

SERVICEWOMEN AS WHISTLEBLOWERS: CANADIAN SERVICEWOMEN AND THE REVELATIONS OF MILITARY SEXUAL VIOLENCE¹

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The Canadian military has a sexual violence problem. Based on a recent conservative estimate, approximately one in six Canadian servicewomen experience sexual violence over the course of their service.² Similarly, the military cannot be counted on to achieve justice for sexual violence survivors. Of the 1,500 annual instances of military sexual assault reported to Statistics Canada (as of 2018), only one would go on to be successfully prosecuted for sexual assault.³ The fact that these

¹ The author wishes to thank Allan English and Rosemary Park for their consent to publish parts of a literature review into Military Sexual Trauma. That review was commissioned for Servicewomen's Salute Portal Project at Queen's University in 2019-2020.

² Kimberley Watkins et al. "Military-related sexual assault in Canada: a cross-sectional survey," *Canadian Medical Association Journal* vol.5, no.2 (Apr-Jun 2017), p. 500;

<u>https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5498324/</u>. Watkins acknowledges that another estimate placed the rates of military sexual assault at 27% among servicewomen, presumably including both regular and reservists.

³ These statistics were arrived using the following data: Marta Burczycka, "Sexual Misconduct in the Canadian Armed Forces Primary Reserve, 2018," Statistics Canada, 22 May 2019, pp, 11-12; Adam Cotter, "Sexual Misconduct in the Canadian Armed Forces Regular Force, 2018," Statistics Canada, 22 May 2019, pp. 11-12; Elaine Craig, "An Examination of How the Canadian Military's Legal System Responds to

numbers are widely available is attributable to the bravery of service personnel (especially servicewomen) who publicly discussed their experiences of sexual violence, the reactions of their superiors and colleagues, and the workings of the military justice apparatus. This article documents the history of the revelations and places that history in the paradoxical context of the responses of the Canadian Armed Forces (CAF) and Veterans Affairs Canada (VAC).

The fact that militaries commit sexual violence has been acknowledged by military historians since Herodotus, but they have been reluctant to detail military sexual violence and generally paid little attention to topics beyond battle, operations and regiments before the "new military history" in the 1970s.⁴ The new military history incorporated elements of political, economic, intellectual, and social history and by the 1990s included some historians discussing sexuality and gender.⁵ However other scholars explored those topics before historians did. Feminist critique of military sexual violence began in the 1970s with texts such as Susan Brownmiller's Against our Will (1975); Brownmiller however focused on male soldiers raping enemy non-combatants.⁶ The first Canadian article that flagged sexual violence committed by servicemen against their female colleagues was published in 1991. This article, legal scholar Ellen Symons' "Under Fire: Canadian Women in Combat," was in response to the Canadian Human Rights Tribunal's decision compelling the military to open all trades to servicewomen (against the military's collective will).⁷ Through the 1990s, Canadian academics published a handful of academic articles, and completed a couple of theses (notably, historian Karen D. Davis and gender studies scholar Marcia Kovitz). However, after 1998 when Maclean's published its "Rape in the Military" report, more academics

Sexual Assault," Dalhousie Law Journal, vol. 43, no. 1, (2020), 74;

https://digitalcommons.schulichlaw.dal.ca/scholarly_works/41/

⁴ See for instance: John Ellis, *The Social History of the Machine Gun* (Baltimore, MD: Johns Hopkins University Press, 1975); John Keegan, *The Face of Battle: A study of Agincourt, Waterloo, and the Somme* (London: Penguin, 1978).

⁵ David F. Trask, "The 'New Military History and Army Historians," *The Army* Historian, no. 5 (Fall 1984), p.7, <u>https://www.jstor.org/stable/26303481</u>. Just because scholars were starting to study military sexual violence, does not mean that military historians as a whole accepted the validity of gender and sexuality studies. Annette Timm provides a compelling anecdote about how one of the pioneering historians of miliary rape was dismissed by her colleagues in the 1990s. See: Annette F. Timm, "The challenges of including sexual violence and transgressive love in historical writing on World War II and the Holocaust," *Journal of the History of Sexuality*, vol. 26, no. 3 (Sep 2017), p.351, <u>https://www.jstor.org/stable/44862403</u>.

⁶ Susan Brownmiller, Against Our Will: Men, Women and Rape (New York: Bantam, 1975).

⁷ Ellen Symons, "Under Fire: Canadian Women in Combat" Canadian Journal of Women and the Law, vol. 4, no. 2 (1991), pp. 477-511.

published articles about Canadian military sexual violence. Another wave of articles was published after Justice Marie Deschamps report and the subsequent Operation HONOUR after 2015.⁸ In 2022, historian Charlotte Duval-Lantoine published the first academic volume to focus on the problems of the 1990s military.⁹ In general, after 1998 the scholarship focused on the social consequences and mental health harms that survivors of Canadian military sexual violence endured, as well as the military's inability to achieve justice for these survivors, because of a complex web of "wicked problems."¹⁰

In the late 1980s and 1990s, the military took certain formal policy changes to protect and enshrine the rights of women military members (and minorities more broadly), and other policy changes were imposed externally. During the 1980s, Rosemary Park, lead author of the military's Service Women In Non-Traditional Environments and Roles (SWINTER) Trials recommended implementing clear policies surrounding sexual harassment, fraternization and pregnancy.¹¹ In 1988, the military promulgated their first policy prohibiting harassment including sexual harassment. However, the 1990s Canadian military was reluctant to integrate minority populations more broadly, and a series of scandals tarnished the reputation of the CAF.¹² Broadly,

⁸ For instance see: Maya Eichler, "L'opération HONOUR en perspective : la politique changeante du genre dans les Forces armées canadiennes." *Etudes Internationales*, vol. 48, no. 1 (2017), pp. 19-36; <u>https://www.erudit.org/en/journals/ei/2017-v48-n1-ei03300/1042351ar/</u> for a historical overview of women's integration into the Canadian military (and is an outlier French-language article about MST and the CAF); Nancy Taber, "After Deschamps: Men, masculinities, and the Canadian Armed Forces." *JMVRH*, vol. 4, no. 1 (2018), pp. 100-107; <u>https://jmvfh.utpjournals.press/doi/10.3138/jmvfh.2017-0005</u> discusses the role of men and the performance of military masculinity in creating the conditions for sexual violence; Marcia Kovitz, "Sexual (mis)conduct in the Canadian Armed Forces," *Critical Military Studies* (2018), pp, 1-21; <u>https://www.tandfonline.com/doi/abs/10.1080/23337486.2018.1494883</u> examines a comparative context between the Deschamps Report and her 1990s studies; Craig, "Canadian Military's Legal System," 63-101 for quantitative and qualitative analysis of the Canadian military justice system in 2020.

