

October 4, 2021

Dear Honourable Louise Arbour

The National Council of Women of Canada (NCWC) has great interest in the progress of your report into misconduct on the military. No doubt you receive many comments, questions, and concerns from organizations and individuals regarding your work, and our members also have a list of questions that we would appreciate you addressing.

1. Currently, there are 20+ cases of 'Sexual Assault and Voyeurism' facing court marshals, and three are being appealed. Some of these cases involve female perpetrators, yet we never hear of these cases. Why?
2. Those accused of sexual abuse/assault/misconduct are charged under Section 130 of the National Defense Act, with an accompanying charge from Section 95 of the Act Abuse of Subordinates. These are statements from it:
 - a. Convictions for certain offences 249.27(1): " A person who is convicted of any of the following offences, or who has been convicted of any of them before the coming into force of this section, has not been convicted of a criminal offence:
 - i. an offence described in section 85, 86, 87, 89, 90, 91, 95, 96, 97, 99, 101, 101.1, 102, 103, 108, 109, 112, 116, 117, 118, 118.1, 120, 121, 122, 123, 126 or 129 for which the offender is sentenced to one or more of the following punishments..."
 - b. What does this mean to the many cases of sexual abuse/assault/misconduct?
 - c. Has this made it easier for a perpetrator to get a lesser punishment?
3. We are given to understand that charges of any sexual type are made under the S. 129 National Defence Act as conduct to the prejudice of good order and discipline. If this is true, why has this been allowed to carry on?
4. Are those who live an "Alternate Lifestyle" still singled out for early or immediate discharge or refused high security clearances due to their sexual preferences?
5. Will there be a recommendation on how to "count" the female Military members using those who self identify as female? Is it the same for the male members and those that self identify?
6. Is the issue of drug use within the forces and the ability of forces members to grow their own marijuana seen to have any impact on the sexual abuse/assault/misconduct numbers?

7. As an organization concerned with the treatment women receive who have made sexual assault charges, we have questions regarding the Vance/Brennan issue and the media. Why is the media being allowed to raise questions about her private life and no one objects? Why is the media allowed to make statements about her two children? Will this type of character assassination be covered in any protection recommendations going forward? If not, Why?

Please note there are two attachments to this letter; one is an article from the Winnipeg Free Press, and the other is from Global News as these have prompted some of our questions.

Thank you for sharing information on these comments and questions; we believe it is essential these issues be openly dealt with now, not only at the final release of your report.

Sincerely

Patricia Leson, President
National Council of Women of Canada

The National Council of Women of Canada (NCWC) works in the spirit of truth and reconciliation, acknowledging Canada is the traditional territory of Indigenous and Metis People. We are grateful to join with others in peace and hope, advocating for an improved quality of life for women, children, families, and society.

Note: *The original draft of this letter was prepared by Randi Gage, NCWC Convenor.*