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• (0820)

[English]

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

Welcome to meeting 15 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 consideration of Bill C-11, an act to amend the National Defence Act and other acts.

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

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

I have a point of order from Mr. Savard-Tremblay.

[Translation]

Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot—Acton, BQ): Thank you, Mr. Chair. I would just like to make a brief comment.

We have gotten into the habit of ending meetings much later than the scheduled end time. Last week, we left 40 minutes late. It would be good if we were more disciplined and ended on time, because we all have busy schedules and often have other meetings planned. For example, today I have to be at my office by 10:30 a.m. sharp. It would be good to restore discipline in this regard, then.

[English]

The Chair: Yes, the point is well taken. We did notify the committee, the last time, that there was going to be a 15-minute delay or extension. We all have demands, so I'll try to keep it on time.

Ms. Gallant, go ahead.

Cheryl Gallant (Algonquin—Renfrew—Pembroke, CPC): Mr. Chairman, in the interest of time, I just want to let you know that if anybody from a non-party status decides they want to ask a question, I won't be giving unanimous consent.

The Chair: That's fair enough.

I ask all participants, as I said, to address those guidelines. 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 members on Zoom, please use the "raise hand" function. The clerk and I will manage the speaking or-

der as best we can. For interpretation, use your earpiece and select the appropriate channel—floor, English or French—and it is also available on Zoom. Again, all comments should be addressed through the chair.

Before we welcome the witnesses, I would like to provide a trigger warning. We may discuss very sensitive experiences of sexual misconduct, and this may be a cause of distress. If need be, please advise the clerk. It's important to recognize that these are difficult discussions, so let's try to be compassionate in our conversations.

I would now like to welcome our witnesses: William Chisholm, master warrant officer, retired; Hélène Le Scelleur, veteran and Ph.D. candidate, by video conferencing; Christine Wood; Donna Van Leusden, director of the Survivor Perspectives Consulting Group; and Diane Hill Rose, peer support advocate for the United Federation of Canadian Veterans.

I now invite Ms. Le Scelleur to make her opening statement.

You have up to five minutes.

Hélène Le Scelleur (Veteran and Ph.D. Candidate, As an Individual): Mr. Chair and members of the committee, thank you for the opportunity to speak with you today.

I appear before you as a veteran who served 26 years in the Canadian Armed Forces, as a Ph.D. candidate in social work, as a chair of the advisory council for veterans at the Chronic Pain Centre of Excellence, as a member of the women veterans council at Veterans Affairs Canada and as a survivor of sexual assault and ongoing harassment committed by a senior officer.

This harassment continued even while I was deployed abroad. A few days before deploying to Afghanistan, while I was a captain and the second-in-command of a company, the brigade commander, who later became a general, sexually assaulted me. Once deployed, the behaviour continued. There were persistent messages and he tracked my movements during an official visit. There was even an incident inside the tactical operations centre where he pressed his genitals against my workstation during an official briefing.

At no point in Canada or in Afghanistan did I have a safe avenue to report. I want to be very honest with you. I never reported. It was not because I misunderstood what happened, but because the risks were far too great—legally, professionally and personally. In Canada, reporting him meant entering a system he influenced. In Afghanistan, there was no civilian jurisdiction, no independent investigative body and no protective infrastructure.

For over 10 years, major reports—Deschamps, Fish and Arbour—have identified these same failures: lack of independence, conflict of interest, the absence of jurisdiction overseas, inadequate support mechanisms and a culture that protects rank before truth. Bill C-11 does not yet correct these structural gaps.

The first issue is independence. A survivor cannot be expected to navigate a process controlled by the person who harmed them. The second issue is extraterritorial jurisdiction. Statistics Canada shows that about one in five CAF members who were sexually assaulted experienced at least one assault during a deployment, yet abroad, all the protections envisioned by Bill C-11 simply vanish. The third issue is choice. Survivors must have the right to choose between civilian and military systems at all times, regardless of location or rank. Choice is not procedural. It is freedom: freedom from our aggressors and freedom from the silence that institutions have imposed upon us.

I want to be clear that even with this choice, neither system is sufficient on its own. The military system understands the operational context. The civilian system provides independence and oversight. This is why I believe the real reform must move toward a joint, hybrid investigative system that is culturally informed, trauma-informed, independent and capable of protecting survivors everywhere—in Canada and in deployment environments.

To move toward that vision, I offer the following recommendations.

Codify our survivors' right to choose a civilian or military pathway. Create an independent investigative body for cases involving senior officers. Establish an extraterritorial investigative mechanism for deployed personnel. Mandate rigorous, standardized, trauma-informed training across the system and introduce clear, enforceable consequences for senior leadership misconduct. Begin the development of a joint, hybrid civilian-military model that provides full, 360-degree protection.

Mr. Chair and members, my silence was not a personal failure. It was a predictable outcome of the gaps that still remain today. Bill C-11 must do better for those who currently serve, for those deployed abroad right now and for all those who, like me, carried the burden of silence because the system gave us no safe alternative.

Thank you. I'm ready to answer your questions.

• (0825)

The Chair: Thank you for your opening statement.

Mr. Chisholm, you have up to five minutes.

William Chisholm (Master Warrant Officer (retired), As an Individual): Thank you, Chair.

Members of the committee, thank you for inviting me to testify.

I worked at the sexual misconduct support and resource centre for two-plus years, often as the sole military liaison member, and always as the only non-commissioned member. I'm not a counsellor or lawyer, but an aircraft mechanic. My job as the military liaison officer was to assist the chain of command in negotiating sensitive conversations and help the affected member with military hurdles, and I also assisted alleged perpetrators with the process.

I just retired, after 40-plus years of service. I've seen a lot of change. I actually lived through the purge in Cold Lake in the early 1980s. I've been part of the good change as a harassment adviser and as the military liaison officer. I've had the benefit of shaping some of the new policy, and I know that the military leaders are moving forward in addressing sexual misconduct—and all misconduct, for that matter.

I submitted the SMSRC annual report, the decision tree and the terms of reference for the position I filled. Keep in mind that the numbers in the report only reflect those who have called in to the SMSRC. The number of cases involving the military liaison team was 929 in four years. I'm here to speak to some of the failings.

There was work on the decision tree in 2024. I was unable to find anything online that has changed it since the original. The decision tree is geared towards the alleged perpetrator being guilty, and the revised one was as well. Recent changes to the DAOD removed the duty to report, which has most likely decreased the number of reported cases but certainly did not lower the number of cases.

I'm here to provide a grassroots opinion, and it can be summarized by saying that this bill will not change the conduct of service personnel, and it will remove choice from those who are affected.

I welcome your questions.

The Chair: Thank you, Mr. Chisholm.

Ms. Wood, you have up to five minutes as well.

Christine Wood (As an Individual): Good morning, Mr. Chair, committee members and my fellow witnesses.

My name is Christine Wood. I'm a Canadian Armed Forces veteran and a long-time advocate for military sexual trauma survivors. I have served on the sexual misconduct support and resource centre's external advisory council for the last five years. I am appearing here today as an individual with extensive lived experience.

In my first 18 months in uniform, I experienced almost every form of sexual aggression on the sexual misconduct spectrum. I did not report anything until I reported a rape to the military police. I would never have considered going to civilian police or pursuing justice in a civilian court. If it were all happening again today, my choices would remain the same.

I'm absolutely opposed to the transfer of military sexual offences to the civilian justice system. I support the creation of an independent system of justice for sexual crimes within the military. I support it because the CAF must uphold their own good order and discipline. That responsibility is essential for transparency and accountability. Limiting survivors to a single pathway to justice weakens our agency rather than strengthening it. We want choices.

To be clear, I'm not defending the status quo. The military justice system also failed me. However, replacing one system that's broken with another system that completely and consistently fails victims of sexual offences does not create justice. It simply relocates the problem, and it removes the responsibility of the CAF for fixing it.

Transferring all Criminal Code sexual offences will, in my view, increase the number of high-harm incidents. Low-level sexual misconduct must be both reported and pursued, because these are the early warning signs of a toxic, sexualized culture. Requiring a young, newly enrolled CAF member to walk into an RCMP detachment to report a low-level incident is unrealistic, and it will suppress reporting.

The federal ombudsperson for victims of crime just released a report on November 25 of this year. It soberingly reminds us that only 6% of civilian victims of sexual offences report to police. Of those reports, fewer than 40% lead to charges, fewer than half of those reach trial, and fewer than half of those result in a conviction. Then, fewer than half of those who are convicted actually receive jail time. It's a half of a half of a half of a half. I don't know anyone who would want their son or daughter to rely on those odds.

My father certainly didn't. In 1986, my dad, Justice Michael Bolan, ruled in *R v. Askov* that trial delays were systemic and institutional. When the Supreme Court upheld his decision in 1990, almost 50,000 cases were stayed. The system was broken 40 years ago. It's still broken, and it has become even less responsive to victims of sexual crime because of *R v. Jordan*.

Civilian actors, police, prosecutors, defence counsel and judges do not have guaranteed training, resources or the military cultural awareness required to handle military sexual offences. It should never fall to a traumatized CAF member to explain rank, chain of command, deployments, power dynamics or career consequences to the civilian actors involved. That is not trauma-informed justice.