⁹ Charlotte Duval-Lantoine, *The Ones We Let Down: Toxic Leadership Culture and Gender Integration in the Canadian Forces* (Montreal & Kingston: McGill-Queen's University Press, 2022).

¹⁰ Allan English, "'Comprehensive culture change' and diversity in the Canadian Armed Forces: An assessment of Operation Honour after three years and implications for the latest CAF diversity strategy," (IUS Canada Conference, Ottawa, Canada, 2018), 5.

¹¹ R.E. Park (Major), *Overview of the Social/Behavioral Science Evaluation of the* 1979-1985 *of Canadian Forces Trial Employment of Servicewomen in Non-Traditional Environments and Roles* (Willowdale, ON: Canadian Forces Personnel Applied Research Unit, 1986). For an analysis of these trials, see: Paula Trachy, "Women, Citizens, Soldiers: Gender Integration in the Canadian Forces," (M.A. Thesis: McMaster

University, 2001), p. 69, <u>https://canadaresearch.mcmaster.ca/handle/11375/11557?locale=en</u>.

¹² Excellent scholarship has emerged about the 1990s as the "decade of darkness" for the Canadian Forces. For a review of the "gay-purges" of the 1980s and 1990s, see: Carmen Poulin, Lynne Gouliquer, Jennifer

incorporating LGBTQ+ individuals, racialized communities, and servicewomen in combat positions challenged the military's perception of itself.¹³ Formal harassment prevention training was introduced in 1995 as the Sexual Harassment And Racism Prevention (SHARP) training, but its effectiveness was questioned almost immediately; personnel resented the training and referred to SHARP as an exercise in "box-ticking."¹⁴ Similarly, a 1990s-policy intended to include more women at the Canadian Forces College Command and Staff Course (offering positions on the course to top eligible women officers) was "universally condemned" for being unfair to male officers.¹⁵ Overall, in the words of sociologist Lynne Gouliquer, women serving in the CAF experienced "physical and verbal forms of sexual harassment," and the CAF itself remained an institution that resisted gender integration.¹⁶

As I trace it below, since 1998, the history of these revelations has been written by journalists in conversation with servicewomen. Little historiographical attention has been paid to the fact that how military sexual violence has been discussed has shaped the public and academic conversations about it. By first discussing the major revelations of Canadian military sexual violence in 1998, 2014 and 2021, this article highlights the servicewomen who bravely put their names forward and how the reporting changed across the quarter-century. The reporting in 1998 focused on individuals who were persecuted by their colleagues and superiors and unable to obtain military justice. In the 2000s and 2010s, when the media discussed servicewomen who could not speak for themselves, they fell back on tropes about "a few bad apples" within the military. The problem with these tropes is that they fail to adequately convey the scope of sexual violence within the military and place that violence in context. In 2014, the focus of Maclean's reporting widened its scope to include the systemic sexism and sexual violence within military culture. In 2021, the reporting focused not only on the actions of General Officer/Flag Officer accused perpetrators, but also included how the military's culture protected and sheltered perpetrators at the expense of survivors. Broadly, journalists have been supportive and ham-handed advocates of justice for

¹³ English, "Comprehensive culture change"

Moore, "Discharged from the Canadian Military for Homosexuality: Implications for Lesbians," *Feminism* & *Psychology* vol. 19, no. 4 (2009): 496-516, <u>https://journals.sagepub.com/doi/10.1177/0959353509342772</u>; For a discussion of the Somalia Scandal, see: Bernd Horn, *Bastard Sons: An examination of Canada's Airborne experience*, 1942-1995 (St. Catherine's ON: Vanwell Publishing, 2001).

¹⁴ Nancy Taber, "Battling between Operation HONOUR and 'Hop on her'," *Critical Military Studies* (2020), p. 29, <u>https://www.tandfonline.com/doi/abs/10.1080/23337486.2017.1411117?journalCode=rcms20</u>.

¹⁵ Anne Reiffenstein, "Gender Integration – An Asymmetric Environment," in *Women and Leadership in the Canadian Forces* ed. Karen D. Davis (Kingston: Canadian Defence Academy Press, 2007), p. 7.

¹⁶ Lynne Gouliquer, "Soldiering in the Canadian Forces: How and Why Gender Counts!" (PhD Dissertation: McGill University, 2011), 221-222.

survivors of military sexual violence. Since 2015, however, servicewomen have taken steps to advocate, organize, write their own stories publicly, and thereby putting pressure on the military to change.

After discussing the history of revelations, I turn to the official responses from first CAF and then, briefly, from VAC. Both institutions have been reactionary, not proactive, in their responses to military sexual violence. Without sustained media attention, the CAF especially has proven to be more interested in operational concerns and goes back to business as usual. In the media, the CAF has been the primary target for change, with VAC following laggardly behind. Overall, the official responses from the CAF have been, to borrow Justice Louise Arbours' phrase "a flurry of activities" but these activities are inefficient and repetitive.¹⁷ VAC, by contrast, has been relatively untouched as servicewomen try to access services and pensions, and only legally mandated to change its policies in 2019 by a class action lawsuit.

