



“Dedicated to Justice” • «Au service de la justice»

May 29, 2014

The Honourable Rob Nicholson, Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, Ontario K1A 0K2

Dear Minister:

The Canadian Resource Centre for Victims of Crime (CRCVC) is very concerned about how rampant sexual violence is in the Canadian military, and the difficulty victims have in reporting or seeking support from their superiors. We understand that every day, five individuals in the Canadian military community become victims of sexual assault.

Maclean’s magazine has reviewed statistics obtained through Canada’s *Access to Information Act*, which show military police received between 134 and 201 complaints of sexual assaults every year since 2000. That’s an average of 178 per year. Most specialists agree that hundreds of other cases are not reported. Statistics Canada estimates that only one in 10 cases of sexual assault is reported to authorities. That means a total of 1,780 sexual assaults per year in the Canadian Forces - or five per day.

In most cases, the aggressor is a man and the victim is a woman—but not always. There have been cases of newly enrolled soldiers who abuse female soldiers, of high-ranking officers who assault subordinates, and of groups of men who commit assaults together against other men. Ten per cent of complaints are filed by army cadets. And the problem touches every level of the military hierarchy: last month, Maj. David Yurczyszyn was demoted to captain after a military judge found him guilty of sexual assault and drunkenness. Yurczyszyn was, until last year, a commanding officer at the Canadian Forces base in Wainwright, Alberta.

Twenty-five years ago, Canada was one of the first countries to allow women to fight in combat. Even though women make up 15 per cent of the Forces today, a sexist climate persists, and it remains a challenge to recruit more women.

The Canadian Forces’ most recent study on sexual harassment in the workplace is clear: sexual harassment is a heavy secret for victims. In a 2012 survey of 2,245 military employees, nine per cent of women and 0.3 per cent of men claimed they were victims of sexual harassment or of undesired sexual contact in the last 12 months—that includes obscene jokes, sexual touching and rape. Only seven per cent of victims file official complaints. The rest keep quiet, citing as reasons: they don’t see the use of complaining; they want to take care of the problem themselves; they worry filing a complaint will adversely affect their work situation; they fear being labeled a troublemaker; and finally, they believe complaining won’t change anything.

There’s no way for a victim to file a complaint to the military police without informing her superiors—and those of the suspect. In other words, there is no way to keep a complaint from a victim’s “chain of command.” The hierarchy is influential, and not always impartial.



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Ritu Gill and Angela Febraro, two social psychology researchers who work at Defence Research and Development Canada, published a study last year in the scholarly journal *Violence Against Women*. The authors interviewed 26 servicewomen from combat units at the Petawawa base in Ontario, some of whom had been sexually harassed or sexually assaulted. Their conclusion? Women, who filed complaints suffered mockery, were ostracized and worse—some were threatened. And they didn't always get support from their chain of command. According to the researchers, “The focal point should not be the number or percentage of women who are victims, but rather how safe women feel in using the formal reporting process and whether their concerns surrounding the reporting process ultimately deter them from reporting. The results of this study also suggest that the reporting process needs to be re-evaluated and revised in order to provide an environment that allows a victim to safely report harassment without negative repercussions.”

Britain, Ireland, Australia and New Zealand have all handed key aspects of military justice back to civilian authorities. In Britain, a special civilian police force investigates serious offenses in the defence department. France, Austria, the Czech Republic, the Netherlands, Germany and Belgium have erased military courts. In Canada, the scope of activity of Canada's military courts has been expanding. Military courts did not try cases of sexual assault until they became authorized to do so in 1998. Prior to that, cases were handled in criminal courts exclusively. In the military, the legal representatives are soldiers themselves. They are supposed to be impartial, but the badges on their uniforms mean they have to respect military hierarchy. This creates the perception that the military chain of command is influencing justice. The only way to make military justice look independent, impartial and trustworthy in the eyes of victims, is to cut it off from the military hierarchy completely.

Between 2002-12, 15 cases of sexual assault in Afghanistan were reported to Canada's military police. Not a single one led to an accusation against a Canadian. In four cases, investigators decided the complaint was unfounded. In five others, they said there wasn't sufficient evidence to identify a suspect and the cases were closed. Since the authority of Canada's military police only applies to Canadian citizens, five cases involving foreign suspects were transferred to the police of their respective countries—following which at least two offenders, an Afghan and an American, were charged, found guilty and punished. One last case also fell out of Canadian jurisdiction, but was never treated by another authority.

This situation is unacceptable and we would like to know what you are doing as Minister to address this problem. How will you improve the systematic investigation of harassment and sexual violence in the military? Will you consider turning over the investigation of serious offences to civilian authorities? We believe this will allow many more victims to come forward and seek supports without the fear of reprisal from their superior officers. Thank you for your attention to this matter and we look forward to your response.

Sincerely,

Heidi Illingworth
Executive Director