I urge an amendment to keep low-level and low-harm offences under military jurisdiction. I support adding a two- to five-year sunset clause. Finally, I ask for an amendment that allows victims the

choice of jurisdiction until both systems demonstrate that justice will not remain elusive and survivors will not remain invisible.

Please do not rush this bill. Not enough survivors were meaningfully consulted before the reintroduction of this bill, and too many elements of this complex and wicked problem are being left unaddressed.

• (0830)

My dad always looked out for the underdog. If he were alive today, I believe he'd be horrified to learn that members of an institution he served in, revered and supported his whole life have become the very underdogs he so fiercely fought to protect. We can and we must do better.

Thank you. I welcome your questions.

The Chair: Thank you, Ms. Wood.

Ms. Van Leusden, you have up to five minutes.

[*Translation*]

Donna Van Leusden (Director, Survivor Perspectives Consulting Group): I want everyone to close their eyes.

[*English*]

While your eyes are closed, I want you to think back to the last time you had sex. I want you to remember everything about the last time—sights, sounds, tastes and everything.

[*Translation*]

Think about your partner. Was it someone you knew? Was it someone new?

[*English*]

Who started it? Who undressed whom first? What colour of underwear was your partner wearing? Do any of them have any scars, tattoos or anything unusual? Do you? Do you know how long you were there, when it started and when it stopped? I want you to remember it in minute detail.

[*Translation*]

When you're ready, open your eyes.

[English]

Now, imagine if we made you go around the room and share your last sexual experience. It should be easy, right? It's something you participated in and hopefully enjoyed. It's not a violation. You weren't traumatized by it, and yet we do that with no understanding of how to support a survivor when they do come forward.

My name is Donna Van Leusden. I'm a Canadian Armed Forces veteran and the co-founder of a national program that teaches leaders, peers and communities how to support survivors of sexual violence, regardless of whether there is an investigation, regardless of whether charges are laid and regardless of judicial outcome. We teach that a "not guilty" verdict does not mean it did not happen and that survivor support must never hinge on the outcome of a legal process. That context informs everything I'm about to say.

I want to discuss this from the perspective of someone who's lived inside the system as a survivor, as an officer, and as someone who spent years supporting others who carry similar scars.

This bill removes choice from survivors and reduces flexibility. For many years, survivors in the Canadian Forces had limited or flawed options, but they still had options. Under this bill, for Criminal Code sexual offences committed in Canada, survivors are given none. Everything has to go directly to civilian police and civilian courts, regardless of what the survivor needs, prefers or feels safe with. That is not trauma-informed, and that is not survivor-centred. It may offer less flexibility than the military system ever did.

Civilian courts are already overwhelmed, and Jordan applications are rising at an alarming rate. In 2017, about 15% of adult sexual assault cases exceeded Jordan timelines. By 2023, that number doubled to 30%. Nearly half of those were stayed or the files were withdrawn. Two cases involving CAF members, including one incredibly high-profile case, already collapsed under Jordan delays.

Charge-laying is decreasing even as reporting increases. Between 2015 and 2019, the proportion of police-reported sexual assault cases that resulted in charges dropped from 42% to 36%. That means fewer survivors received their day in court, despite increased willingness to report.

Conviction rates in civilian courts appear higher, but the comparison is misleading. Civilian conviction rates for sexual assaults hover around 55%, while military convictions may be closer to 28%. However, the civilian system filters cases heavily before they reach trial, creating a selective rather than effective system.

Civilian courts are not consistently trauma-informed. The London Hockey Canada trial is a powerful example. In the 91-page ruling, the judge framed normal trauma responses, fragmented memories, disassociation and delayed reporting as credibility failures. This reflects a fundamental misunderstanding of trauma science. Survivors' memories are not linear. They're sensory, fragmented and often disordered. Yet the ruling treated these reactions as evidence against the complainant.

Another example is the Jacob Hoggard case. It took nearly 10 years from the initial complaint to the final conclusion. For one survivor, that decade represented 10 years of emotional paralysis, reliving the assault and existing in a judicial limbo with no certainty

and no closure. That is not justice. It's slow, grinding institutional harm and a stark reminder that the civilian system is already overburdened.

If all military sexual assault cases move to civilian court, these systemic issues will not disappear; they will multiply.

I am a survivor of a summary trial. I was questioned by my offender. I relived the assault under this questioning. The day I was assaulted, I stood there alone, still carrying his semen on my body, and I remember thinking that the institution I served, the country I served, has abandoned me. However, at least he was convicted in a case that would never have been prosecuted in the civilian system.

Number two, we had a colonel with multiple victims. This was another offender shared by two of us, a year apart, at two different basic training serials. He eventually became a senior officer. When we came forward, he simply declined to speak with the police, and charges were never laid. We know there are other victims out there, but there's no way to reach them.

In terms of my right to choose, I had a case that went to civilian court. I was asked if I wanted to proceed, and I said yes. The case was ultimately dismissed before the official plea. People asked me if everything involved in reporting him was worth it. It was. For 25 years, I thought of my rapist every day. I was not the woman, mother, officer, daughter or sister I should have been. He stole that from me, and I bet none of that crossed his mind, not even once. I bet I never crossed his mind, not even once. However, when he was arrested, when he had to hire a lawyer and when he had to explain himself to his friends and family, I bet he thought about me then. That gave me closure, and it mattered because I had the choice.

Being assaulted removes any sense of agency. We have to help give some of that back.

● (0835)

Any reform that removes survivor choice is not a reform. Any reform that transfers cases into an under-resourced system is not a solution. Any reform that ignores trauma justice is not justice.

Survivors deserve options. Survivors deserve resources. Survivors deserve trauma-informed systems. We deserve to be heard and, above all, we deserve choice.

Thank you.

The Chair: Thank you.

Ms. Rose, you have up to five minutes.

Diane Hill Rose (Peer Support Advocate, United Federation of Canadian Veterans): My name is Diane Rose. I'm a veteran of the CAF. I lead the largest national organization for peer support of MST in Canada. I'm committed to advocating for victims and survivors of MST because I am one. I'm a gang rape survivor.

For more than three decades since my release, I have provided boots-on-the-ground support to victims in crisis. From accompanying victims to the hospital to sitting next to them in court, I have become known as the woman who will go in no matter what.

My main areas of concern with Bill C-11 revolve around the fact that this is a legal, policy-driven solution to a human problem. It's trying to fix people problems with words, and we all know that culture eats policy for breakfast.

Bill C-11 has not been drafted to serve victims or witnesses of sexual crimes. It offers very few choices and options to an individual. The bill is not being designed to address OUTCAN deployment and attached postings. It has no provisions in it that outline the protection of physical evidence collected by MPs while OUTCAN. Most bases in Canada aren't able to do this either, and they should be.

Do I need to define OUTCAN? Do you know that? Okay.

I'm concerned that the SMSRC is bound by privacy policies that prevent them from approaching victims, leaving it to traumatized victims to find their own resources or hope that the civilian police or health care providers dealing with them know about the SMSRC and are willing to recommend it to the victim.

Not everyone trusts the SMSRC, for a variety of reasons.

First, the SMSRC can be hard to find. Not everybody knows about the organization, because it has no visibility on major military bases. I spent this summer travelling through eastern Canada, and I took it upon myself to visit as many bases as possible. In most cases, not a single sign, poster or card was displayed anywhere that provided information about the SMSRC. I spoke to chaplains at many of these bases, and they knew nothing about the SMSRC's existence. I spoke to MPs on these bases, and many of them reported having no knowledge of SMSRC's existence.

I take issue with the director of SMSRC testifying before this committee to guarantee that SMSRC will be able to offer support to victims of sexual crimes when the offences are being tried in civilian court going forward, given the fact that many people have a hard time finding the SMSRC.

I have personally been to many civilian courts and courts martial to monitor the situation and to be there in case support was needed. The SMSRC was not at any of these trials, citing lack of awareness of the trial taking place as the reason. Due to this, I am extremely

worried that the provision in the bill surrounding victim liaison officers and victim survivor services will further separate the SMSRC from complaints and contribute to fractured support systems. I'm also concerned that the cases transferred to the civilian system without guaranteed funding, training and resources will retraumatize the complainant.

I highlight that sections 80 through 90 deal with SMSRC and VLOs. These clauses need to be reviewed and amended to re-place survivors at the centre. I also support the two- to five-year sunset clause on the bill.

• (0840)

The Chair: Thank you to all of you for your opening remarks.

We are going to proceed with the first round of six minutes, and with you, Mr. Kibble.

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

I'd like to thank our panel for their service and, honestly, their very powerful testimony. I will acknowledge the courage it took for all of you to share that today. If my questions make you uncomfortable, please let me know, and I'll move to a different question. I truly respect what you've done today.

I have only a few minutes, so I won't be able to ask questions of everyone.

Mr. Chisholm, thank you for the work you've done at the SMSRC. Could you briefly describe some of the duties of a liaison officer and maybe share how many cases you dealt with as a liaison officer in your time there?

William Chisholm: Yes, sir.

I was mortified when I found out the number of cases involving the MLO, and they are only a percentage of the number that the SMSRC call in. I personally dealt with over 500 cases in two years, and some of those cases were double-dipping, where I would talk to the chain of command or the affected member.