REVELATIONS OF CANADIAN MILITARY SEXUAL TRAUMA - 1998 TO 2021

Only within the past 25 years has the trauma associated with military sexual assault and harassment been more widely and publicly discussed because servicewomen have been willing to tell their stories publicly. The autobiographies of servicewomen who served before the 1990s are rife with descriptions of their gender discrimination, harassment, and even sexual assault and rape. Such traumas were compounded by the policies implemented by the military itself – such as the fact that SHARP training placed responsibility for speaking up on the person who had been harassed; she was expected to directly confront her harasser.¹⁸ As servicewomen learned, merely having a policy in place does not make it supportive. More broadly, these lived experiences were not reflected in the popular or academic literature with a few exceptions. As noted in Karen Davis' dissertation, in 1992 and 1994 respectively, the *Montreal Gazette* and *Toronto Sunday Star* had front page headlines about incidents of sexual harassment of servicewomen.¹⁹ However, their investigations represented unusual and isolated incidents of media pressure on the military. In her 1998 doctoral dissertation, Marcia Kovitz wrote of an academic "amnesia concerning the

¹⁷ Justice Louise Arbour, *Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces* (Prepared for the Department of National Defence, 2022), p 10, <u>https://www.canada.ca/en/department-national-defence/corporate/reports-publications/report-of-the-independent-external-comprehensive-review.html</u>.

¹⁸ Taber, "Battling," 29.

¹⁹ Karen D. Davis, "Negotiating gender in the Canadian Forces, 1970-199," (PhD. Dissertation, Royal Military College of Canada, 2013), o. 199, <u>https://www.proquest.com/docview/1449400023?pq-origsite=primo</u>.

contemporary military," which she traced through Canadian military history, sociology, critical theoretical studies, and even women's studies.²⁰ Since 1998, however, academics, the media, and women veterans themselves have been writing in the shadow of the 1998 *Maclean's* exposé "Rape in the Military" and its follow-up stories.

It is not an exaggeration to say that the *Maclean's* articles were the first major Canadian media story about military sexual trauma. The first *Maclean's* article "Rape in the Military," focused on the military's poor response to sexual harassment and assault allegations. In the words of the article, interviews with thirteen former servicewomen revealed a "systematic mishandling of sexual assault cases." ²¹ By following the servicewomen through the rest of their (usually short and unpleasant) careers, *Maclean's* reporting reinforced the fundamental unfairness of a military justice system that refused to accept their word, sided with their abusers, and destroyed their reputations.²² However, focusing on the destruction of their individual military careers, meant that the articles could be dismissed for talking to a handful of malcontents. Minister of National Defence Art Eggleton stated that the Department "had no sexual assault statistics" while maintaining that the rates of military sexual assault was on par with those in Canadian civil society.²³

The *Maclean's* articles also shaped the ways that civilian academics discussed miliary sexual trauma. Before 1998, five academic works discussed the challenges faced by Canadian military women; only two were published.²⁴ Between 1998 and 2015, the number of academic studies that discussed military sexual trauma increased slowly – 15 texts in that 17-year timeframe. Commander (Ret'd) Karen D. Davis continued to study and publish on the social repercussions of sexual misconduct, and was joined by other serving and veteran servicewomen, among them Lynne Gouliquer and Nancy Taber. Their work, and the work of their servicewomen colleagues and civilian academics,

²³ O'Hara et al., "Rape," p. 22.

²⁰ Marcia Kovitz, "Mining Masculinities in the Canadian military," (PhD Dissertation: Concordia University, 1998), 12-16.

²¹ Jane O'Hara et al., "Rape in the Military," Maclean's (25 May 1998), p. 21.

²² The military police were responsible for evidence gathering and then charges would transfer to civilian criminal law. If sexual violence occurred on deployment, the military justice system would handle the investigation, charges, and resultant court martial. After 1998, this system changed to allow the military justice system to handle all parts of sexual violence allegations.

²⁴ L.L. Speigel, "It's their code of ethics: sexual harassment of women in trade, technology and operative occupations" (M.A. thesis, Acadia University, 1993); Karen D. Davis, "Organizational environment and turnover: understanding women's exit from the Canadian Forces" (M.A. thesis, McGill University, 1994).

kept the issues of military sexual violence in the academic sphere, and was grounded in their own experiences, including both quantitative and qualitative data.²⁵

However, between 1998 and 2014, military sexual violence was rarely mentioned in the media. Regarding gender integration, in 2007 Major Anne Reiffenstein asked, "is the lack of media exposure a solid indicator; that is, is no news good news?" 26 Reiffenstein thought that the answer was that no news was not good news. If mentioned at all, it was described as limited to a "few bad apples." The 2010 trial of Colonel Russell Williams for the murders of Jessica Lloyd and military flight attendant Corporal Marie-France Comeau highlighted the vulnerability of servicewomen without attaching Comeau's murder to wider problems within the Canadian Armed Forces. Comeau's sexual assault and murder was widely reported, and the media mentioned how Williams targeted Comeau using his authority at Trenton. Williams met her during a flight and accessed her personal records to learn her house address. The news reporting in 2010, however, did not focus on this gross abuse of authority but focused on the gruesome details of Comeau's sexual assault and murder.²⁷ Writing specifically about Williams, gender studies scholar Ashley Bickerton noted that "news representations presented sexual assault as contrasting with ... [a] military persona, record, and medals of militarized accomplishment."28 The media seemed baffled by the apparent contradictions between the military as an honourable institution and the actions of a high-ranking sexual predator.

Another notable example came from a biography of Captain Nichola Goddard. Goddard, the first servicewoman killed in combat in 2006, wrote to her husband about rapists in camp in Afghanistan. Published in 2010, Valerie Fortney's *Sunray: The death and life of Captain Nichola Goddard* discussed Goddard's mention of servicewomen being raped in their own camp in Afghanistan. However, Goddard's letter also emphasized the reaction to it: organizing unofficial "buddies" for nighttime washroom visits and

²⁵ See especially: Karen D. Davis, "From Ocean Ops to Combat Ops: A short history of women and leadership in the Canadian Forces," in *Women and Leadership in the Canadian Forces* ed. Karen D. Davis (Kingston: Canadian Defence Academy Press, 2007),69-92; Nancy Taber, "Learning how to be a woman in the Canadian Forces/unlearning it through feminism: an autoethnography of my learning journey," *Studies in Continuing Education*, vol. 27 no. 3 (2005): 289-301.

