to rectify it. I don't mind talking to members around this room, at this table, who are members of this table.

I cannot give into my sense.... I am deaf. Having interference from the sides is not helpful to me, so please keep your tone down and allow us to resolve the matters at the table.

Madam Clerk, can you please read the response?

• (13740)

**James Bezan:** Mr. Chair, as someone who is also hearing impaired, I appreciate that.

**The Chair:** That's right. I understand that you are.

**James Bezan:** Secondly, it's saying we're in public. Are we suspended or are we actually in public?

**The Chair:** We are suspended, but we are in public, so it is being televised.

**Cheryl Gallant:** No, it's not.

**The Chair:** I understand it is being televised.

**James Bezan:** No. We're shut off.

**The Chair:** It's being broadcast. We're not suspended, even though I said that—

**James Bezan:** Make sure that you say [*Inaudible—Editor*].

**The Chair:** —but they haven't done that.

Let's proceed. Do you want to hear the response from—

**James Bezan:** It is suspended online, so I suggest that you gavel us back in. You can tell on the screen right now.

**The Chair:** Are we being televised or not?

**James Bezan:** It says we're in public there.

Actually, Mr. Chair, gavel us back in, so that we can have this discussion.

**The Chair:** I'm fine with going on broadcast. I just want to be certain that we understand what's before us.

Are we back on? Great.

Madam Clerk, do you want to read the response?

**The Clerk:** The response I received reads:

The Minister of Justice is respectfully declining the invitation to appear on Bill C-11, given that the Minister of National Defence is best placed to speak to the changes that are being proposed by the bill, including the reasons for proposing that Criminal Code sexual offences being removed from the jurisdiction of the Canadian Armed Forces. As the committee knows, that change is being proposed as a result of recommendations made to the then Minister of National Defence by the Report of the Independent External Comprehensive Review. Other changes that are being made to the National Defence Act with links to the Criminal Code align the National Defence Act with changes made to the Criminal Code in former Bill S-12, which received Royal Assent on October 26, 2023. The Minister of National Defence is well placed to speak to the reasons for aligning the two Acts.

**The Chair:** Mr. Savard-Tremblay, please go ahead.

[*Translation*]

**Simon-Pierre Savard-Tremblay:** I completely agree with what Mrs. Romanado said, that the minister is not required to appear. I understand why he declined.

Having said that, I just want to clarify. I don't want to cast stones at the minister because he won't be here. I just want a formal, par-

liamentary and legal opinion that we can begin the clause-by-clause study, even if it goes against the motion.

In other words, I want a concrete guarantee that we can do so, or else we'll have to go about it in another way. I need a guarantee.

[*English*]

**The Chair:** I understand.

Mr. Bezan, please go ahead.

**James Bezan:** I appreciate that we can't compel the minister to appear. That is the parliamentary process. He has declined. It's unfortunate, because we do need to have better information as to how the removal of sexual offences as described under Bill C-11 is going to impact the civilian system across this country.

We've heard disturbing information already from the Victoria Police Department and would suggest that the issues around memoranda of understanding, which would be signed by the Government of Canada, presumably under the Attorney General's signature, are something that we should be discussing here.

I just want to make sure that we register our disappointment in the minister's failing to reappear and its impact upon our ability to properly do this study on Bill C-11 before we go to clause-by-clause.

**The Chair:** Ms. Romanado, please go ahead.

**Sherry Romanado:** From the motion as amended and adopted on October 23, I'll just read this: "(c) the chair may only schedule a meeting for the purposes of clause-by-clause after the witnesses appear at committee.", not all the witnesses that appear at committee. This is completely in line with what was passed on October 23 by this committee.

**The Chair:** Are you okay with that understanding?

[*Translation*]

**Simon-Pierre Savard-Tremblay:** The interpretation was quick. I didn't quite catch that.

• (13745)

**Sherry Romanado:** We passed the motion on October 23. I'm going to read to you in English what is written in point (c).

[*English*]

It says that "the chair may only schedule a meeting for the purposes of clause-by-clause after the witnesses appear at committee", not all the witnesses.

[*Translation*]

We are aligned on the motion adopted on October 23.

**Simon-Pierre Savard-Tremblay:** In the French version of the motion, it says "*tous les témoins*". I would like to think that the French version is no less valid than the English version.

**Sherry Romanado:** I didn't say that.

This is the version we've had since October 23. We need to check with the clerk about the document that was sent to us.

**Simon-Pierre Savard-Tremblay:** That's fine. The important thing is to have a guarantee that we're not going against the motion.

[English]

**The Chair:** Ms. Gallant, please go ahead.

**Cheryl Gallant:** Mr. Chairman, if I understand you correctly, we have a justice bill before this committee, and the Minister of Justice, to whom all of the sexual assault cases supposedly are to be transferred, does not want to appear. How can we finish our work without hearing from that part of the equation?

**The Chair:** Is there any more commentary?

The matter at hand is that the minister is not available and is not attending. We have the ability to proceed.

Just so everyone is aware, our next meeting is on Thursday, November 27, and then we have the justices on December 2, which is Tuesday. We're requesting a deadline for amendments on December 3 or 4. After that, we're going to proceed with the supplementaries and estimates, with the minister, on December 4. Then, on December 9, we're proceeding to clause-by-clause, which leaves one more day, and that's December 11.

Now, depending on what we accomplish on December 9—we'll talk about clause-by-clause—if we do everything on that date, then we'll also finish the Coast Guard study on December 11, which resolves that issue as well. They're on hold. They're ready to go.

Mr. Kibble, please go ahead.

**Jeff Kibble:** Thanks, Chair.

I just want to clarify. For the record, you said the minister was not available. We heard the minister's letter, as read by the clerk, and he clearly declined to come here and speak on a bill that deals with justice. I want it on the record that he declined—it was not an issue of availability—to speak on a bill about justice.

**The Chair:** That's why I asked the clerk to read his response. I don't want us to use semantics to put words in his mouth.

**An hon. member:** It's not semantics.

**The Chair:** No, no. His response speaks for itself.

Mr. Bezan, please go ahead.

**James Bezan:** Just for clarification, I thought the agreement was that at the end of the day on Thursday, December 4, we're to have all the amendments in.

**The Chair:** Yes. That would be—

**James Bezan:** You said, “December 3 or 4”. It's December 4.

**The Chair:** I'm proposing that we do it by December 3. By December 4 is fine, as long as there's enough time for the officials to do their report.

All right?

With that, the meeting is adjourned.

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