My job was almost a template. I was there to help affected members with military hurdles. It could be leave. It could be dealing with the chain of command, etc. A good portion was assisting the chain of command with manoeuvring through sexual misconduct and their policies. These chains of command, these commanding officers and chiefs, don't deal with this every day, thank goodness, and I did. I would tell them the steps to go through and give them and the affected members choices.

Jeff Kibble: Can I just interject and ask whether, in that part of the process, victims were ever advised of the opportunity to progress in both civilian and military justice systems?

William Chisholm: I believe in the SMSRC they weren't, but as an MLO, I always told them they had a choice.

Jeff Kibble: Thank you.

Were you or anyone at SMSRC ever consulted on Bill C-11 in your time there?

William Chisholm: No, sir.

Jeff Kibble: Okay.

In your opinion, based on the 500-plus cases you dealt with, do you feel that victims would have been better served knowing that there was a choice, and also having a choice, of being able to go between civilian and military systems?

● (0845)

William Chisholm: Absolutely, sir. I believe the civilian system has failed our victims. I spoke to one last night who identifies as a victim. She believes that going civilian ended her career.

Jeff Kibble: Thank you, Mr. Chisholm.

Ms. Le Scelleur, thank you for the work you do on the women veterans council and some of the other organizations.

Have you spoken to many other victims? I would also be interested in your own opinion, as would the committee, on whether or not there should be a choice of civilian or military systems of justice.

Hélène Le Scelleur: For the people I've been interacting with, most of them were scared to either report or just share their story of what they'd been through. Choice was not offered, necessarily. For most of the ones I was interacting with, it was never something they had envisioned.

For me, this is why choice is really, really important at all levels. Even if we say now that it was always there, and that the choice was possible, some of them never reported, like me, because they were scared and knew the consequences. I would say that choice is offered maybe on paper, but is it the case in reality? From most stories I've heard, it's not the case.

Jeff Kibble: Thank you.

I'm aware that you've appeared in front of the veterans affairs committee. Can you share how many times you've testified in front of that committee?

Hélène Le Scelleur: I've testified four times.

Jeff Kibble: Thank you.

Have you or any other people you're aware of on the women veterans council been consulted on Bill C-11? Just speak for yourself, if that works.

Hélène Le Scelleur: To my own knowledge, I don't think anyone has been asked the question.

Jeff Kibble: Thank you.

You mentioned independence and the senior officers in your case. Did charges ever progress in your case? Were you given that choice to choose between systems?

Hélène Le Scelleur: The choice I made was not to report, because it directly involved my chain of command. It put my deployment in Afghanistan at risk. There were too many things at stake for me to report, so it was never prosecuted.

Jeff Kibble: Thank you.

You spoke of independence and senior officers, specifically in your case. Under Bill C-11, the provost marshal will now change to reporting under the minister, so it's outside of reporting to uniform. Do you think this would have made an improvement in your case? I'm asking you specifically, because it dealt with senior officers.

Hélène Le Scelleur: I think it would have helped. The thing is that there was no mechanism available for me to report when I was abroad. I'm wondering if it would have made a difference. I'm not sure, but probably yes.

Jeff Kibble: Potentially it would. Okay.

The Chair: Are we good, Mr. Kibble?

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

The Chair: Ms. Lapointe, you have up to six minutes.

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

Thank you to all the witnesses for being here today and for sharing your experiences. Please feel free to decline any questions you're not comfortable with.

Ms. Wood, I'd be interested in hearing your thoughts on some of the testimony we heard on Thursday from the CAF provost marshal, the director of defence counsel services and the director of military prosecutions. The provost marshal noted that the CAF and 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".

How do those comments align with your own experience or the experience of those you work with?

Christine Wood: It's been some time since I went through my experience, and there are all the changes that have happened recently. I would never feel comfortable, still, going outside the chain, outside the military, to report. I was new when this happened. I was a young officer and inexperienced. I didn't want to rock the boat, and I didn't want to go outside the tribe. As soon as you're welcomed in, you're part of Canada's biggest family, so that feels like a betrayal.

It felt like a betrayal to report anything, even though I went through some very awful moments and incidents. It was the rape that broke the camel's back. Yes, I did believe that going to the MPs was the right decision. I trusted it. I said at the time, if we have police, is this not the reason why?

I hope that answers your question.

● (0850)

Viviane Lapointe: Thank you, Ms. Wood.

Ms. Van Leusden, on your organization's website, there is a very powerful statement: "What if being sexually assaulted didn't have to cost you your career?" and "They faced a hard truth: the current system is failing. From that truth came a mission." Can you expand on that message and explain what aspects of the current system you believe are failing survivors and how the changes that are being proposed might help to address those gaps?

Donna Van Leusden: On our training, our idea was just a matter of training everybody—leaders, peers and subordinates—how to support people at first disclosure. Within trauma, the single biggest indicator of whether somebody is going to recover is how their first disclosure is received. The first time they say to somebody, "This terrible thing happened", how you respond will set the stage for how they recover.

We focused on that moment as being so pivotal. Why aren't we teaching everybody how to do that, similar to any other first aid? We remain frustrated with this seeming inability for some people to understand that survivors choose whom they go to. We don't get to dictate. Just trying to hand it off to padres, doctors or counsellors isn't enough. We need to make sure that everybody can receive that disclosure. That's what we focused on.

We're a female veteran-owned organization that started off with this idea: "Wouldn't it be great if people could set the stage for recovery right at the get-go, the same way we teach physical first aid?" That's what we do.

Viviane Lapointe: Thank you.

Madame Le Scelleur, the intent of the legislation we're examining today is to address the experience of survivors. I would like your perspective on the possible PTSD aspects for survivors, especially those we have heard from during the study who have been as traumatized by the reporting of the experience of their assault just as much as by the actual assault.

Hélène Le Scelleur: If I understand correctly, you're asking me if this way of reporting is exacerbating the PTSD. Is that right?

Viviane Lapointe: Yes.

Hélène Le Scelleur: Thank you.

For me, it is the case, because when you're telling, retelling and always going back into your story and explaining, you're reliving the same experience again and again. It's really hard to improve your well-being and to progress in a therapeutic way when a person is always being put into that situation.

There's a need to be trauma-informed. There's a really important need to have specific training for people who are receiving these survivors, these persons, these victims. As somebody just said, there's a need to understand from the beginning what's happening and not to make the story be repeated over and over again. I guess this is the main thing to keep in mind: to try to have the person believe it the first time and not to have to tell the story again and again.

● (0855)

Viviane Lapointe: Thank you.

The Chair: Monsieur Savard-Tremblay, you have up to six minutes.

[*Translation*]

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

I thank the witnesses.

It goes without saying that the survivors and victims we have here today are undoubtedly the bravest people in the room. That is undoubtedly the case.

Like my colleagues, I want to tell you that you are free not to answer any of my questions. That goes without saying. Of course, my goal is not to revisit your disturbing personal experiences. We are here to discuss a bill that aims to correct the situation. That is already a start.

I want to come back to something you said, Ms. Wood and Ms. Van Leusden. If I remember correctly, you also mentioned this, Ms. Le Scelleur. You told us that we must avoid transferring cases to civil courts. That is one of the things we heard several times. Perhaps other witnesses have made this point as well, but I am not sure. In your case, your position on this was quite clear.

The transfer of cases is a major element of the bill under consideration. We saw this as progress.

As a Quebecker, I can tell you that Quebec is at the forefront when it comes to specialized or independent courts. In Quebec, one such court was established a year or two ago, or three years ago at most. Véronique Hivon, who is a well-known figure in Quebec, has been fighting for this for a long time.

It goes without saying that civil courts are not enough. We understand that very well. Nevertheless, we saw it as progress to remove this capacity for self-regulation from the military justice system. We remember General Vance saying that he would never be judged because he controlled the process.

Would you agree that this is still progress, despite all your reservations?

[English]

Christine Wood: I originally completely opposed the transfer of all cases to civilian court, and that was for three reasons: number one, it's broken; number two, it offers victims no choice; and number three, I believe the CAF has to maintain control over its jurisdiction and demonstrate it can be responsible for fixing its own harms.

I am extremely interested in this idea of the court that has been established in Quebec. Sexual crimes and sexual offences are different from almost any other crimes, I would suggest, and we need an appropriate place to deal with that.

I would like to pass it on to Ms. Van Leusden.

[Translation]

Donna Van Leusden: Yes, this is the kind of progress we want to see.

[English]

We're looking at this problem, and I agree with Christine: I think Quebec is on the pointy end of this.

It's about having the choice, having some agency and recognizing there are some crimes that would be prosecuted within the military system that would not be prosecuted in the civilian system. I firmly believe it's a mixed thing, but I do think it's progress that we're looking at it.

Somebody asked me about trauma after the sexual assault. I can tell you that my release was in 2022, and I still had a chain of command. When they asked me to work on a project that invited two of my rapists to attend and I said I didn't want to work on that event because of this problem, I was told that at the end of the day I should be a professional and do my job. That was as recent as 2022.

[Translation]

Simon-Pierre Savard-Tremblay: Ms. Le Scelleur, I see that you have your hand raised. I wanted to ask you what you think about this as well.