²⁶ Reiffenstein, "Gender integration," p. 6.

²⁷ See for instance, "Crown details what happened to Marie-France Comeau on her final night," *durhamregion.ca* (19 Oct 2010).

²⁸ Ashley L. Bickerton, "'Good Soldiers,' 'Bad Apples' and the 'Boys' Club': Media Representations of Military Sex Scandals and Militarized Masculinities" (PhD. Dissertation, University of Ottawa, 2015), p. 198.

taking her pistol with her to the showers.²⁹ In Fortney's biography the issue of sexual violence in the CAF was brushed aside as a problem that Goddard could handle and that she helped "some of her male colleagues [be] dragged kicking and screaming into the twenty-first century." Fortney limited herself to Goddard's perspective and portrayed military sexual violence as a problem of limited scope that would get better on its own.³⁰

In 2014, *Maclean's* and its sister French-language publication *L'actualité*, returned to the topic of sexual abuse in the military and found that another generation of servicewomen had been abused, victimized, and discriminated against. Here again, the publications rested on the words of servicewomen and former servicewomen telling their stories. Sexual assault survivors Lise Gauthier and Stéphanie Raymond were profiled for their experiences with the military justice system. However, the 2014 article contained significant differences from the 1998 revelations. In 1998, the Minister was able to plead ignorance about sexual violence statistics; in 2014 Mercier and Castonguay gained access to 2012 internal statistics that confirmed a widespread problem.³¹ Because of the scope of the 2014 reporting, outgoing CDS Tom Lawson "ordered an internal review of policies and programs" to combat sexual violence.³²

Following the allegations, the government of Canada commissioned former Supreme Court Justice Marie Deschamps to study the issue of sexual misconduct in the Canadian Armed Forces. Justice Deschamps submitted her External Review into Sexual Harassment and Sexual Misconduct in the Canadian Armed Forces (the Deschamps Report) in 2015 which found a toxic and misogynistic culture across the military. The Deschamps Report found "an underlying sexualized culture in the CAF that is hostile to women and LGTBQ members, and conducive to more serious incidents of sexual

²⁹ Valerie Fortney, *Sunray: The Death and Life of Captain Nichola Goddard* (Toronto: Key Porter Books, 2010), 194-195.

³⁰ Ibid., 88-89, 194.

³¹ Noémi Mercier and Alec Castonguay, "Our military's disgrace," *Maclean's*, (16 May 2014), <u>https://www.macleans.ca/news/canada/our-militarys-disgrace/</u>

³² The Canadian Press "*Maclean's* reports 'disturbing' levels of sexual assault in the Canadian military," CBC News (24 Apr 2014), <u>https://www.cbc.ca/news/canada/maclean-s-alleges-disturbing-levels-of-sexual-assault-in-canadian-military-1.2621333</u>. After the release of the External Review and in a moment that foreshadowed his own sexual misconduct scandal, incoming CDS Jonathan Vance argued that men were "biologically wired" to sexually harass women in a media interview. Andrew Russell, "Canada's military chief apologies for 'biological' wiring remark about sexual misconduct," Global News (23 Jun 2015), <u>https://globalnews.ca/news/2058875/canadas-military-chief-apologizes-for-biological-wiring-remark-on-sexual-misconduct/</u>.

harassment and assault." ³³ The report was based on interviews with 700 service personnel but faced a backlash in some corners of the CAF for "only" interviewing 700.

In the wake of the Deschamps report, retired Sailor Marie-Claude Gagnon founded an online community titled *It's Just 700*. Between 2015 and 2021, IJ700 was a public website and private Facebook support group for service personnel and Veterans with Military Sexual Trauma (MST). Gagnon herself has shared her own story in both public and private settings and presented to the Senate Committee for Veterans. Reborn as "It'sNotJust20k" the online community continues to connect, and amplify the harm of military sexual violence for Canadian service personnel. Similarly, Servicewomen's Salute is an online supportive community for servicewomen, including those who are survivors of MST. Founded by Lieutenant-Commander (Ret'd) Rosemary Park, this online community and Facebook page is dedicated to acknowledging the past and present contributions of servicewomen, honouring their service, and strengthening Canada-wide ties.³⁴

In 2016, servicewomen Sherry Heyder, Amy Graham, and Nadine Schultz-Nielson brought a lawsuit against the government of Canada for its failure to protect them from military sexual violence. In 2017 serviceman Larry Beattie brought his own lawsuit against the government, and they agreed to bring a joint class action lawsuit (called the Heyder and Beattie Class Actions) against the CAF and VAC. When settled in 2019, this lawsuit paved the way for any service personnel who experienced military sexual violence (including sexual assault, sexual harassment, and gender-based discrimination) to apply for compensation, restorative justice, and legally mandated changes to both departments. The claims period was open until November 2021 (and re-opened from January 2022 until February 2023), and 20,125 service personnel have applied to be included in the settlement.³⁵

The voices of Gagnon, Heyder, Graham, and Schultz-Nielsen have been amplified by recently published memoirs by Canadian servicewomen. Sandra Perron's *Out Standing in the Field* (2017), and Kelly S. Thompson's *Girls Need Not Apply* (2019) had

³³ Justice Marie Deschamps, "External Review of Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces," (Prepared for the Department of National Defence, 2015), i; <u>https://www.canada.ca/en/department-national-defence/corporate/reports-publications/sexual-misbehaviour/external-review-2015.html</u>.

³⁴ "About," Servicewomen's Salute, <u>http://servicewomensalute.ca/about-main/</u>

³⁵ "CAF-DND Sexual Misconduct Class Action Settlement," <u>https://www.caf-dndsexualmisconductclassaction.ca</u>.

a wide distribution and Perron's memoir was profiled in *Maclean's*.³⁶ These officers' memoirs were published by major Canadian presses and received widespread publicity, including book-signing tours and newspaper articles and officers are over-represented among those servicewomen writing about their military careers. Less well known, but not less gut-wrenching are Silva Reddigonda's *For Love of Country* (2015), Dawn Ottman's *Unwelcome* (2017), Nicola Peffers' *Refuge in the Black Deck* (2017), and Kate Armstrong's *Stone Frigate* (2019).³⁷ In each instance, gender discrimination, sexual harassment, and often sexual assault were part of these women's careers – and their memoirs tell their stories of both loss and triumph. Most importantly, the memoirs set the context for how the servicewomen themselves wish to understand these incidents within their military careers. For some, such as Ottman and Peffers, the sexual violence they experienced destroyed their careers, for the others it was a part of their service but not the whole.

In February 2021, just two weeks after General Jonathan Vance had retired, *Global News'* Mercedes Stephenson broke the story that he was being investigated first for inappropriate sexualized jokes and then an inappropriate relationship. As Vance himself came under increased scrutiny, so did Minister Harjit Sajjan who had refused to see evidence of Vance's inappropriate conduct from the Ombudsman (in 2018).³⁸ The servicewoman whom Vance pressured into a relationship later revealed herself to be Major Kellie Brennan, who spoke publicly with Stephenson about her unequal and

³⁷ Silva Reddigonda, For Love of Country: military policewoman (Windsor, ON: Cranberry Tree Press, 2015); Dawn Ottman, Unwelcome: Sexual Harassment, Sexual Discrimination, Sexual Assault, and Rape in the Canadian Forces (Pittsburg: Dorrance Publishing Co., 2017); Nicola Peffers, Refuge in the Black Deck: The Story of Ordinary Seaman Nichola Peffers (Halfmoon Bay, BC: Caitlin Press, 2017); Kate Armstrong, Stone Frigate: the Royal Military College's first female cadet speaks out (Toronto: Dundurn, 2019).

https://globalnews.ca/news/7776784/canadian-military-sexual-misconduct-vance-allegation-2018.

³⁶ Sandra Perron, *Out Standing in the Field: A Memoir by Canada's First Female Infantry* Officer (Toronto: Cormorant Books, 2017); Kelly S. Thompson, *Girls Need Not Apply: Field Notes from the* Forces (Toronto: McClelland & Stewart, 2019); Brian Bethune, "Canada's first female infantry officer breaks silence on abuse," *Maclean's* (18 Apr 2017), <u>https://www.macleans.ca/culture/books/canadas-first-female-infantry-officer-breaks-silence-on-abuse</u>. Perron herself was a controversial figure in the 1990s CAF. During her training to become the first woman infantry officer, she endured a brutal hazing ritual, one that saw her tied to a tree, beaten and barefoot in the snow.

³⁸ Mercedes Stephenson, Marc-André Cossette, and Amanda Connelly, "In her words: The woman behind 2018 Vance allegations tells her story," Global News (21 Apr 2021),

illegal relationship with Vance.³⁹ Vance's successor as CDS, Art MacDonald, was himself accused of sexual assault and took a leave of absence in March 2021 (the Government of Canada removed him from his role in December of that year). In the months that followed at least eleven of the highest-ranking senior military leaders were removed from their positions as allegations came forward about sexual misconduct, sexual assaults, or other actions they took (like supporting accused or convicted sexual criminals).⁴⁰ As part of the response, the Minister of National Defence Harjit Sajjan commissioned Former Supreme Court Justice Louise Arbour to report on sexual misconduct and sexual harassment in the CAF.

MILITARY SEXUAL TRAUMA - RESPONSES FROM THE CAF

Through these moments of public pressure, the Department of National Defence and the military developed a set of responses that were repeatedly deployed to address sexual violence as a public relations nightmare. These responses have included: operationalizing sexual violence, setting up a website/hotline for survivors, and recommending formal commissions. None of these actions directly addressed the cultural problems of sexual violence in the CAF but created a break in the news cycle between the allegations of injustice and any actions within the military. In the 2021 words of Jody Thomas, Deputy Minister of National Defence, "as little was done as possible to make it look like the report had been responded to without any real change."⁴¹ Thomas's assessment of the CAF's reaction was focused on 2014, but it might have applied to either reports in 1998 or 2021.

After the 1989 Canadian Human Rights Tribunal ruling, service does not seem to have improved for servicewomen, and the military hierarchy was aware of this problem. A 1992 internal survey of servicewomen, the first conducted about harassment, suggested that 26.2percent of servicewomen had experienced sexual harassment within the previous 12 months.⁴² Operation MINERVA, developed in 1993

https://globalnews.ca/news/7651910/jonathan-vance-investigation-kellie-brennan/.

³⁹ Mercedes Stephenson, Marc-André Cossette and Amanda Connelly, "In her words: One of the women behind Vance allegations tells her story," Global News (21 Feb 2021),

⁴⁰ Ashley Burke, Murray Brewster, "A military in crisis: here are the senior leaders embroiled in sexual misconduct cases," CBC News (21 Oct 2021), <u>https://www.cbc.ca/news/politics/sexual-misconduct-military-senior-leaders-dnd-caf-1.6218683</u>.

⁴¹ Matt Galloway, "The Current for May 25, 2021," *CBC Radio* (25 May 2021), <u>https://www.cbc.ca/radio/thecurrent/the-current-for-may-25-2021-1.6039229</u>.

⁴² Davis, "Negotiating gender," p. 198.

to address gender integration in the CAF, was shelved and never implemented, following a series of bureaucratic decisions that Duval-Lantoine has summarized as an "uncoordinated process, [and] thwarted monitoring."43 The overall numbers of women hovered around ten percent of the Canadian Forces for the entire decade. In 1994 even the limited sexual harassment policy was altered so that the definition of harassment was generalized, and in 1998 then-Defence Minister Art Eggleton stated that his department had no statistics on sexual harassment.⁴⁴ The 1997-98 Davis Reports, set up to discuss the low-success rate of women in the army combat arms, recognized that the greatest barriers were not the physical fitness of the servicewomen, but the perceptions of (male) peers, course instructors, and leadership.⁴⁵ Neither the 1992 harassment survey nor the 1997-98 Davis Reports were published externally. Indeed, even the Ombudsman's office, which was mandated to publish its statistics about complaints, published statistics about generic harassment, not specifically sexual harassment.⁴⁶ Throughout the 1990s, despite its policy steps, the CAF was unable or unwilling to bring more women into its membership, or protect those women members from sexual trauma.