Hélène Le Scelleur: Personally, I see this decision as a step forward. However, as I mentioned in my testimony, we need a certain combination of judicial systems. The organizational culture of the Canadian Armed Forces is unique. As mentioned earlier, we need certain actions to be dealt with within the military disciplinary system. However, combining this approach with procedures in the civilian justice system would allow for a truly different level of accountability and a standardization of procedures that would better serve people. In fact, it could even become a model for the civilian population.

• (0900)

Simon-Pierre Savard-Tremblay: I would like to use the minute I have left to digress and ask the analysts and the chair a question.

Amendment proposals are often deemed inadmissible if they go too far against the spirit of the bill. My question is hypothetical, but I just want to get an idea. In the current context, would amendments that offer this freedom of choice be deemed inadmissible?

I don't know if you have an immediate answer to that question. If not, I would like you to provide us with an answer fairly quickly, ideally in writing, so that we don't have to wait until next week to get it.

Anne-Marie Therrien-Tremblay (Committee Researcher): That is a question that the legislative clerks' team could answer.

Simon-Pierre Savard-Tremblay: Could the question be forwarded to that team?

[English]

The Chair: Yes. Make it so.

[Translation]

Simon-Pierre Savard-Tremblay: That's perfect.

I would now like to return to the issue of specialized courts.

[English]

The Chair: I'm sorry, Mr. Savard-Tremblay, we're out of time.

We have Ms. Gallant for five minutes.

Cheryl Gallant: Thank you, Mr. Chairman.

I would like to hear rapidly from each witness what year they were released from the military, starting with you, Mr. Chisholm.

William Chisholm: It was November 11, 2024.

Christine Wood: I believe it was May 14, 2014.

Donna Van Leusden: It was March 30, 2022.

Diane Hill Rose: It was 1983.

Hélène Le Scelleur: It was April 2016.

Cheryl Gallant: Mr. Chisholm, we heard from the provost marshal general that a lot has changed in the last 10 years and that the military police and the whole structure are very well equipped to handle assaults of a sexual nature.

In your observations, before you were released, would you please tell me if that would be factual or if that's what you saw reflected?

William Chisholm: In my opinion, the provost general is working at a level way above the actual level of the workers. The victim I spoke to last night was embarrassed by how poorly the military police handled her case, which was a pat on the bum at work. The military police pointed the fingers at the CO, and the CO pointed the fingers at the MPs. Do I believe they have improved since I joined? Yes. Do I believe they are adequately able to investigate major criminal cases of a sexual nature? I would say no.

Cheryl Gallant: Are these criminal cases of the nature of a sexual assault that would not automatically be sent to the...or murder?

William Chisholm: It would possibly be with any criminal cases because, as the CAF is so under-manned, they are not trained to the level of a civilian investigator.

Cheryl Gallant: We also heard that the military criminal justice system is separate and apart from the chain of command, that there's no interference from the chain of command. Can you substantiate or verify whether that is true?

William Chisholm: That's a good question. I believe they intend to be separate and independent. I believe the military police and the CFNIS believe they are independent. I think there could be some direction, but I'm not aware at what level.

Cheryl Gallant: Ms. Le Scelleur, in your comments you said that you knew what the consequences would be if you reported. What were those consequences?

Hélène Le Scelleur: For example, the day after he assaulted me, I received a phone call, and it was not solicited. He said, "Do you know who it is?" I said, "I'm not sure", and he said his name. He said, "You probably know how I got your number. Because I'm the brigade commander, I can have access to any information I want."

For me, it was clear that because it was the commander of the brigade in which I was in a unit, if I were to just report something, my reporting would eventually be known. For sure, there are consequences. I was wondering if I would be relieved, tossed away from my deployment in Afghanistan. When it happened in Afghanistan, what would be the consequences? If I were to talk about a newly appointed general who was visiting as an official person, I would be relieved from my duty, for sure.

• (0905)

Cheryl Gallant: Ms. Wood, you said that there should be an independent system for dealing with sexual assault. Independent from what or whom?

Christine Wood: In my view, and from what I've seen, I like the idea of something similar to.... What is it in the States?

Donna Van Leusden: It's NCIS.

Christine Wood: Yes.

I envision it being under DND, not under CAF. I envision some kind of a Chinese firewall, something that would separate the two but that would still allow for accountability and transparency.

Cheryl Gallant: Where would the judges come from in this separate system that would be independent from CAF and the civilian courts?

Christine Wood: It's a good question. My impulse is to answer that they should be military judges. I have given some thought to the idea of the DMP, the director of military prosecutions. I'm wondering if there should be a dual role there, an overlap with a civilian authority and the military. I'm also wondering about staggering their terms so that there's continuity going forward.

The Chair: Thank you, Ms. Wood and Ms. Gallant.

Mr. Watchorn, you have up to five minutes.

[Translation]

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

I would like to thank all the witnesses for being here. I admire their courage. Being here with us is really not easy.

Today, we are trying to work on a bill to improve the situation of victims. That is what we want. That is the goal of everyone around this table: We want victims to be treated well and their cases to be properly assessed in the system.

Today, we have talked a lot about the concept of choice. Justice Arbour consulted 14,000 people before recommending that sexual assault cases be transferred from the military justice system to the civilian justice system. That is really what she established in her recommendation.

I would like to quote Professor Megan MacKenzie, who highlights a certain perspective.

[English]

Professor MacKenzie said:

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. It's the institution they trust.

You have spoken to that today.

She went on to say:

Many survivors, after that process, wished that they had been given a different option and are not satisfied with the choice.

We know from that same research I mentioned that there are examples of plea bargains within the military justice system being used in cases of serious sexual assault. These allow individuals to plead guilty to lesser military-specific disciplinary offences, like disgraceful conduct, to avoid a Criminal Code conviction.

For me, I think this idea that giving victims or survivors a choice is somehow "adding" is a misnomer. It does not enhance their experience.

I know you have contrary opinions to all of this, but I'd just like your perspective on what Dr. MacKenzie said. How do you view that opinion?

I'd like to start with Ms. Wood, if possible.

• (0910)

Christine Wood: Thank you for that very important question.

I believe that Ms. MacKenzie's work has focused extensively on high-harm, high-risk incidents. I believe the title of her book is *Good Soldiers Don't Rape*.

I believe that, as I said in my opening statement, requiring a newly minted member to go into an RCMP detachment to report a low-level harm is just unrealistic.

I apologize that I'm not at my best today, committee. I am usually better. I would love to be able to submit some answers in writing later.

Tim Watchorn: That would be great.

Christine Wood: I'm sorry.

Tim Watchorn: That would be excellent. I'm sorry.

Ms. Van Leusden, would you like to chime in?

Donna Van Leusden: I agree, but I think for what we'd consider the high-harm behaviours, the civilian court system is potentially preferable.

I have both ends because I went through a summary trial, and it was a case that would not have been prosecuted if it had been on the civilian side. I'm very aware of the fact that in that case, the military system was better, but I have also had a couple of files crawl their way up the civilian side.

Again, the important thing is that we're looking at it and we're trying to come up with a solution. There's not going to be anything that's one-size-fits-all, but one piece that's really being missed—it's the same thing the CAF missed with all of its training—is that whatever solution we come forward with, those people have to be trained in how to support survivors through it.

Dr. MacKenzie commented that people are feeling dissatisfied with the outcome. There is no outcome that would make it better. If my rapist had gotten up, walked out of the room, gotten hit by a bus and been vaporized, I would still have had to process what happened to me. It wouldn't have mattered one iota that they weren't on this planet anymore. It's not enough.

We have to be really cautious about having survivors wrap that verdict up in “that's what they need”, because, at the end of the day, regardless of what the outcome is, it's not enough.

[Translation]

Tim Watchorn: Do I still have time to speak, Mr. Chair?

[English]

The Chair: Your time is up.

To our witnesses, you are doing great.

Ms. Wood, your testimony is very much appreciated. You can bring it in writing. You're doing great. We don't want you to feel any pressure here, but whatever makes you feel better in terms of writing a response is appropriate. I'll give you time, as well, as necessary.

Christine Wood: Thank you, Mr. Chair. I'm usually better with my words. I really apologize that I'm not as articulate this morning as I usually am. I'm a little embarrassed.

The Chair: There's no need to apologize. Your words are strong and you're very brave for being here. We appreciate that.

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

[Translation]

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

Ms. Wood, I wanted to ask you a question, but I feel a little bad doing so after what you just said. Would you prefer that I ask someone else?

[English]

Christine Wood: We can try.

[Translation]

Simon-Pierre Savard-Tremblay: Okay.

Why do you, as a survivor, think it is important to fully understand all aspects of sexual assault in the military? Of all the possible measures, from adopting leadership policies to legislative changes, why would this be the most important issue for the Canadian Armed Forces to address?

Take your time. If necessary, we can suspend the meeting if it becomes difficult for you. Don't worry, we can wait until you feel comfortable.

[English]

Christine Wood: I would like to answer this. Thank you so much for that question.

Through my experience, and over the last 10 years, I have seen that military sexual trauma and abuse within the service are the single biggest predictor of future problems. With housing insecurity, homelessness, reduced income after release, a difficult time transitioning and the risk of suicide, military sexual trauma is at the heart of those problems. If we do not get it right, we are leaving all those other problems out there hanging. We have committees going on right now talking about suicide prevention. Why are we not talking about MST in that committee?

I would love to submit more later, but truly, I feel like MST is at the nexus.

● (0915)

[Translation]

Donna Van Leusden: Can I add something?

Simon-Pierre Savard-Tremblay: Yes, go ahead.

Donna Van Leusden: In the United States, after the release of the film *The Invisible War*, a study was conducted among people who had been discharged from the U.S. armed forces.

[English]

If they are not given the appropriate support at first disclosure, they leave voluntarily within a year. That's one out of every two survivors. That's not including people currently going through their exit from the CAF due to vicarious trauma, due to supporting somebody through the system and being injured. We are losing people in droves, and nobody wants to join an organization that is on the cover of the newspaper every other week for being hateful or full of rapists.

We have to fix this issue. It is now a national security issue. I can't help but feel like everybody just wants it to go away without fixing it. We need to start addressing this.

The Chair: Mr. Anderson, you have five minutes.

Scott Anderson (Vernon—Lake Country—Monashee, CPC): First of all, Mr. Chisholm, have you had an opportunity to go through Bill C-11?

William Chisholm: Not clause by clause, sir—it's very legalese—but I have read it and I've made notes of some issues that I feel are there.

Scott Anderson: If we were able to take out the provisions that limit choice and allow people to go into either civilian or military as they chose, would you amend the bill that way?

William Chisholm: Yes, sir. I believe that people need to be given that choice.

Scott Anderson: Ms. Wood, the first question is the same question: Have you had a chance to read Bill C-11?

Christine Wood: I have read parts of it. I am not a lawyer.

Scott Anderson: That's fair enough; neither am I.

If you had a chance to remove the provisions that remove choice, would you make that change?

Christine Wood: I support choice. I would never support removing choice.

I definitely believe we need the sunset clause on this to make sure that we can reassess the scope of this.

Scott Anderson: Ms. Van Leusden, my first question is the same for you.

Donna Van Leusden: I would do two things—

Scott Anderson: Have you reviewed Bill C-11?

Donna Van Leusden: I'm sorry. Yes, I have reviewed it. I am also not a lawyer, but I have reviewed it.

I would add the choice—the option. The only other thing I would want is that the people who are working in this area need to be trauma-informed to avoid 91-page decisions blaming the survivors for the outcome.

Scott Anderson: Absolutely.

Ms. Rose, go ahead.

Diane Hill Rose: I have read the thing from cover to cover. I went and got the legal dictionary out and I defined every single word and phrase in that bill.

We cannot remove choice, and we need to have trauma-informed people responding at the very first level. That's it.

Scott Anderson: Thank you very much.

Ms. Le Scelleur, have you had a chance to review Bill C-11?

Hélène Le Scelleur: I reviewed it in parts, the same as other people, because it's very legal-driven.

I agree that we need to change the wording and offer the choice. Definitely we also need to have people trained to be more trauma-informed.

Scott Anderson: Thank you very much.

Mr. Chisholm, you said something that struck me, and I'd like you to explore it a little bit. I believe you said that the system is geared toward conviction. Did I misunderstand what you said?

William Chisholm: No, sir. You can go on the SMSRC site and look at the decision tree, which is a tool for commanding officers and chiefs about what avenues to take. There is no way out. Even if the person is found not guilty, it goes to admin action. The revised document went the same way, and in the end... I was in policy in CPCC at the end, and I kept asking where the way out was for an innocent person.

Both the current decision tree and the amended one are geared toward a perpetrator, not an alleged perpetrator.

• (0920)

Scott Anderson: All of you have spoken, in particular Ms. Wood, about the military cultural awareness.

I was in the military as well. I don't think there's a lot of understanding out there among Canadians as to what that really means. I remember being a young officer with no clue about what was going on around me. In fact, I'd walk around with a coffee cup in my right hand, which is the wrong thing to do.

Christine Wood: You'll get yelled at.

Scott Anderson: Yes.

Shelby Kramp-Neuman (Hastings—Lennox and Addington—Tyendinaga, CPC): Do you have to use your left hand?

Scott Anderson: You have to salute. If you're saluted, you have to salute back and you can't.

Can you explain that a little bit, please?

Christine Wood: Yes, I can try.

I think this is a crucial part of this. I'm looking at this mostly from the experiences of my father. As a judge in the civilian court system, he was routinely educated. He went to conferences to be kept up to date on legal developments. Given what a civilian judge has to do already in a year to keep up to date with everything, downloading this into their laps...and not just the judges but also the Crown prosecutors, the defence attorneys and everyone involved.

It is so hard to understand the language. It's so hard to understand the power dynamics. It is so difficult to have to explain it. I have to explain it often in therapy. My therapist is not from the military, so I have to explain all of these different things to them. It's exhausting. It's demoralizing. To prevent that from falling on the victim or the complainant in a process like this, the judges, the police, the prosecutors and the defence attorneys need that training regularly. They need the support. I guess they're called secondments. Increased co-operation, if that has to happen.... However, just downloading it.... I think we have one MOU signed with Ottawa. What about the rest of the provinces? What's happening? We need dedicated funding and resourcing.

The Chair: Thank you, Ms. Wood.

Thank you, Mr. Anderson.

Ms. Romanado, you have five minutes.

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

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

If on any of my questions you would prefer to submit a response in writing later through the clerk, please feel free to do so. I'd be happy to have that.

This has been an incredibly helpful panel for us. It has also been very difficult for you to come and share your stories very publicly. However, it's actually very helpful for us to understand the application of this bill, should it go through, and how it would work. This is actually very helpful for us to get a better understanding about how this would work on the ground in real time.

I want to start with Ms. Wood.

You made an interesting recommendation, and you just followed up on that, in the sense that civilian systems don't really understand military life. I have a military family; I have children who are serving. We get the acronyms; we understand what they mean. We understand what an OUTCAN post is and so on. We also understand the culture. Having to explain that to a civilian who is not trained in military speak can be very difficult. It's difficult enough to report a sexual assault, let alone having to then try to educate the person when they ask, "Well, why didn't you leave?" "Well, I was actually on a ship. I couldn't leave."

You mentioned perhaps putting it under the DND but not under the CAF. I thought that was quite interesting. Would you like to elaborate a little bit on how that could, perhaps, help eliminate the problem of not understanding the military culture, while also keeping it a little more independent? Could you elaborate a little bit so that I can understand how it would work?

• (0925)

Christine Wood: I will definitely elaborate more in writing.

The way I think of this idea of the DND and the CAF.... This is probably a poor choice of words, but they're like cousins. They're of the same family, but they perhaps have different backgrounds, experiences and sets of expertise. I think there's a lot of potential to go down that road, but I really would want to give you a more fulsome answer in writing.

Sherry Romanado: That would be perfect.

What we've heard in testimony is that up until 1998, sexual assaults in the Canadian Armed Forces were investigated and prosecuted in the civilian realm. It was moved to the CAF in 1998, so that was from 1998 to 2021.

After speaking with over 14,000.... In Justice Arbour's review, she explained that you cannot remove that fear of reprisal and chain of command. It's basically the only employer in Canada that investigates and prosecutes itself. There's no other workplace in Canada where, if you were sexually assaulted, your supervisor would be investigating and prosecuting.

Removing that from the Canadian Armed Forces would eliminate that fear of reprisal, and the culture, perhaps, would change.

We mentioned those indicators, those low-risk behaviours that are happening in the Canadian Armed Forces that sometimes result in sexual assault.

Would you agree that moving back into the civilian system could at least remove the fear of investigating yourself and the fear of reprisal? I don't know if anyone would like to respond.

Diane Hill Rose: First of all, I responded to a military base where a rape happened recently. The woman said, "I don't want to report this." I took her to a hospital. We had the rape kits done. She did not want to report. She wanted to finish out her career. I gave her all of that. We are here for her. We have a good support system for her.

With this system, we're missing out on a lot of stuff here. The way the chain of command worked was that I would go to my master corporal and say, "Joe touched my bum." The master corporal would say, "Go tell Joe not to do that again." Joe would continue to do that, and I would go and tell my sergeant and he'd ask, "Well, what did the master corporal tell you?" That is the old system. Then we had reporting and stuff like that.

In the new system, nowadays with these guys, if something happens, it gets reported. People say stuff. Our men and women are standing up and saying, "Don't do that." This is where culture change is happening, and it still needs to continue to happen.

As far as the bill goes, there's really nothing in the bill about that. We need to continue from where we're at. As she said, a sunset clause on this....

Sherry Romanado: Part of the bill also includes a probationary period, but we hope that people who join the Canadian Armed Forces are not going to have bad behaviour. This is what the expectation is, but should bad behaviour be demonstrated early on in a career, a mechanism to remove them quickly currently doesn't exist.

Ms. Rose, what do you say to that?

Diane Hill Rose: Kick the bums out.

Sherry Romanado: Yes, I agree.

Diane Hill Rose: We also have a lot of issues now with different cultures coming into the military. In different countries, they have different laws and different ways of life. This training needs to be every day, not just once in boot camp. It needs to be every day that we're saying, "No, you can't do that."

The Chair: Thank you, Ms. Rose.

Ms. Kramp-Neuman, you have five minutes.

Shelby Kramp-Neuman: Thank you, Chair.

Indeed, these are sensitive conversations. I would like to start by thanking all of you for your vulnerability in sharing these. In addition, I'd like to thank all of those who may be viewing and who are serving or have served. Of course, to all of you in the room, thank you very much.