Like the revelations of sexual assault, the military's response then became a playbook for how it responded to public pressure in the 2010s and 2020s. After the 1998 *Maclean's* articles, the Canadian Forces scrambled to try and contain the problem of sexual violence as well as ongoing fallout from the Somalia deployment. The CAF set up an Ombudsman's office to give military personnel a place to air complaints (but without financial independence and responsible to the Minister of National Defence).⁴⁷ A confidential sexual harassment hotline was also created.⁴⁸ Operation MINERVA was dusted off to address gender integration in the CAF – on the theory that a more equal gender split would decrease sexual violence. At the time, women made up approximately ten percent of the CAF, and the percentage was much lower in some trades (like the combat arms).⁴⁹

⁴³ Duval-Lantoine, The Ones, p. 49.

⁴⁴ O'Hara, "Rape," p. 22.

⁴⁵ Trachy, "Women, Citizens, Soldiers," p. 87.

⁴⁶ Gouliquer, "Soldiering," 216-217.

⁴⁷ Charlotte Duval-Lantoine, "Reforming the Office of the Ombudsman: Establishing Meaningful oversight of the Canadian Armed Forces," Canadian Global Affairs Institute (Apr 2022), <u>https://www.cgai.ca/reforming_the_office_of_the_ombudsman_establishing_meaningful_oversight_of_the_e_canadian_armed_forces</u>

⁴⁸ Mercier and Castonguay, "Our military's disgrace."

⁴⁹ O'Hara, "Rape," p. 21.

Between 1998 and 2014, little media attention was focused on military sexual violence, so the military did little to prevent systemic abuse. The sexual assault hotline was shut down in 2006 despite fielding between 150 and 190 calls a year.⁵⁰ Rather than investigating how former Colonel Russell Williams was able to rise so high without the CAF noticing his predatory behaviour, they burned his uniform, destroyed his medals, and shredded his commission scroll. No follow-up investigations were conducted.⁵¹ However, the 2014 articles meant that the military again scrambled to contain the problem. In the wake of another round of negative media attention, the CAF instituted an external review about gender, sexual misconduct, and women's integration, headed by former Supreme Court Justice Marie Deschamps.

Following the Deschamps Report, the new Chief of the Defence Staff (CDS) Jonathan Vance prepared an operational order "to eliminate harmful and inappropriate sexual behaviour within the CAF," called Operation HONOUR.⁵² By making sexual misconduct a formal military problem, Vance was opening the proverbial floodgates to conversations about military sexual violence within the Canadian Armed Forces. Operation HONOUR's operational orders defined "harmful and inappropriate sexual behaviour [as] a threat to the morale and operational readiness of the CAF, undermines good order and discipline, is inconsistent with the values of the profession of arms and the ethical principles of DND and CAF, and [a] wrong."⁵³ In effect, then-CDS Vance framed gender discrimination, sexual harassment, and sexual violence in terms of its *social* relevance within the military establishment. As part of Operation HONOUR, the military also set up a hotline and website and mobile app under the auspices of the Sexual Misconduct Response Center (SMRC). The SMRC, ostensibly created to fulfill one of Deschamps' recommendations, provided the most relevant and best support was counselling and advice available over the phone. Deschamps had envisioned

[An] independent center for accountability for sexual assault and harassment outside of the CAF with the responsibility for receiving reports of inappropriate sexual conduct, as well as prevention, coordination and monitoring of training, victim

 ⁵¹ "Russell Williams links with Forces being cut." CBC News (29 November 2010) <u>https://www.cbc.ca/news/canada/russell-williams-links-with-forces-being-cut-1.865701</u>.
 ⁵² CDS Op Order – Op HONOUR (August 2015), <u>https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/operation-honour/orders-policies-directives/cds-operation-order.html</u>

⁵⁰ Mercier and Castonguay, "Our military's disgrace."

support, monitoring of accountability, and research, and to act as a central authority for the collection of data.⁵⁴

Deschamps's ideal centre focused on responsibility for preventing and coordinating a response to military sexual violence. The SMRC, however, was focused on victim support, data collection and a resource to locate civilian partnership organizations; in practice, it focused much like an upgraded version of the 1990s hotline. Furthermore, the SMRC never operated independently – its budget came from the military's parent organization the Department of National Defence. The CAF Strategic Response Team for Sexual Misconduct (CSRT-SM), a parent organization of the SMRC, took over control of the training materials, surveys and sexual misconduct statistics.⁵⁵ Overall, operationalizing military sexual violence has resulted in the SMRC, a hotline for Veterans, a decision tree for management, training materials, and piles of statistics – not the responsible and independent coordinating framework for education and prevention of sexual violence and the surveys were only conducted twice (in 2016 and 2019).⁵⁶ As mandated by the Heyder and Beattie Class Actions settlement in 2019, the SMRC has also developed a restorative engagement program.⁵⁷

Operation HONOUR did not greatly reduce the rates of sexual violence in the CAF. Immediately dubbed "Hop On Her" (as a deliberate mispronunciation of Op HONOUR), both the Deschamps report and the policy struggled to gain widespread acceptance in the CAF. Furthermore, Operation HONOUR has not succeeded in eliminating the culture of "harmful and inappropriate sexual behaviour" from the CAF – for instance during the "Party Flight," on 2-5 December 2017 when passengers acted unprofessionally, consumed excessive amounts of alcohol, and during which a military flight attendant alleged she had been sexually assaulted by one of the VIP guests, hockey player David "Tiger" Williams. Particularly problematic is that those behaviours occurred in the presence of then Vice Chief of the Defence Staff Alain Parent and CAF Chief Warrant Officer Kevin West, who quietly retired after the incident became public.⁵⁸ Notwithstanding such allegations, during the 2019 CIMVHR Forum,

⁵⁴ Deschamps, "External Review," p. ix.