I'd like to just recap. There have been a lot of consistencies in today's testimony. There's too much at stake legally, professionally and personally. Survivors must have the right to choose between civilian and military and have a choice of jurisdiction. All stakeholders need to be taken into consideration. Survivors deserve choice. Survivors deserve resources. This bill removes choice. Military sexual trauma is at the heart. It's the nexus of many problems. We have to fix this issue and get people trained. People need to be trained to be trauma-informed.

This is pretty consistent and pretty disturbing. Recognizing that we are here today discussing Bill C-11, with its aim to correct the situation, we're trying to find the median here.

My first question is for Christine, Donna or Diane. Can you describe how your experiences were influenced by the system and how you were routed into civilian or military?

● (0930)

Donna Van Leusden: I can tell you about the one that I deemed successful, because it resulted in a conviction. It went to summary trial. You're questioned by the accused. That's different. The commanding officer of the unit of the member who did it had mandatory required attendance, so I got to testify in front of 300 of my closest friends. Yeah, it was.... When I arrived to testify, I was sat on a bench in a hallway beside the accused's girlfriend, who spent the entire time insulting and making comments. I would say the summary trial was far more traumatizing than anything that happened in that room.

I'll just add a bit to that, because I think it's important. When we talk about being trauma-informed, I've been told since by the chain of command that this is what doctors and padres are for. I can tell you that my padre approached me the morning after my assault. When I told him I'd had bad dreams that night, he responded by asking me if I was sure I wasn't sexually aroused by the experience. That's somebody you're supposed to be able to go to for counselling.

It's really important that we do the best we can to get this as right as we can because of the amount of harm that is done when it is not done right.

Shelby Kramp-Neuman: Thank you for sharing.

Did you feel that your autonomy was respected? I'm curious to know how your leadership responded when you shared your concerns.

Donna Van Leusden: In terms of how my leadership responded, I was a public affairs officer, so I was "one of". The one sexual assault happened on exercise. I began receiving media calls about my own sexual assault. I was told that I should write the lines to respond to the media. When I replied that perhaps I wasn't the right person, the response was that, at the end of the day, they expected me to do my job.

Shelby Kramp-Neuman: From a timeline perspective, or a transparency perspective, how did you feel about that?

Donna Van Leusden: I felt that I was fairly well informed on that one. It happened pretty fast. The assault happened in May, and by August they had the summary trial. That's how fast it can hap-

pen. When you compare that with the one that went through the civilian process, it was still in pretrial motions for about two years.

Shelby Kramp-Neuman: I really hope that all of you who are witnesses here today, and online as well, are feeling heard. Not one of us around this table ought to be deemed experts in this. Mind you, I do have some colleagues around the table who have been in the CAF. Nonetheless, I want to thank you.

Diane, if there's anything that you feel you haven't had a chance to express, I'd like to give you this opportunity. You had a lot of information in your testimony. Is there anything that you feel is missing and that you'd like to add to committee today?

Diane Hill Rose: It's points 80 through 90 on VLOs. I don't understand why a survivor would pick their best friend as a VLO, because if you don't know the systems and you don't know whom to go to.... I mean, you're not going to go to your mom and say, "Mom, go talk to my colonel." Your mom has no idea who your colonel is, so there's that issue of picking your VLO and who's the best VLO for you.

Then there are the mental health aspects of it. If you go into a civilian system, if you get raped and go to the hospital, the police call the rape crisis centre, and they come in and they talk to you. However, if we go in and nobody can call SMSRC, it's me who has to call SMSRC, and if I can't find their number and I don't know....

SMSRC is going through a name change right now. What was the one that...dignity and whatever? It's like, is this a funeral parlour or something that we're looking up here? Come on, please. If you remember there was something about "sexual organization," then you can look up "sexual organization" in the military, but I'm not going to look up "dignity" or "dignity and response". You know, we can spend the money more wisely, I think.

● (0935)

Shelby Kramp-Neuman: Thank you.

The Chair: Thank you, Ms. Rose.

Mr. Malette, you have up to five minutes.

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

I will echo my colleagues' comments and thanks for your bravery and your commitment to showing us your vulnerability today.

Bill, thank you for being an ally. As a father of two grown daughters, I appreciate your work and thank you for your service.

I'd like to talk today...and I know a little bit about what I speak of. We've been speaking a little bit today about understanding the culture. I'm lucky, I think, in some respect, though not to the same extent as some of my colleagues who have served. As a civilian journalist, I have deployed to.... I've been to Somalia, Bosnia and Haiti. I've lived in some of the places you folks have lived in and served in, so I understand that culture, and it is difficult to an unimaginable degree, I think, for some of us in the civilian world to understand that. Ms. Wood, I think you alluded to that.

The provost marshal general, in previous testimony here, told us to trust.... Again, this is somebody from the military justice system telling us in the civilian world to trust that, since 2021 onward, the culture of the military has improved drastically, and that the changes are happening at such a rate that we ought to have faith that the coming changes are sufficient and that the system doesn't need quite the overhaul that this bill would suggest.

I'm going to direct my question initially to Ms. Le Scelleur.

You did not report, you said, because that would mean entering a system he influenced. That's in reference to your attacker. Where is trust, then, in this world, in this system right now? How do we assess that? What is your assessment? After you speak to this precisely, I'm going to open it up for the rest to answer that question.

Hélène Le Scelleur: Thank you for that question. I'm going to answer in French so that it's easier for me.

[*Translation*]

The chain of command requires a form of loyalty and trust. When we see that senior military personnel can get away with actions for which no real punishment is imposed and no deterrent is presented, I think it becomes very difficult to trust the system completely. Trust will instead develop between peers. People will support each other, but they will not necessarily place their trust in the chain of command.

By not reporting the incident, I was mainly trying to protect myself. First of all, would anyone have believed me? I asked myself: If I reveal what happened and the assaults I suffered, will my own chain of command believe me?

The whole notion of trust is called into question when we see that actions are taken without consequences. It undermines the trust we may have and perhaps destroys it.

• (0940)

[*English*]

Chris Malette: Thank you.

Further to that point—I will open it up to the others here who may speak—I believe that Madam Justice Arbour reminded us, in her report, that even the perception of the chain of command's influence on the military police is enough to break that trust. She also said that the fact that the military police wear the uniform that the chain of command does is enough for them to be perceived as part of or close to the chain of command.

My question for the rest of you is this: How do you suggest we...? Is this a cultural or a structural change? I'm trying to get my head around this because of the uniqueness of the chain of com-

mand, and bringing that complaint to what is perceived to be a chain of command structure.

Donna Van Leusden: I think that transparency in communication has to be the first action. If we can get to the point where everybody within that chain of disclosure operates from a position of belief.... When I say that, I don't mean they automatically assume that the accused is guilty. I mean that, when they are meeting with somebody, they support that the person is traumatized and they can see that the person is injured. That support is the position that you start from because, if you start from there, everything else can fall into place.

I think that overcommunicating, being really transparent about everything and coming from a place of belief.... The military hasn't always found that easy because, generally speaking, we do things a certain way, because that's the way we've always done them. However, even up to and including.... As a very simple example, I got a call from somebody who said they were supporting a survivor and they needed to send a significant incident report, but the survivor wasn't in a position where they were ready to disclose, so what should they do? I said, "Talk to the survivor and show them what you're writing." They went quiet for a second and then said, "That didn't even occur to me." I said, "It's a way of giving them flexibility within an inflexible system."

I think we need to make sure that we don't have things like the accused going to court in their uniforms, because, even though...and ultimately be found not guilty. I'm not getting into the weeds on that, but the visual of watching a senior officer go to court, in uniform, to defend themselves against allegations.... The judge, in their comments, even said that they believe the survivor, but they don't necessarily believe that was the person who did it. That sort of stuff has to stop, because it undermines everything the survivors are suffering out there.

Chris Malette: That's an excellent point.

Can I just—

The Chair: We're over time by quite a bit.

Chris Malette: It's not a question. It's a public service announcement. Just quickly, if anybody is listening, there's a 24-7 anonymous telephone number for the SMSRC. It's 1-844-750-1648.

Thank you, Mr. Chair, for indulging me.

The Chair: Monsieur Savard-Tremblay, you have two and a half minutes, and I'll give you a little extra to make up the time.

[*Translation*]

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

Ms. Wood, I think we understand your criticism of the civil courts. You are telling us that they are not suitable, and we certainly understand why, based on your explanation and your logic. You are in favour of free choice of the judicial system, but you also mention a sunset clause. You say that after two or five years, we could reassess the situation by reviewing how things have gone.

How could this assessment be carried out? Would it be through a survey of victim satisfaction? Would it be by evaluating the time frames or even the results? Finally, what factors would need to be examined every two or five years to determine whether or not the measures are working?

[English]

Christine Wood: This touches on a lot. In my mind, having a sunset clause and how that would work is that, if we say there's a five-year sunset clause, at three years we'd start to collect all of the reports and data. That data must include more than the outcome of the trial or whether charges were laid. I think those reports have to include all of our demographic information, including rank, unit and the location of the assault, and that data also has to include a sense of satisfaction or of justice, as reported by the complainant.

• (0945)

[Translation]

Simon-Pierre Savard-Tremblay: It could be done by sending a questionnaire to victims.

Donna Van Leusden: That would be one way. Another way could be to find out if that person is still wearing the uniform of their own free will.

[English]

Did their file go to DMCA for review because they've been on three TCats?

There are a couple of different ways to look at it. I agree with her that it can't come down to just conviction rates, because, again, you can have a "not guilty" and still have a survivor who felt really supported and felt like they had their back. That's a healthy outcome.

[Translation]

Simon-Pierre Savard-Tremblay: In your opinion, who would be responsible for conducting this assessment to ensure that the process is impartial, fair and neutral? Of course, I am not talking here about assessing victim satisfaction but rather assessing, after two or five years, the effectiveness of transferring cases to the civilian justice system.

Donna Van Leusden: I think the process needs to be conducted by someone independent of the Canadian Armed Forces.

[English]

It has to be somebody who's well outside. They need to have military culture knowledge, but somebody outside of DND and outside of the CAF needs to be able to look at it holistically and critically.

[Translation]

The Canadian Armed Forces is a very small community.

[English]

Even when you have military judges who are outside, they are still.... Their roommate from RMC can be the accused, that kind of thing. It needs to be somebody independent, but somebody who can take a thorough look at the outcomes.

The Chair: Thank you.

Mr. Kibble.

Jeff Kibble: Thank you, Mr. Chair.

We heard a question earlier about Canadian Armed Forces members being—

[Translation]

Simon-Pierre Savard-Tremblay: The microphone has to be turned on so that we can hear you clearly.

It's done.

[English]

The Chair: It's okay. It's resolved.

Jeff Kibble: Could I start the time again, please?

Thank you for your generosity.

Mr. Chisholm, we heard a question about armed forces members' cases being investigated and prosecuted by their supervisor in the immediate chain of command. My understanding is that, of course, it would be reported to their supervisor in the chain of command.

In the 500-plus cases you dealt with, would you say that they were investigated and prosecuted by their chain of command, or was that done by the military police and the DMP, etc., outside of their chain of command?

William Chisholm: It's a good question, sir. I think the low-level stuff can be investigated by the chain of command well. I don't like "low-level, high-level", but generally, most commanding officers, if they feel they can't be independent, will get somebody from outside their unit to do the investigation.

I do believe that for anything that's not criminal—again, I don't like "low-level"—the military police are equipped to do that. I believe the conviction rate—because they do it daily—is quite good. I've been to many summary trials and courts martial where, if it gets to that point, the person has been investigated well and is generally convicted.

Jeff Kibble: Thank you.

Would it be fair to make this comparison? In a police department, if a police officer had committed a crime, while it might be reported internally, it would then be investigated by an independent police body or, in this case, a smaller department, perhaps a different police department. Would that be a similar analogy to convert from civilian to military terms?

William Chisholm: I believe that's a good analogy, sir. Most commanding officers mean well. If they feel they couldn't be independent, they would get an external environment.

Jeff Kibble: Thank you.

I want to do a quick round table for everybody. I'll start with Mr. Chisholm.

Dr. MacKenzie refers to making a decision “[i]n the moments following an incident of sexual violence.” In your experience of what you've seen—and for everybody else, the personal experience—did you feel that you had to report immediately in the moment, or was it at a later time when you were removed from a dangerous situation? This is just to speak to “in the moment”, or were you given time? In your case, Mr. Chisholm, it's about the cases that you've seen.

Answer very quickly, so we can get around the table.

• (0950)

William Chisholm: I believe that most people are leery to report right away, because they're in a trauma state. I believe once they're informed properly, they would have a better avenue, sir.

Jeff Kibble: It's a safer and more appropriate time to make such an important decision. Thank you.

Could the rest of the panel comment? We will start with Ms. Wood.

Christine Wood: I knew I had been raped for a week. I was drugged and raped. I knew about it for a week. I talked to a medical doctor on base, and he warned me that I should think twice about reporting to the MPs because reprisals often follow you around for the rest of your career. I thought about it for 24 hours, and then I reported.

Jeff Kibble: This was a week later, plus 24 hours. Did you feel that you were in the moment or that you had had an appropriate opportunity to make such a terrible decision?

Christine Wood: I had time by then, yes.

Jeff Kibble: Thank you for that. I'm sorry for what happened.

Ms. Van Leusden, could you answer the same question, please?

Donna Van Leusden: Two of my reports ended up being legacy reports, about 20 years after the fact. At the time, I did not have the support I would have needed to report.

In the one instance, in Kingston, on my course, he remained my course warrant. I still reported to him. They actually had us all march into the office one morning. We had to give him reasons why we'd screwed up. The night before that was the night he assaulted me. When I walked into his office, he smirked at me and asked why I wasn't feeling well. That's just an example.

Jeff Kibble: That was 20 years later, so certainly not in the moment.

Donna Van Leusden: Right, but I also did one immediately.

Jeff Kibble: You did one that was—

Donna Van Leusden: Yes. At the time, I reported immediately and called the MPs. They arrested him on scene and took him away.

Jeff Kibble: Okay. Thank you very much.

Ms. Rose.

Diane Hill Rose: Mine is also a legacy, so mine doesn't count in that question, but on the cases I have attended, the first thing I do is tell them this: “Let's take a breath. Let's get the medical stuff done and go through this. I'm here with you.” Usually within three to four days, they're making decisions.

Jeff Kibble: Okay. Thank you. I respect that. I think it's very good that you're counselling people to do that, and I'm sure it's appreciated.

Ms. Le Scelleur.

[*Translation*]

Hélène Le Scelleur: Thank you for the question.

[*English*]

When it happened—it happened twice in the same evening—there was a person accompanying me. I disclosed to that person what had happened. I was deploying three days after that, and he did ask me what I wanted to do. I said that I couldn't do anything. If I disclosed or reported right then, I might be taken out of the deployment because of all the legal things.

Jeff Kibble: Thank you. I guess in your case—

The Chair: I'm sorry. You're out of time.

Jeff Kibble: Thank you.

The Chair: We'll have another round for everyone's questions.

Ms. Lapointe, you have up to five minutes.

Viviane Lapointe: Thank you, Mr. Chair.

I will cede my time to my colleague, MP Idlout.

Lori Idlout (Nunavut, NDP): *Qujannamiik.*

First of all, I very much want to thank Ms. Lapointe for sharing her time with me. I very much appreciate it.

Thank you as well to our witnesses for their testimony. You really have gone above and beyond your duty. You have done so much for our country, not just in wanting to serve, but in continuing to be witnesses today and having to add a burden of offering solutions in the system. I think you've been placed in a very difficult position: both to be victims and to provide solutions to our study. I think we have to share so much how much we appreciate your willingness to be so courageous.

I'm thinking about other people who don't have to offer solutions when they are injured or traumatized, such as people who go into emergency rooms with broken arms. They don't need to offer solutions. They don't need to think about what needs to be fixed. They automatically get the service and the health care they deserve. We need to reach that point for victims of sexual violence. We need to reach that point where we don't need to ask victims to provide these solutions. I really hope that we do get to that point. With your great knowledge and your willingness to serve your country, I hope that we do move forward in that way.

Having said that, I would like Diane Rose and H el ene to answer my question.

My one question is in regard to the victim's liaison officer. I think we all need to make sure that it becomes part of the whole system. What will ensure that this position is something that can truly be of help to victims of sexual violence?

Qujannamiik.

• (0955)

Diane Hill Rose: First of all, it can't be a 25-year-old girl who just came out of university and says, "I understand what you're going through." We need more of a mom figure there. As I've been told by my sisters, I provide that mom figure all too often, when they come walking up to me and I hold them and hug them. It's something that's needed.

A VLO needs to be able not just to understand the trauma, but to be that figurehead for the person, to know the system enough to guide them through it and to get them to mental health right away, because the faster you get to mental health, the faster you start healing, and the easier the case goes. It's very important to have that. Yes, just don't give me a 25-year-old girl who tells me she knows what I'm going through, because she doesn't.

Lori Idlout: H el ene, go ahead.

H el ene Le Scelleur: For me, it's also about education. We still don't talk about this enough. I think it's not displayed enough...to get this information. I didn't know what was possible when I was in service. I'm questioning now if the new people coming into service know what resources are available and what the VLO is.

I agree with Diane. It needs to be someone who is going to be representing experiences and also has knowledge about sexual trauma.

For me, education is still a big part that needs to be happening.

Lori Idlout: Thank you so much.

I will give my time back to the Liberals.

The Chair: You only have 30 seconds left, Ms. Lapointe.

Viviane Lapointe: I'll cede my time.

The Chair: Ms. Gallant, you have five minutes.

Cheryl Gallant: With the brigade commander being the perpetrator in the system, Ms. Le Scelleur, you implied that your career path would be impaired or ended.

Did you think the consequences of reporting would put your life at risk, that you would be put in harm's way or that it would potentially have you killed?

H el ene Le Scelleur: I don't know if I would go up to that point. The fact that he was able to get my personal information and my phone number meant that he knew where I was living. It's all information that, for me, is critical.

I'm not saying that it would have gone to that point, but definitely that person was able to show up at my door.

Cheryl Gallant: Is that person still serving in the military?

H el ene Le Scelleur: No, he is not.