⁵⁵ "CDS Initiating Directive – Sexual Misconduct and Harassment Prevention and Response in the Canadian Armed Forces (CAF)," (Feb 2015), <u>https://www.canada.ca/en/department-national-</u> <u>defence/services/benefits-military/conflict-misconduct/sexual-misconduct/orders-policies-directives/cds-</u> <u>initiating-directive.html</u>.

⁵⁶ "Operation HONOUR," <u>https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/operation-honour.html</u>, updated 25 May, 2020.

⁵⁷ Arbour, "Independent External Comprehensive Review," p. 168.

⁵⁸ The "Party Flight" took senior personnel and civilian VIPs from Canada to Greece and Latvia, with their own alcohol and a band. The charges were later dropped after Williams apologized. David Pugliese,

claims by DND academic Sanella Dursten and her team about the decreased rate of sexual misconduct in the CAF (in Dursten's words, "whatever we did is working") were systematically challenged by the audience.⁵⁹ Allan English states conclusively in a paper for the 2018 Inter-University Symposium on Armed Forces and Society that Operation HONOUR failed because of a lack of strategic direction, and a shifting strategic focus to link it closely with the CAF's diversity strategy.⁶⁰

However, after the media revelations of 2021 and under pressure from the public, Veterans groups and parliamentary Opposition, newly-appointed Minister of National Defence Anita Anand has taken the responsibility for military sexual violence away from the military justice system and placed it in the hands of civilian police.⁶¹ This was part of Anand's acceptance interim recommendation made by the most recent CAF external review, former Supreme Court Justice Louise Arbour. In her report published in late May 2022, Justice Arbour wrote that the disrepute from the media was "a justified condemnation of an archaic and deeply damaging organizational culture."62 Justice Arbour's report is critical and highly historical; she was well aware of other external reviews into sexual violence in the CAF. Her 48 recommendations include updating legal statutes, a review of the SMRC, revamping military training and education, human resources, and creating oversight bodies. When the report was released in May 2022, the Minister "accept[ed] the IECR in its entirety... welcome[d] all recommendations [and will] work to implement 17 of them" immediately.63 However, the two recommendations that were listed in the press release were the creation of an External Monitor and a modification of the exit reviews of the Royal Military Colleges to include the cadets' experiences of sexual violence.⁶⁴ The immediate acceptance of

https://www.canada.ca/en/department-national-defence/news/2022/05/government-releases-finalindependent-external-comprehensive-review-of-the-department-of-national-defence-and-the-canadianarmed-forces-and-outline.html.

[&]quot;Controversial Canadian military VIP 'party flight' cost taxpayers more than \$337K." *National Post* (25 Jun 2018), <u>https://nationalpost.com/news/canada/controversial-canadian-military-vip-party-flight-cost-taxpayers-more-than-337k</u>.

⁵⁹ Sanella Dursten, "Sexual Misconduct," CIMVHR Forum, Gatineau, 2019.

⁶⁰ English, "Comprehensive Culture Change," pp. 4-5.

⁶¹ Ashley Burke, "Military has tried to transfer 62 sexual offence files to civilian police – but half were rejected," CBC News (3 Jun 2022), <u>https://www.cbc.ca/news/politics/miltiary-sexual-offences-civilian-police-1.6474335</u>.

⁶² Arbour, "Independent External Comprehensive Review," p. 14.

⁶³ "Government releases final Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces and outlines next steps to address and eradicate sexual harassment and misconduct" Department of National Defence, (30 May 2022),

⁶⁴ Ibid.

these two recommendations looked dishearteningly like the creation of the ombudsman's office in 1998 and the creation of official statistics that were a part of the SMRC's mandate in 2015.

MILITARY SEXUAL TRAUMA - RESPONSES FROM VETERANS AFFAIRS CANADA

In the 1998 articles, Veterans Affairs Canada (VAC) came across as compassionate, at least in individual cases. Some individual servicewomen had been granted pensions for PTSD – an acknowledgement of the trauma they had endured. A Veterans Affairs lawyer was described as having "helped many assault victims fight for disability pensions."⁶⁵ Although the reporting acknowledged that individuals had been turned down on multiple occasions and some were seeking justice through the federal courts, VAC was described as having at least heard out the claims of servicewomen. However, there was no systematic acknowledgement of the trauma military sexual violence, and no discussion of the harms that sexual harassment could cause. Without the public pressure faced by DND, Veterans Affairs did not seem to have modified its way of handling military sexual violence.

According to Aiken and Buitenhuis, the New Veteran Charter of 2005 changed the philosophy of Veterans' compensation for their service from monetary "compensation to one of wellness and rehabilitation." ⁶⁶ As a policy, this means increased partnerships with private industry and non-profits rather than a full-service, in-house pension-based compensation. Incidentally, this meant that women veterans (rarely in combat units, and less likely to receive operational service medals) were effectively invisible. By making the private sector responsible for Veterans, women Veterans became incompletely compensated for their service, and were rarely the target audiences for Veteran programs. In the words of political scientist Maya Eichler, advocate Marie-Claude Gagnon, and student Michelle Lamothe, "MST survivors are active in veterans groups and provide support to veteran causes but they usually do not receive reciprocal support for the MST survivor cause."⁶⁷ As Sonia Dussault and Linna

⁶⁶ Quoted in Maya Eichler, "Canada: Re-emergence of Veterans Issues in Canada: State Retrenchment and Gendered Veteran Advocacy," in *Military Past, Civilian Present: International Perspectives on Veterans' Transition from the Armed Forces*, ed. Paul Taylor et al (Springer International Publishing, 2019), 21.
⁶⁷ Maya Eichler, Marie-Claude Gagnon, and Michelle Lamothe, "Sexual Violence as a Veteran Issue: The Struggles (and successes) of military sexual trauma survivors in Canada," in *Treated like a Liability: Veterans Running Battles with the Government of Canada*, ed. David T. Macleod and Harold O. Leduc (Victoria, BC: Friesen Press, 2019), 78.

⁶⁵ O'Hara, "Rape," 24.

Tam-Seto found in 2019 when they conducted an environmental scan, there are still only a handful of widely-publicized programs and supports for women Veterans.⁶⁸

Dussault and Tam-Seto's results come after a series of high-profile non-profit organizations have been raising the profile of Veterans in Canada for the past decade. The formation of the Canadian Institute of Military and Veterans Health Research (CIMVHR) in 2010 and its *Journal of Military and Veteran Family Health* (2014) have succeeded in unifying academic research, non-profit funding, and governmental grants under one banner. Originally a Queen's University-Royal Military College of Canada initiative, CIMVHR now has partner institutions across Canada. In September 2017, CIMVHR co-hosted Prince Harry's Invictus Games in Toronto to showcase what parasport Veteran athletes around the world could achieve in eleven sports.⁶⁹

Overall, these efforts have raised the profile of male Veterans with physical injuries and post-traumatic stress disorder. As Captain Kelly S. Thompson wrote in her *Globe and Mail* article for Remembrance Day 2019, Canadians still have a collective mental image of a Veteran: "silvery haired, wrinkled skin and a chest full of war medals."⁷⁰ Implicit in this image is the rejection of the idea that a young Canadian woman with depression could be a Veteran. Thompson told the story of nervously going to the British Columbia Service Centre to obtain her Veteran licence plate and getting pushback from the woman behind the counter because she did not "look like a Veteran."

On the legal front, Veterans Affairs' Canada has only recently accepted the rights of survivors of MST to a pension. In 2015, after her application for a pension for PSTD caused by sexual assault was accepted by VAC, Dawn Ottman was contacted by the Royal Canadian Legion because they believed hers was the first successful pension to be granted on those grounds. The Legion wanted to use it as a legal precedent and many such cases were pending.⁷¹ A review of cases of MST (between 2009 and 2018) before the Veterans Review Appeal Board (VRAB), saw 30 of 48 cases dismissed without disability pension being awarded.⁷² In their article "Veterans Review and Appeal Board and Military Sexual Trauma," Harold Leduc and David Macleod argue that 2018 changes to the Rules of Practice and Procedure made evidentiary rules needlessly more

⁶⁸ See Sonia Dussault and Linna Tam-Seto, "What's next: an environmental scan of programs during military to civilian transition for women Veterans" Annual CIMVHR Forum (Ottawa-Gatineau 2019).

⁶⁹ "About us," Invictus Games 2017, <u>http://www.invictusgames2017.com/about-us/</u>.

⁷⁰ Kelly S. Thompson, "Opinion: 'You don't look like a veteran'," *Globe and Mail*, 9 Nov 2020, O1.

⁷¹ Ottman, *Unwelcome*, xviii.

⁷² Eichler, Gagnon, and Lamothe, "Sexual Violence as a Veteran Issue," p. 80.

stringent, which would disadvantage survivors of MST.⁷³ Indeed the recent Heyder and Beattie Class Actions settlement indicates that the government of Canada is concerned about the number of instances of military sexual misconduct. The class-action settlement stated that "the Plaintiffs and Defendant recognize and acknowledge that the Sexual Misconduct had harmful effects on [CAF and civilian DND personnel]. The Parties wish to enter into a Settlement to provide compensation to those who suffered direct negative effectives." 74 The total compensation amount was awarded as \$100 million CAD, outlined specific monetary amounts for amounts of harm suffered, as well as a series of actions that VAC needed to perform. Sexual misconduct included sexual violence, harassment, and gender-based discrimination, although not all were treated equally in the settlement terms – with the largest amount of compensation – up to \$100,000 going to those who had suffered long-term harm ("PTSD or other diagnosed mental injuries or physical injuries") from MST.75 VAC was ordered to create a dedicated unit for processing settlement claims and update its policies to allow Veterans to be eligible for pensions and benefits on the basis of only their individual testimony whether or not the incident happened on CAF property or if an individual was not ordered to attend.⁷⁶ Despite the settlement's importance to survivors of MST, legal precedent, and government spending, it was not widely covered by the Canadian press. As in 1998, even when survivors of MST successfully demand change or garner some recognition, sustained public and military attention is lacking.

CONCLUSION

In 2023, although, the revolving door of top military leadership placed public pressure on the CAF, little sustained pressure has been applied to VAC. In 1998, 2014, and 2021, the experiences of Veteran servicewomen were used by the media to expose

⁷³ Harold O. Leduc and David T. Macleod, "Veterans Review and Appeal Board and Military Sexual Trauma," in *Treated like a Liability: Veterans Running Battles with the Government of Canada*, ed. David T. Macleod and Harold O. Leduc (Victoria, BC: Friesen Press, 2019), pp. 101-103. Specifically, Leduc and Macleod point to the fact that the VRAB imposed time restrictions for entering evidence into the proceedings and insisted that the veterans keep copies of all evidence. On balance, these actions by the VRAB would seem to place the most vulnerable veterans at risk of not receiving a pension, including survivors of MST.

⁷⁴ Final Settlement Agreement, Section 1, 2.

⁷⁵ Ibid., Section 7, 24.

⁷⁶ Ibid., Section 6, 18.

the truth *and* promote current culture change within the CAF. The military, under pressure from the public and the media made a feint towards culture change. Veteran servicewomen and current servicewomen, however, may have been better served by pressuring VAC, not the CAF.

Since 1998, servicewomen have advocated for themselves to tell their own stories about military sexual violence, lasting trauma, and injustice within the military hierarchy. Whether mediated through journalists or published as memoirs, servicewomen survivors place the violence that happened to them in the wider context of their career. This self-advocacy may cause additional trauma and suffering, as it forces survivors to relive pain, shame, and powerlessness. However, in the articles about deceased servicewomen (like Captain Nichola Goddard or Corporal Marie-France Comeau), the sexual violence lost its contextualization and became either irrelevant or the only thing worth reporting about a person and her life. Furthermore, while monographs and academic articles continue to find an audience after their initial publication, media stories represent fleeting glances at a complex, wicked problem that is deeply entrenched in the Canadian military. Although the public reckonings provided much-needed attention to military sexual violence, I find hope in the rise of survivor-centric supportive online communities.

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