Cheryl Gallant: Mr. Chisholm, was there any fraternization of information between MPs, NIS or the liaison assisting officers and the chain of command, in your experience?

William Chisholm: That's a good question.

I think it's a fact that people need to know. In the SMSRC right now, the military police liaison officer position is vacant. The SMSRC counsellors—whom I still talk to—yesterday said they don't have that advice right now.

To know that conversations occur between the chain of command and the military police.... I believe commanding officers and the military police do their best to keep things separate.

• (1000)

Cheryl Gallant: There's no sharing of information even between the lawyers and the chain of command.

William Chisholm: I think it's very difficult—in all the cases I dealt with in the SMSRC—to get any information from the civilian courts. Military police liaison officers were having difficulty getting a shadow file or any information, so much so that a serving member was doing weekend time and his chain of command didn't know he was in court.

Cheryl Gallant: What about the military court? Was there any chance that there were conversations going on between the lawyers and the chain of command?

William Chisholm: I believe, for the betterment of the system, that there has to be some discussion between the lawyers. I believe the lawyers should have some knowledge about the personnel record of that person.

Cheryl Gallant: Was the principle of unlimited liability ever raised as a way to discourage any of our witnesses from reporting?

Ms. Wood.

Christine Wood: I'm not familiar with that term.

Cheryl Gallant: Donna, was the principle of unlimited liability ever used as a rationale for you not to report?

Donna Van Leusden: I can tell you that I have friends and colleagues who reported.... I'm thinking of one in particular, who was in the navy and was told flat out that it would be very easy for her to have an accident.

Cheryl Gallant: I didn't hear what you just said.

Donna Van Leusden: It would be very easy for her to have an accident on a ship. There have definitely been incidents like that.

Cheryl Gallant: Diane, have you heard that term?

Diane Hill Rose: Yes, I heard something a couple of weeks ago: "If my MOBI is missing, I know I'm going overboard at three." A MOBI is a transmitter that the navy officers wear on their uniforms. If they hit the water, it goes off and it's a beacon. You know that if your MOBI is missing, you're going overboard at three o'clock. That's quite common in the navy. You can't talk in the navy. You just can't. You're gone. You're done.

In Afghanistan, I've heard many cases of a fear of being fraggged.

Cheryl Gallant: What's fraggged?

Donna Van Leusden: It's the fear of being eliminated by your own people. Being in the military and being a survivor means trying to find a balance between recognizing that you need to be able to trust your leaders and your peers with your life, but you can't trust them with your body.

Cheryl Gallant: Ms. Le Scelleur, were you ever told that there is unlimited liability, that whatever happens in the military isn't their fault and not to report, or was it implied in your case?

Hélène Le Scelleur: I think it was more implied than told. I'm familiar with the term. For me, when we look back a few years ago, I would say decades ago, an officer had the right over your life. I guess it's implicit that today something a bit like that is still going on, not necessarily in an open way of saying it. However, unlimited liability is also about excellence and honour, and when you see your superiors acting against that, then you question this terminology, this principle, that is driving our service.

The Chair: Thank you.

Ms. Van Leusden, you had your hand up. Do you have something to say?

Donna Van Leusden: I said it. It was about Ms. Gallant's question about people being threatened.

The Chair: Thank you.

Mr. Watchorn, you have up to five minutes.

[Translation]

Tim Watchorn: Thank you, Mr. Chair.

I find what we are hearing today very disturbing. I have a hard time seeing how trust can be established in such an environment. I understand that this is very difficult for you.

Ms. Wood, before the meeting began today, I had a brief discussion with you about the Quebec justice system. As you know, Quebec is ahead of the curve in this area. It has established a specialized court for sexual and domestic violence. Judges, prosecutors and all those involved in this system receive specialized training specific to their role. I heard you say that this was necessary.

Do you have any comments on the Quebec system? If this system were replicated in all provinces, would you have more confidence in the civil justice system? In your opinion, how could this system be implemented?

I'll start by hearing Ms. Wood's response.

• (1005)

[English]

Christine Wood: I am very impressed with what I know and what I have heard about the Quebec system, and I believe that it does go a long way, or it could go a long way, toward increasing trust and confidence in a civilian system with those resources. I absolutely would love to see that system rolled out across all provinces and territories. Sexual assault is the least reported, the least charged and the least convicted crime. It's obviously different from other crimes, and it needs a different system, so I support the work that you've done and would fully support seeing how it could work, yes.

[Translation]

Tim Watchorn: Ms. Van Leusden, what is your opinion on this same question?

[English]

Donna Van Leusden: I think that it's key. I think that we need to have people trained in sexual trauma. It's the only crime in which you're a witness and evidence. The only way for them to defend their client is to attack the evidence, which means to attack you, so you're up there, and you're trying to defend yourself against this. It's also one of the few crimes that you have to prove you didn't consent to. Nobody asks the victim of attempted murder if they consented to that, but this becomes a question here. I think it is vital to have a specially trained... I would love to see something like that.

I do think, though, that the military culture piece needs to be included. I'm not sure if that would be in terms of having advisers, partnerships or something like that, but it is a different world. It is something that not a lot of people know and understand. Having somebody who can order you into harm's way also be your rapist is a different experience altogether. I know that in the States, Brigadier General Sutton compared it to incest. It cuts so deeply, and it undermines everything about wearing a uniform, so I would love to see a system where they have a dedicated court system for sexual crimes.

[Translation]

Tim Watchorn: What do you think, Ms. Rose?

[English]

Diane Hill Rose: I think we need to take this up to the UN and NATO areas as well, because we need to have the same laws all the way across who we're serving with. Your brigadier general may not be a Canadian when you go overseas. My rape doesn't count once I leave this country.

We also need to get rid of the dinosaurs who are still in the system. Recently a civilian contractor with DND said to another civilian who was raped in Latvia, "What did you expect?" Why is this guy on our tax dollars' payroll?

[Translation]

Tim Watchorn: Ms. Le Scelleur, I'll ask you the same question. I don't want to exclude you, even though you're attending the meeting through video conference.

Hélène Le Scelleur: I think it's an excellent idea to use a dedicated court. That's somewhat the idea I proposed during my testimony. However, as Ms. Van Leusden said, I also believe that legal advisors from the military should be involved in the process to ensure an understanding of the organizational culture.

It is important that this specialized court also be able to support deployed personnel. The entire system must take into account not only those who serve in Canada, but also those who serve around the world.

Tim Watchorn: Thank you very much.

Do I have any time left, Mr. Chair?

[English]

The Chair: You have another 10 seconds.

[Translation]

Tim Watchorn: Mr. Chisholm, you haven't yet had a chance to comment on the system that has been set up in Quebec. Do you think this model could be beneficial to victims?

[English]

William Chisholm: I haven't done any research into the Quebec system, but just from our conversation today, anybody trained in specialized and trauma-informed care can benefit the victims and survivors in processing it properly.

[Translation]

Tim Watchorn: Thank you for your response.

Thank you, Mr. Chair.

[English]

The Chair: Thank you.

Monsieur Savard-Tremblay, we're almost done for the morning.

You have two and a half minutes. I'll leave it to you to keep us on time.

[Translation]

Simon-Pierre Savard-Tremblay: Since I am the one who will be closing the discussion, I will try to do so decisively.

I will start with you, Ms. Wood, then Ms. Van Leusden can add any comments, even if there isn't much time left.

I would like to return once again to the shortcomings of the courts in the civil justice system.

If prosecutors, police officers and civil court judges were given training and allowed to familiarize themselves a little with the military context, do you think this would fill those gaps, or do you think this still wouldn't be enough?

• (1010)

[English]

Christine Wood: From what I understand, it's not just a matter of training or a matter of money. I believe the figure is 1.3 judges or professional court staff to deal with every one million people in Ontario. There are not enough judges and not enough courtrooms. It's more than just the military cultural awareness training that would have to go into it.

I'm sorry if I'm missing the rest of the question.

[Translation]

Simon-Pierre Savard-Tremblay: That's fine, no problem.

Do you think that such training would be desirable, despite everything? It couldn't hurt.

Ms. Van Leusden, you can add your comments afterward.

[English]

Christine Wood: It would never hurt. Of course it's worthwhile, and anything we can do to increase trust and efficiency is great, yes.

Donna Van Leusden: Really, it's a question of resources. I do think having a specialized court is key. Again, partnering best practices on the civilian side with military understanding is also key.

At the end of the day, my goal is to make sure that survivors who choose to go through the system do so not only with full awareness but also with all the support they need. Regardless of the outcome, they would feel like they could put a period there. They would feel like they have some closure on that side of things. Right now, we're not there, so let's get there.

[Translation]

Simon-Pierre Savard-Tremblay: That's fine, thank you.

I have no further questions, Mr. Chair.

[*English*]

The Chair: Thank you.

I thank all the witnesses for coming forward and presenting. I know how sensitive it is. I appreciate your candour, your recommendations and your suggestions.

We all want to make this better, for the victims especially, and we want justice to prevail throughout, so we want the systems to work as best they can.

I appreciate the engagement by members from all sides and by staff, who are all very concerned about the well-being of not only the military but also those who are working for and serving us every day. Congratulations to all of you.

Ladies and gentlemen, time is almost near, so with your permission I'll adjourn the meeting to allow you to go to your next meeting.

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